



Hamilton

STAFF COMMENTS

HEARING DATE: October 8, 2024

B-24:54 – 455 Springbrook Drive, Ancaster

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 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. The Owner/ Applicant shall pay any outstanding servicing charges related to the existing services on Fair Street, all to the satisfaction of the Director of Development Engineering.
6. The owner shall demolish the existing single detached dwelling, subject to a demolition permit issued in the normal manner, to the satisfaction of the Director of Development Planning.
7. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).



Hamilton

8. 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 alternatively 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).

Proposed Notes:

The lands to be retained (Parts 1 - 3) will remain as 455 Springbrook Avenue (Ancaster).
The lands to be conveyed (Part 4) will remain as 253 Fair Street (Ancaster).

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.

The lands identified as Block 14, Plan 62M-1161 on the sketch included with the application were Deemed not to be Part of a Registered Plan of Subdivision in July, 2023 through By-law 23-133, to facilitate merger with adjacent lands. Please note that the lands identified as Part of Block 102 on Plan 62M-1116, known municipally as 253 Fair St, did not require a De-Registration By-law to facilitate merger due to being a Part Block and not a Full Block within Registered Plan.



Development Planning:

Background

	Frontage	Depth	Area
SEVERED LANDS:	12 m±	40 m±	992.25 m ² ±
RETAINED LANDS:	35.56 m±	35.96 m±	1281.7 m ² ±

The purpose of Consent Application B-24:54 is to permit the conveyance of a parcel of land to create a new residential building lot. The existing dwelling will be demolished to facilitate this application.

Staff note that several Consent to Sever applications were previously submitted for the subject property. AN/B-20:20 and AN/B-20:21 were conditionally approved at the July 9, 2020, Committee of Adjustment hearing to create two severed lots and two retained lots for four single detached dwellings. Not all conditions were cleared within the allotted time period and the conditional approvals lapsed.

New Consent to Sever applications, AN/B-21:114 and AN/B-21:115 were conditionally approved at the January 20, 2022 Committee of Adjustment hearing. Not all conditions were cleared and the conditional approval lapsed as well. Consent to Sever application B-24:54 was submitted to facilitate the severance as proposed in AN/B-21:115, with a new residential lot fronting onto Fair Street. Staff further note that conditions were included with AN/B-21:115 requiring the lifting of a reserve and the acquisition of additional land to provide frontage on Fair Street. This is discussed further below.

Staff further note that the proposed retained lands are identified as Parts 1, 2 and 3 and the severed lands are identified as Part 4.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and are designated as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policies B.2.4.1.4, B.2.4.2.2, F.1.14.3.1 and E.3.2.3, amongst others, is applicable and permits the single detached dwellings.

The proposal is considered residential intensification and has been evaluated against the criteria found in Policies B.2.4.1.4 and B.2.4.2.2. Staff are of the opinion that the proposal is similar to and compatible with the built form, uses and established development pattern within the area. The



Hamilton

STAFF COMMENTS

HEARING DATE: October 8, 2024

proposed lots are consistent with the existing lot fabric and the development will maintain and enhance the existing streetscape.

Policy F.1.14.3.1 permits new lots for residential uses in the “Neighbourhoods” designation subject to the following criteria:

- 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.

Staff note that the proposed lots comply with the minimum lot frontage and area requirements of the Zoning By-law, have frontage on public roads, and are similar in character, scale and the established development pattern of the area. Regarding servicing, the existing dwelling is serviced by municipal water and a private septic system. Full municipal services are available for the proposed severed lot along Fair Street.

Staff further note that Condition #10 of AN/B-21:115 required the owner to acquire lands described as Block 14, Registered Plan 62M-1161 and the lands described as Part of Block 102, Registered Plan 62M-1116 in order to provide sufficient frontage for the proposed severed lands along Fair Street. These two parcels are also municipally known as 253 and 255 Fair Street. By-law No. 23-133 was passed by City Council on July 14, 2023, and deemed Block 14 to not be part of a Registered Plan of Subdivision.

Similarly, Condition #11 required the owner to lift the reserve block that ran along the frontage of Fair Street (Block 14, Registered Plan 62M-1161) in order to provide access and frontage along Fair Street. Per the Planning Justification Report submitted with this application, the owners purchased both 253 and 255 Fair Street and lifted the reserve as part of clearing conditions associated with Consent to Sever Application AN/B-21:115.



Hamilton

Meadowlands Neighbourhood IV Secondary Plan

The subject lands are further designated “Low Density Residential 2b” on Map B.2.6-1 within the Meadowlands Neighbourhood IV Secondary Plan. Policy B.2.6.1.4, among others, is applicable and permits single detached dwellings.

The proposed severance and single detached dwellings generally comply with the policies of the Meadowlands Neighbourhood IV Secondary Plan.

Based upon review of the above noted policies and the materials provided in support of this severance application, staff are of the opinion that the proposed severance meets the intent of the Urban Hamilton Official Plan and Meadowlands Neighbourhood IV Secondary Plan. **Staff recommend the proposed severance be approved.**

Natural Heritage

The subject property is located within the boundary of the Urban Hamilton Official Plan (UHOP) and has been identified within the Meadowland Neighbourhood IV Secondary Plan. Based on mapping within the Urban Hamilton Official Plan (Volume 1-Schedule B Natural Heritage System and Volume 2-Meadowlands Neighbourhood IV Secondary Plan Land Use Plan Map B.2.6-1), Core Areas (i.e., Environmentally Significant Areas, Areas of Natural and Scientific Interest, Significant Woodlands, wetlands, and watercourses) 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 this application would 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 quality of life in the community and encourages the protection and restoration of trees (Urban Hamilton Official Plan Volume 1 policy C.2.11.1). In addition, a private tree protection by-law (By-law 2000-118) is in place for Ancaster, which regulates the removal of individual trees that are 45 cm diameter-at-breast-height (DBH) or greater. As part of the previous application (AN/B-21:114), a Tree Preservation Plan (drawings L1A and L1B) as well as a Planting Plan (drawing L2) was prepared by OMC Landscape Architecture October 25, 2023 for the severed lands (identified as Part 4 on the survey). If there have been any changes to the Tree Protection Plan and Landscape Plan as a result of this severance, updated Plans are to be provided as conditions.

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:



Hamilton

- 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;

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.

As part of previous application (FC-18-084), Stage 1-2 (P244-0136-2018) archaeological report for the subject property were submitted to the City and the Ministry of Citizenship and Multiculturalism. The Province signed off on the reports for compliance with licensing requirements in a letter dated December 19, 2019. **Staff is of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.**

Cultural Heritage

No comment.

Former Town of Ancaster Zoning By-law No. 87-57

The subject lands are zoned Residential “R4-705” and “R4-706” Zone, Modified in Former Town of Ancaster Zoning By-law No. 87-57. Single detached dwellings are a permitted use. Staff note that the retained lands (Parts 1, 2 and 3) are zoned Residential “R4-705” Zone and the severed lands (Part 4) are zoned Residential “R4-706” Zone within Zoning By-law No. 87-57.

The retained lands are required to have a minimum area of 400 square metres and a minimum frontage of 11.8 metres, exceeding both at 1,281.7 square metres and 35.56 metres. The severed lands are required to have a minimum area of 400 square metres and a minimum frontage of 12 metres, exceeding the area at 992.15 square metres but meeting the lot frontage of 12 metres.

Zoning:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	<p>If the application is approved, we request the following condition(s):</p> <ol style="list-style-type: none"> 1. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).



	<p>2. 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 alternatively 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).</p> <p>In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.</p>
Comments:	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:	<p>1. 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.</p> <p>2. The Owner/ Applicant shall pay any outstanding servicing charges related to the existing services on Fair Street, all to the satisfaction of the Director of Development Engineering.</p>
Comments:	<p>According to our records, the existing municipal infrastructure fronting the subject property summarized as follows:</p> <p>Fair Street:</p> <ul style="list-style-type: none"> • 150mm ø PVC Watermain • 375mm ø Storm Sewer @ 1.49% • 250mm ø Sanitary Sewer @ 1.0%



Hamilton

	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.
Notes:	

Building Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	This Division has no concerns with the proposed application.

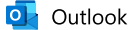
Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Notes:	

Legislative Approvals:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	
Comments:	The lands to be retained (Parts 1 - 3) will remain as 455 Springbrook Avenue (Ancaster) . The lands to be conveyed (Part 4) will remain as 253 Fair Street (Ancaster) .
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. The lands identified as Block 14, Plan 62M-1161 on the sketch included with the application were Deemed not to be Part of a Registered Plan of Subdivision in July 2023 through By-law 23-133, to facilitate merger with adjacent lands. Please note that the lands identified as Part of Block 102 on Plan 62M-1116, known municipally as 253 Fair St, did not require a De-Registration By-law to facilitate merger due to being a Part Block and not a Full Block within Registered Plan.

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



Hamilton - 455 Springbrook Drive - B-24-54

From AMIN Pranav <Pranav.Amin1@HydroOne.com>
Date Mon 9/30/2024 4:32 PM
To Committee of adjustment <cofa@hamilton.ca>

External Email: Use caution with links and attachments

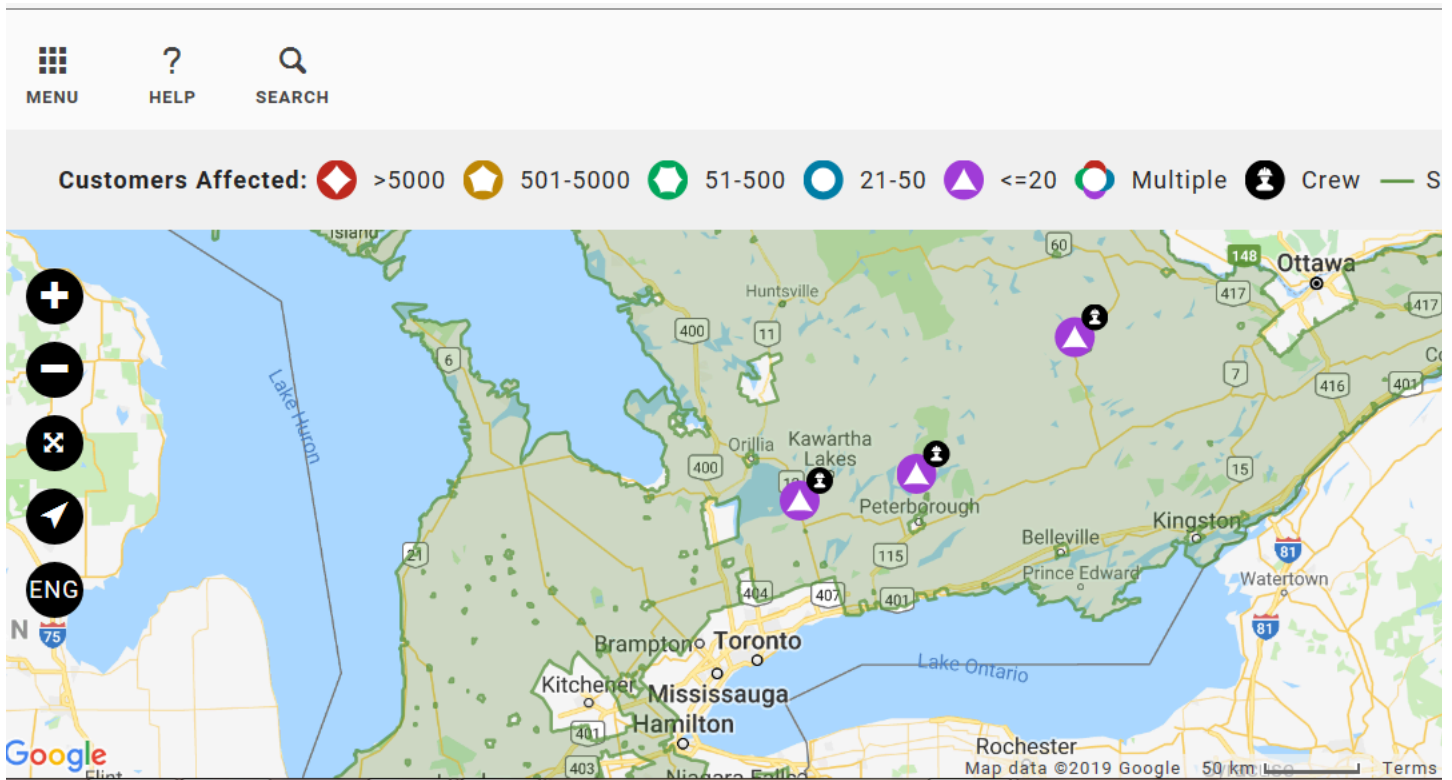
Hello,

We are in receipt of your Application for Consent, B-24-54 dated September 18th, 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



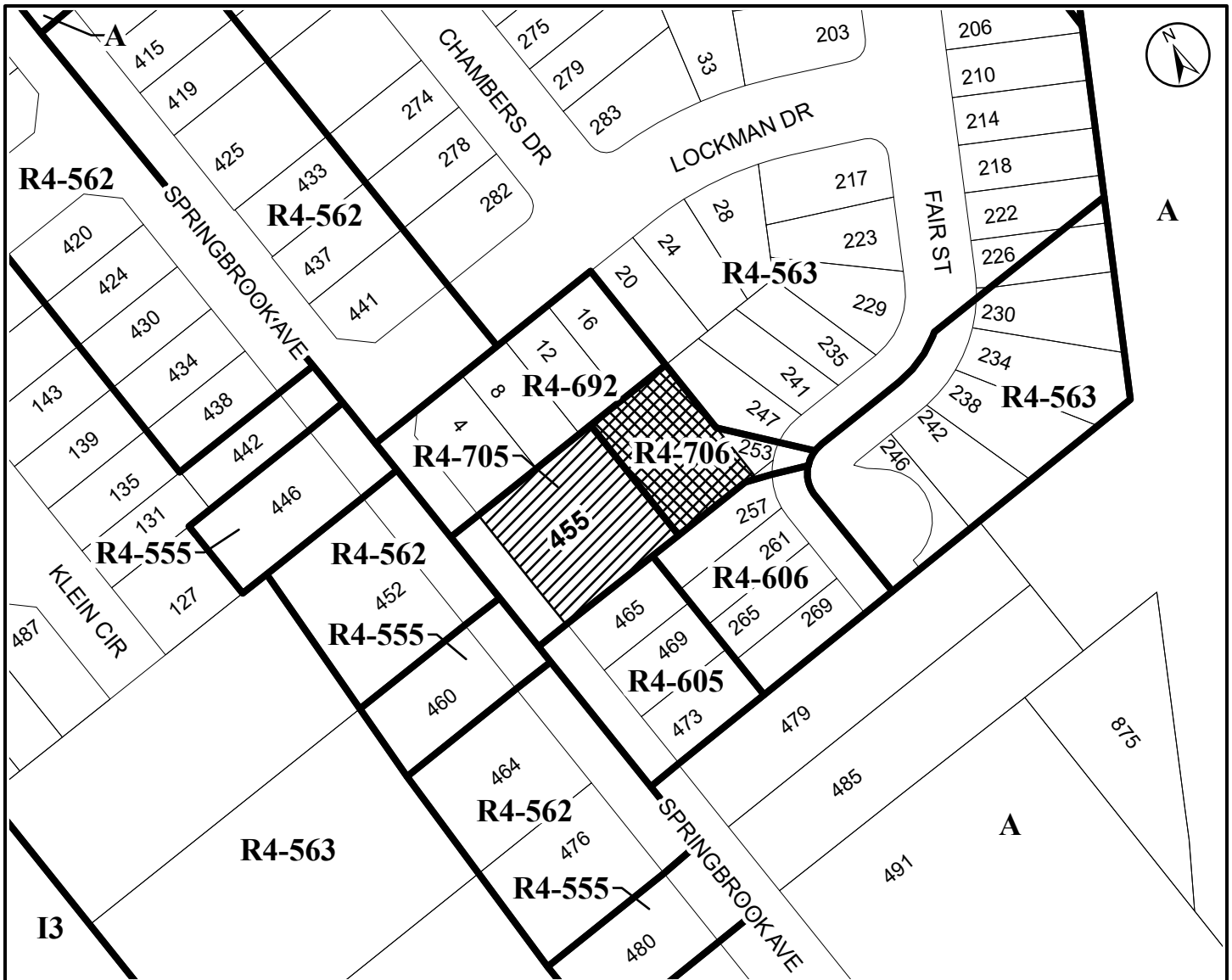
If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

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

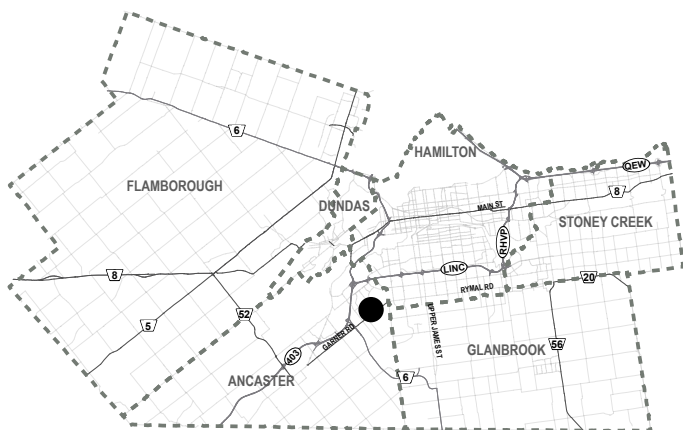
Thank you,

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

455 Springbrook Drive, Ancaster (Ward 12)

-  Lands to be retained
-  Lands to be severed

File Name/Number:
B-24:54

Date:
September 26, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton