



Hamilton

**STAFF COMMENTS**

**HEARING DATE: June 25, 2024**

**HM/B-24:04 – 393 Rymal Road West, Hamilton (Delegated Authority)**

Recommendation:

Table

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)

Proposed Notes:



# Hamilton

Development Planning:

## Background

	Frontage	Depth	Area
<b>EASEMENT LANDS:</b>	7.5 m±	Irregular m±	3134.9 m <sup>2±</sup>
<b>RETAINED LANDS:</b>	900 m±	600 m±	396,979.7 m <sup>2±</sup>

The purpose of this application is to create an easement (shown in green on the site sketch submitted with this application) over a portion of the subject lands, known municipally as 393 Rymal Road West to the benefit of neighbouring lands to the east (Part 1, Plan 62-22224), for access purposes. Staff note that Consent application HM/B-18:47 is related and severed the benefitting lands (Part 1, Plan 62-22224) from the subject lands.

HM/B-18:47 was heard by the Committee of Adjustment on January 20, 2022 and subsequently refused. The Applicant appealed to the Ontario Land Tribunal where a settlement was reached between the Applicant and the City. The Tribunal approved the settlement of the Consent Application on September 21, 2023. Pursuant to this, a Consent Agreement between the Applicant and the City was signed on November 14, 2023. Condition 5.7 of the Consent Agreement requires the Applicant to establish an easement across the Retained Lands (being 393 Rymal Road West) in favour of the Severed Parcel (being Part 1, Plan 62-22224) to ensure the continued vehicular and pedestrian access over Bishop Ryan Way.

Staff also note that the related Zoning By-law Amendment application ZAC-20-029 affecting 393 Rymal Road was appealed on Friday, June 14, 2024 due to a lack of decision. Staff recommend deferring this application until the appeal has been resolved as the outcome of the Zoning By-law Amendment application could impact the proposed access easement. Staff note that, as part of the Zoning By-law Amendment application, gates are proposed along Bishop Ran Way, which could potentially restrict vehicular and pedestrian access.

## Analysis

### Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and are designated “Neighbourhoods” and “Open Space” in Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policies E.3.2.3 and Section F.4.2, amongst others, are applicable and permit the existing residential and institutional uses in addition to the proposed easement.

### Kennedy West Neighbourhood Plan

The subject lands are identified as “St Elizabeth Retirement Village” on Map 7602 within the Kennedy West Neighbourhood Plan.



Hamilton

**Archeology**

No comments.

**Cultural Heritage**

No comments.

**Former City of Hamilton Zoning By-law No. 6593**

The subject lands are zoned “DE/S-664, S-664a, S-664b, S-664c, S-1023” (Low Density Multiple Dwellings) District, Modified under Former City of Hamilton Zoning By-law No. 6593. The existing residential and institutional uses are permitted.

**Appendix**

N/A

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	This Division has no concerns with the proposed application.
Proposed Notes:	

Natural Heritage:

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

Cultural Heritage:

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

Development Engineering:

Recommendation:	No comment.
Proposed Conditions:	
Comments:	



Hamilton

Proposed Notes:	
-----------------	--

Building Engineering:

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

Forestry:

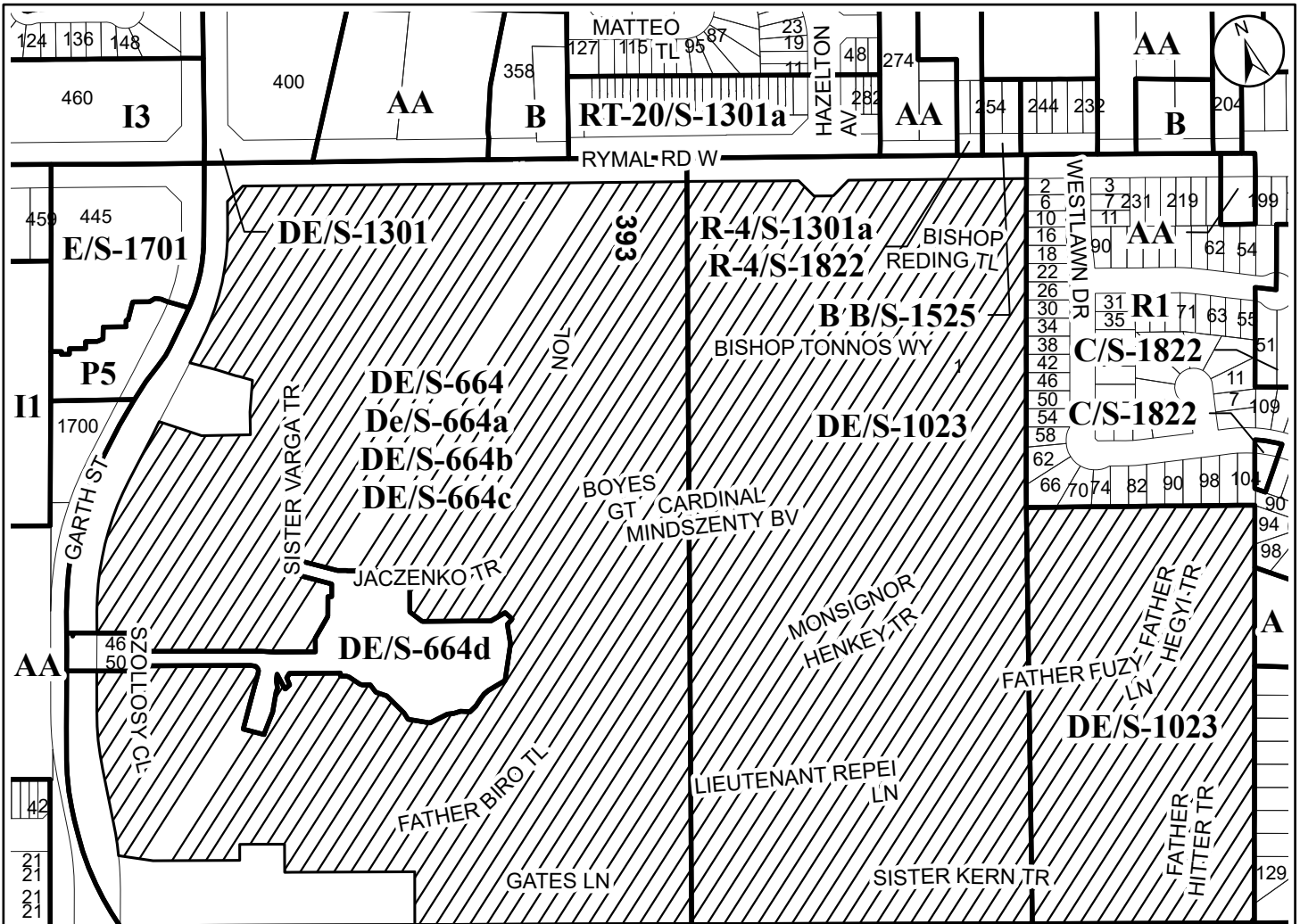
Recommendation:	Approve
Proposed Conditions:	Conditions Deferred
Comments:	There are municipal tree assets on site although Forestry's conditions requiring a tree management and landscape plan for the above noted application is deferred to the Zoning application file: ZAC-20-029  Forestry has placed conditions under file ZAC-20-029 which is a more suitable application to address Forestry's concerns for this development.
Proposed Notes:	

Transportation Planning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Transportation Planning has not reviewed the files
Proposed Notes:	

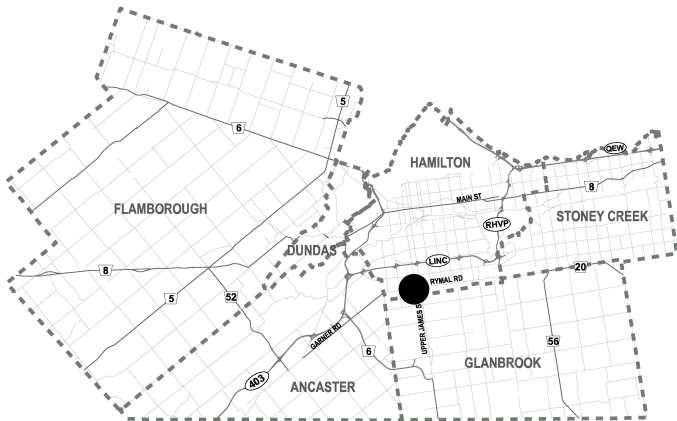
Legislative Approvals:

Recommendation:	No comments.
Proposed Conditions:	
Comments:	
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.



A2

● Site Location



**City of Hamilton**

**Committee of Adjustments**

**Subject Property**



393 Rymal Road West, Hamilton  
(Ward 8)

**File Name/Number:**

HM/B-24:04

**Date:**

June 14, 2024

**Technician:**

AL

**Scale:**

N.T.S.

**Appendix "A"**



**Hamilton**