



Hamilton

**STAFF COMMENTS**

**HEARING DATE: September 24, 2024**

B-24:50 – 39 Stone Church Road East, Hamilton

**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 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 alternately 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).
4. The owner/applicant shall 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).
5. 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).
6. That the severed lands merge on title with lands municipally known as 37 Stone Church Road East.

**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 37 Stone Church Road East, Hamilton.

### **Analysis**

#### **Urban Hamilton Official Plan**

The subject lands are designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations within the Urban Hamilton Official Plan. Policies E.3.4.3 and F.1.14.3.6, among others, are applicable and permit the use. The proposal would not result in fragmentation of a core area. The lot boundary adjustment does not conflict with the intent of these policies as the proposed lots have frontage onto a public road and are fully serviced by municipal services. Staff note that the proposed lot and retained lot reflect the general scale and character of the existing lot fabric. Staff note that the consent is for a lot boundary adjustment to allow for 37 Stone Church Road East to have their water valve be within their lot boundary. Based on the foregoing, staff support the application. Planning staff defer to Development Engineering regarding municipal service connections.

### **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;
- 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 a historic transportation route

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.

If this severance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as follows:

“Acknowledgement: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances and the proponent is advised to conduct an archaeological assessment prior to such impacts in order



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to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3

Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for review concurrent with their submission to MCM. 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).

## Hamilton Zoning By-law No. 6593

The subject site is zoned “C/S-1822 (Urban Protected Residential) District, Modified, which permits the use.

### Zoning:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	<ol style="list-style-type: none"> <li>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 alternately 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).</li> <li>The owner/applicant shall 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).</li> </ol>
Comments:	<ol style="list-style-type: none"> <li>In order to clear conditions, the owner/applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.</li> </ol>
Notes:	

### Development Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Provided there are no proposed alterations or additions with respect to servicing, buildings / structures or foundations and the existing drainage



	patterns are maintained with no adverse impacts to the adjacent lands, then Development Engineering has no comments regarding the Consent Application as proposed.
Notes:	<p>According to our records, the existing municipal infrastructure fronting the subject property is summarized as follows:</p> <p>Stone Church Road West</p> <ul style="list-style-type: none"> <li>• 400mmøWatermain</li> <li>• 250mm ø Sanitary Sewer @ ±0.4%</li> <li>• 675mm ø Storm Sewer @ ±0.4%</li> </ul> <p>Note that separate and independent services shall be provided for each additional dwelling constructed within the severed lots.</p>

**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:	Approve
Proposed Conditions:	
Comments:	
Notes:	

**Forestry:**

Recommendation:	Approve
Proposed Conditions:	None
Comments:	<p>There is one Municipal Tree Asset on site, not currently on the City’s inventory.</p> <p>No Landscape plan required.</p> <p>Forestry has no concerns or conditions regarding this application.</p> <p>For questions please contact: <a href="mailto:urbanforest@hamilton.ca">urbanforest@hamilton.ca</a></p>



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Notes:	Prior to a person performing any work on, in or around a public tree, an application for a permit shall be submitted to the Director.
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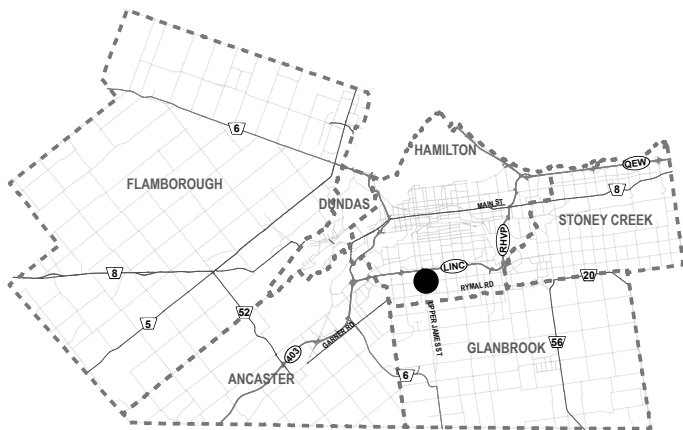
**Legislative Approvals:**

Recommendation:	No Comments.
Proposed Conditions:	
Comments:	
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.






● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property

-  Lands to be retained
-  Lands to be merged with severed lands
-  Lands to be severed

File Name/Number:  
B-24:50

Date:  
September 12, 2024

Technician:  
SH

Scale:  
N.T.S.

Appendix "A"



**Hamilton**