



Hamilton

STAFF COMMENTS

HEARING DATE: October 8, 2024

B-24:58 – 381-383 MacNab Street 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 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).

Proposed Notes:

The lands to be retained (Part 2) will remain as 381 MacNab Street North (Hamilton).
The lands to be conveyed (Part 1) will remain as 383 MacNab Street North (Hamilton).

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:	10.4 m±	36.94 m±	333.88 m ² ±
RETAINED LANDS:	7.87 m±	36.7 m±	275.08 m ² ±

To permit the conveyance of a parcel of land containing an existing dwelling and part of a garage (383 MacNab Street North) and to retain a parcel of land containing an existing dwelling and part of a garage (381 MacNab Street North). All structures are proposed to remain. A mutual access easement is also proposed over the shared driveway, to provide access to the detached garage at the rear of the subject lands.

The severed lands, 383 MacNab Street North, are described as Parts 1 and 3 of Plan 62R-16680. The retained lands, 381 MacNab Street North, are described as Parts 2 and 4 of Plan 62R-16680. Parts 3 and 4 of Plan 62R-16680 are the proposed mutual access easement.

Staff note that related applications HM/B-03:205 and HM/A-03:288 were approved with conditions on December 17, 2003, to facilitate the same severance as is proposed in this application. However, a transaction on the severed parcel failed to occur prior to the lapsing of the consent causing the severed and retained parcels to inadvertently merge in to one parcel again.

The variances granted with the approval of HM/A-03:288 are as follows:

381 MacNab Street North:

1. A minimum lot width of 7.87 metres shall be provided instead of the minimum required 12.0 metres.
2. A minimum lot area of 275.98 square metres shall be provided instead of the minimum required 360 square metres.
3. The one required parking space shall not be provided.
4. The existing detached garage in the rear yard shall provide a 0.0 metre southerly side yard instead of the minimum required 0.45 metres side yard.



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383 MacNab Street North:

1. A minimum lot width of 10.4 metres shall be provided instead of the minimum required 12.0 metres.
2. A minimum lot area of 333.88 square metres shall be provided instead of the minimum required 360 square metres.
3. The one required parking space shall not be provided.
4. The existing detached garage in the rear yard shall provide a 0.0 metre northerly side yard instead of the minimum required 0.45 metre side yard.

Analysis

Hamilton-Wentworth Regional Official Plan

The subject property is designated “Urban Area” on Map 1 of the Hamilton – Wentworth Regional Official Plan. The subject lands are also located within the West Harbour (Setting Sail) Secondary Plan and are subject to the policies of the Secondary Plan.

West Harbour (Setting Sail) Secondary Plan

The subject lands are designated “Low Density Residential” in Schedule M-2: General Land Use of the West Harbour (Setting Sail) Secondary Plan. Policies found in Section A.6.3.3.1.12, amongst others, are applicable and permit single detached dwellings.

Per policy A.6.3.3.1.12 iii), the density of the “Low Density Residential” designation shall occur within a range of 25 to 60 units per gross hectare. Based upon the gross area of the subject lands (608.96 square metres plus the right of way to the centreline of MacNab Street North) and the proposal to retain the existing two single detached dwellings, the resulting density of the proposal is 25.64 units per gross hectare, which is within the range permitted by the Secondary Plan.

Per Section A.6.3.3.1.12 v), lot dimensions and building setbacks shall be generally consistent with other low density residential properties in the neighbourhood. Staff are of the opinion that the lot dimensions and setbacks of the proposed development are generally consistent with the built form and character of the neighbourhood.

Based on the above noted policies, Staff are of the opinion that the proposed severed and retained lots maintain the intent of the West Harbour (Setting Sail) Secondary Plan.



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North End East Neighbourhood Plan

The subject lands are identified as “Single and Double” on Map 6103 (Map 1 of 2) in the North End East Neighbourhood Plan. The existing single detached dwellings conform to the vision of the Neighbourhood Plan.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “D” (Urban Protected Residential – One and Two-Family Dwellings, Etc.) District. The existing and proposed single detached dwellings are permitted uses. Staff note that Minor Variance application HM/A-03:288 approved variances for the proposed lot width and lot area, implemented zero parking spaces per lot and permitted the 0.0 metre side yard for the detached garage to facilitate the proposed severance. The proposed severed and retained lands comply with the Zoning By-law.

Staff support the proposed severance.

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:	1. 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. 2. In order to clear conditions, the owner/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:	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.



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Comments:	<ul style="list-style-type: none"> The proposed severance application is intended for land-assembly purposes of the existing dwellings and existing garage, and to facilitate an access easement through the existing driveway. The owner shall demonstrate that each parcel (381 and 383 MacNab Street 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 (Part 2) will remain as 381 MacNab Street North (Hamilton) . The lands to be conveyed (Part 1) will remain as 383 MacNab Street 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 - 381 and 383 MacNab Street North - B-24-58

From AMIN Pranav <Pranav.Amin1@HydroOne.com>
Date Mon 9/30/2024 4:31 PM
To Committee of adjustment <CofA@hamilton.ca>

External Email: Use caution with links and attachments

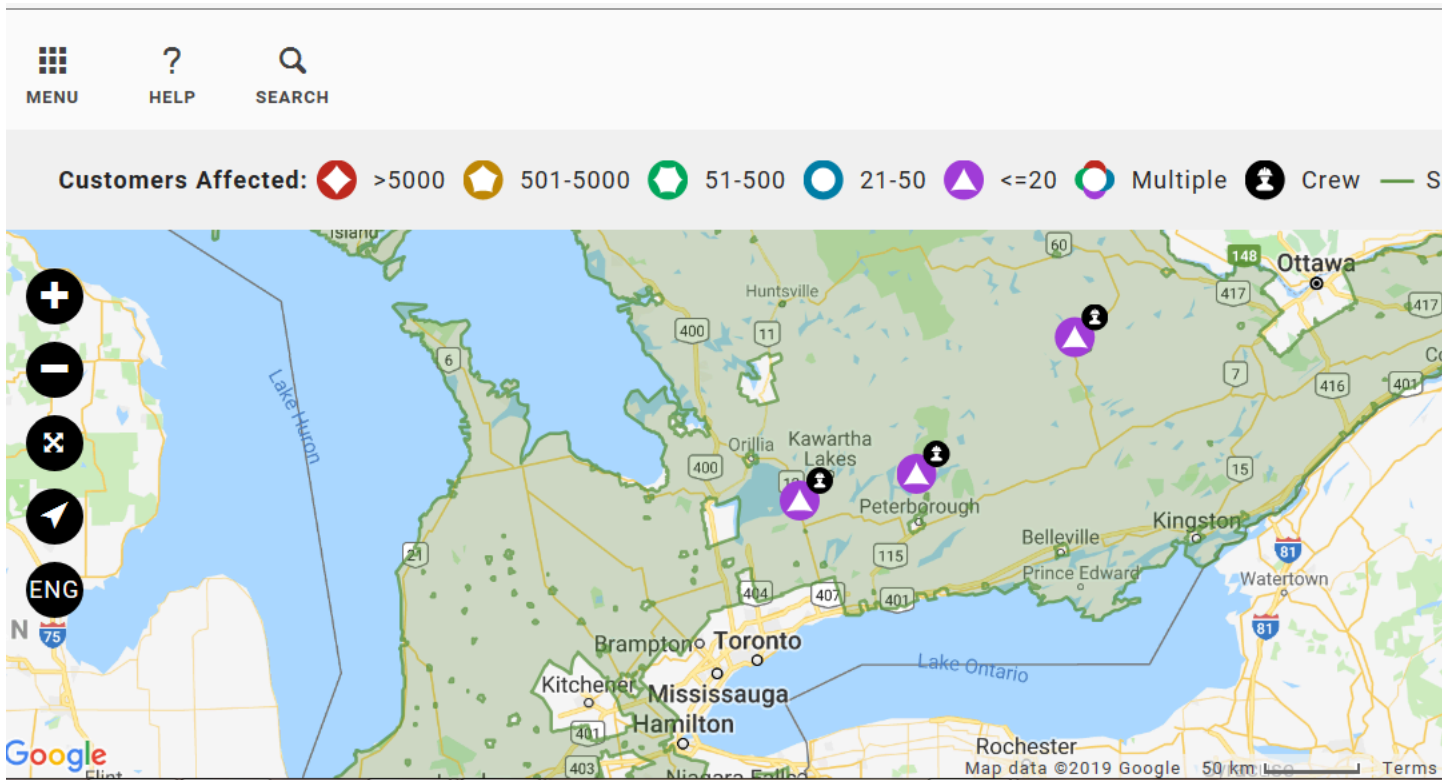
Hello,

We are in receipt of your Application for Consent, B-24-58 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

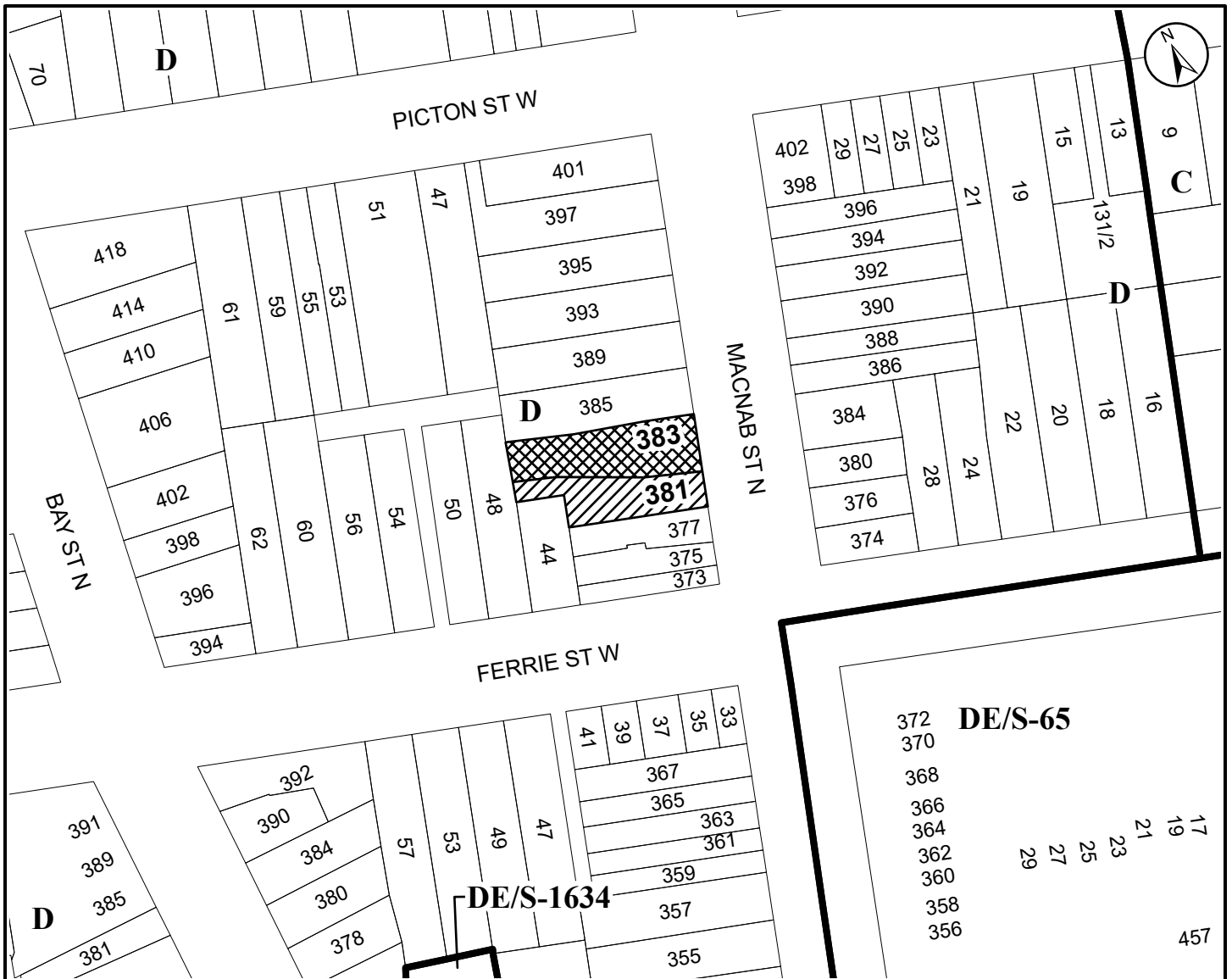
Please let me know if you have any questions or concerns.

Thank you,

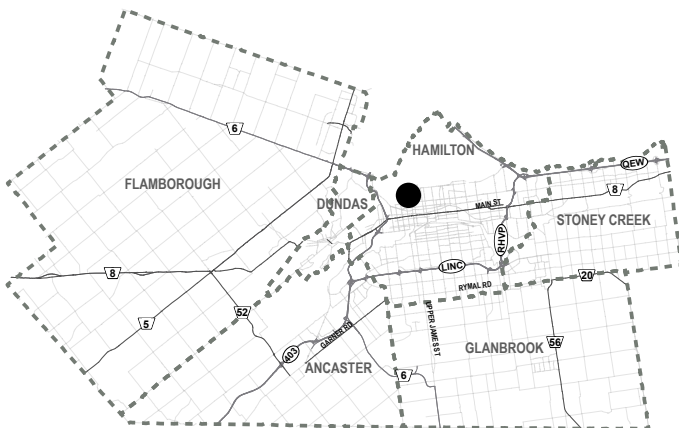
Dennis De Rango

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

381-383 MacNab Street North, Hamilton
(Ward 2)

-  Lands to be retained
-  Lands to be severed

File Name/Number:
B-24:58

Date:
September 26, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



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