



Hamilton

STAFF COMMENTS

HEARING DATE: October 8, 2024

B-24:56 – 51-53 West Avenue North, 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 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 demonstrate or provide proof of separate and independent sewer and water services to the severed and retained parcels, to the satisfaction of the City's Director of Development Engineering.
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. The owner/applicant shall receive final and binding approval of minor variance application A-24:193 (Planning Division – Zoning Review Section).
7. 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) and lot width, 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).

Proposed Notes:

The lands to be retained will remain as 51 West Avenue North (Hamilton).
The lands to be conveyed will remain as 53 West Avenue North (Hamilton).



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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

The purpose of this application is to allow for a reduction to the required minimum lot width of 7.5 metres to 7.21 metres, in support of a consent to sever application to sever the existing semi-detached dwelling on the subject lands. The following variances are being sought:

1. A minimum lot width of 7.21 metres shall be permitted instead of the minimum required lot width of 7.5 metres.

The following is being sought through the severance:

	Frontage	Depth	Area
SEVERED LANDS	7.81 m±	37.04 m±	242.12 m2±
RETAINED LANDS	7.21 m±	37.04 m±	240.96 m2±

Proposed Notes

“**Caution:** Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Citizenship and Multiculturalism (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).”

Urban Hamilton Official Plan

The subject property is designated as “Downtown Mixed-Use Area” on Schedule E1 -Urban Land Use Designations in the Urban Hamilton Official Plan. The Downtown Mixed-Use Area designation permits a broad range of residential uses, including semi-detached dwellings.

Downtown Hamilton Secondary Plan

The subject property is located in the Downtown Hamilton Secondary Plan and designated as “Downtown Residential” on Land Use Plan Map B.6.1-1 and identified as “Low-rise 2” on Map B.6.1-2. This land use designation permits semi-detached dwellings.

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



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Policy B.2.4.1.4 states that “Residential intensification developments within the built-up area shall be evaluated based on the following criteria:

- a) balanced evaluation of the criteria in b) through l), as follows;
- b) the relationship of the proposed development to existing neighbourhood character so that it builds upon desirable established patterns and built form;
- c) the contribution of the proposed development to maintaining and achieving a range of dwelling types and tenures;
- d) the compatible integration of the proposed development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) the contribution of the proposed development to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) existing and planned water, wastewater and stormwater capacity;
- g) the incorporation and utilization of green infrastructure and sustainable design elements in the proposed development;
- h) the contribution of the proposed development to supporting and facilitating active transportation modes;
- i) the contribution of the development to be transit-supportive and supporting the use of existing and planned local and regional transit services;
- j) the availability and location of existing and proposed public community facilities/services;
- k) the ability of the development to retain and/or enhance the natural attributes of the site and surrounding community including, but not limited to native vegetation and trees; and,
- l) compliance of the proposed development with all other applicable policies.”

Staff have completed an analysis of the proposal against Policy B.2.4.1.4 and are satisfied that the proposed severance conforms to the residential intensification policies found in Chapter B of the Urban Hamilton Official Plan. The site consists of an existing semi-detached dwelling, and no new structures are being proposed. Staff recognize the proposed development and its relationship to the existing neighbourhood character and do not have any concerns as they are existing semi-detached dwellings that are proposed to remain. The proposed lot size and configuration is consistent with the existing lot fabric along the street and to adjacent lots. Staff defer to development engineering staff on



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comments of planned water, wastewater and stormwater capacity. Staff are in support of the proposed severance as requested.

Policy F.1.14.3.4 states that consents for new lot creation for both the severed and retained lands for mixed uses, commercial, institutional, or open space uses in the Commercial/ Mixed Use and Institutional designation shall be permitted provided the following conditions are met:

- a) the lots severed for commercial, institutional or open space uses shall comply with the policies of this Plan including secondary plans, where one exists;
- b) The lots are in conformity with the Zoning By-law or a minor variance is approved;
- c) the lots severed for residential uses, including mixed use buildings which contain residential uses shall comply with Section B.2.4 – Residential Intensification Policies, Section B.3.3 – Urban Design Policies, Section E.3.0 – Neighbourhoods Designation and any other relevant policies of this Plan;
- d) the lots are fully serviced by municipal water and wastewater systems; and,
- e) the lots have frontage on a public road.”

Staff have completed an analysis of the proposal against Policy F.1.14.3.4 and are satisfied that the proposed severance conforms to the above noted lot creation policies found in Chapter F of the Urban Hamilton Official Plan. A concurrent Minor variance is being applied for to bring the proposal into conformity with the Zoning By-law to meet policy of F.1.14.3.4 b). The severed lots conform to the residential intensification policies found in Chapter B of the Urban Hamilton Official Plan, as noted above. The lots have municipal servicing and have frontage onto a public road. Staff support the severance application.

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) In areas of pioneer Euro-Canadian settlement and;
- 3) 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.



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Cultural Heritage:

The property known as 51-53 West Avenue North is located within the Lansdale Established Historical Neighborhood.

The subject property is located near a concentration of properties of cultural heritage value or interest listed on the City's Inventory of Heritage Properties, including:

Accordingly, section B.3.4.1.3 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 for residential purposes.

Notwithstanding that the subject property is adjacent to 5 properties listed on the Inventory of Heritage Properties, 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 minimal changes taking place.

Staff have no further comments on the application as circulated.

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

The subject lands are zoned Downtown Residential (D5) in the City of Hamilton Zoning By-law No. 05-200. The "D5" Zone permits the use of Semi-Detached Dwellings under section 6.5.1.

Analysis

Severance

Based on the policies noted above including Policy Sections B.2.4.1.4, B.2.4.2.2 and F.1.14.3.4, the proposed severance conforms to the policies of the Urban Hamilton Official Plan as well as the Downtown Hamilton Secondary Plan. 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 foregoing analysis staff recommend **approval** of the severance as it conforms to the policies of the Urban Hamilton Official Plan.

Variance 1

1. A minimum lot width of 7.21 metres shall be permitted instead of the minimum required lot width of 7.5 metres.



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The intent of the lot width provision is to ensure that permitted uses are developed at the appropriate scale to ensure a viable building lot is provided, along with all the required site amenities, while also ensuring the lot width is in keeping with the general established lotting pattern in the neighbourhood.

The proposed variance to reduce the minimum lot width from 7.5 metres to 7.21 metres is considered by staff to be minor in nature and meets the general intent and purpose of the zoning by-law and the official plan. Staff note that the severance is for an existing semi detached dwelling and that no site alteration or exterior construction is proposed through the subject minor variance application. The subject variance will simply allow for the severance of the existing semi detached dwelling in the future to enable the conveyance of each of the halves of the building independently. It's also worth noting that the requested minor variance only applies to one half of the semi detached dwelling and that the other half is oversized. Collectively, the average of the two proposed lot widths exceeds the requirement of the Zoning By-law. As the semi-detached dwellings are existing, staff do not foresee any adverse impacts to neighbouring properties or character of the existing neighbourhood through the approval of this variance.

Based on the foregoing, staff recommend **approval** of the variance as it meets the general intent and purpose of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate development of the lands.

Zoning:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	<ol style="list-style-type: none"> 1. The owner/applicant shall receive final and binding approval of minor variance application A-24:193 (Planning Division – Zoning Review Section). 2. 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) and lot width, 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"> 1. Please note, this application shall be heard in conjunction with Consent application A-24:193. 2. 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.
Notes:	



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Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	1. That the Owner demonstrate or provide proof of separate and independent sewer and water services to the severed and retained parcels, to the satisfaction of the City's Director of Development Engineering.
Comments:	<ul style="list-style-type: none"> The proposed severance application is intended for land-assembly purposes of the existing semi-detached dwellings. The owner shall demonstrate that each parcel (51 and 53 West Avenue North) has separate and independent sewer and water services.
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:	

Legislative Approvals:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	
Comments:	The lands to be retained will remain as 51 West Avenue North (Hamilton) . The lands to be conveyed will remain as 53 West Avenue North (Hamilton) .
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 - 51-53 West Avenue North - B-24-56

From AMIN Pranav <Pranav.Amin1@HydroOne.com>
Date Mon 9/30/2024 4:29 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-24-56 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



Committee of Adjustments

Subject Property

51-53 West Avenue North, Hamilton (Ward 2)

-  Lands to be retained
-  Lands to be severed

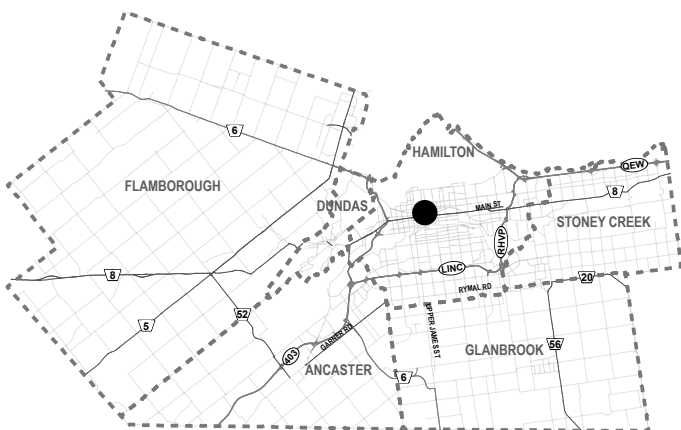
File Name/Number:
B-24:56

Date:
September 26, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



City of Hamilton

Planning and Economic Development Department



Hamilton