



Hamilton

B-24:35 – 14 & 16 Rossmore Avenue, Hamilton

Recommendation:

Development Planning - Deny

Proposed Conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. A Permit to injure or remove municipal trees is a requirement of this application. A Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.
5. A Landscape Plan is required by the Forestry and Horticulture Section, depicting the street tree planting scheme for the proposed development submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician.
6. That the owner submits and receives approval of a Tree Protection Plan, including the review fee as per the effective Schedule of Rates and Fees, to the satisfaction of the Manager of Heritage and Urban Design. The Tree Protection Plan is to be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010).
7. That the owner submits and receives approval of a Landscape Plan, prepared by a certified landscape architect to the satisfaction of the Manager of Heritage and Urban Design. This Plan is to include compensation for any tree (10 cm DBH or greater) that is proposed to be removed as well as any fencing.



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8. That the owner/applicant submit for review and approval of appropriate safety measures and noise and vibration studies, to the satisfaction of the Director of Development Planning, in consultation with the Canadian Pacific Railway company.
9. The owner/applicant shall receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
10. If a Condition for a road widening and/or daylight triangle dedication is required, the owner/applicant shall submit survey evidence that the either the lands to be severed and/or the lands to be retained, including the lot width, lot area, the location of any existing structure(s), parking and landscaping etc., conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
11. That the Owner must enter into with the City of Hamilton and register, a Consent Agreement, having an administrative fee of \$5,065.00 (includes grading plan review) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as any outstanding servicing cost for the existing municipal services adjacent to the property, street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer services inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time), to the satisfaction of the City's Director of Development Engineering.

Proposed Notes:

The lands to be retained (Part 1) will remain as 16 Rossmore Avenue (Hamilton).

The lands to be severed (Part 2) will remain as 14 Rossmore Avenue (Hamilton).

We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.



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Development Planning:

Background

To sever the existing residential lot into two parcels, the severed lands will be a vacant residential building lot and the retained lands will be a vacant residential building lot.

	Frontage	Depth	Area
SEVERED LANDS:	7.163 m±	26.962 m±	164.44 m2 ±
RETAINED LANDS:	18.098 m±	19.475 m±	176.08 m2 ±

Analysis

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E – Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies B.3.6.3.7.e), B.3.6.3.16, B.3.6.3.19.d), F.1.14.3.1, E.3.2.3, and E.3.4.3 amongst others, are applicable and permit a semi-detached dwellings.

Staff note that Policy B.3.6.3.16 requires all proposed development adjacent to railways to ensure that appropriate safety measures such as setbacks, berms, and security fencing are provided to the satisfaction of the City and in consultation with the appropriate railway company. Furthermore, Policies B.3.6.7. e) and B.3.6.3.10. state that a noise feasibility study, or detailed noise study, or both, shall be submitted as determined, by the City prior to or at the time of application for development of noise sensitive land uses on lands located within 400 metres of a railway line; and, a vibration study may be required to be submitted prior to or at the time of application submission for development on lands located within 75 metres of a railway line or railway yard.

Staff note that no safety measures or noise and vibration studies has been submitted to date for the proposal to determine the impacts the existing adjacent railway line would have. Staff further note that no appropriate setback has been determined to the satisfaction of City staff in consultation with the appropriate railway company, Canadian Pacific.

City of Hamilton Zoning By-law No. 6593 and Hamilton Zoning By-law No. 05-200

The subject lands are zoned Urban Protected Residential “D/S-1822” District, Modified, which permits the use of single detached dwellings and structures accessory thereto, in accordance with the applicable provisions.

The approved zoning of the subject lands in Zoning By-law No. 05-200, which is not final and binding, is Low Density Residential – Small Lot (R1a) Zone. Section 4.23 b) of Zoning By-law No. 05-200



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requires a minimum setback of 30.0 metres from a Railway Right-of-Way. This is consistent with the Guidelines for New Development in Proximity to Railway Operations prepared for the Federation of Canadian Municipalities and the Railway Association of Canada. Staff defer to the Canadian Pacific railway company for further comment.

Based on the foregoing, staff recommend the application be **denied**. If the application is approved, staff recommend that a condition be placed on the approval that of appropriate safety measures and noise and vibration studies be submitted and approved.

