



Hamilton

STAFF COMMENTS

HEARING DATE: October 8, 2024

B-24:57 – 3392 Homestead Drive, Glanbrook

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 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. 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.
5. That the Owner pay to the City of Hamilton for the future urbanization costs of Homestead drive 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.
6. The Owner/ Applicant shall pay any outstanding servicing charges for the existing municipal services that the property has been assessed for, to the satisfaction of the Director of Development Engineering.



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7. 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).
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, 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).
9. That the owner shall investigate the noise levels on the severed and retained 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 Director of Planning and Chief Planner.
10. That the owner demolishes all existing accessory structures on the lands to be severed through the issuance of the appropriate City permit, to the satisfaction of the Director of Planning and Chief Planner.
11. That the owner submits and receive approval of the appropriate Planning Act application to address any zoning deficiencies on the subject lands, to the satisfaction of the Director of Planning and Chief Planner.

Proposed Notes:

The lands to be retained will remain as 3392 Homestead Drive (Glanbrook).

The lands to be conveyed will be assigned the address of 3388 Homestead Drive (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.

1. Please note that the subject lands have since rezoned to the "R2" Zone under Zoning By-law No. 05-200 through by-law 24-051 retroactively April 10, 2024, on September 25, 2024.
2. Staff request a copy of the Ministry Letter for the Stage 1-2 archaeological assessment report (P389-0649-2022), when available.



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Development Planning:

Background

The purpose of this application is to facilitate the creation of a new lot fronting onto Homestead drive. The purpose of the severed lot is for future residential uses, the existing single detached dwelling will remain on the retained lot.

The consent to application proposes a new irregular shaped lot with a proposed frontage of $\pm 18.0\text{m}$, a depth of $\pm 79.5\text{m}$ and a lot area of $\pm 1,118\text{m}^2$. Additionally, an easement is proposed along the frontage of the lot between the retained and severed lands. The purpose of the easement is for access and maintenance purposes. The easement will have a frontage of $\pm 4.3\text{m}$, a depth of $\pm 5.8\text{m}$ and an area of $\pm 25\text{m}^2$. The retained lands will have a frontage of $\pm 27.7\text{m}$, a depth of $\pm 79.5\text{m}$ and an area of $\pm 2,517\text{m}^2$.

Previous files GL/B-21:91 & FC-23-014 proposed a severance of lands municipally known as 3392 Homestead Drive for residential purposes. There have been slight modifications to the proposed lot fabric from those previous submissions.

Urban Hamilton Official Plan

The subject property is designated as “Neighbourhoods” on Schedule E1 - Urban Land Use Designations in the Urban Hamilton Official Plan. Section 3.2.3 permits residential dwellings, including second dwelling units and housing with supports. The subject property is located in the Mount Hope Secondary Plan found in Volume 2 of the Urban Hamilton Official Plan. The subject property is further designated as Low Density Residential 2 on Land Use Plan Map B.5.4-1, which permits single detached dwellings.

The following additional Urban Hamilton Official Plan policies are applicable, among others:

Policy B. 2.4.2.2 states that, when considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) the matters listed in Policy B.2.4.1.4;
- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;



- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;”

Based on the forgoing policies the proposed severance does not conform with the policies of B.2.4.2.2 e) and g). The proposed severance does not take into consideration the relationship of the proposed lot with the lot pattern and configuration within the existing neighbourhood as the proposed lot is irregular in size and is not consistent with the existing lotting pattern on Homestead Drive. The severance does not maintain or enhance the streetscape patterns the irregularly shaped lot does not provide for adequate setbacks and building separations.

Policy F 1.14.3.1 states that consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided 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.”

Based on the forgoing the proposed severance does not meet the policies of F.1.14.3.1 d) as the proposed lot does not reflect the general scale and character of the established development pattern in the surrounding area. Staff have recognized that by-law 24-051 has come into force retroactively April 10, 2024, zoning the property Low Density Residential – Large Lot “R2” in zoning by-law 05-200. Staff defer to development engineering staff to confirm the servicing of the site. The proposed lot has frontage on a public road.



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Natural Heritage

3392 Homestead Drive (B.24.57): This property was submitted for a Formal Consultation in January 2023 (FCA-23-014). Based on Natural Heritage Planning comments provided during this process, no additional studies were identified. As a result, there is no concern with this application. Please note that there appears to be municipal trees within the right-of-way that will need to be removed to facilitate the proposed development and staff defer to Urban Forestry as it relates to development impacts on municipal trees.

