



Hamilton

STAFF COMMENTS

HEARING DATE: September 10, 2024

SC/B-23:87 (218 Fruitland Rd., Stoney Creek)

Recommendation:

Development Planning - 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)
3. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department Building Division –Plan Examination Section.
4. Transportation Planning has no objection to the severance if the right-of-way dedication of approximately ± 8 metres is dedicated to the City of Hamilton on Fruitland Road. Fruitland Road is to be 36.576 metres from QEW to Highway 8. The existing right-of-way at the subject property is approximately ± 20 metres. (To the satisfaction and approval of the Manager, Transportation Planning)
5. Approximately ± 8 metres are to be dedicated to the right-of-way on Fruitland Road, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. (To the satisfaction and approval of the Manager, Transportation Planning).
6. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening. (To the satisfaction and approval of the Manager, Transportation Planning).
7. The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the right-of-way dedication requirements. (To the satisfaction and approval of the Manager, Transportation Planning).
8. The owner/applicant shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping [enter any other regulations which may be applicable for determining zoning compliance], conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the



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appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).

9. Part 2 of submitted R-Plan to read “Lands to be severed and merged with the adjacent lands. – To the satisfaction of Development Engineering.

Proposed Notes:



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Development Planning:

Background

To permit the conveyance of a parcel of land to be added to property known municipally as 212 Fruitland Road.

The application was previously tabled at the January 18th, 2024 Committee of Adjustment hearing where Planning Staff did not support the proposal due to staff's opinion that the Consent Application did not meet the intent of the Secondary Plan policy.

	Frontage	Depth	Area
SEVERED LANDS	N/A	136.64 m±	3,557.8 m2 ±
RETAINED LANDS	26.12 m±	42.67 m±	1,111.0 m2 ±

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations in Volume 1 of the Urban Hamilton Official Plan. Policies F.1.14.3.1, F.1.14.3.6 and E.3.4.3, among others, are applicable.

Policy F.1.14.3.1 requires, among other things, that consents for new lot creation comply with the policies of the Urban Hamilton Official Plan, including Secondary Plans, and the lots are in conformity with the Zoning By-law or a minor variance is approved.

Policy F.1.14.3.6 permits minor lot line adjustments provided there is no increased fragmentation of a Core Area and the adjustments do not conflict with intent of the policies of the Urban Hamilton Official Plan.

Fruitland Winona Secondary Plan

The subject lands are designated “Low Density Residential 2” and “Low Density Residential 3” in the Fruitland Winona Secondary Plan. A small portion of the lands to the east is designated “Neighbourhood Park”. Policy B.7.4.4.4 and B.7.4.4.5, among others, are applicable.

Staff note that Policy B.7.4.4.5.b) states that the net residential density shall be greater than 40 units per hectare and shall not exceed 60 units per hectare. Staff note that the approximate net residential density for the retained parcel of land fronting onto Fruitland Road, which are permitted for single detached dwellings is approximately 9 units per hectare. The applicant has not demonstrated how the proposed severance will not preclude the retained lands from achieving the minimum residential density



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envisioned in the Secondary Plan. Staff are of the opinion that the Consent Application should be tabled until such time as the applicant demonstrates that the severance does not preclude the severed lands from meeting the minimum residential density envisioned in the Secondary Plan. Based on the foregoing, and on the comments provided by Natural Heritage Planning staff, staff recommend the application be tabled.

Natural Heritage

The subject property is located within the Urban Hamilton Official Plan (UHOP) and has been identified within the Fruitland Winona Secondary Plan (FWSP). Based on mapping within the UHOP (Volume 1-Schedules B, B-8; Volume 2-FWSP Natural Heritage System Map B.7.4-2), components of the City's Natural Heritage System have been identified within and adjacent to the subject property. Within the subject property, these components are a Core Area (Watercourse 5.0) and a Linkage (natural area that ecologically connects Core Areas). A Core Area (Watercourse 5.0), Linkage, and Restoration Area (vacant or degraded lands adjacent to Core Areas where natural habitat has been altered, degraded, or destroyed) have been identified on the adjacent property (212 Fruitland Road; as per Ontario Land Tribunal Decision PL140601; issued November 24, 2021). The watercourse is also regulated by the Hamilton Conservation Authority (HCA).

The subject property has been identified as part of the Block 1 Servicing Strategy Area (FWSP Block Servicing Area Delineation Map B.7.4-4). Since the FWSP area is characterized by flat topography, which requires specific grading and detailed servicing to service future development in a coordinated manner, a Block Servicing Strategy is required.

At this time, it is the opinion of Natural Heritage Planning staff that this severance is premature. This is based on the following:

- The Block 1 Servicing Strategy, which is being prepared by a Landowner's Group (City Liaison is Margaret Fazio) has not been approved. As per FWSP policy B.7.4.14.1 c), all development within the lands identified as the "Servicing Strategy Area" shall conform to the Block Servicing Strategy.
- Based on FWSP policy B.7.4.11.4, Watercourse 5.0 may be considered for relocation and natural channel design.
 - Since the Block 1 Servicing Strategy has not been approved, the location of the realigned channel has not been clearly defined. The watercourse may be shifted towards Fruitland Road, which would have an impact on the severance (the sketch provided has not identified the location of the realigned channel)
 - As a result of the realigned channel, there may be changes to the floodplain. The protection and enhancement of natural features as well as prohibiting development on lands with natural hazards (i.e., floodplains) have been included within the objectives of



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the FWSP (policy B.7.4.2.5). The location of the floodplain may have any impact on the proposed severance.

- Through the Minutes of Settlement for 212 Fruitland Road, it was identified that a maximum 15 metre vegetation protection zone (VPZ) would be provided on each side of Watercourse 5.0. This is to be measured from the bankfull channel (as defined within the UHOP). The location of the realigned channel and the 15 metre VPZ has not been provided on the sketch. It is unclear if the appropriate width for the VPZ will be provided. In addition, if the VPZ is located on the severed parcels, there is concern with how it will be managed in perpetuity.
- A Linkage has been identified along Watercourse 5.0. This has not been taken into consideration on the sketch provided. If the watercourse is relocated, the linkage will also be relocated which would impact the lands to be severed.
- With regards to 212 Fruitland Road, specific requirements were identified through the Minutes of Settlement (August 11, 2021). This included restoration plans including the removal of vegetation and the mitigation of any impacts on endangered and threatened species. This is to be addressed through an Environmental Impact Statement (EIS) and Linkage Assessment that are required with any future development applications. While a development application has not been currently submitted for this property, the addition of the severed lands would need to be included in the review.

This application should be tabled until the Block 1 Servicing Strategy has been approved.

Archaeology

No Comment

Cultural Heritage

No Comment

Former City of Stoney Creek Zoning By-law No. 3692-92

The subject lands are zoned Rural Residential “RR” Zone which permit single detached dwellings on lots serviced by sanitary sewers and municipal water with a minimum lot area of 464.5 m² and minimum lot frontage of 15 m.

Based on the foregoing, staff recommend that the **severance application be tabled**.

Zoning:

Recommendation:	Comments and Conditions / Notes
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Proposed Conditions:	1. The owner/applicant shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping [enter any other regulations which may be applicable for determining zoning compliance], 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:	<p>1. No dimensions for the existing dwelling have been shown on the submitted survey; therefore, this Division cannot confirm zoning compliance.</p> <p>2. All or an appropriate portion of the building straddling the proposed property line shall be demolished in order to achieve zoning compliance, or the applicant shall receive final approval of the required minor variances.</p> <p>3. The lands to be conveyed/retained shall be merged in title with the lands to which they are to be added.</p> <p>4. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.</p>
Notes:	

Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	Part 2 of submitted R-Plan to read “Lands to be severed and merged with the adjacent lands
Comments:	
Notes:	

Building Engineering:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department Building Division –Plan Examination Section.
Comments:	
Notes:	In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

Transportation Planning:



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Recommendation:	Approve with Conditions
Proposed Conditions:	<p>Transportation Planning has no objection to the severance if the right-of-way dedication of approximately ± 8 metres is dedicated to the City of Hamilton on Fruitland Road. Fruitland Road is to be 36.576 metres from QEW to Highway 8. The existing right-of-way at the subject property is approximately ±20 metres.</p> <p>Approximately ±8 metres are to be dedicated to the right-of-way on Fruitland Road, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications.</p> <p>A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening.</p> <p>The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the right-of-way dedication requirements.</p> <p>Subject to the satisfaction and approval of the Manager, Transportation Planning.</p>
Comments:	
Notes:	

Forestry:

Recommendation:	Approve
Proposed Conditions:	
Comments:	<p>There are no Municipal Tree Assets on site. No public tree permit is required.</p> <p>No Landscape plan required.</p> <p>Forestry has no concerns or conditions regarding this application.</p> <p>For questions please contact: urbanforest@hamilton.ca</p>
Notes:	

Legislative Approvals:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	



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STAFF COMMENTS

HEARING DATE: September 10, 2024

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.
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Please Note: Public comment will be posted separately, if applicable.

Hamilton - 218 Fruitland Road - B-23-87

AMIN Pranav <Pranav.Amin1@HydroOne.com>

Thu 8/29/2024 1:35 PM

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

External Email: Use caution with links and attachments

Hello,

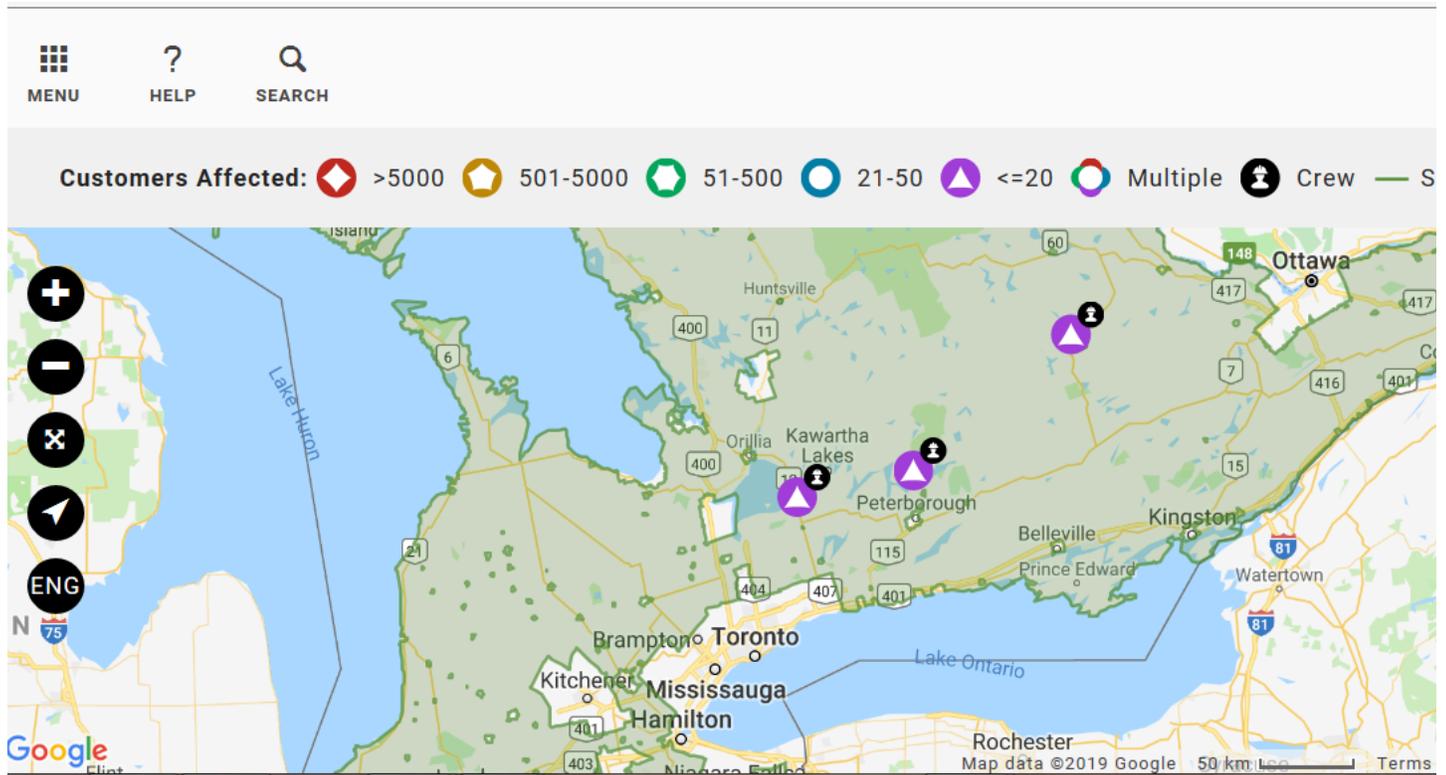
We are in receipt of your Application for Consent, B-23-87 dated August 26th, 2024. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:

[Stormcentre \(hydroone.com\)](https://stormcentre.hydroone.com)

Please select " Search" and locate address in question by entering the address or by zooming in and out of the map



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

Please let me know if you have any questions or concerns.

Thank you,

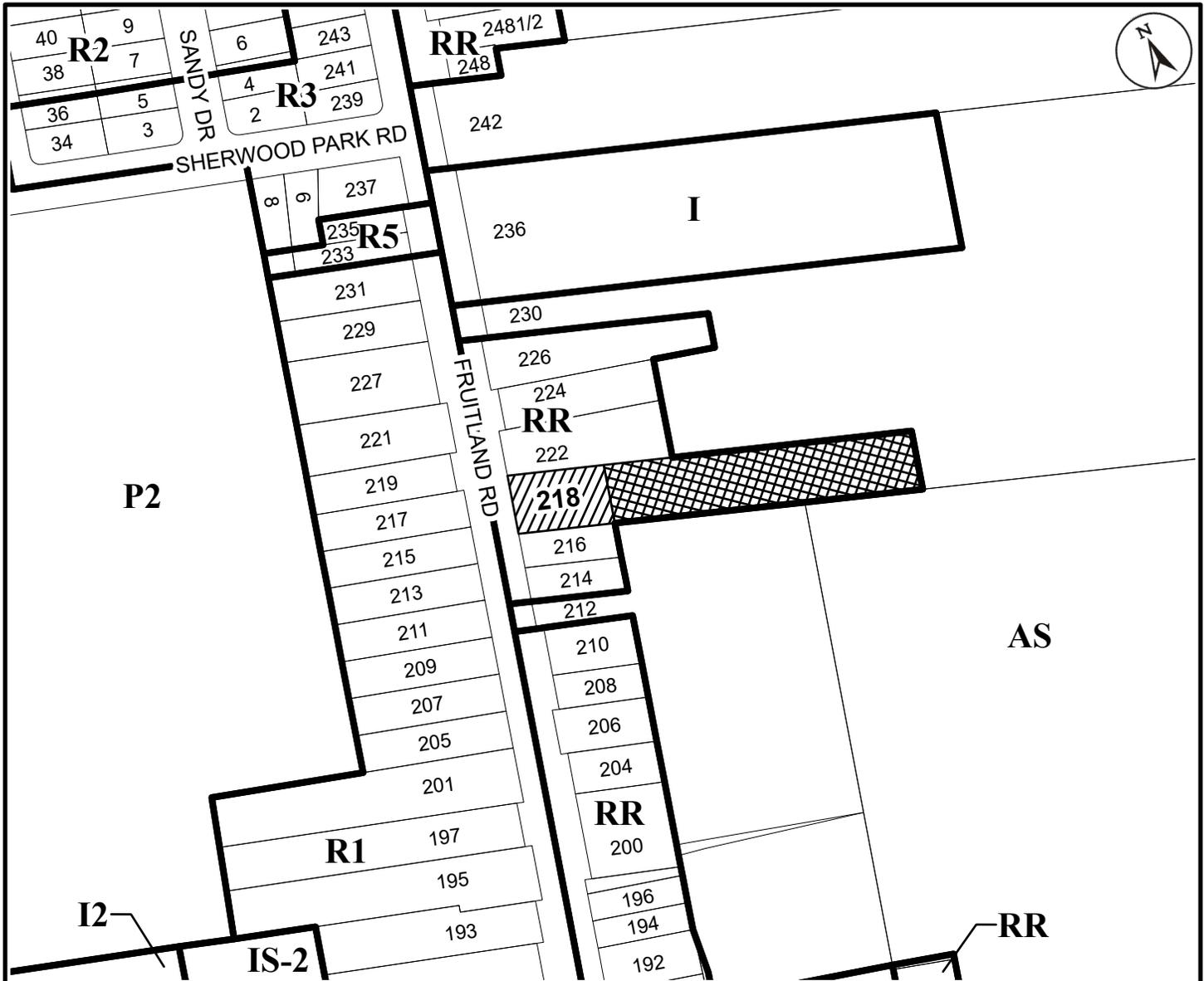
Dennis De Rango

Specialized Services Team Lead, Real Estate Department

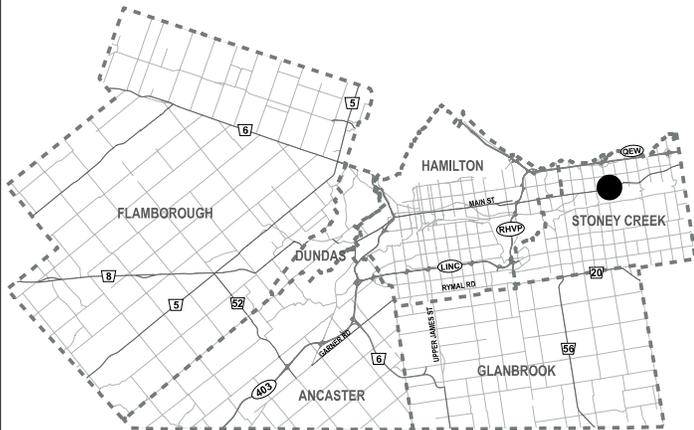
Hydro One Networks Inc.

Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

218 Fruitland Road, Stoney Creek (Ward 10)

 Lands to be Retained

 Lands to be Severed

File Name/Number:
SC/B-23:87

Date:
August 26, 2024

Technician:
AL

Map Not To Scale

Appendix "A"



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