



Hamilton

**STAFF COMMENTS**

**HEARING DATE: October 8, 2024**

A-24:203 – 9662 Twenty Road West, Glanbrook

**Recommendation:**

Development Planning – Approve Severance B-24:55

Deny Variances 1-7 & 1-8 for Parts 1-6 & Part 7 to Glanbrook Zoning By-Law 464 – (no longer applicable)

Approve Variances 1 & 2 to Zoning By-law 05-200

Transportation Planning - Deny

**Proposed Conditions:**

1. Applicant requires to revise B.24.55 with the correct road widening dimensions which may affect the proposed setbacks outlined in A.24.203, Subject to the Manager of Transportation Planning.

**Proposed Notes:**

Acknowledgement Note: 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. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order 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 Site-specific Assessment and Stage 4 Mitigation of Development 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 approval concurrent with their submission to the MCM.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). 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).



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**Development Planning:**

**Background**

The purpose of this application is to facilitate the creation of six semi-detached lots, one retained lot, and identify lands for a road widening along Twenty Road West. The Minor Variance and Severance applications are being applied for concurrently. The proposed lots will front onto Silverbirch Boulevard. Parts 1-6 as identified in the submitted Severance Sketch are for proposed semi detached dwellings. Part 7 as identified in the submitted Severance Sketch is a lot that will contain the existing single detached dwelling, which is proposed to remain. Previous files on the subject lands include GL/B-22:135, which proposed four severed single detached parcels and the removal of the existing dwelling.

Please note that By-law 24-051, which implemented the City's new comprehensive zoning By-law 05-200 on the lands, has since come into force on September 25, 2024, effective retroactively to April 10, 2024. Accordingly, the lands are no longer within Glanbrook Zoning By-law 464 and the minor variances related to that by-law are no longer applicable.

The following Minor Variances are requested:

Glanbrook Zoning By-law 464 (No Longer Applicable)

Parts 1-6

1. A semi-detached dwelling unit shall be permitted.
2. A minimum lot frontage of 9.0 metres shall be permitted instead of the minimum lot frontage of 22.5 metres required.
3. A minimum lot area of 315 metres squared shall be permitted instead of the minimum lot area of 1,390 square metres required.
4. A minimum front yard of 4.0 metres shall be permitted instead of the minimum front yard of 9 metres required.
5. A minimum rear yard of 7.5 metres shall be permitted instead of the minimum rear yard of 10.7 metres required.
6. A minimum side yard of 2.0 metres, except for a side yard related to a common wall of a semidetached dwelling unit, in which case a 0.0 metre side yard shall be permitted. Instead of the minimum side yard of 1.8 metres required.
7. A maximum lot coverage of 35 percent shall be permitted instead of the permitted maximum lot coverage of 25 percent.

Part 7

9. A minimum lot frontage of 16.50 metres shall be permitted instead of the minimum lot frontage of 22.5 metres required.



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10. A minimum lot area of 630 square metres shall be permitted instead of the minimum lot area of 1,390 square metres required.
11. A minimum front yard of 4.0 metres shall be permitted instead of the minimum front yard of 9 metres required.
12. A maximum lot coverage of 35 percent shall be permitted instead of the permitted maximum lot coverage of 25 percent.
13. A minimum side yard of 1.2 metres shall be permitted instead of the minimum side yard of 1.8 metres required.
14. A minimum setback from a flankage lot line of 3.0 metre shall be permitted instead of the minimum setback of 6.0 metres required.
15. A minimum rear yard of of 6.1 metres shall be permitted instead of the minimum rear yard of 10.7 metres required.
16. An interior side yard of 1.2 metres shall be permitted for any structure built on or before May 24th, 2024.

## Hamilton Zoning By-law 05-200

### Part 7

3. A minimum 6.1 metre rear yard shall be permitted for any structure built on or before May 24th, 2024.
4. A minimum 1.2 metre side yard shall be permitted for any structure built on or before May 24th, 2024.

## **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. Furthermore Policy E.3.4.3 permits single detached, semi detached, duplex, triplex, fourplex and street townhouse dwellings. The subject property is also located in the North-West Glanbrook Secondary Plan area found in Volume 2 of the Urban Hamilton Official Plan and designated as “Low Density Residential 2” on Land Use Plan Map B.5.3-1. Section 5.3.2.2 of the Secondary Plan permits single detached dwellings, duplex, semi-detached and triplex dwellings. Policy 5.3.2.3 b) also permits semi detached dwellings and 5.3.2.3 a) provides a maximum residential density of 25 units per hectare. The proposed development is approximately 19 units per hectare and conforms to policy 5.3.2.3 a).

The following Official plan policies, among others, are applicable:

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:

- q) the matters listed in Policy B.2.4.1.4;



- r) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- s) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- t) the consideration of transitions in height and density to adjacent residential buildings;
- u) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- v) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- w) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- x) the ability to complement the existing functions of the neighbourhood;”

Staff have completed an analysis of the proposal against Policy B.2.4.2.2 and are satisfied that the proposed severance conforms to the above noted residential intensification policies found in Chapter B of the Urban Hamilton Official Plan. The proposed severance is compatible with the scale and character of the neighbourhood. The severance maintains the general streetscape pattern and considers the relationship of the proposed lots with existing development.

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:

- m) The lots comply with the policies of this Plan, including secondary plans, where one exists;
- n) The lots comply with existing Neighbourhood Plans;
- o) The lots are in conformity with the Zoning By-law or a minor variance is approved;
- p) 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;
- q) The lots are fully serviced by municipal water and wastewater systems; and,
- r) The lots have frontage on a public road.



Staff have completed an analysis of the lot creation policies of Policy F.1.14.3.1 and are of the opinion that the proposed severance conforms to the above noted policies. The proposed lots reflect the general scale and character of the established development pattern in the surrounding area. The proposed lots comply with the existing Secondary Plan and have frontage onto a public road (Silverbirch Boulevard). Planning staff have discussed with Development Engineering staff who confirmed that the appropriate conditions of approval will be included in order to ensure the new lots are appropriately serviced with full municipal services prior to lot creation. This includes entering into the appropriate agreements with the City and constructing the extension of any municipal services to the proposed lots and existing dwelling. The construction and extension of these services must be completed prior to the finalization of the consent and the creation of the lots. Staff note that the existing single detached dwelling is serviced by a private septic system for wastewater. Staff have included a condition that the existing septic system be decommissioned, and the existing single detached dwelling be connected to municipal wastewater services. The proposed lots also conform to the "R2" Zone of Zoning By-law No. 05-200, with the exception of the existing single detached dwelling on the retained lands, which has been accounted for in variances 1 and 2 to Zoning By-law No. 05-200. Staff support the severance application.

### **Natural Heritage**

9662 Twenty Road West (B.24.55 and A.24.203) 9662 Twenty Road West. This property was submitted for a Formal Consultation in 2013 (FC-13-049) and 2017 (FC-17-061).

The subject property is located within the boundaries of the Urban Hamilton Official Plan (UHOP). Based on Schedule B (Natural Heritage System) of the UHOP, Core Areas (i.e., Environmentally Significant Areas, Areas of Natural and Scientific Interest, Significant Woodlands, and wetlands) as well as Linkages (natural areas that ecologically connect Core Areas) have not been identified within or adjacent to the subject property. As a result, it is anticipated that the proposed development will not further negatively impact the features and functions of the City's Natural Heritage System.

Through aerial photograph interpretation, trees have been identified within the subject property. The City recognizes the importance of trees to the health and well-being of the community (i.e., canopy cover, energy conservation, mental health benefits) and encourages the protection and restoration of trees (policy C.2.11.1). At this time, it is unclear if trees will be impacted as a result of the proposed development. To address this, a Tree Protection Plan (TPP) is to be prepared by a recognized tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010). If trees are to be removed, compensation on a 1 to 1 basis is required. This compensation is to be shown on a Landscape Plan prepared by a Landscape Architect.



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### 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:

- 4) Within 250 metres of known archaeological sites
- 5) 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;
- 6) 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.

### Cultural Heritage:

No comments.

### City of Hamilton Zoning By-law 05-200

The subject lands are zoned Low Density Residential “R2” in Zoning By-law 05-200, which permits semi detached dwellings. The property was previously zoned Existing Residential “ER” under Glanbrook zoning by-law 464. By-law 24-051, which implemented the City’s new comprehensive zoning by-law 05-200 on the lands, has since come into force on September 25, 2024, effective retroactively to April 10, 2024.

### Analysis

#### Variance 1-7 & 1-8 for Parts 1-6 & Part 7 (No longer applicable)

Staff recognize that the requested variances are no longer required as By-law 24-051 has come into force and effect on the property and rezoned the lands as “R2” Zone in Zoning By-law No. 05-200.

Staff recommend **denial** of the requested variances 1-7 for Parts 1-6 & variances 1-8 for Part 7 of Glanbrook By-law No. 464 as they are no longer required.

#### Variance 1 & 2 for Part 7 of Zoning by-law 05-200

3. A minimum 6.1 metre rear yard shall be permitted for any structure built on or before May 24th, 2024.
4. A minimum 1.2 metre side yard shall be permitted for any structure built on or before May 24th, 2024.



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Staff have reviewed the minor variances related to the reduction to the rear yard and interior side yard for the existing single detached dwelling that is to remain. By virtue of the proposed severance, the easterly yard becomes the rear yard of the existing dwelling. Staff note that the proposed 6.15 metre easterly yard is existing. Staff are satisfied that the proposed 6.15 metre rear yard provides sufficient space for amenity area. Staff have also reviewed the proposed reduction of the side yard from 2 metres to 1.2 metres and are satisfied that it provides room for access to the side of the dwelling and will provide sufficient separation to the future semi detached dwelling to the north. In Staff’s opinion variances 1 and 2 to Zoning By-law No. 05-200 maintain the general intent and purpose of the Zoning by-law and the Urban Hamilton Official Plan, are minor in nature, and desirable to the appropriate development of the lands. Staff recommend **approval** of the variances.

### Severance

Based on the policies noted above including Policy Sections B.2.4.1.4, B.2.4.4.4 and F.1.14.3.1, the proposed severance conforms to the policies of the Urban Hamilton Official Plan, subject to the recommended conditions. Staff are of the opinion that the lots are well integrated within the existing neighbourhood and lot fabric and are compatible with the existing character and streetscape.

Based on the forgoing analysis staff recommend the **approval** of the severance as it conforms to the Urban Hamilton Official Plan.

### **Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> <li>Please be advised variances have been written as requested by the applicant. Additional variances may be required if zoning conformity cannot be achieved.</li> <li>Please be advised the property is subject to Amending By-law 24-051 and 24-052, which is not yet final and binding.</li> </ol>
Notes:	

### **Development Engineering:**

Recommendation:	No Comments.
Proposed Conditions:	
Comments:	
Notes:	

### **Building Engineering:**

Recommendation:	Comments Only
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**STAFF COMMENTS**

**HEARING DATE: October 8, 2024**

Proposed Conditions:	
Comments:	Be advised that Ontario Building Code regulations may require specific setback and construction types.
Notes:	

## **Transportation Planning:**

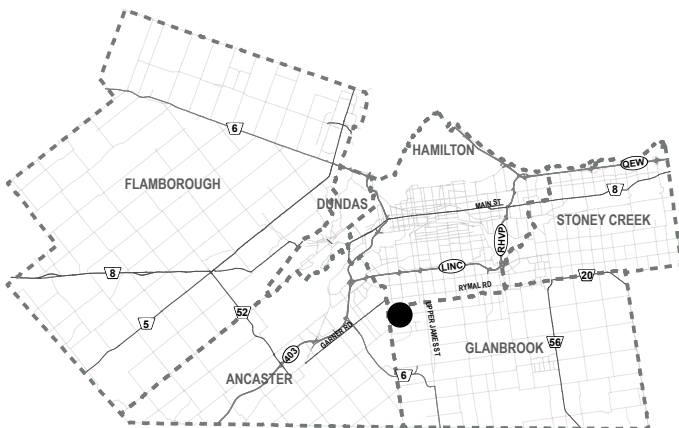
Recommendation:	Deny
Proposed Conditions:	Applicant requires to revise B.24.55 with the correct road widening dimensions which may affect the proposed setbacks outlined in A.24.203.
Comments:	
Notes:	

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





● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property



9662 Twenty Road West, Glanbrook (Ward 11)

File Name/Number:  
A-24:203

Date:  
September 24, 2024

Technician:  
SH

Scale:  
N.T.S.

Appendix "A"



**Hamilton**