



Hamilton

STAFF COMMENTS

HEARING DATE: September 10, 2024

B-24:46 (9724 Twenty Rd. W., Glanbrook)

Recommendation:

Development Planning - Approve

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. 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.
5. That the owner shall receive final approval of Minor Variance application A-24:182, to the satisfaction of the Director of Development Planning.
6. That the owner shall investigate the noise levels on the severed lands and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Development Planning.
7. That the owner shall demolish the existing single detached dwelling, to the satisfaction of the Director of Development Planning.
8. That the proponent shall carry out an archaeological assessment of the entire the property to be conveyed and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction



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activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Citizenship and Multiculturalism.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Citizenship and Multiculturalism (MCM) should be notified immediately (416-212-0036). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

9. 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.
10. The applicant shall submit a Stormwater Brief prepared by a qualified professional to demonstrate the change in stormwater runoff due to an increased impervious area will be handled on the site for all storm events to the allowable discharge rate all to the satisfaction of the Manager of Development Engineering.
11. That the Owner pay to the City of Hamilton for the future urbanization costs of Twenty Road West based on the New Road Servicing Rate for the year that final approval is obtained, to the satisfaction of the City’s Director of Development Engineering.
12. The Owner/ Applicant shall pay any outstanding charges or best efforts, all to the satisfaction of the Director of Development Engineering.
13. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
14. The owner 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 conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of



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any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).

Proposed Notes:

The lands to be retained (Lot 1) will remain as 9724 Twenty Road West (Glanbrook).

The lands to be conveyed (Lot 2) will be assigned the address of 9720 Twenty Road West (Glanbrook).

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.



Development Planning:

Background

	Frontage	Depth	Area
SEVERED LANDS:	21.34 m±	60.94 m±	1300 m ² ±
RETAINED LANDS:	21.34 m±	60.94 m±	1300 m ² ±

The purpose of Consent application B-24:48 is to permit the conveyance of a parcel of land to create a new residential building lot. The existing dwelling is to be demolished. Staff note that Minor Variance application A-24:182 is a concurrent application to facilitate the proposed severance.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and are designated as “Neighbourhoods” in Schedule – E-1 Urban Land Use Designations of the Urban Hamilton Official Plan. Policies B.3.6.3.7, E.3.2.3 and F.1.14.3.1, amongst others, are applicable and permit the proposed single detached dwellings. The subject lands are located within the North-West Glanbrook Secondary Plan and are also subject to the policies of the secondary plan.

Per Policy F.1.14.3.1, the creation of new lots for residential uses in the “Neighbourhoods” designation shall be permitted if the following conditions are met:

- a) The lots comply with the policies of this Plan, including secondary plans, where one exists;
- b) The lots comply with existing Neighbourhood Plans;
- c) the lots are in conformity with the Zoning By-law or a minor variance is approved;
- d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- e) The lots are fully serviced by municipal water and wastewater systems; and,
- f) The lots have frontage on a public road.



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Staff note that the proposed severed and retained lots are to be 21.34 metres wide and have an area of 1,300 square metres, whereas the Zoning By-law requires a minimum lot width of 22.5 metres and a minimum area of 1,390 square metres. Staff further note that Minor Variance application A-24:182 was submitted to address these zoning non-conformities. The proposed severed and retained lots front on a public road and are fully serviced by municipal water and wastewater services.

The properties along Twenty Road West range in width and area, from approximately 21 metres wide and 800 square metres in area to over 40 metres wide and over 2,000 square metres in area. Neighbouring lands to the north, such as along Kellogg Avenue, are generally of a smaller scale, approximately 12 metres wide and 400 metres in area.

Staff are of the opinion that the proposed severed and retained lands are generally compatible with the scale and character of the established development pattern of the surrounding area.

Policy B.3.6.3.7 a) requires a noise feasibility study, detailed noise study or both for residential developments within 100 metres of a minor arterial road, as identified on Schedule C – Functional Road Classification. The subject lands front onto Twenty Road West, which is identified as a minor arterial road on Schedule C – Functional Road Classification of the Urban Hamilton Official Plan. Therefore, staff are recommending a condition requiring a noise study be provided to confirm conformity with the policies regarding sensitive land use developments.

North-West Glanbrook Secondary Plan

The subject lands are designated “Low Density Residential 2” in Land Use Plan – Map B.5.3-1 of the North-West Glanbrook Secondary Plan. Policy 5.3.2.3, amongst others, is applicable and permits the proposed single detached dwellings. The development proposal complies with the maximum density of 25 dwelling units per hectare as the severance will result in 8 dwelling units per hectare.

Based upon review of the above policies and the materials provided in support of this severance application, staff are of the opinion that the proposed severance meets the intent of the Urban Hamilton Official Plan. **Staff recommend the proposed severance be approved.**

Archaeology

The subject property meets three (3) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites;



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- 2) 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,
- 3) 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.

Built Heritage

The subject property is adjacent to 9751 Twenty Road, a property listed on the City of Hamilton's Municipal Heritage Register.

Accordingly, section B.3.4.1.4 and B.3.4.2.1(g) of the Urban Hamilton Official Plan, Volume 1, apply.

The proponent proposes to permit the conveyance of a parcel of land to create a new residential building lot and to demolish the existing building to facilitate this.

Notwithstanding that the subject property is adjacent to a property listed on the City of Hamilton's Municipal Heritage Register, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the surrounding neighbourhood will be conserved due to the distance from the neighbouring property.

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

The subject lands are zoned Existing Residential "ER" Zone in Former Township of Glanbrook Zoning By-law No. 464. The proposed single detached dwellings are permitted. Both the severed and retained lands are proposed to have a frontage of 21.34 metres and an area of 1,300 square metres. Both the severed and retained lands would not meet the minimum lot frontage of 22.5 metres or the minimum required lot area of 1390 square metres. Staff note Minor Variance application A-24:182 was submitted to address these non-conformities.

Variations 1 and 2

1. A minimum lot area of 1,300.0 square metres shall be provided instead of the minimum required lot area of 1390.0 square metres.
2. A minimum lot frontage of 21.0 metres shall be provided instead of the minimum required lot frontage of 22.5 metres.



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The intent of these provisions is to ensure that lots are of a minimum size to be viable developable lots while being compatible with the existing scale, character and prevailing pattern of development in the area.

Staff note that the proposed severed and retained lots are to be 21.34 metres wide and have an area of 1,300 square metres, whereas the Zoning By-law requires a minimum lot width of 22.5 metres and a minimum area of 1,390 square metres.

The properties along Twenty Road West range in width and area, from approximately 21 metres wide and 800 square metres in area to over 40 metres wide and over 2,000 square metres in area.

Neighbouring lands to the north, such as along Kellogg Avenue, are generally of a smaller scale (approximately 12 metres wide and 400 metres in area).

Staff are of the opinion that the proposed severed and retained lands are generally compatible with the scale and character of the established development pattern of the surrounding area, falling within a median of the existing ranges. Staff anticipate no negative impacts on neighbouring lands.

Therefore, it is staff's opinion that the requested variances maintain the intent of the Urban Hamilton Official Plan and Zoning By-law, are desirable for the appropriate development of the land and are minor in nature.

Staff are off the opinion that the requested variances meet the four tests of a minor variance. **Staff recommend approval.**

Zoning:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	<p>If the application is approved, we request the following condition(s):</p> <ol style="list-style-type: none"> <li data-bbox="443 1423 1515 1570">1. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section). <li data-bbox="443 1608 1515 1864">2. The owner 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 conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).



	In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
Comments:	Minor variance application A-24:182 will facilitate severance application.
Notes:	

Development Engineering:

Recommendation:	Approve with Conditions
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> <p>2. The applicant shall submit a Stormwater Brief prepared by a qualified professional to demonstrate the change in stormwater runoff due to an increased impervious area will be handled on the site for all storm events to the allowable discharge rate all to the satisfaction of the Manager of Development Engineering.</p> <p>3. That the Owner pay to the City of Hamilton for the future urbanization costs of Twenty Road West based on the New Road Servicing Rate for the year that final approval is obtained, to the satisfaction of the City's Director of Development Engineering.</p> <p>4. The Owner/ Applicant shall pay any outstanding charges or best efforts, all to the satisfaction of the Director of Development Engineering.</p>
Comments:	<p>According to our records, the existing municipal infrastructure fronting the subject property summarized as follows:</p> <p>Twenty Road West:</p> <ul style="list-style-type: none"> • 600mm ø Concrete Watermain • 300mm ø Ductile Watermain • 250mm ø Sanitary Sewer @ 0.5%



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	Separate and independent services shall be provided for each dwelling constructed within each parcel of land in accordance with the current Sewer and Water By-laws.
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:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	The right-of-way dedication appears to have been taken from this property.
Notes:	

Forestry:

Recommendation:	Approve
Proposed Conditions:	None
Comments:	There are no Municipal Tree Assets on site. No public tree permit is required. No Landscape plan required. Forestry has no concerns or conditions regarding this application. For questions please contact: urbanforest@hamilton.ca
Notes:	

Legislative Approvals:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	



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Comments:	The lands to be retained (Lot 1) will remain as 9724 Twenty Road West (Glanbrook) . The lands to be conveyed (Lot 2) will be assigned the address of 9720 Twenty Road West (Glanbrook) .
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.

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

Hamilton - 9724 Twenty Road West - B-24-46

AMIN Pranav <Pranav.Amin1@HydroOne.com>

Thu 8/29/2024 1:32 PM

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

External Email: Use caution with links and attachments

Hello,

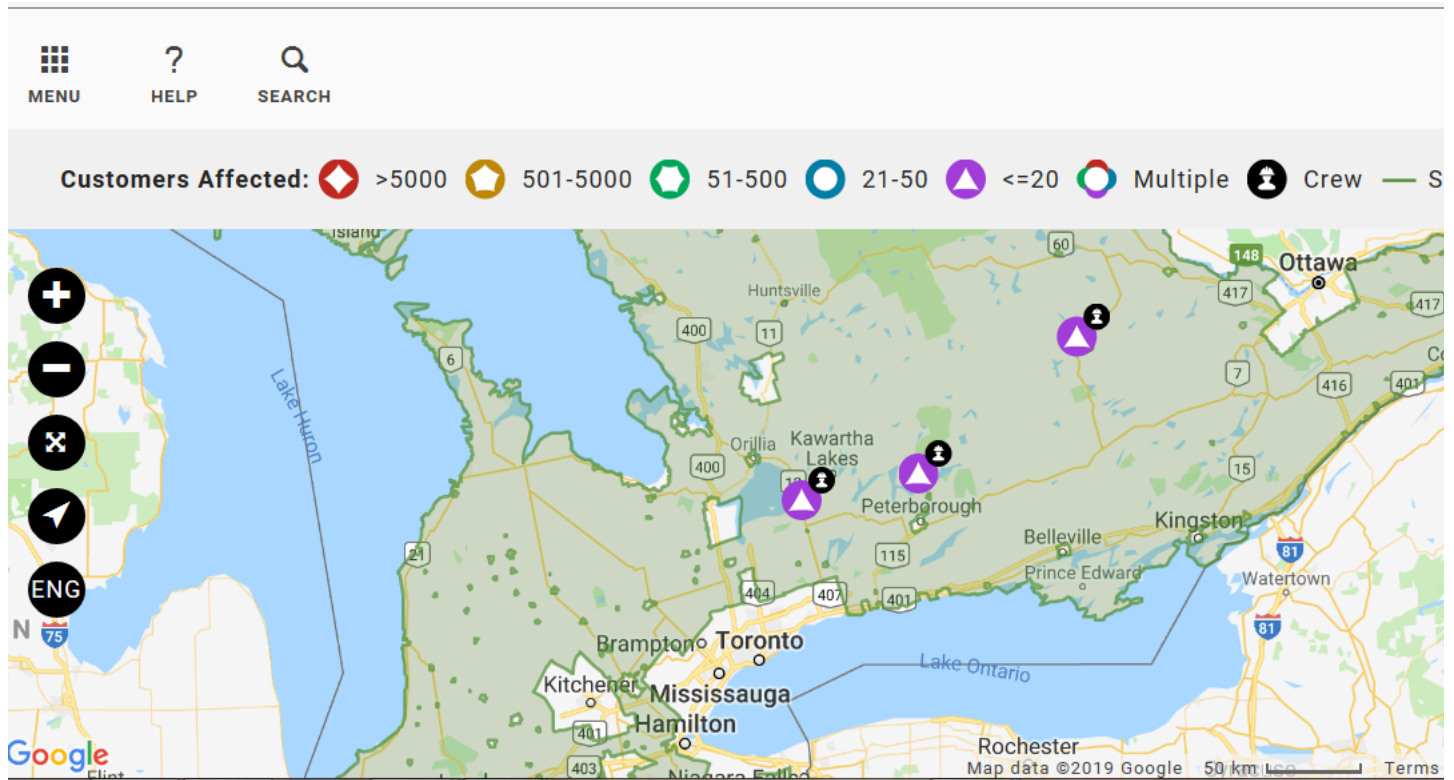
We are in receipt of your Application for Consent, B-24-46 dated August 26th, 2024. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' 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,

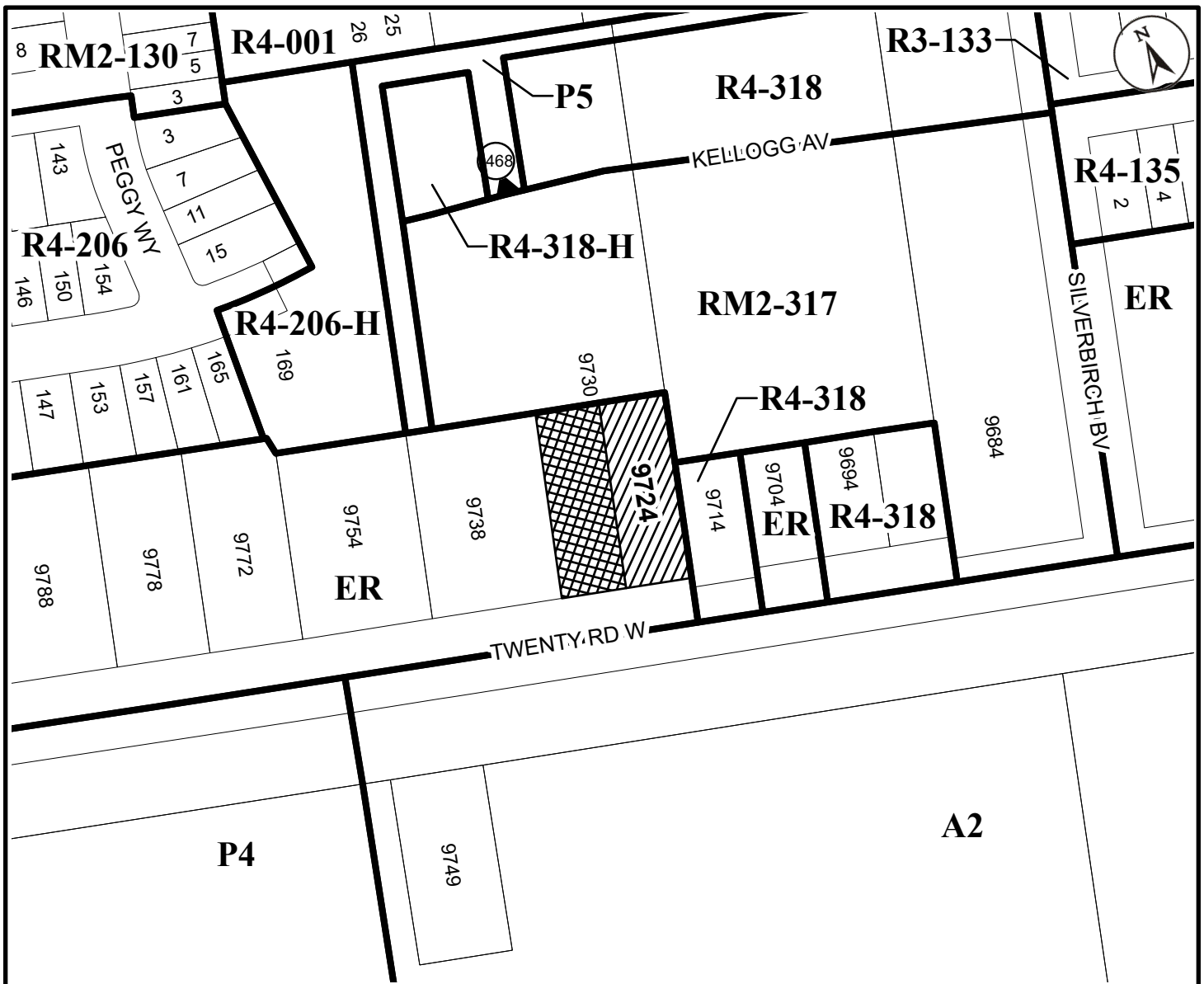
Dennis De Rango

Specialized Services Team Lead, Real Estate Department

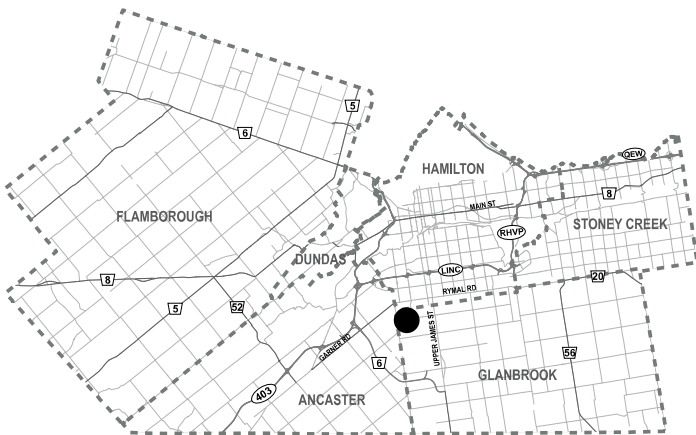
Hydro One Networks Inc.

Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com



● Site Location





City of Hamilton

Committee of Adjustment

Subject Property

9724 Twenty Road West, Glanbrook (Ward 11)

 Lands to be Retained

 Lands to be Severed

File Name/Number:
B-24:46

Date:
August 29, 2024

Technician:
AL

Map Not To Scale

Appendix "A"



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