Zoning:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	<ul style="list-style-type: none"> • The owner/applicant shall receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section). • If a Condition for a road widening and/or daylight triangle dedication is required, the owner/applicant shall submit survey evidence that the either the lands to be severed and/or the lands to be retained, including the lot width, lot area, the location of any existing structure(s), parking and landscaping etc., conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
Comments:	<ul style="list-style-type: none"> • The owner/applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Legislated Approvals and Staging of Development Section of the Planning and Economic Development Department prior to the issuance of a building permit. • The appropriate Planning Act approvals for lot area, lot width and yards will be required for zoning compliance of the lands to be conveyed/retained. • In order to clear conditions, the owner/applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
Proposed Notes:	

Natural Heritage:

Recommendation:	Approve with Conditions
Proposed Conditions:	1. That the owner submits and receives approval of a Tree Protection Plan, including the review fee as per the effective Schedule of Rates and Fees, to the satisfaction of the Manager of Heritage and Urban Design. The



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	<p>Tree Protection Plan is to be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) in accordance with the City’s Council adopted Tree Protection Guidelines (revised October 2010).</p> <p>2. That the owner submits and receives approval of a Landscape Plan, prepared by a certified landscape architect to the satisfaction of the Manager of Heritage and Urban Design. This Plan is to include compensation for any tree (10 cm DBH or greater) that is proposed to be removed as well as any fencing.</p>
Comments:	<p>1. The subject property is located within the boundaries of the Urban Hamilton Official Plan (UHOP). Based on Schedule B (Natural Heritage System) of the UHOP, Core Areas (i.e., Environmentally Significant Areas, Areas of Natural and Scientific Interest, Significant Woodlands, wetlands, and watercourses) as well as Linkages (natural areas that ecologically connect Core Areas) have not been identified within or adjacent to the subject property. As a result, the proposed development will not further negatively impact the features and functions of the City’s Natural Heritage System.</p> <p>2. Through aerial photograph interpretation, trees have been identified within and adjacent to the subject property. The City recognizes the importance of trees to the health and quality of life in the community (i.e., canopy cover, energy conservation, mental health benefits, wildlife habitat) and encourages the protection and restoration of trees (policy C.2.11.1).</p> <p>To ensure that existing tree cover is maintained, 1 for 1 compensation is required for any tree (10 cm DBH or greater) that is proposed to be removed.</p>
Proposed Notes:	

Cultural Heritage:

Recommendation:	No comments.
Proposed Conditions:	
Comments:	
Proposed Notes:	

Development Engineering:

Recommendation:	Approve with Conditions
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Proposed Conditions:	<p>1. That the Owner must enter into with the City of Hamilton and register, a Consent Agreement, having an administrative fee of \$5,065.00 (includes grading plan review) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as any outstanding servicing cost for the existing municipal services adjacent to the property, street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer services inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time), to the satisfaction of the City's Director of Development Engineering.</p>
Comments:	<ul style="list-style-type: none"> • According to our records, the existing municipal infrastructure fronting the subject property is summarized as follows: <ul style="list-style-type: none"> o Rossmore Avenue <input type="checkbox"/> 150mm ø Watermain <input type="checkbox"/> 300mm ø Combined Sewer @ ±0.5%
Proposed Notes:	

Building Engineering:

Recommendation:	No Comments.
Proposed Conditions:	
Comments:	
Proposed Notes:	

Forestry & Horticulture:

Recommendation:	Approve with Conditions
Proposed Conditions:	<p>A Permit to injure or remove municipal trees is a requirement of this application. A Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.</p> <p>A Landscape Plan is required by the Forestry and Horticulture Section, depicting the street tree planting scheme for the proposed development.</p>
Comments:	Conditions of the Forestry and Horticulture Section will be cleared only after receipt of all applicable fees.



An assessment of the information provided shows that there are potential conflicts with publicly owned trees or trees that may become city assets through right of way widening.

Where existing municipal trees are impacted by development work, are within proximity of the development work or access/egress to the development work, a Public Tree Permit to injure or remove municipal trees is required.

Where ownership of trees in proximity to the boundary between public and private land is un-certain, the subject trees must be surveyed by the applicant to confirm ownership. Ownership is as per By-law 15-125. Ownership must be clearly identified on the Tree Management Plan as either municipal or private.

TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

The Forestry & Horticulture Section requires that a Tree Management Plan be prepared by a MTCU Qualified Arborist, or ISA Certified Arborist, or a Registered Landscape Architect. All trees within this proposed development area must be surveyed, identified, and accurately plotted on the plan to determine ownership, including intensions regarding retention or removal.

It is compulsory that all proposed surface treatment changes within individual tree driplines as well as property lines, building footprints, driveways, utility construction corridors and temporary access roads be accurately depicted on the submission.

The Tree Inventory Analysis Table on the Tree Management Plan shall not be considered complete without the following data and recommended action for each tree.

- Species by Botanical and common name
- Diameter at breast height in centimeters or millimeters
- Ownership {> 50% @ ground level = ownership}
- Biological health
- Structural condition



- Proposed grade changes within individual driplines {compulsory}
- Proposed utility construction within individual driplines {compulsory}
- Proposed removals or relocations
- Proposed trees to be protected.

