



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. As long as the follow conditions are met: Stone Church Road is to be 30.480 metres from Golf Links Road to Upper Mount Albion Road. The existing right-of-way at the subject property is approximately ± 28 metres. Approximately ± 2 metres are to be dedicated to the right-of-way on Stone Church Road, 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/ Applicant shall pay any outstanding servicing charges for the existing municipal services on Anabelle Street associated with removal of the existing 0.3m reserve, described as Block 10 on 62M-890, to the satisfaction of the Director of Development Engineering.

7. 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).
8. The owner shall demolish the existing accessory structure (pool shed), subject to a demolition permit issued in the normal manner, to the satisfaction of the Director of Development Planning.

Proposed Notes:

The lands to be retained (Part 1) will remain as 2 Caprice Court (Hamilton).

The lands to be conveyed (Part 2) will be assigned the address of 8 Montcalm Drive (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.

1. All pools shall comply with Pool Enclosure By-law No. 16-184, as amended.
- 2.

Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MCM. Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416212-7499)."

Development Planning:

Background

	Frontage	Depth	Area
SEVERED LANDS:	24.38 m±	34.44 m±	839 m ² ±
RETAINED LANDS:	24.38 m±	39.54 m±	963.48 m ² ±

The purpose of Consent to Sever application B-24:61 is to permit the conveyance of a parcel of land to create a new residential building lot and to retain a parcel of land for residential purposes. The existing dwelling is to remain on the retained lands. The existing pool shed will be demolished to facilitate this application. The existing in ground pool and concrete patio is proposed to remain on the severed lands. Staff are recommending that a note be added to the conditional consent approval that the pool comply with Pool Enclosure By-law No. 16-184, as amended.

Staff note that the proposed severed lot will have frontage on Annabelle Street and the proposed retained lot will have frontage on Stone Church Road West. Staff further note that a Formal Consultation (FC-22-138) document was issued on November 30, 2022 regarding the proposed severance. Staff comments at the time note that a Zoning By-law Amendment application was required to permit the proposed severance. This is discussed in further 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 existing single detached dwelling.

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 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. 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.**

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.

Archaeology

The subject property meets three (3) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and

Multiculturalism for determining archaeological potential:

- 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; and
- 3) Along historic transportation routes.

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.

If this severance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as follows:

Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are

identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MCM. Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416212-7499).”

Cultural Heritage

No comments.

Former City of Hamilton Zoning By-law No. 6593

A portion of the subject lands fronting onto Stone Church Road West (being the proposed retained lands) are zoned “B-1/S-30” and “B-1/S-1822” (Suburban Agriculture and Residential, etc.) District, Modified in Former City of Hamilton Zoning By-law No. 6593. The existing single detached dwelling is permitted.

The “B-1/S-30” (Suburban Agriculture and Residential, etc.) District, Modified restricts the construction of new buildings or structures on the portion of the subject lands with this zoning. Staff note that it appears a portion of the proposed severed lands, approximately 0.7 metres deep, would fall within the B-1/S-30” (Suburban Agriculture and Residential, etc.) District, Modified and would be subject to this restriction.

The proposed retained lands are required to have a minimum lot area of 690 square metres and a minimum lot width of 15 metres. The proposed retained lands would exceed these requirements with an area of 963.48 square metres and a width of 24.38 metres.

City of Hamilton Zoning By-law No. 05-200

The proposed severed lands fronting on to Annabelle Street are zoned Low Density Residential (R1) Zone in City of Hamilton Zoning By-law No. 05-200. The proposed single detached dwelling is permitted.

The proposed severed lands are required to have a minimum lot area of 360 square metres and minimum lot width of 12 metres. The proposed severed lands exceed these requirements with an area of 839 square metres and a width of 24.38 metres.

Zoning:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	1. The owner / applicant shall demolish the existing accessory building on the lands to be conveyed to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Review Section), or alternatively apply for and

	<p>receive final approval of the appropriate Planning Act application in order for the existing accessory structure to remain when no principal use is existing (Planning Division – Zoning Review Section).</p> <p>2. The owner / applicant shall submit evidence that the lands to be retained, as it related to the existing “patio” and the lands to be conveyed, as it relates to the existing “inground pool” 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>
<p>Comments:</p>	<p>1. Further details regarding the existing “patio” shown on the lands to be retained and any existing mechanical equipment associated with the “inground pool” to remain on the lands to be conveyed are required to determine zoning compliance. As a condition of this application, the owner / applicant shall be required to demonstrate zoning compliance or receive final approval of the appropriate Planning Act application.</p> <p>2. The owner / applicant should obtain an appropriate municipal address for the proposed parcel from the Legislated Approvals and Staging of Development Section of the Planning and Economic Development Department prior to the issuance of a building permit.</p> <p>3. The “pool house” building shown to be located on the lands to be conveyed shall be demolished in order to achieve zoning compliance, or the owner / applicant shall receive final approval of the appropriate Planning Act application.</p> <p>4. The owner / applicant shall ensure the Single Detached Dwelling proposed to be erected on the lands to be conveyed comply with the requirements of the Zoning By-law or receive final approval of the appropriate Planning Act application to facilitate the proposed development.</p>

	5. 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:	<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 for the existing municipal services on Annabelle Street associated with removal of the existing 0.3m reserve, described as Block 10 on 62M-890, 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>Stone Church Road West:</p> <ul style="list-style-type: none"> • 400mm ø conc. Watermain • 1050mm ø conc. Watermain • 750mm ø conc. Watermain • 450mm ø Storm Sewer @ 0.59% • 250mm ø Sanitary Sewer @ 0.6% <p>Annabelle Street:</p> <ul style="list-style-type: none"> • 150mm ø Ductile Watermain • 375mm ø Storm Sewer @ 0.5% • 250mm ø Sanitary Sewer @ 0.5% <p>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.</p>

	There is an existing 0.3m reserve adjacent to Anabelle Street, described as Block 10 on 62M-890, that must be removed and any servicing costs associate with the reserve the property has been assessed for must be paid for to the City as condition of severance.
Notes:	

Building Engineering:

Recommendation:	Comments and Conditons/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:

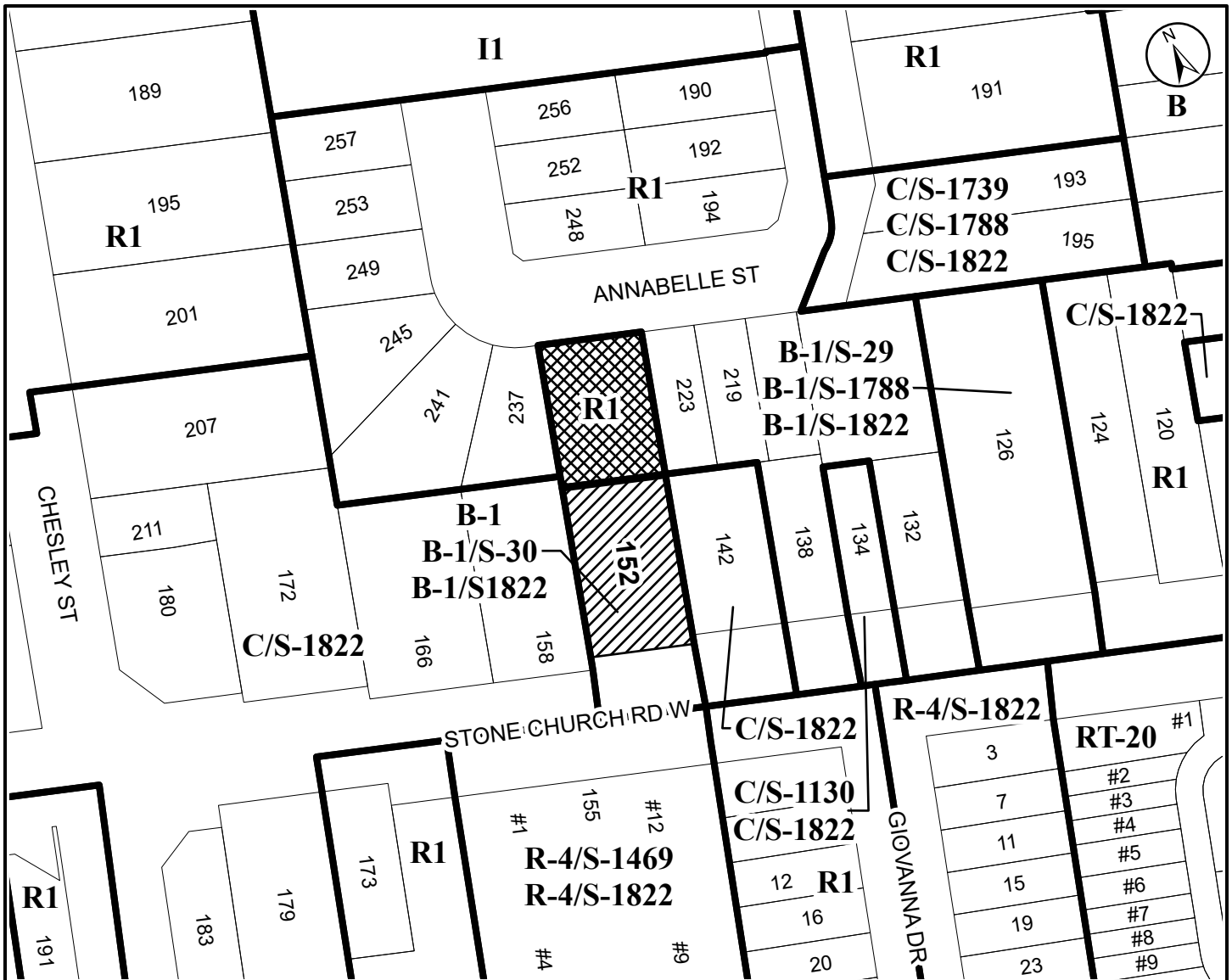
Recommendation:	Approve with Conditions
Proposed Conditions:	<p>Transportation Planning has no objection to the severance. As long as the follow conditions are met: Stone Church Road is to be 30.480 metres from Golf Links Road to Upper Mount Albion Road. The existing right-of-way at the subject property is approximately ±28 metres. Approximately ±2 metres are to be dedicated to the right-of-way on Stone Church Road, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications.</p> <ol 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:	

Legislative Approvals:

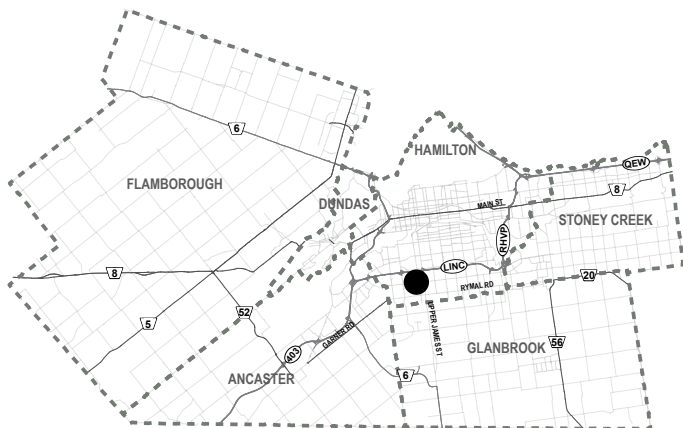
Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	
Comments:	The lands to be retained (Part 1) will remain as 2 Caprice Court (Hamilton) .

	The lands to be conveyed (Part 2) will be assigned the address of 8 Montcalm Drive (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

152 Stone Church Road West, Hamilton
(Ward 8)

- Lands to be retained
- Lands to be severed

File Name/Number:
B-24:61

Date:
October 31, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton