

## July 23, 2024 - CoA - HCA Comments for A-24:148 for 56 Baldwin Street, Dundas

Jeff Tweedle <jtweedle@conservationhamilton.ca>

Fri 7/19/2024 10:06 AM

To:Committee of adjustment <CofA@hamilton.ca>

Cc:Pete VandenArend <pete@parkeight.ca>

📎 1 attachments (121 KB)

A-24-148\_56 Baldwin St\_HCA Comments.pdf;

**External Email:** Use caution with links and attachments

Good morning,

The Hamilton Conservation Authority (HCA) has reviewed the Committee of Adjustment Agenda for July 23<sup>rd</sup>, 2024 in accordance with HCA's responsibilities under the *Conservation Authorities Act* relating to provincial interests for natural hazards and offer the following comments for A-24:148 for 56 Baldwin Street, Dundas.

Please see the attached letter for HCA comments.

Please note that an HCA minor variance review fee of \$684.78 (includes HST) is required for the submitted Committee of Adjustment comments. This fee is to be paid by the owner or applicant/agent directly to HCA. Payment can be made by cheque, e-transfer, or credit card. Please contact HCA staff to advise of the selected method of payment.

Please contact the undersigned if there are any questions regarding the provided comments.

Regards,

### Jeff Tweedle

Conservation Planner

Hamilton Conservation Authority

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A Healthy Watershed for Everyone

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A Healthy Watershed for Everyone

**BY EMAIL**

**File no. A-24:148**

July 19, 2024

Jamila Sheffield  
Committee of Adjustment  
City of Hamilton  
City Hall, 71 Main Street West, 5th Floor  
Hamilton, Ontario L8P 4Y5

Dear Jamila Sheffield,

**Re: Applications for Minor Variance, File No. A-24:148, by Park Eight Inc. c/o Pete VandenArend on behalf of Andrew Gumbinger & Amanda Green Gumbinger for the lands located at 56 Baldwin Street, Dundas**

HCA staff have reviewed the information provided in accordance with HCA's plan review and regulatory responsibilities under the *Conservation Authorities Act* and provide the following comments.

### **Proposal**

The following minor variances are requested to facilitate the construction of an addition to an existing single detached dwelling for the use of an additional dwelling unit:

Dundas Zoning By-law 3581-86

1. A minimum side yard of 0.8 metres shall be permitted instead of the required minimum side yard of 1.2 metres.
2. A minimum side yard of 2.4 metres on one side shall be permitted instead of the required minimum side yard of 5.0 metres on one side of an interior lot upon which there is no garage or carport.

Hamilton Zoning By-law 05-200

1. A minimum setback from a side lot line of 0.8 metres shall be permitted instead of the required minimum setback from a side lot line of 1.2 metres.

### **Site Description**

The subject property is approximately 0.04 ha (0.09 ac) in size and located within the Spencer Creek watershed and Lower Spencer Creek subwatershed, which drains to Cootes Paradise and eventually Hamilton Harbour. The subject property is located within Special Policy Area 3 (SPA 3) for the former Town of Dundas due to the potential flooding hazards produced by Lower Spencer Creek.

## **Plan Review Comments**

The SPAs for the former Town of Dundas provide policies related to the management of existing and future development in areas located within the floodplain. The SPAs utilize a two zone flood hazard concept which identifies a “floodway” and “flood fringe”. The floodway is the inner portion of the floodplain defined as the floodplain resulting from the 100-year storm. The flood fringe is the outer portion of the floodplain and includes the lands located between the floodway (100-year storm) and the furthest limit of the floodplain produced by the Regional storm (Hurricane Hazel). The depths and velocities in the floodway are generally greater than those experienced in the flood fringe.

Based on a review of the topographic data and flood hazard modeling available to HCA staff, the subject property is located in the flood fringe. The subject property is impacted by the floodplain produced by the Regional storm but outside the floodplain produced by the 100-year storm. The flood hazard modeling available for Lower Spencer Creek suggests the floodplain produced by the Regional storm in the vicinity of the subject property reaches an elevation of 82.12 m. The topographic information available to HCA staff indicate the property has an existing ground surface elevation of approximately 81.5 m (+/- 0.5 m). As such, the subject property may be flooded at a depth of 0.62m (+/- 0.5 m).

The Grading Plan, prepared by Landsmith Engineering & Consulting, dated April 22, 2024, which was included in the submitted application, labels existing ground surface elevations between 83.8 m and 84.2 m for the subject property. The ground surface elevations provided in the Grading Plan are significantly higher (2.3 m - 2.7 m) than those which are demonstrated in various topographic data sources available to HCA staff. As such, HCA is requesting the existing elevations for the subject site be assessed by a qualified Ontario Land Surveyor (OLS) to determine the extent and depth of the flood hazard impacting the property. The extent and depth of the flood hazard impacting the subject property is required to apply the provisions of SPA 3.

The proposed development is required to meet the provisions of SPA 3. Please refer to the SPA policies for the former Town of Dundas which are provided in Appendix H of HCA’s Planning & Regulation Policies and Guidelines. HCA’s Planning & Regulation Policies and Guidelines can be found [here](#).

The Exterior Elevations, prepared by Park Eight, no date, which was included in the submitted application, demonstrates the proposed additional dwelling unit will have structural openings (doors and windows) and a floor elevation approximately 0.20 m (8 in) above the existing grade. Based on HCA’s current understanding of the flood hazard and topography, the proposed structural openings and floor elevation would be below the flood elevation. As such, based on the information currently available to HCA, the proposed development does not meet the provisions of Section 3.10.3.3 (b), (c), (i) or (k) for SPA 3.

The PPS generally directs development to areas outside of hazardous lands. The subject property is affected by flooding hazards associated with Lower Spencer Creek. Based on a review of the materials submitted, HCA recommends the application be tabled and the existing elevation for the subject site be assessed by a qualified OLS. This information should be

provided to HCA for review in order to determine the extent of the flooding hazard and identify any additional studies, plans or information which may be required. Based on the information currently available to HCA staff, the proposed development is not consistent with the natural hazard policies of the PPS.

### **Regulatory Comments**

The subject property is regulated by HCA pursuant to the *Conservation Authorities Act* and *Ontario Regulation 41/24 (Prohibited Activities, Exemptions, and Permits)*. The regulated area is associated with flooding hazards produced by Middle Spencer Creek. Based on the information available to HCA staff the subject site and proposed development are entirely within the flooding hazard area. The proposed development will require written permission from HCA.

As per Section 2.1.1.4.1 of HCA's Planning & Regulation Policies and Guidelines all development within a SPA must be in conformance with the SPA policies and all floodproofing measures noted in the SPA policies shall be in accordance with Section 8.1 of HCA's Planning & Regulation Policies and Guidelines. Based on HCA's review of the submitted information the proposed development does not conform to the SPA policies and does not meet the floodproofing requirements under Section 8.1 of HCA's Planning & Regulation Policies and Guidelines.

It is recommended that the applicant contact HCA to discuss the permit application process and required information.

### **Summary**

Based on the above comments, HCA recommends the application be tabled and the topographic information for the subject site be reviewed and confirmed by a qualified OLS. This information should be provided to HCA for further review to assess the proposed development against the natural hazard policies of the PPS, provisions of SPA 3 and requirements outlined in HCA's Planning & Regulation Policies and Guidelines. Based on the information currently available to HCA staff, the proposed development is not consistent with the natural hazard policies of the PPS and does not conform to the provisions of SPA 3.

Please contact the undersigned at (905) 525-2181 (ext. 164) should you have questions or if any clarification regarding these comments is required.

Sincerely,



Jeff Tweedle, M.Pl.  
Conservation Planner, Watershed Management Services

Cc: Pete VandenArend, Park Eight (by email)