If it is determined and verified that existing trees can remain, a Tree Protection Zone Detail with notes showing Tree Preservation Techniques shall be included on the submission as per the Public Tree Preservation and Sustainability Policy.

The determination of ownership of all trees is the responsibility of the applicant and any civil issues which may exist or arise between property owners with respect to trees, must be resolved by the applicant. The ownership of each individual tree inventoried must be clearly stated as municipal or private.

All Healthy trees on municipal property which are found to be in conflict with this proposed development and do not meet our criteria for removal are subject to a replacement fee as outlined in the Public Tree Preservation and Sustainability Policy in conjunction with By-Law 15-125.

A permit will be issued upon approval of the Tree Management Plan and applicable fees.

LANDSCAPE PLAN

The Forestry & Horticulture Section requires that a detailed Landscape Planting Plan prepared by a Registered Landscape Architect, showing the placement of trees on internal/external City property be provided.

The City of Hamilton’s Public Tree Preservation and Sustainability Policy in conjunction with the Tree By-Law 15-125 requires new developments to provide payment of \$726.40 plus HST per tree for road allowance street trees. All street tree plantings shall be planted by the City of Hamilton, as approved through the review of a proposed street tree planting scheme. All trees shown on municipal road allowance shall be identified as ‘Trees to be planted by City of Hamilton Forestry Section.

Urban Forest Health Technician from the Forestry Section shall be notified post construction, when final grade has been achieved, to facilitate the scheduling of the street tree planting(s). Otherwise, all sites will be monitored annually by Forestry to determine when site is suitable for the following planting season.



The Landscape Plan should specifically outline 50mm caliper size and the species of trees to be planted as well as identify hard surface and soft surface areas on the site. Individually planted trees in new sidewalk installations shall include a detail showing 21 m³ of soil, and a grouping of 2 or more trees in a soil bed shall include 16m³ of soil per tree. New sidewalks, paving or asphaltting shall allow 1.5m² of breathing space for tree roots.

An option to allow forestry to determine tree species is permitted and plan shall reflect that decision by denoting on plan 'City of Hamilton forestry department to determine species. Please note: all private trees on plan shall have species denoted.

Tree species selection should take into account cultivars {fruitless etc.} salt and heat tolerance, mature tree size, public visibility and daylight triangles, as well as potential pest concerns. Spacing guidelines for trees are 8-10 meters on center for larger species and 4-8 meters on center for smaller species.

Guidelines for species diversity shall ensure no single species shall make up more than 20% of the total street tree population. No coniferous trees will be permitted on City of Hamilton Road allowance. Any identified street tree species on plan will be subject to change at time of planting due to but limited to, on site conditions, in stock availability and compatibility with approved species by City of Hamilton. Although utility conflicts may change specific planting locations, every opportunity will be made to keep with the intent of the design. Trees planted on the road allowance will have a minimum approximate caliper of 50 mm.

Forestry's mission to increase urban canopy through new development encourages any opportunity for planting locations. The City's goal is to plant trees for many reasons including replacement of canopy loss due to development. Forestry's mandate is to increase canopy coverage across the city to promote a robust green infrastructure, and therefore, a healthy community for all residents of Hamilton.

SUMMARY

- There are municipal tree assets on site; therefore, a Tree Management Plan will be required.



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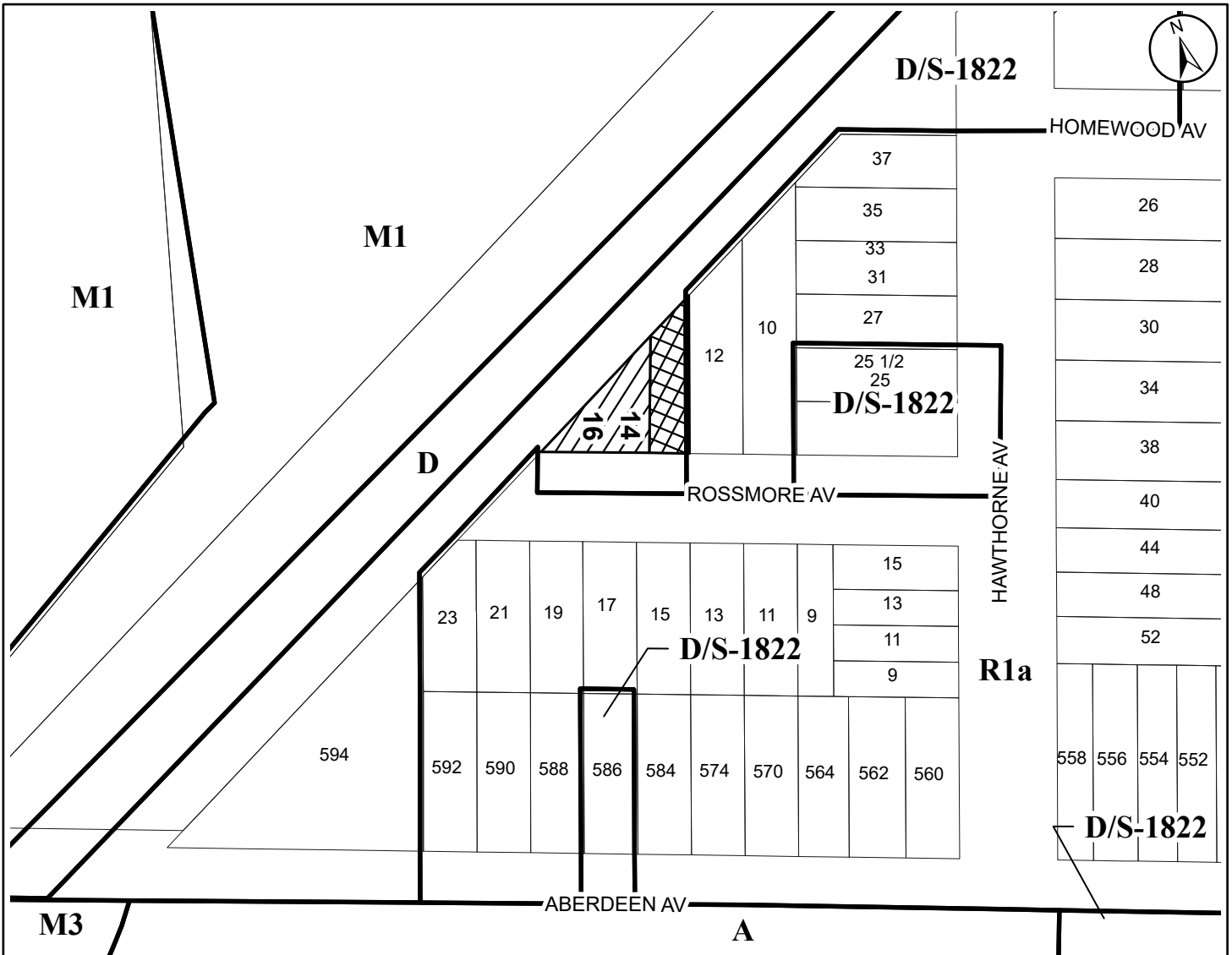
	<ul style="list-style-type: none"> • Landscape Plan required. • A permit will be issued upon approval of the Tree Management Plan and applicable fees. • The Forestry & Horticulture Section requires that a detailed Landscape Planting Plan prepared by a Registered Landscape Architect, showing the placement of trees on internal/external City property be provided. • The City of Hamilton's Public Tree Preservation and Sustainability Policy in conjunction with the Tree By-Law 15-125 requires new developments to provide payment of \$726.40 plus HST per tree for road allowance street trees. All street tree plantings shall be planted by the City of Hamilton, as approved through the review of a proposed street tree planting scheme. All trees shown on municipal road allowance shall be identified as 'Trees to be planted by City of Hamilton Forestry Section.'
Proposed Notes:	

Transportation Planning:

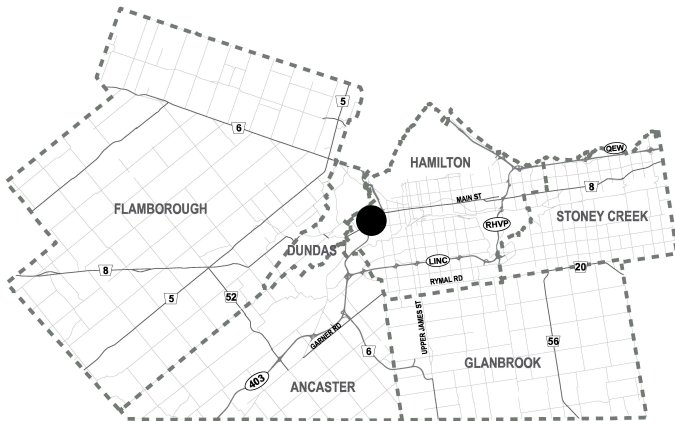
Recommendation:	Comments Only
Proposed Conditions:	
Comments:	The Owner should contact the rail authority as they may have concerns with a house being located that close to the rail line.
Proposed Notes:	

Legislative Approvals:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	
Comments:	<p>The lands to be retained (Part 1) will remain as 16 Rossmore Avenue (Hamilton).</p> <p>The lands to be severed (Part 2) will remain as 14 Rossmore Avenue (Hamilton).</p>
Proposed Notes:	We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.



● Site Location





City of Hamilton

Committee of Adjustments

Subject Property

14 & 16 Rossmore Avenue, Hamilton (Ward 1)

-  Lands to be retained
-  Lands to be severed

File Name/Number:

B-24:35

Date:

June 12, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton