



Hamilton

**STAFF COMMENTS**

**HEARING DATE: November 12, 2024**

A-24:229 – 50 & 52 Springvalley Crescent, Hamilton

**Recommendation:**

Approve Variance 1 for both Lands to be Retained and Lands to be Severed; and,  
Approve Variance 2 for both Lands to be Retained and Lands to be Severed as Amended.

**Proposed Conditions:**

**Proposed Notes:**



**Development Planning:**

**Background**

	Frontage	Depth	Area
<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,*



*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 Only
Proposed Conditions:	
Comments:	1. Requested variances are required to facilitate severance application B-24:63 2. Variances written as requested by the applicant
Notes:	

### Development Engineering:

Recommendation:	Comments Only
Proposed Conditions:	N/A
Comments:	Development Engineering has no comments or objections to the minor variances as proposed. Detailed grading review and comments will be provided through the severance application for the same property (B-24:63).
Notes:	

### Building Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

### Transportation Planning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	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



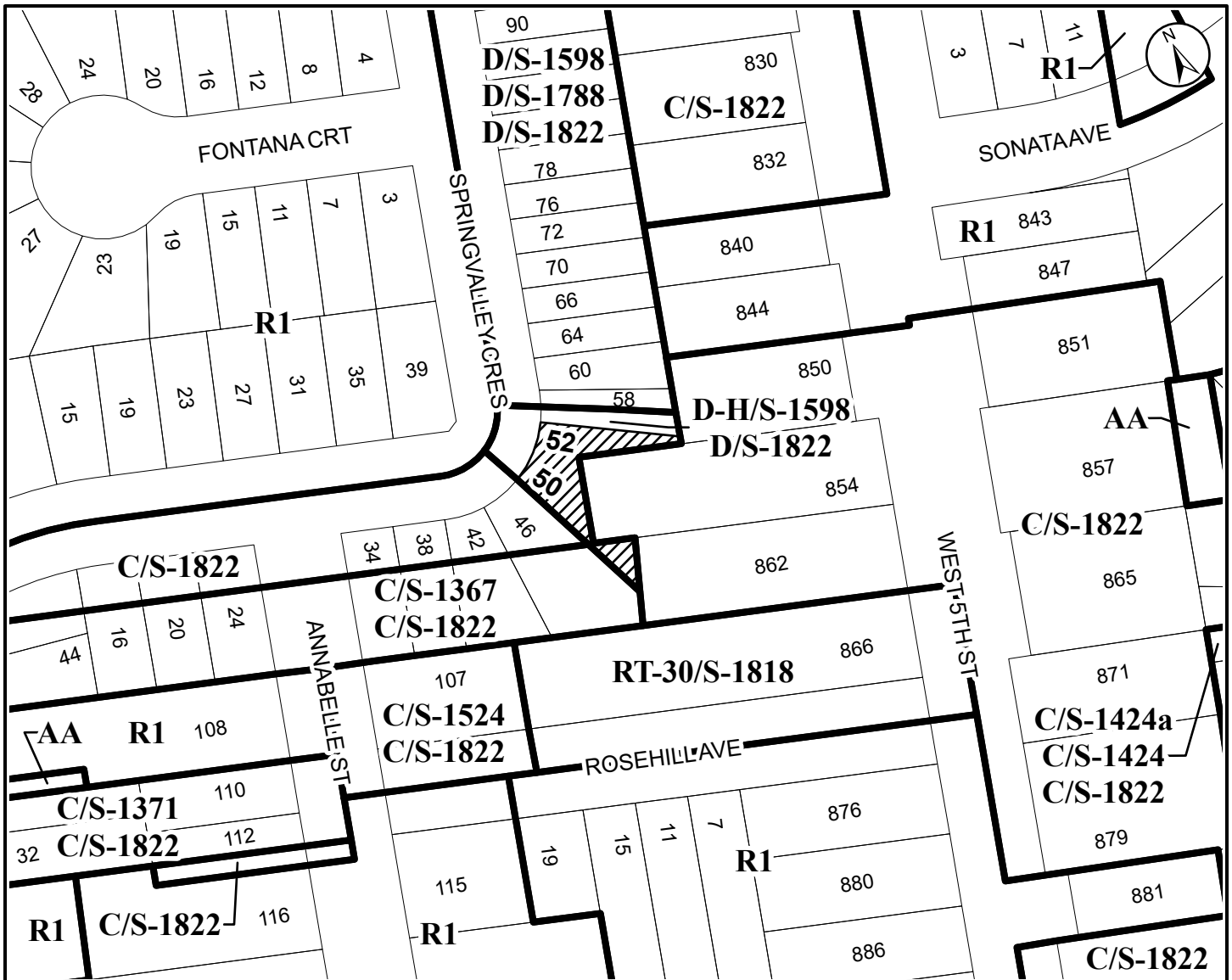
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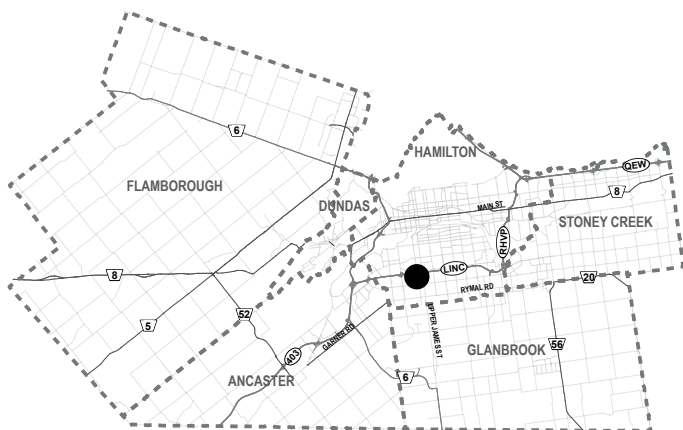
**HEARING DATE: November 12, 2024**

	<p>Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications.</p> <ul style="list-style-type: none"><li>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.</li><li>b. The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the right-of-way dedication requirements.</li><li>c. Subject to the satisfaction and approval of the Manager, Transportation Planning.</li></ul>
Notes:	

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)

File Name/Number:  
A-24:229

Date:  
October 31, 2024

Technician:  
SH

Scale:  
N.T.S.

Appendix "A"



**Hamilton**

Planning and Economic Development Department