



Hamilton

STAFF COMMENTS

HEARING DATE: November 12, 2024

B-24:40 – 265 Wilson Street East, Ancaster

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. If the follow conditions are met on the severance and retained parcel, Wilson Street is to be 20.117 metres from Rousseaux Street to Halson Street. The existing right-of-way at the subject property is approximately ± 18 metres. Approximately ± 2 metres are to be dedicated to the right-of-way on Wilson 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. The approval of delegated authority consent application B-24:41 be granted, to the satisfaction of the Director of Development Planning.
6. 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 –Building Engineering Section).
7. The owner/applicant shall submit survey evidence that the lands to be retained, including the location of parking and access to parking, conform to the requirements of the Zoning By-Law



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or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).

Proposed 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.

1. If this consent is granted, the proponent must be advised in writing by the Committee of Adjustment as follows:

“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 disturbance, in addition to any areas impacted by the installation of services, such as water, electricity and ground-source heat pumps, and the proponent is advised to conduct an archaeological assessment prior to such impacts 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 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 (416-212-0036). 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 (416-212-7499).”



Development Planning:

Background

	Frontage	Depth	Area
SEVERED LANDS:	4.1 m±	104.8 m±	2,432.2 m ² ±
RETAINED LANDS:	45.6 m±	119.6 m±	7,625.0 m ² ±

The purpose of Consent Application B-24:40 is to permit the conveyance of a parcel of land to be added to property known municipally known as 259 Wilson Street East.

Staff note that applications for Official Plan Amendment (UHOPA-24-006) and Zoning By-law Amendment (ZAC-24-013) were approved by Council on July 12, 2024 to amend the Official Plan designation of the lands and to change the Zoning to facilitate the conveyance of a parcel of land from 265 Wilson Street East to be added to the property at 259 Wilson Street East.

A separate delegated authority application, B-24:41, has also been submitted to permit the creation of easements for access and maintenance purposes in favour of 265 Wilson Street East. The creation of easements is necessary to allow for the continued function of the shared driveway access. In order to ensure that the easements are established, a condition of Consent is recommended requiring that delegated authority application B-24:41 is approved before the condition can be cleared.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Community Node” and “Neighbourhoods” in Schedule E – Urban Structure and are designated as “Mixed Use – Medium Density” in Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policies E.4.6.5 and F.1.14.3.6, amongst others, are applicable and permit the existing office use at 259 Wilson Street East and the existing place of worship at 265 Wilson Street East.

Policy E.4.6.5 identifies the permitted uses permitted on lands designated “Mixed Use – Medium Density”, including a range of commercial uses including offices, and a range of institutional uses including places of worship.

Policy F.1.14.3.6 permits minor lot line adjustments provided there is no increased fragmentation of a Core Area and the adjustments do not conflict intent of the policies of this Plan.



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The proposed severance is to permit a minor lot line adjustment to add part of 265 Wilson Street East to the lands at 259 Wilson Street East. The lands are not located within any Core Area or Linkage and therefore the proposed lot line adjustment will not fragment any Core area. The proposed lots will comply with the minimum lot frontage and lot area requirements of the Zoning By-law and will both have frontage on public roads and the minor lot line adjustment will not impact existing service connections.

Ancaster Wilson Street Secondary Plan

The subject lands are further designated “Mixed Use Medium Density – Pedestrian Focus” for the lands at 259 Wilson Street East and the lands to be severed from 265 Wilson Street East, and designated “Institutional” for the balance of the lands at 265 Wilson Street East, in the Ancaster Wilson Street Secondary Plan. The lands are also located within the Village Core Area of the Ancaster Wilson Street Secondary Plan.

Council approved the re-designation of the lands that are to be severed from 265 Wilson Street East and merged with 259 Wilson Street East from “Institutional” to “Mixed Use Medium Density – Pedestrian Focus” on July 12, 2024 as part of Official Plan Amendment application UHOPA-24-006. The lands were re-designated in order to facilitate this severance and merger of the lands to be used in association with the existing office use at 259 Wilson Street East.

Policies B.2.8.8.4 and B.2.8.10, amongst others, is applicable and permits office uses and places of worship.

The existing office use at 259 Wilson Street East and existing place of worship at 265 Wilson Street East are to be maintained, and the proposed minor lot line adjustment will align with the extent of lands re-designated from “Institutional” to “Mixed Use Medium Density – Pedestrian Focus” and therefore severance generally complies with the policies of the Ancaster Wilson Street 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 Ancaster Wilson Street Secondary Plan.

Natural Heritage

Through the Zoning By-law Amendment application, Natural Heritage staff advised that that the subject property is located within the boundaries of the Urban Hamilton Official Plan (UHOP) and has



been identified within the Ancaster Wilson Street Secondary Plan. Based on the mapping within the UHOP (Volume 1 – Schedule B Natural Heritage System and Volume 2 – Ancaster Wilson Street Secondary Plan Land Use Plan Map B.2.8-1), Core Areas and Linkages have not been identified within or adjacent to the subject property. Since development is not proposed, it is anticipated that the proposed boundary adjustment will not further negatively impact the features or functions of the City’s Natural Heritage system.

Archaeology

Through the Zoning By-law Amendment application Cultural Heritage staff advised that 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:

- 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;
- 3) In areas of pioneer EuroCanadian settlement; and,
- 4) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 4.6.2 of the Provincial Planning Statement apply to the subject application. Municipal heritage planning Staff require that the owner of 259 Wilson Street East, who will be acquiring the lands proposed to be severed, be informed in writing the following:

“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 disturbance, in addition to any areas impacted by the installation of services, such as water, electricity and ground-source heat pumps, and the proponent is advised to conduct an archaeological assessment prior to such impacts 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 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 (416-212-0036). 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 (416-212-7499).”

This note has been included as a recommended condition for approval of the Consent application.

Cultural Heritage

Through the Zoning By-law Amendment application, Cultural Heritage staff advised that the subject property comprises Ryerson United Church, a gothic revival style church located at 265 Wilson Street East and is included in the City’s Register of Property of Cultural Heritage Value or Interest as a non-designated property. Furthermore, Ryerson United Church is included on staff’s list of Designation Candidates. The subject properties are adjacent to the following properties included in the City’s Register of Property of Cultural Heritage Value or Interest:

- 241 Wilson Street East
- 277 Wilson Street East
- 280 Wilson Street East
- 283 Wilson Street East
- 286 Wilson Street East
- 287 Wilson Street East
- 289 Wilson Street East

Additionally, the subject property is located adjacent to 272 Wilson Street East (St. John’s Anglican Church), a property designated under Part IV of the *Ontario Heritage Act* and a “protected heritage property” under the Provincial Planning Statement.

Notwithstanding that the property known as Ryerson United Church is included in the City’s Register of Property of Cultural Heritage Value or Interest, is a high priority Designation Candidate and that both properties in question are adjacent to a property designated under Part IV of the *Ontario Heritage Act*, and several properties included in the City’s Register of Property of Cultural Heritage Value or Interest, staff have reviewed the application and are of the opinion that the cultural heritage value or interest of Ryerson United Church will be conserved as there is no proposed development contemplated as part of this application.



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

For the property at 259 Wilson Street East and the lands to be severed from 265 Wilson Street East, the lands are zoned Mixed Use Medium Density – Pedestrian Focus (C5a, 903) Zone, in the City of Hamilton Zoning By-law No. 05-200. An office use is a permitted use.

For the retained lands at 265 Wilson Street East, the lands are zoned Neighbourhood Institutional (I1, 16) Zone. A place of worship is a permitted use.

The retained lands are required to have a minimum area of 330 square metres and a minimum lot width of 12.0 metres, exceeding both at 7,625 square metres and 45.6 metres. There is no minimum lot area and lot width requirement in the Mixed Use Medium Density – Pedestrian Focus (C5a, 903) Zone, as the proposal is to merge the severed lands with the lands at 259 Wilson Street East the overall lot area and lot width of 259 Wilson Street East will increase.

Therefore, staff recommend the proposed severance be approved.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	The owner/applicant shall submit survey evidence that the lands to be retained, including the location of parking and access to parking, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
Comments:	<ol style="list-style-type: none"> 1. Be advised, the proposed application is associated with Zoning By-law Amendment 24-132 and reviewed through application ZAC-24-013. Drawings match those submitted through ZAC-24-013 and as such, conform to the Zoning requirements as amended through Zoning By-law Amendment 23-132. Conditional Clearance is required to confirm an Access Easement being provided on the lot to be severed and merged with 259 Wilson Street East for access to parking on 265 Wilson Street East. 2. The lands to be conveyed/retained shall be merged in title with the lands to which they are to be added.



	Legally established rights of ways shall be properly registered on title to provide access between properties (lands to be conveyed and retained) and sharing of the parking areas.
Notes:	

Development Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	It appears that the proposed severance is for adjustment of the existing lot line between the adjacent properties, as such our office has no issues with this application.
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 – Building Engineering 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. If the follow conditions are met on the severance and retained parcel, Wilson Street is to be 20.117 metres from Rousseaux Street to Halson Street. The existing right-of-way at the subject property is approximately ±18 metres. Approximately ±2 metres are to be dedicated to the right-of-way on Wilson Street, 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.



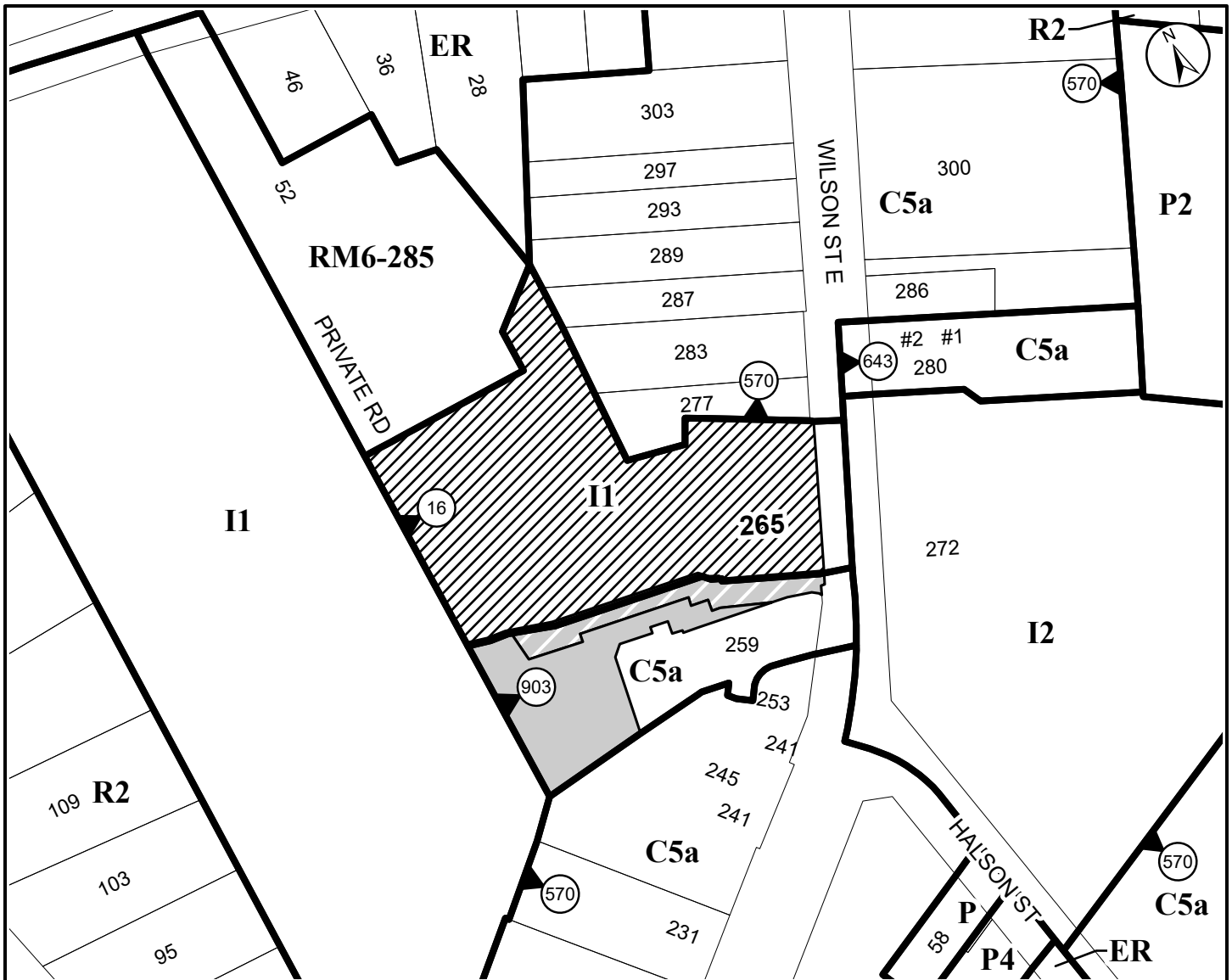
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	c. Subject to the satisfaction and approval of the Manager, Transportation Planning.
Comments:	
Notes:	

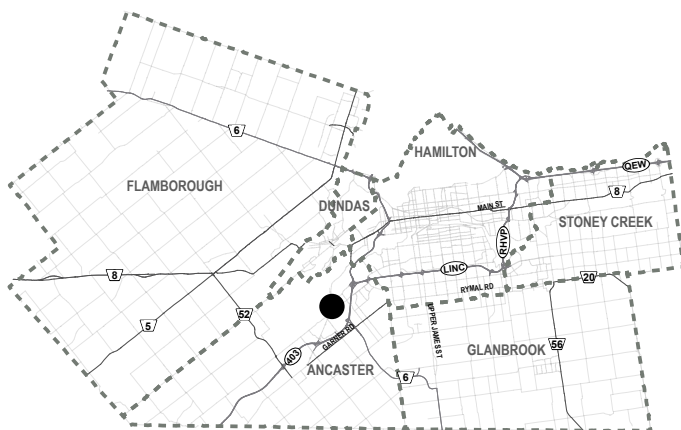
Legislative Approvals:

Recommendation:	No Comments.
Proposed Conditions:	
Comments:	
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

265 Wilson Street East, Ancaster (Ward 12)

-  Lands to be retained
-  Lands to be severed and merged with 259 Wilson St E
-  Right-of-way easement through lands to be severed

File Name/Number:
B-24:40

Date:
October 31, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton