



Hamilton

STAFF COMMENTS

HEARING DATE: November 12, 2024

B-24:62 – 854 West 5th Street, Hamilton

Recommendation:

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. Transportation Planning has no objection to the merging of the lands known as 50 & 52 Spring Valley Crescent as long as the follow conditions are met: West 5th Street is to be 30.480 metres from Mohawk Road to 90 metres south of Stone Church Road. The existing right-of-way at the subject property is approximately ± 23 metres. Approximately ± 5 metres are to be dedicated to the right-of-way on West 5th Street, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications.
 - a. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening.
 - b. The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the right-of-way dedication requirements.
 - c. Subject to the satisfaction and approval of the Manager, Transportation Planning.
5. 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.

6. The owner shall provide confirmation of the existing or proposed use(s) on the lands to be retained in order to determine compliance with the permitted uses of the "C/S-1822" zoning district or alternately apply for and receive final approval of the appropriate Planning Act application in order to permit the intended use (Planning Division – Zoning Review Section).
7. The owner / applicant shall submit survey evidence that the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform with the requirements of the Zoning By-law or alternatively apply for and receive final approval of the appropriate Planning Act applications in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
8. If a condition for a road widening and/or daylight triangle is required, the owner / applicant shall submit survey evidence that the lands to be conveyed and the lands to be retained, including lot with, lot area, the location of any existing structures, 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 applications in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
9. 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).
10. That the severed parcel, labelled "Lands to be Severed and Merged with 50 & 52 Springvalley Crescent" on the site plan titled "Severance Sketch" dated October 4, 2024, be merged on title with lands municipally known as 50 & 52 Springvalley Crescent (Block 27, Plan 62M-1102), to the satisfaction of the Director of Development Planning.

Proposed Notes:

The lands to be retained will remain as 854 West 5th Street (Hamilton).

The lands to be retained will be assigned 50 Springvalley Crescent (Hamilton).

The lands to be conveyed will be assigned 52 Springvalley Crescent (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:	N/A	35.06 m±	333.72 m²±
RETAINED LANDS:	20.11 m±	50.18 m±	1060.68 m²±

The purpose of Consent Sever application B-24:62 is to convey land to be merged with lands known as 50 and 52 Springvalley Crescent, ultimately to create two new residential lots in conjunction with Consent to Sever application B-24:63. Minor Variance application A-24:229 is also related and is meant to facilitate the proposed development. On the retained lands the existing dwelling is intended to remain. Staff note that 50 & 52 Springvalley Crescent are Block 27 on Plan 62M-1102.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and are designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policies E.3.4.3 and F.1.14.3.6, amongst others, are applicable and permits the existing single detached dwelling.

Policy F.1.14.3.6 permits minor lot line adjustments provided there is no increased fragmentation of Core Areas and the adjustments do not conflict with the intent of the Urban Hamilton Official Plan.

Staff note that Consent to Sever application B-24:62 is intended for land assembly purposes to facilitate the proposed lot creation in Consent to Sever application B-24:63, to create two new residential building lots for two new single detached dwellings. Staff are recommending a condition of approval requiring the proposed severed lands to be merge in title with 50 and 52 Springvalley Crescent.

Staff further note that the retained lands will have frontage on a public street, are fully serviced by municipal water and wastewater services and are generally comparable to the established development pattern of the area. Therefore, staff are of the opinion the proposed lot addition maintains the general intent of the Urban Hamilton Official Plan. **Staff recommend the proposed severance be approved with the recommended condition.**

Gourley Neighbourhood Plan

The subject lands are identified as “Single and Double” on Map 7610 of the Gourley Neighbourhood Plan. The proposed residential uses are consistent with the vision of the Neighbourhood Plan.

Former City of Hamilton Zoning By-law No. 6593



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The subject lands are zoned “C/S-1822” (Urban Protected Residential, etc) District, Modified and “D-H/S-1598” (Urban Protected Residential – One and Two Family Dwellings, etc. – Holding) District, Modified in Former City of Hamilton Zoning By-law No. 6593. Single detached dwellings are a permitted use. Staff note that both the severed and retained lands are zoned “C/S-1822” (Urban Protected Residential, etc) District, Modified whereas 50 and 52 Springvalley Crescent are currently zoned “D-H/S-1598” (Urban Protected Residential – One and Two Family Dwellings, etc. – Holding) District, Modified.

The retained lands are required to have a minimum lot area of 360 square metres and a minimum lot width of 12 metres. The retained lands will exceed these requirements with a lot area of 1060.68 square metres and a lot width of 20.11 metres. The severed lands have been reviewed in conjunction with Consent to Sever application B-24:63 and Minor Variance application A-24:229 as a separate item on the November 12, 2024 Committee of Adjustment agenda.

Holding ‘H’ Provision

The property known as 50 & 52 Springvalley Crescent is subject to a Holding ‘H’ provision enacted through By-law No. 09-045. Section 3 of By-law No. 09-045 reads as follows:

“3. That the “H” symbol applicable to Blocks 3, 4, 5 and 6, referred to in Section 1 of this By-law, shall be removed conditional upon,

The lands being assembled with the rear portion of lands municipally known as 854 West 5th Street and 862 West 5th Street to ensure orderly development, to the satisfaction of the Director of Planning.

City Council may remove the 'H' symbol, and thereby give effect to the "D/S1598" (Urban Protected Residential - One and Two Family Dwellngs, etc.) District, by enactment of an amending By-law once the above condition has been satisfied.”

Staff note that a Holding Removal application will be required to facilitate the proposed development and is a recommended condition for associated Consent to Sever application B-24:63.

Zoning:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	<p>1. The owner shall provide confirmation of the existing or proposed use(s) on the lands to be retained in order to determine compliance with the permitted uses of the “C/S-1822” zoning district or alternately apply for and receive final approval of the appropriate Planning Act application in order to permit the intended use (Planning Division – Zoning Review Section).</p> <p>2. The owner / applicant shall submit survey evidence that the lands to be retained, including the location of any existing</p>



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	<p>structure(s), parking and landscaping, conform with the requirements of the Zoning By-law or alternatively apply for and receive final approval of the appropriate Planning Act applications in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).</p> <p>3. If a condition for a road widening and/or daylight triangle is required, the owner / applicant shall submit survey evidence that the lands to be conveyed and the lands to be retained, including lot with, lot area, the location of any existing structures, 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 applications in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).</p>
Comments:	<ol style="list-style-type: none"> 1. The lands to be conveyed shall be merged in title with the lands to which they are to be added. 2. Committee of Adjustment applications A-24:229 and B-24:63 are to be heard in conjunction with this application to facilitate the land assembly for the lands to be conveyed and added to the property known as 50-52 Sringvalley Cres HM. 3. Details regarding the existing building(s) located upon the lands to be retained have not been provided; as such, zoning compliance cannot be determined. <p>In order to clear conditions, the owner will be required to make application for a Zoning Compliance Review and pay the relevant fees.</p>
Notes:	

Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	<ol style="list-style-type: none"> 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



	<p>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>
Comments:	<ul style="list-style-type: none"> According to our GIS records, the existing municipal infrastructure fronting the subject property is summarized as follows: West 5th Street: <ul style="list-style-type: none"> 300mm ø PVC Watermain 675mm ø Storm Sewer @ ±0.7% 300mm ø Sanitary Sewer @ ±1.1% <p>A Consent Agreement will be required to facilitate land assembly of the lots at 50 & 52 Springvalley Crescent and grading approval for 854 West 5th Street in conjunction with the approved draft plan for the Fontana Gardens subdivision.</p>
Notes:	<p>A portion of the lands to be severed will be merged with the properties at 50 & 52 Springvalley Crescent, which will be coordinated through severance file B-24:63.</p>

Building Engineering:

Recommendation:	Comments and Conditons/Notes
Proposed Conditions:	<p>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).</p>
Comments:	
Notes:	<p>In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.</p>

Transportation Planning:



Hamilton

Recommendation:	Approve with Conditions
Proposed Conditions:	<p>Transportation Planning has no objection to the merging of the lands known as 50 & 52 Spring Valley Crescent as long as the follow conditions are met: West 5th Street is to be 30.480 metres from Mohawk Road to 90 metres south of Stone Church Road. The existing right-of-way at the subject property is approximately ±23 metres. Approximately ±5 metres are to be dedicated to the right-of-way on West 5th Street, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications.</p> <ul style="list-style-type: none"> a. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening. b. The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the right-of-way dedication requirements. c. Subject to the satisfaction and approval of the Manager, Transportation Planning.
Comments:	
Notes:	

Forestry:

Recommendation:	Approve
Proposed Conditions:	
Comments:	<p>There are no Municipal Tree Assets on site. No public tree permit is required.</p> <p>No Landscape plan required.</p> <p>Forestry has no concerns or conditions regarding this application.</p> <p>For questions please contact: urbanforest@hamilton.ca</p>
Notes:	

Legislative Approvals:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	
Comments:	<p>The lands to be retained will remain as 854 West 5th Street (Hamilton). The lands to be retained will be assigned 50 Springvalley Crescent (Hamilton).</p>



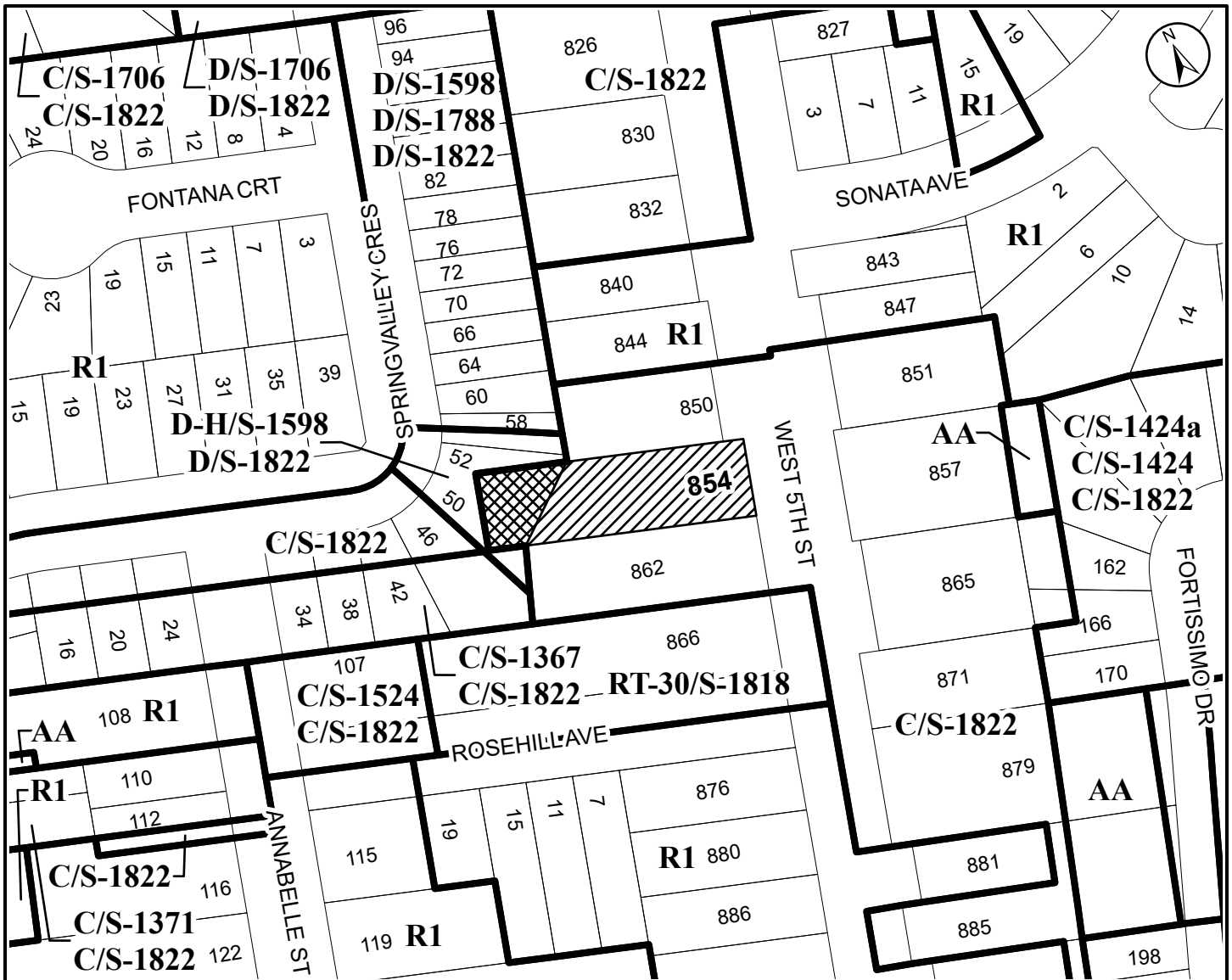
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STAFF COMMENTS

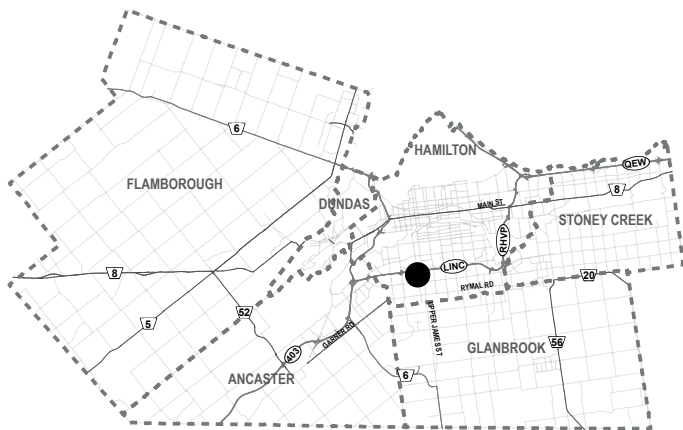
HEARING DATE: November 12, 2024

	The lands to be conveyed will be assigned 52 Springvalley Crescent (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.



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

854 West 5th Street, Hamilton (Ward 8)



Lands to be retained



Lands to be severed and merged with 50 & 52 Springvalley Crescent

File Name/Number:
B-24:62

Date:
October 31, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department