



Hamilton

**STAFF COMMENTS**

**HEARING DATE: November 12, 2024**

B-24:63 – 50 & 52 Springvalley Crescent, Hamilton

**Recommendation:**

Approve Consent to Sever

**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  $\pm 23$  metres. Approximately  $\pm 5$  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



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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. That the owner shall receive final approval of Consent to Sever application B-24:62 such that the severed lands from 854 West 5th Street have merged in title with the parcel known as 50 and 52 Springvalley Crescent, to the satisfaction of the Director of Development Planning.
7. That the owner shall receive final approval of Minor Variance application A-24:229, to the satisfaction of the Director of Development Planning.
8. That the owner shall submit and receive approval of a Zoning By-law Amendment application to remove the Holding 'H' Provision from the subject lands, to the satisfaction of the Director of Development Planning.
9. The owner/applicant shall receive final and binding approval of Minor Variance Application No. A-24:229 (Planning Division – Zoning Review Section).

**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**

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	9.99 m±	38.12 m±	386.64 m²±
<b>RETAINED LANDS:</b>	10.12 m±	32.0 m±	376.56 m²±

The purpose of Consent to Sever application B-24:63 is to permit the conveyance of a parcel of land for residential purposes and to retain a parcel of land for residential purposes. Consent to Sever application B-24:62 and Minor Variance application A-24:229 are related and are meant to facilitate the proposed development. On the retained lands the existing dwelling is intended to remain.

Staff note the purpose of Consent to Sever application B-24:62 is to convey a parcel of land to be merged with lands known as 50 and 52 Springvalley Crescent for land assembly purposes to facilitate Consent to Sever application B-24:63. Staff further note that 50 and 52 Springvalley Crescent (Block 27, Plan 62M-1102) are subject to a Holding ‘H’ Provision, discussed in more detail below. Staff are recommending a condition of approval requiring that the Holding ‘H’ Provision be removed prior to final consent approval.

Additionally, Development Planning staff are recommending a revised Variance 2 for both the Lands to be Severed and Lands to be Retained. This is discussed in detail below.

**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 B.2.4.1.4, 2.4.2.2, E.3.4.3, and F.1.14.3.1, amongst others, are applicable and permit the proposed single detached dwelling lots.

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 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 area requirements of the Zoning By-law, have frontage on public roads, are similar to the character, scale and established development pattern of the area and are fully serviced by municipal water and wastewater services. Staff further note that Minor Variance application A-24:229 was concurrently submitted to address the insufficient lot width of the proposed lots, being 10 metres whereas the Zoning By-law requires a minimum lot width of 12 metres, which is further discussed below. Therefore, staff are of the opinion the proposed severance maintains the general intent of the Urban Hamilton Official Plan. **Staff recommend the proposed severance be approved.**

#### **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**

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.

Both the severed and retained lands are required to have a minimum lot area of 360 square metres and a minimum lot width of 12 metres in both the “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. Both the severed and retained lands will exceed the minimum required lot area but do not meet the required 12 metre lot width. Minor Variance application A-24:229 was submitted to address this deficiency.

#### **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,*



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**HEARING DATE: November 12, 2024**

*The lands being assembled with the rear portion of lands municipally known as 854 West 5<sup>th</sup> Street and 862 West 5<sup>th</sup> 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 Dwellings, 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 are recommending a condition of approval requiring that the Holding 'H' Provision be removed prior to final consent approval.

**Variance 1 for both the Lands to be Severed and Lands to be Retained**

1. A minimum lot width of 10.0 metres shall be permitted instead of the minimum 12.0 metre lot width required.

The intent of this provision is to ensure lots are wide enough to be viable building lots and to ensure a consistent built form and neighbourhood character are maintained.

Staff note that neighbouring parcels along Springvalley Crescent vary in lot width, between approximately 8 metres to 12 metres, depending on the existing built form (e.g. single detached or semi-detached dwelling). The proposed severed and retained lands are to have lot widths of approximately 10 metres, representing a median in the established development pattern and lot fabric of the neighbourhood. Further, the severed and retained lands are pie-shaped lots located along the curve of Springvalley Crescent.

Staff further note that, as shown on the submitted site sketch, the proposed single detached dwellings conform to the required setbacks of the Zoning By-law while being sizeable dwellings (127.35 square metres each). Staff are of the opinion that the proposed severed and retained lands will be viable building lots and will be comparable in character to the neighbourhood. Staff support the variances.

**Variance 2 for both the Lands to be Severed and Lands to be Retained (revised)**

2. One (1) parking space shall be provided instead of the minimum required two (2) parking spaces.

The intent of this provision is to ensure sufficient vehicular parking is provided on-site.

Staff are recommending a revised Variance 2 for both the Lands to be Severed and Lands to be Retained, to reduce the required number of parking spaces per dwelling instead of to permit parking within the required front yard. Staff are of the opinion that the revised variance is consistent with current parking requirements of Zoning By-law No. 05-200. Additionally, the revised variance maintains the intent of Zoning By-law No. 6593 by maintaining the residential character of the streetscape by keeping required parking spaces out of the required front yard. Staff have discussed



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revised Variance 2 with the applicant and the applicant has confirmed that they are prepared to accept the revision.

In conclusion, staff are of the opinion that Variance 1 for both the Lands to be Severed and Lands to be Retained and the revised Variance 2 for both the Lands to be Severed and Lands to be Retained meet the four tests of a minor variance. Based on the foregoing, **staff recommend approval of Variance 1 and the revised Variance 2 for both the Lands to be Severed and Lands to be Retained.**

**Zoning:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	<ol style="list-style-type: none"> <li>The owner/applicant shall receive final and binding approval of Minor Variance Application No. A-24:229 (Planning Division – Zoning Review Section).</li> </ol>
Comments:	<ol style="list-style-type: none"> <li>The 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.</li> <li>The appropriate Planning Act approvals for a reduced minimum lot width and to permit a parking space within the required front yard, shall be required for zoning compliance for both the portion of the lands to be conveyed/retained. Please note that it is unclear from the materials provided, if the lot frontage provided for both the portion of the lands to be conveyed/retained, is indicated as per the definition of “Width” as provided in Hamilton Zoning By-law No. 6593.</li> <li>Please note this application is to be heard in conjunction with Minor Variance Application No. A-24:229 which is required to facilitate the proposed consent/severance.</li> <li>Please note that the approval of Consent/Severance Application No. B-24:52 for the lands known municipally as 854 West 5<sup>th</sup> Street, Hamilton, is required to facilitate the subject application, and to establish the configuration of the lots as identified for both the portion of the lands to be retained/conveyed.</li> </ol>



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	<p>5. It is noted that the proposed use for both the portion of the lands to be retained/severed is a Single Family Dwelling which is permitted in the current zoning designation; however, specific details regarding the proposed development have not been provided to confirm zoning compliance. Additional variances may be required if compliance with Hamilton Zoning By-law No. 6593 cannot be achieved.</p>
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 <b>Consent Agreement</b>, 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>
Comments:	<ul style="list-style-type: none"> <li>• According to our GIS records, the existing municipal infrastructure fronting the subject property is summarized as follows:             <ul style="list-style-type: none"> <li><b>Springvalley Crescent:</b> <ul style="list-style-type: none"> <li>• 200mm ø PVC Watermain</li> <li>• 675mm ø Storm Sewer @ ±2.7%</li> <li>• 250mm ø Sanitary Sewer @ ±0.6%</li> </ul> </li> <li>• Separate and independent services shall be provided for each dwelling constructed within each parcel of land in accordance with the Sewer and Drain By-Law 23-234 and Water Works By-Law 23-235.</li> </ul> </li> </ul>



	<ul style="list-style-type: none"> <li>Note that the existing unused services must be abandoned to the City satisfaction.</li> </ul> <p>A Consent Agreement will be required to facilitate land assembly and grading approval in conjunction with the approved draft plan for the Fontana Gardens subdivision.</p>
Notes:	A portion of this property is contingent upon the severance application at 854 West 5 <sup>th</sup> Street, which will be coordinated through severance file B-24:62.

**Building Engineering:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

**Transportation Planning:**

Recommendation:	Approve with Conditions
Proposed Conditions:	<p>Transportation Planning has no objection to the merging of the lands known as 50 &amp; 52 Spring Valley Crescent as long as the follow conditions are met: West 5<sup>th</sup> 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 5<sup>th</sup> Street, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications.</p> <ol style="list-style-type: none"> <li>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.</li> <li>The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the right-of-way dedication requirements.</li> </ol> <p>Subject to the satisfaction and approval of the Manager, Transportation Planning.</p>
Comments:	
Notes:	

**Forestry:**

Recommendation:	Approve
Proposed Conditions:	



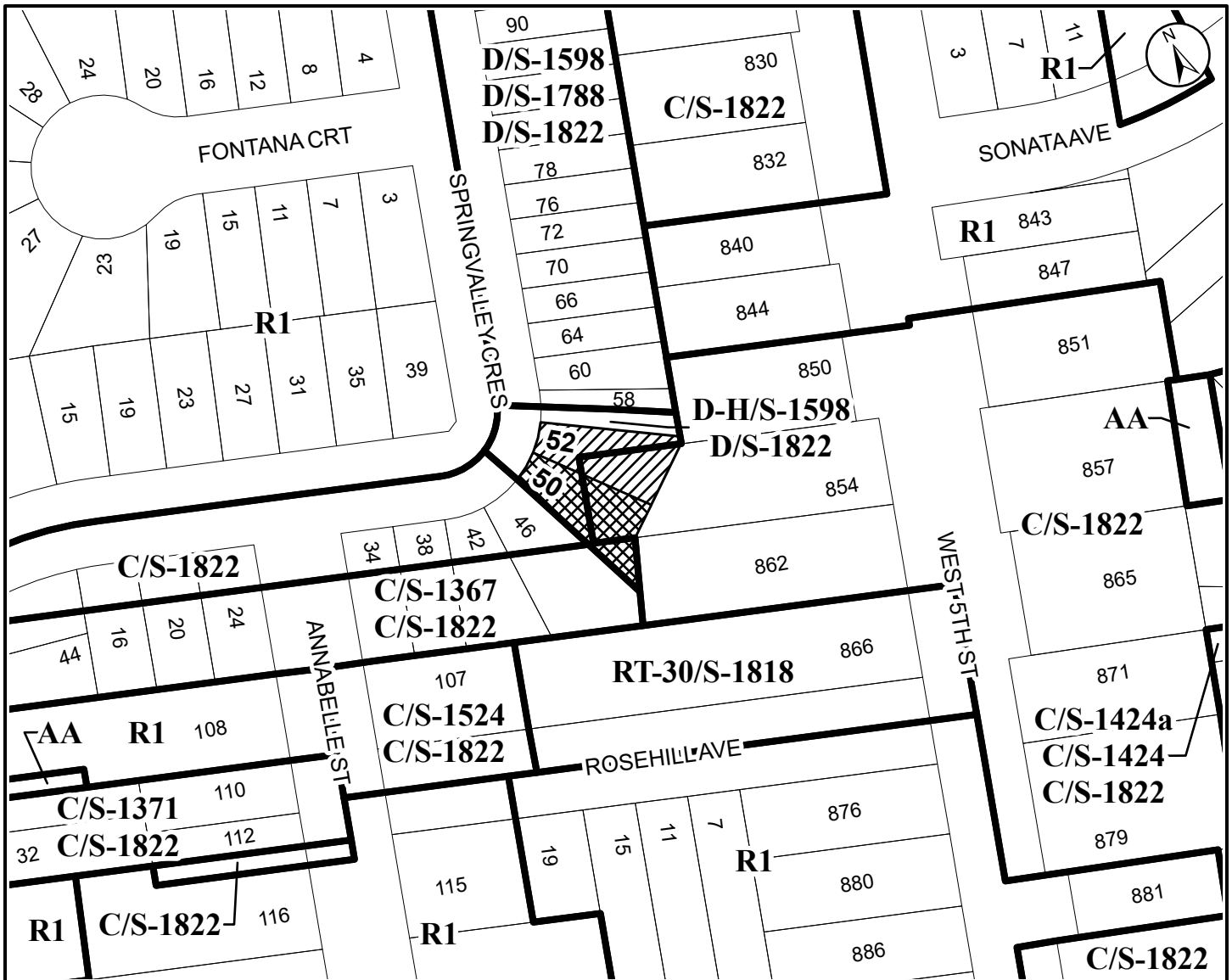


Comments:	<p>There are no Municipal Tree Assets on site. No public tree permit is required.</p> <p>No Landscape plan required.</p> <p>Forestry has no concerns or conditions regarding this application.</p> <p>For questions please contact: <a href="mailto:urbanforest@hamilton.ca">urbanforest@hamilton.ca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

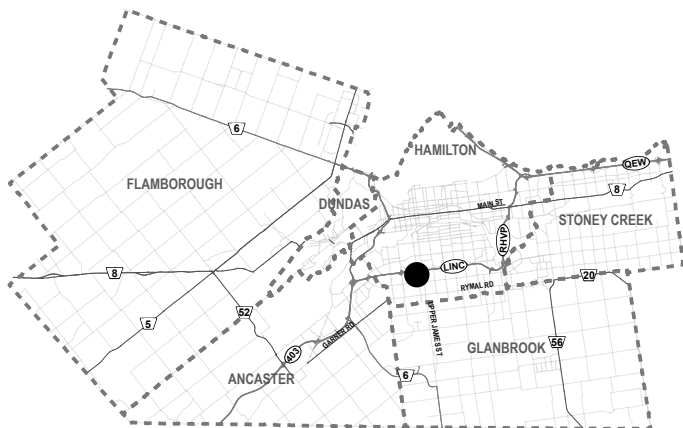
**Legislative Approvals:**

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	
Comments:	<p>The lands to be retained will remain as <b>854 West 5<sup>th</sup> Street (Hamilton)</b>.  The lands to be retained will be assigned <b>50 Springvalley Crescent (Hamilton)</b>.  The lands to be conveyed will be assigned <b>52 Springvalley Crescent (Hamilton)</b>.</p>
Notes:	<p>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.</p>

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



● Site Location





**City of Hamilton**

## Committee of Adjustments

### Subject Property

50 & 52 Springvalley Crescent, Hamilton  
(Ward 8)

-  Lands to be retained
-  Lands to be severed

File Name/Number:  
B-24:63

Date:  
October 31, 2024

Technician:  
SH

Scale:  
N.T.S.

Appendix "A"



**Hamilton**