Archaeology:

The subject property meets four (4) 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;
- 3) In areas of pioneer Euro-Canadian settlement; and,
- 4) Along historic transportation routes.

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.

The applicant proposes to sever the existing residential lot into two parcels, the severed lands (Parcel A) will be a vacant lot for future residential development and the retained lands (Parcel B) contain the existing dwelling which is intended to remain. As such, during pre-consultation with the consultant archaeologist assessing this property, Cultural Heritage Planning staff confirmed that only the severed lands (Parcel A), slated for development, were required to be assessed as part of this application.

A Stage 1-2 archaeological report (P389-0649-2022) of the severed lands (Parcel A), as identified in the subject application, has been submitted to the City of Hamilton and the Ministry of Citizenship and Multiculturalism. While the Provincial interest has yet to be signed off by the Ministry, Staff concur with the recommendations made in the report and are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied. **Staff request a copy of the letter from the Ministry when available.**

Cultural Heritage:

The subject property is adjacent to 3400 Homestead Drive, a property listed on the City's Municipal Heritage Register as a non-designated property.



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 obtain approval for the severance of an infill residential lot in the north of the subject lands and to permit an easement for a driveway feature on the severed parcel.

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.

Staff have no further comments on the application as circulated.

City of Hamilton Zoning By-law 05-200

The subject lands are zoned Low Density Residential “R2” under Zoning By-law 05-200 which permits single detached dwellings. The property was previously zoned Existing Residential “ER” and Deferred Development “DD” under Glanbrook zoning by-law 464. By-law 24-051 has since come into force retroactively April 10, 2024, on September 25, 2024.

Analysis

Based on the forgoing policies the proposed severance does not conform with the policies as outlined in the Urban Hamilton Official Plan. Policy F.14.3.1 d) states that the lots shall 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. Staff are of the opinion that the proposed irregularly shaped does not conform to this policy. Staff have concerns with the proposed irregular lot line as it is not in keeping with the character of the neighbourhood and the established lot pattern. The size and shape of the proposed severed lot is not in character or conformity with existing lots in the vicinity. Furthermore Policy B. 2.4.2.2 e) & g) are identified as being applicable. The proposed severance does not take into consideration of the existing lot pattern or the proposed lot’s relationship and configuration in the neighbourhood context. The proposed lot does not conform with the character or lot pattern of the area and adjacent lots. Staff recommend the application be tabled until such time the proposed severance is amended to create a more regularly shaped lot that conforms with the forgoing policies.

Based on the foregoing, staff recommend the severance application be **tabled** so that discussions can be had with the applicant regarding the proposed lot shape and configuration proposed.

Zoning:

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

Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	<ol style="list-style-type: none"> 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. That the Owner pay to the City of Hamilton for the future urbanization costs of Homestead drive 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. The Owner/ Applicant shall pay any outstanding servicing charges for the existing municipal services that the property has been assessed for, to the satisfaction of the Director of Development Engineering.
Comments:	<p>According to our records, the existing municipal infrastructure fronting the subject property summarized as follows:</p> <p>Homestead drive:</p>



	<ul style="list-style-type: none"> • 500mm ø Ductile Watermain • 300mm ø Ductile Watermain • 600mm ø Storm Sewer @ 0% • 250mm ø Sanitary Sewer @ 0.5% <p>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.</p>
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:	Approve
Proposed Conditions:	
Comments:	
Notes:	

Forestry:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	Tree Preservation Plans require revisions as noted in the below comments.
Comments:	<p>In response to application # B-24:57, regarding severance of the property at 3392 Homestead Drive, Glanbrook, the Forestry & Horticulture Section has reviewed the tree preservation plans that have been provided for this site and provides the following opinion:</p> <p>Tree Preservation Plans: Forestry does not approve of the tree preservation plans; revision, dated July 2024, requiring revisions as noted below.</p> <ul style="list-style-type: none"> • The plans are showing the ownership of tree # 1, # 2 and # 3 as being “shared”. As per Forestry’s tree management plan requirements



(noted below) ownership of all trees must be determined from a legal survey and trees are to be noted as being municipal or private. Please determine ownership from survey. Ownership {> 50% @ ground level =ownership} The survey that was provided is showing that tree # 2 and # 3 is located 100% on the municipal road allowance.

- The existing conditions and removal plans, revision No.1, dated 1-8-2024 is showing the removal of tree # 1 and tree # 2, whereas the tree preservation plans are noting all trees are to be retained. Please clarify.
- If the new lot is to be developed, then Forestry will require to see the design plans, location of driveways, utilities, water, and sewer services in relation to the trees.

TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

The Forestry & Horticulture Section requires that a Tree Management Plan be prepared by a MTCU Qualified Arborist, or ISA Certified Arborist, or a Registered Landscape Architect. All trees within this proposed development area must be surveyed, identified, and accurately plotted on the plan to determine ownership, including intensions regarding retention or removal.

It is compulsory that all proposed surface treatment changes within individual tree driplines as well as property lines, building footprints, driveways, utility construction corridors and temporary access roads be accurately depicted on the submission.

The Tree Inventory Analysis Table on the Tree Management Plan shall not be considered complete without the following data and recommended action for each tree.

- Species by Botanical and common name
- Diameter at breast height in centimeters or millimeters
- Ownership {> 50% @ ground level = ownership}
- Biological health
- Structural condition
- Proposed grade changes within individual driplines {compulsory}
- Proposed utility construction within individual driplines {compulsory}
- Proposed removals or relocations Proposed trees to be protected.



	<p>If it is determined and verified that existing trees can remain, a Tree Protection Zone Detail with notes showing Tree Preservation Techniques shall be included on the submission as per the Public Tree Preservation and Sustainability Policy.</p> <p>The determination of ownership of all trees is the responsibility of the applicant and any civil issues which may exist or arise between property owners with respect to trees, must be resolved by the applicant. The ownership of each individual tree inventoried must be clearly stated as municipal or private.</p> <p>All Healthy trees on municipal property which are found to be in conflict with this proposed development and do not meet our criteria for removal are subject to a replacement fee as outlined in the Public Tree Preservation and Sustainability Policy in conjunction with By-Law 15-125.</p> <p>A permit will be issued upon approval of the Tree Management Plan and applicable fees.</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:	Comments and Conditions / Notes
Proposed Conditions:	
Comments:	<p>The lands to be retained will remain as 3392 Homestead Drive (Glanbrook). The lands to be conveyed will be assigned the address of 3388 Homestead Drive (Glanbrook).</p>
Notes:	<p>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.</p>

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



Attn: NPCA Comments for Hamilton COA October 8th, 2024

From Kyle Riley <kriley@npca.ca>
Date Wed 9/25/2024 10:01 AM
To Committee of adjustment <CofA@hamilton.ca>

2 attachments (1 MB)

3392 Homestead Drive Basemap.pdf; 9662 Twenty Road W Basemap.pdf;

External Email: Use caution with links and attachments

Hello Jamilia,

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the subject items for Hamiltons COA Agenda set for the meeting on October 8th, 2024.

The following files are located within our Offices regulation area:

B-24:57: 3392 Homestead Drive - There is no features which are regulated by the NPCA on this lot at this time. As such, this Office offers No Comments to the proposal to severe. This Office will not require Planning or Permitting fees for our review of this Proposal.

A.24.203: 9662 Twenty Road West - There is no features which are mapped as being regulated by the NPCA at this time. As such, this Office offers No Comments to the proposals to either permit a dwelling with reduced setbacks, minimum coverage, and minimum lot sized for Part 7 of the detailed plans, or, for the proposal to create six new lots through way of consent. We do not require Planning or Permitting fees for our review of this Proposal.

Thank you for circulating this agenda to our Offices for comments.

Best,



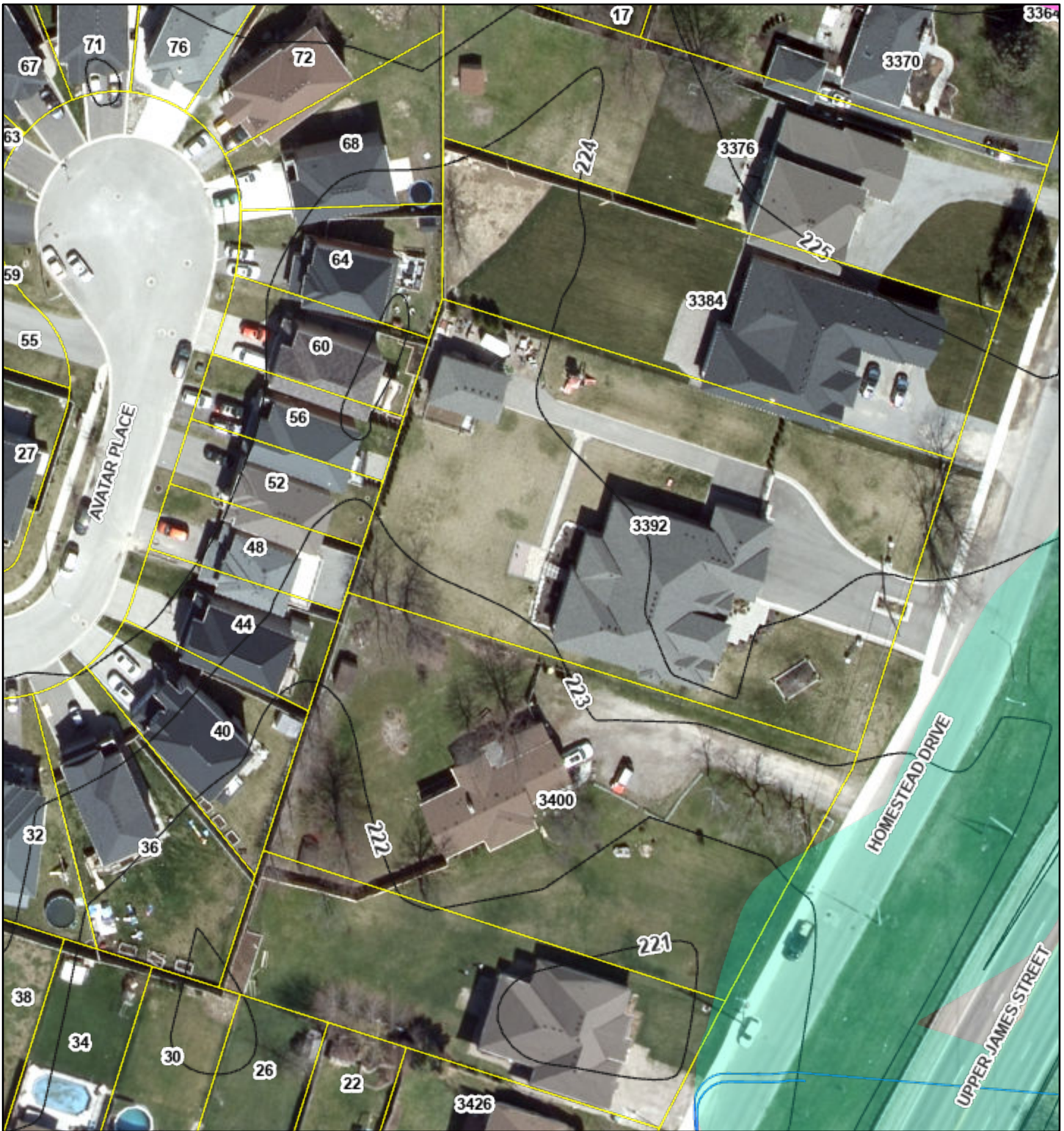
Kyle Riley
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 252
(Cell) 905.933.2541
www.npca.ca
kriley@npca.ca

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

ArcGIS Web Map



9/24/2024, 1:30:58 PM

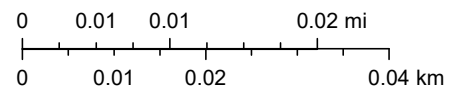
1:1,128

SWOOP 2020 NPCA

- Red: Band_1
- Green: Band_2
- Blue: Band_3

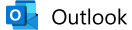
Roads

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



Hamilton - 3392 Homestead Drive - B-24-57

From AMIN Pranav <Pranav.Amin1@HydroOne.com>
Date Mon 9/30/2024 4:20 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-24-57 dated September 19th, 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

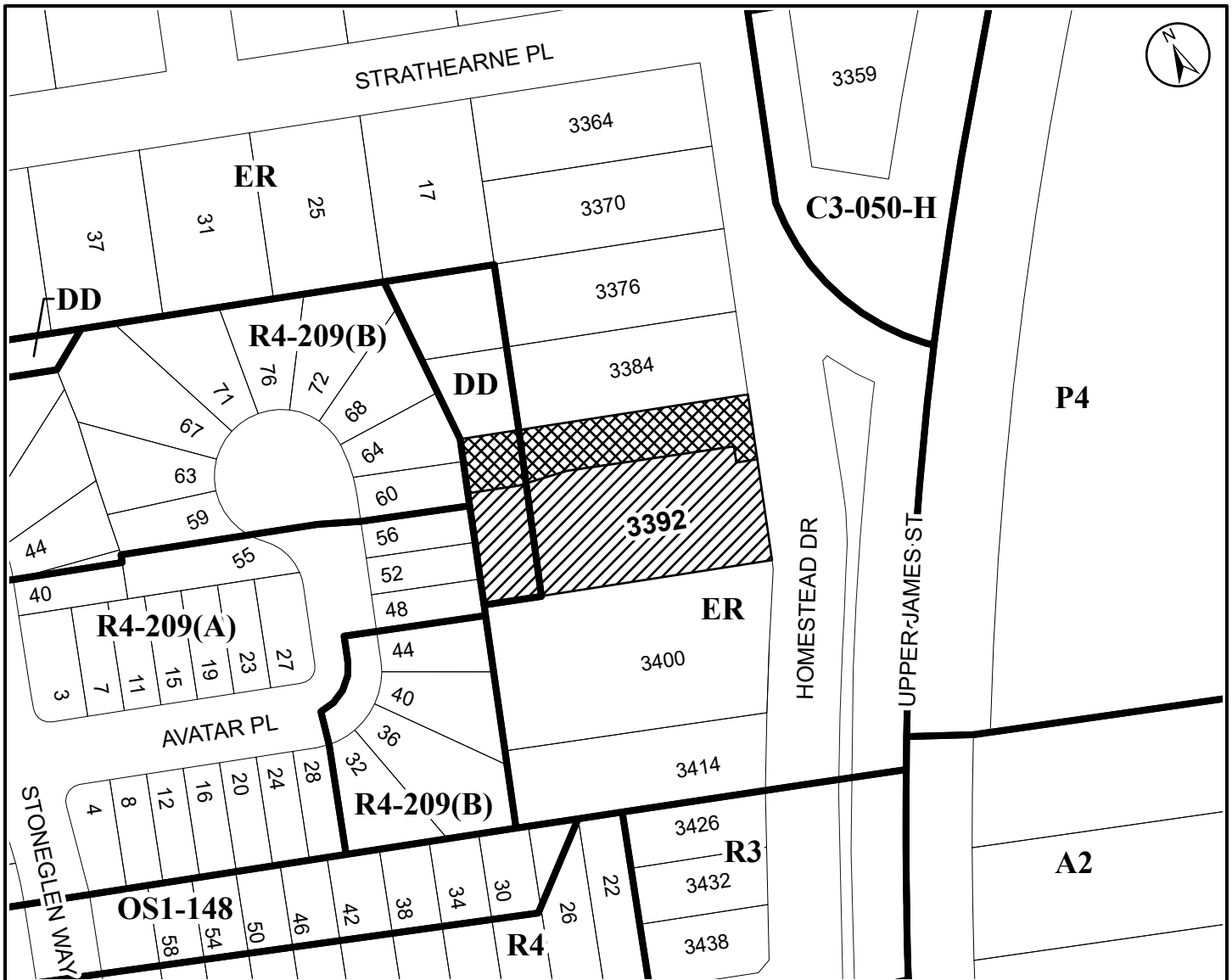
Please let me know if you have any questions or concerns.

Thank you,

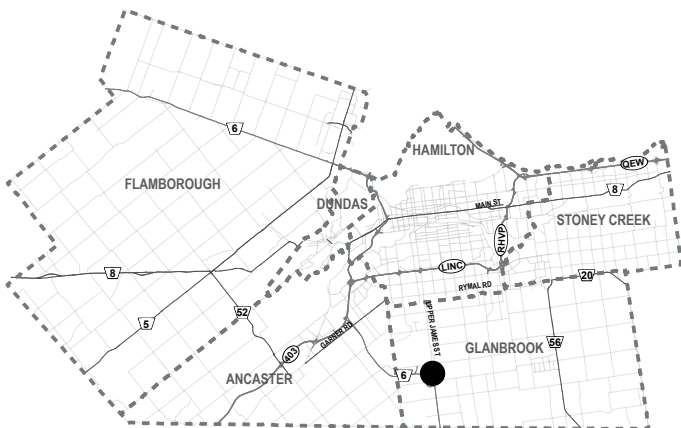
Dennis De Rango

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 Adjustments

Subject Property

3392 Homestead Drive, Glanbrook (Ward 11)

-  Lands to be retained
-  Lands to be severed

File Name/Number:
B-24:57

Date:
September 23, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton