



Hamilton

STAFF COMMENTS

HEARING DATE: September 10, 2024

B-24:49 (3417 - 3325 Tyneside Rd., Glanbrook)

Recommendation:

Development Planning – Deny Severance and Variances

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. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department Building Division - Plan Examination Section.
5. The owner/applicant shall submit survey evidence that the lands to be severed and lands to be retained, including the location of any existing structure(s), parking and landscaping 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).
6. The owner/applicant shall receive final and binding approval of minor variance application A-24:188 (Planning Division – Zoning Review Section).
7. Transportation Planning has no objection to the severance if the following dedications to the City of Hamilton are provided on Tyneside Road and Chippewa Road. Tyneside Road must be 26.213 metres from White Church Road East to Haldibrook Road. The existing right-of-way at the subject property is approximately ± 12 metres. Approximately ± 7.5 metres are to be dedicated to the right-of-way on Tyneside Road, as per the Council Approved Rural Official Plan: Schedule C-1 - Future Right-of-Way Dedications. Chippewa Road is a rural collector road which is required to be 36 metres as per the rural Official Plan Chapter C-City Wide Systems and Designations



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4.5.2 c) Collector roads...the current right-of-way on Chippewa Road is approximately 20 metres requiring a right-of-way dedication of approximately 8 metres from all lands affected by the severance. (To the satisfaction and approval of the Manager, Transportation Planning).

8. 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).
9. 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).
10. That the owner obtains final and binding approval of Minor Variance Application A-24:188 to the satisfaction of the Director of Development Planning.

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 3325 Tyneside Road.

	Frontage	Depth	Area
SEVERED LANDS	236.36m±	Varies m±	9.0 ha ±
RETAINED LANDS	768.20 m±	Varies m±	6.7 ha ±

Analysis

Rural Hamilton Official Plan

The subject lands are designated “Agricultural” on Schedule D – Rural Land Use Designations within the Rural Hamilton Official Plan. The lands are further identified as “Protected Countryside” within Schedule A of the Rural Hamilton Official Plan. Policies F.1.14.2.1.d), e), f) and F.1.14.2.5 among others, are applicable and only permit lot creation and lot additions under very specific circumstances. Staff defer any private water and wastewater concerns to Source Water Planning.

Policy F. 1.14.2.1 states that the following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations:

- d) All proposed lot additions shall:
 - i) comply with the policies of this Plan including rural settlement area plans where one exists;
 - ii) be compatible with and not hinder surrounding agricultural operations;
 - iii) conform to the Zoning By-law;
 - iv) only be permitted when both lots will retain frontage on a public road;
 - v) meet the requirements of Section C.5.1, Private Water and Wastewater Services, including the requirement for submission of a hydrogeological study regarding existing or proposed private water and wastewater services prior to or at the time of application, except as permitted in F.1.14.2.7 d).



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- e) All proposed severances and lot additions shall meet all Minimum Distance Separation requirements in accordance with Section F.1.16, Minimum Distance Separation I and II and the Zoning By-law. Where the required Minimum Distance Separation distance, according to MDS I, is not met for a severance and lot addition, a decision regarding variation of the Minimum Distance Separation shall be made prior to a decision on the severance.
- f) The maximum lot size for all proposed severances and lot additions outside of designated Rural Settlement Areas, except severances or lot additions for agricultural purposes where both the severed and retained lots are proposed to contain agricultural uses, shall be restricted to the minimum size required for the use and to meet the land area requirements of Section C.5.1, with as little acreage as possible taken out of agricultural use.

Policy F.1.14.2.5 states that lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met:

- a) No new lots shall be created;
- b) All resulting lots shall be:
 - i) a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan, except as permitted in F.1.14.2.7 d); and,
 - ii) be compatible with and not hinder surrounding agricultural operations.
- c) For lands within the Agriculture designation where the lot addition is for agricultural uses the minimum lot size of all resulting lots shall be 40.4 hectares (100 acres).
- f) The minimum lot size requirements in F.1.14.2.5 b), c), and d) may also include lands designated as Open Space on Schedule D – Rural Land Use Designations, or identified as within the Natural Heritage System on Schedule B – Natural Heritage System.
- g) The maximum lot size for lot additions outside of designated Rural Settlement Areas, except lot additions for agricultural purposes where both the severed and retained lots are proposed to contain agricultural uses, shall be restricted to the minimum size required for the use and to meet the land area requirements of Section C.5.1, with as little acreage as possible taken out of agricultural use.
- h) The lands to be severed and conveyed are added to and merged on title with an abutting property or properties.

Staff note that the application proposes a lot addition from 3417 Tyneside Road with the lands to be added to 3325 Tyneside Road. Staff note that no physical changes are being proposed. Staff note that Policy F.1.14.2.5 c) states that lands within the Agriculture designation where the lot addition is for agricultural uses the minimum lot size of all resulting lots shall be 40.4 hectares. Staff note that



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both of the resultant lots are well below the 40.4 hectare (100 acre) area requirement. The resultant lots will be going from ± 4.1 hectares and ± 15.7 hectares in size, to ± 13.1 hectares and ± 6.7 hectares in size, respectively. Staff note that the larger of the two parcels is going from ± 15.7 hectares to ± 13.1 hectares, which may reduce its future viability as productive farmland. Accordingly, the proposed lot line adjustment does not meet the minimum area requirements for lot line adjustments for agricultural purposes outlined in Policy F.1.14.2.5 c). The proposed lot line adjustment does not comply with the Rural Hamilton Official Plan.

Staff also note that portions of the lands are within the Regulated Area of the Niagara Peninsula Conservation Authority. Policy B.3.6.5.11 states that development approvals shall not be granted within hazard lands or on lands adjacent to hazard lands that are regulated by a Conservation Authority until written consent is obtained from the applicable Conservation Authority. Staff have not received any such correspondence or consent.

Based on the foregoing staff recommend the severance application be denied.

Archaeology

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 2) Along historic transportation routes.

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application.

Hamilton Zoning By-law No. 05-200

The subject site is zoned "A1" Agriculture, which permits a single detached dwelling.

Variance 1 and 2

Lands to be retained;

1. A minimum lot area of 6.7 hectares for an agricultural use shall be permitted instead of the minimum 40.4-hectare lot area for an agriculture use required.

Lands to be severed;



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2. A minimum lot area of 13.1 hectares for an agricultural use shall be permitted instead of the minimum 40.4-hectare lot area for an agriculture use required

The intent of this provision is to ensure conformity with Policy F.1.14.2.5 c) of the Rural Hamilton Official Plan. Staff note that the larger of the two parcels is going from ±15.7 hectares to ±13.1 hectares, which may reduce it's future viability as productive farmland. Accordingly, the proposed lot line adjustment does not meet the minimum area requirements for lot line adjustments for agricultural purposes outlined in the Rural Hamilton Official Plan and does not been the intent of the Rural Hamilton Official Plan. Staff are of the opinion that the variance is not minor in nature nor is it in keeping with the general intent and purpose of the Rural Hamilton Official Plan or Zoning By-law No. 05-200.

Staff are of the opinion that the variances do not meet the four tests of a minor variance. Based on the foregoing, **staff recommend the variances be denied.**

Zoning:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	<ol style="list-style-type: none"> 1. The owner/applicant shall submit survey evidence that the lands to be severed and lands to be retained, including the location of any existing structure(s), parking and landscaping 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). 2. The owner/applicant shall receive final and binding approval of minor variance application A-24:188 (Planning Division – Zoning Review Section).
Comments:	<ol style="list-style-type: none"> 1. 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. 2. The lands to be conveyed/retained shall be merged in title with the lands to which they are to be added. 3. It is noted that this application will be heard in conjunction with minor variance application A-24:188. Variances for lot area have been requested. 4. In order to clear conditions, the owner/applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
Notes:	



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Development Engineering:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Notes:	

Building Engineering:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	<p>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.</p> <p>The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department Building Division -Plan Examination Section.</p>
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:

Recommendation:	Approve with Conditions
Proposed Conditions:	<p>Transportation Planning has no objection to the severance if the following dedications to the City of Hamilton are provided on Tyneside Road and Chippewa Road. Tyneside Road must be 26.213 metres from White Church Road East to Haldibrook Road. The existing right-of-way at the subject property is approximately ±12 metres. Approximately ±7.5 metres are to be dedicated to the right-of-way on Tyneside Road, as per the Council Approved Rural Official Plan: Schedule C-1 - Future Right-of-Way Dedications. Chippewa Road is a rural collector road which is required to be 36 metres as per the rural Official Plan Chapter C-City Wide Systems and Designations 4.5.2 c) Collector roads...the current right-of-way on Chippewa Road is approximately 20 metres requiring a right-of-way dedication of approximately 8 metres from all lands affected by the severance.</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:	

Source Protection Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	<p>Source Protection Planning understands the applicant is seeking to sever the existing lot at 3417 Tyneside Road and conveying the parcel to 3325 Tyneside Road. The retained lot would be 6.7 ha, and the lot size of 3325 Tyneside Road would increase by 9.0 ha. The application does not include the construction of any additional new dwellings or increasing the size of the existing dwelling such that there would be an increase in septic sewage flows and water supply needs. Further, we also understand that the proposed application does not seek to change the exiting land use of the property. Therefore we have no comments at this time.</p>
Notes:	

Forestry:

Recommendation:	Approve
Proposed Conditions:	
Comments:	<p>There are municipal tree assets on site although it is determined that no impacts are anticipated through this application. No public tree permit is required.</p> <p>No Landscape plan required.</p>
Notes:	<p>Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to Forestry. Email urbanforest@hamilton.ca for questions or public tree permit application.</p>

Legislative Approvals:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	



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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.

ENB_R240822-003ON - Enbridge Notification Response - Applications B-24.49 and A-24.188

Kevin Bailey <kbailey@bastudios.ca>

Thu 8/29/2024 1:58 PM

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

Cc:notifications <notifications@enbridge.com>

External Email: Use caution with links and attachments

Hello,

Thank you for sending Enbridge notice of this project. B&A is the land use planning consultant for Enbridge's Liquid Pipeline Network across Canada. On behalf of Enbridge, we work with municipalities and stakeholders regarding planning and development in proximity to their liquid pipeline infrastructure to ensure that it occurs in a safe and successful manner.

We would like to remind you to always obtain a locate request to identify the precise location of underground infrastructure. In addition, if any future planning or development work is proposed within 220 metres of Enbridge infrastructure, we request that this information be sent to notifications@enbridge.com for our review and comment.

Do not hesitate to contact me with any questions or comments. We appreciate receiving your notifications and look forward to continuing to receive them at notifications@enbridge.com for our review and comment.

Thank you,
-Kevin Bailey



ENBRIDGE

notifications@enbridge.com

10175 101 Street NW, Edmonton, Alberta T5J 0H3

enbridge.com

Safety. Integrity. Respect. Inclusion. High Performance.

Kevin Bailey, BA, BEd, MPlan

Community Planner, **B&A**

403.692.5229 | kbailey@bastudios.ca

600, 215 – 9 Avenue SW | Calgary, AB T2P 1K3 | www.bastudios.ca


Hamilton COA

Kyle Riley <kriley@npca.ca>

Tue 9/3/2024 10:10 AM

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

Cc:Sarah Mastroianni <smastroianni@npca.ca>

 5 attachments (3 MB)

2187 Regional Road 56 Basemap.pdf; Extent Basemap 3417 and 3325 Tyneside Road.pdf; Basemap 9724 Twenty Road.pdf; 2016 Regional Road 56 Basemap.pdf; 3300 Homestead Drive.pdf;

External Email: Use caution with links and attachments

Hello Jamila,

Please see below the Niagara Peninsula Conservation Authorities (NPCA) comments for Hamiltons COA meeting on September 10th, 2024.

GL/A-24:09 2016 REGIONAL ROAD 56: There is no features under NPCA-jurisdiction at this lot—at this time. As such, this Office offers No Comment and will not require a review fee.

A-24:187 3300 Homestead Drive: There is no features under NPCA-jurisdiction at this lot—at this time. As such, this Office offers No Comment and will not require a review fee.

A-24:188 3325 Tyneside Road: Both 3417 and 3325 Tyneside are traversed by numerous NPCA-regulated watercourses which do not have regulated floodplains. As the proposal is a Boundary Adjustment, and there is no associated change in land-usage the NPCA offers No Objections to the proposals. No Planning or Permitting fees are required for this review.

A-24:184 2187 Regional Road 56: The Applicants are seeking a Minor Variance to Permit the construction of 5 accessory storage structures without these structures existing behind a main building. The Applicants also seek a Minor Variance to Permit the storage of various categories of vehicles on the site. A total of six accessory buildings will be added to the site as a result of the Minor Variance. A separate Site Plan Application is also being undertaken at this lot, and the comments provided here shall only apply to the issues mentioned above.

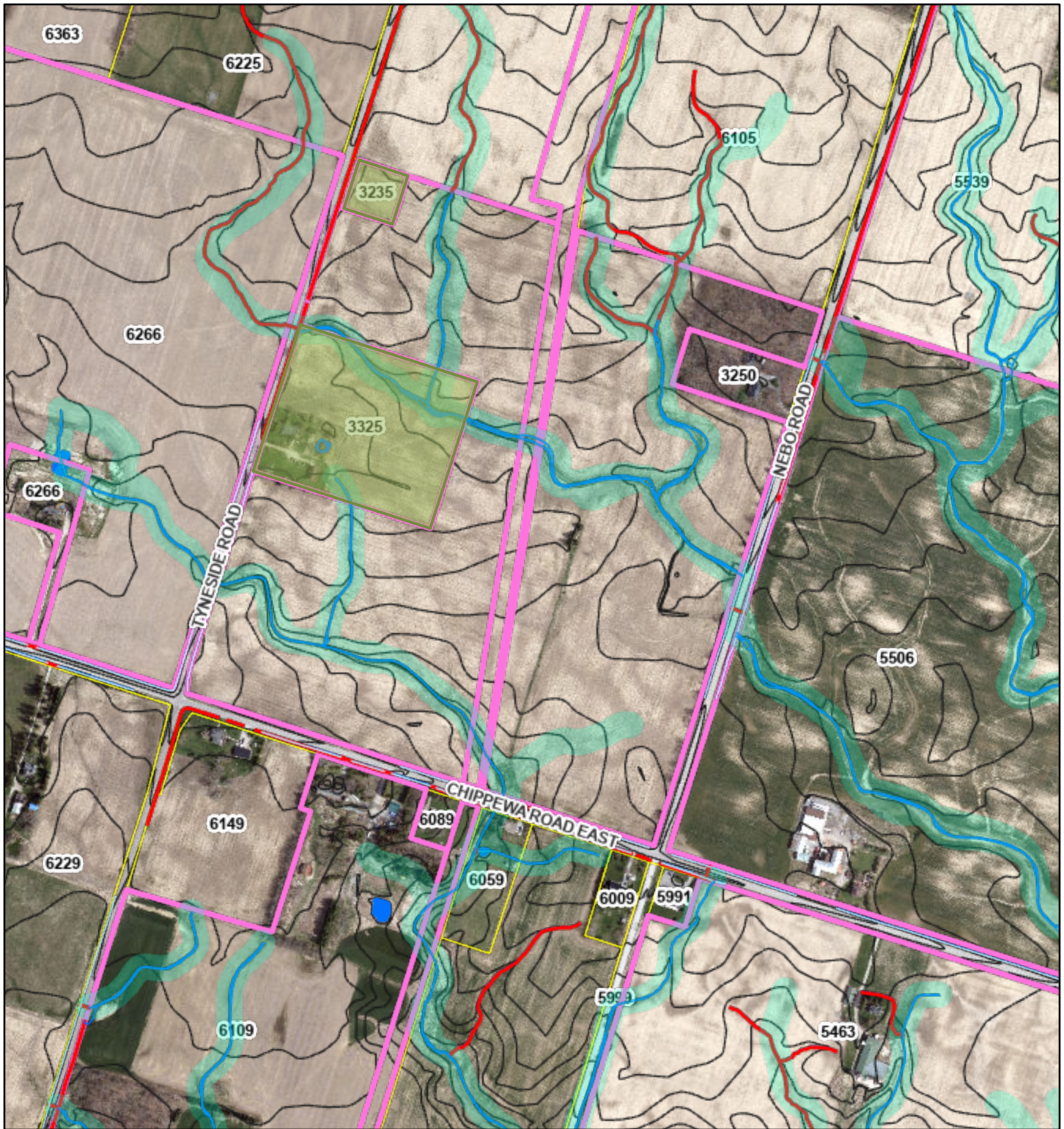
Previous site-visits conducted by the NPCA at the subject address have confirmed the presence of wetlands to the east of the proposed lots, which retain a 30m development set-back. The locations of the size accessory buildings, along with the structures of the rights-of-way, and the snow storage are beyond the reach of NPCA-regulated features on-site. As such, the NPCA offers No Objections to the Minor Variances at the lot and will continue reviewing the Site Plan Application at the same location. Again, please only apply our comments to the Minor Variance titled "**A-24-184.**" No fees are requested for this review.

B-24:46 9724 Twenty Road W: There is no features under NPCA-jurisdiction at this lot—at this time. As such, this Office offers No Comment and will not require a review fee.

Should you have any questions on the above, please, do not hesitate to contact the underwritten.

Kind regards,

ArcGIS Web Map

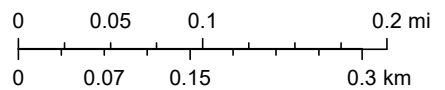


8/22/2024, 2:35:49 PM

1:9,028

SWOOP 2020 NPCA

- Red: Band_1
- Green: Band_2
- Blue: Band_3
- Assessment Parcels _Query result
- Roads
- NPCA APPROXIMATE REGULATION LANDS



NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS



Hydro One Networks Inc.
Facilities & Real Estate
P.O. Box 4300
Markham, Ontario L3R 5Z5

HydroOne.com

Courier:
185 Clegg Road
Markham, Ontario L6G 1B7

VIA E-MAIL ONLY TO Cofa@hamilton.ca

August 27, 2024

Attention Jamila Sheffield

Dear Jamila Sheffield,

**Re: Proposed Application for Consent, Kyle Aquin & Rachel Bennison
3325 & 3417 Tyneside Road
Hamilton
File: B-24-49**

Please be advised that Hydro One Networks Inc. ("HONI") has completed a preliminary review of the above noted consent to sever application. As the subject property is abutting and/or bisected by a HONI high voltage transmission corridor (the "transmission corridor"), HONI has no objection *in principle* to the proposed severance, provided HONI's easement rights are protected and maintained.

Please be advised that any placement of permanent structures, facilities or landscaping within the transmission corridor is **prohibited** without the prior written approval of HONI.

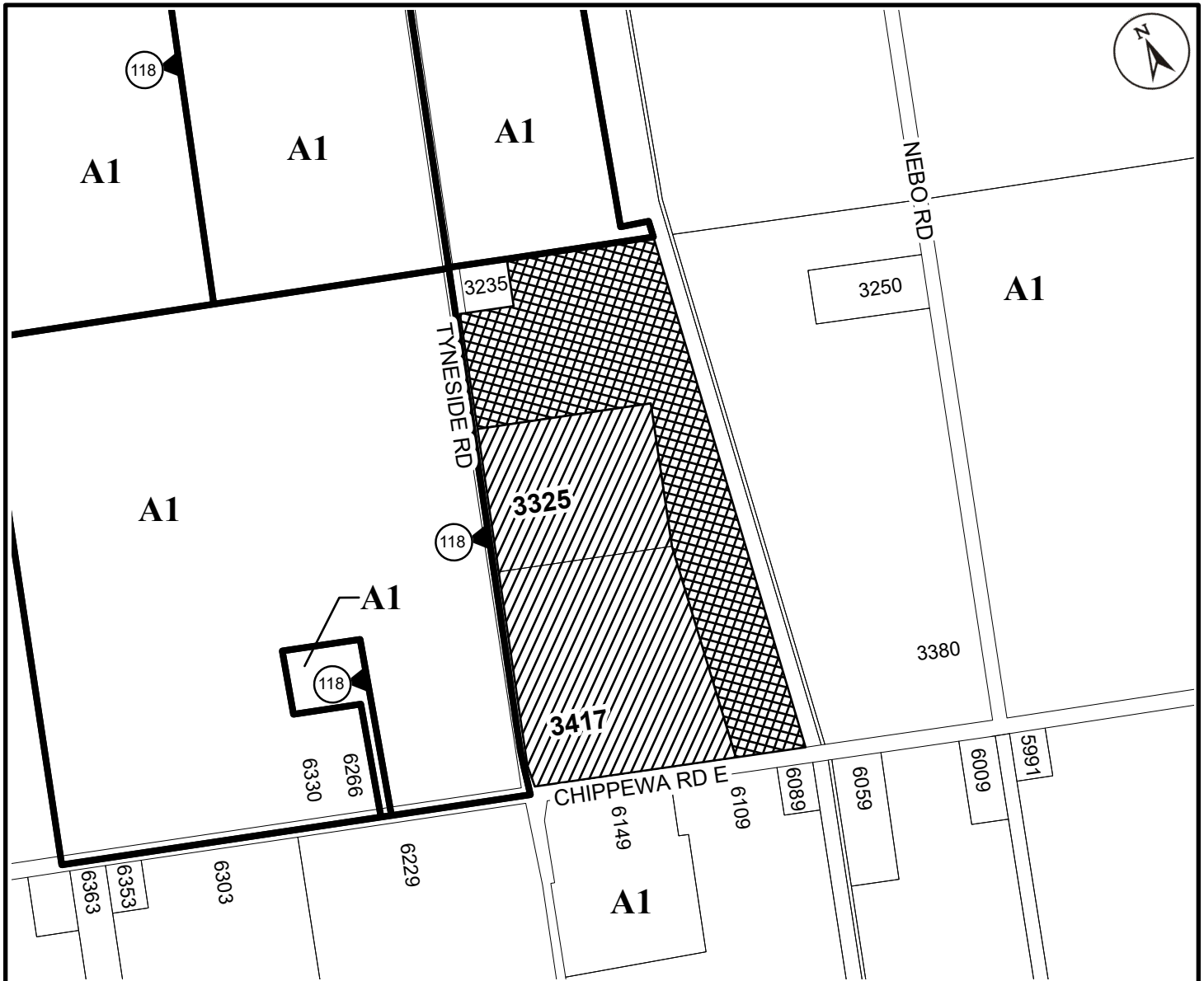
If in the future the owner proceeds with a site plan, plan of subdivision and/or plan of condominium application, the owner must make arrangements satisfactory to HONI for lot grading and drainage, and any proposed uses on the transmission corridor. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this proposal will become the responsibility of the developer.

Our preliminary review only considers issues affecting HONI's transmission facilities and transmission corridor lands. For any proposals affecting distribution facilities (low voltage), the developer should consult the local distribution supplier.

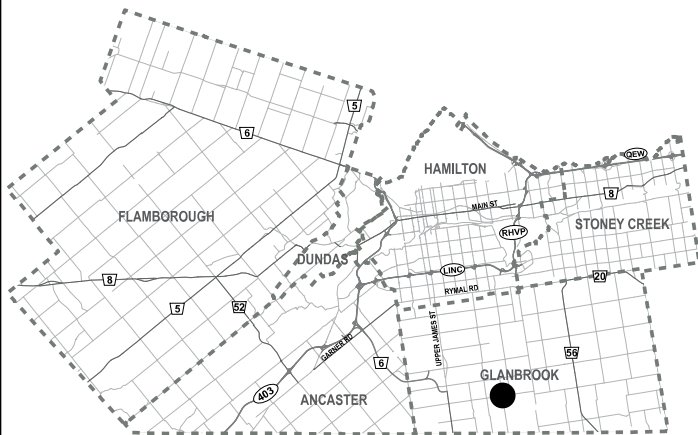
If you have any questions, please contact me at dennis.derango@hydroone.com or at 905-946-6237.

Yours truly,

Dennis De Rango
Specialized Services Team Lead, Real Estate
Hydro One Networks Inc.



● Site Location





City of Hamilton

Committee of Adjustment

Subject Property

3417 Tyneside Road & 3325 Tyneside Road,
Glanbrook (Ward 11)

 Lands to be Retained

 Lands to be Severed

File Name/Number:
B-24:49

Date:
August 26, 2024

Technician:
AL

Map Not To Scale

Appendix "A"



Hamilton