



Hamilton

STAFF COMMENTS

HEARING DATE: November 12, 2024

B-24:41 – 259 & 265 Wilson Street East, Ancaster (Delegated Authority)

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. That consent application B-24:40 be approved and that the lands to be severed be merged in title with the property at 259 Wilson Street East, to the satisfaction of the Director of Development Planning.
4. 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).

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



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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).”



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Development Planning:

Background

	Frontage	Depth	Area
SEVERED LANDS (Part 1): (For Easement)	4.12 m [±]	95.94 m [±]	679.69 m ^{2±}
RETAINED LANDS (265 Wilson Street East):	45.7 m [±]	111.7 m [±]	7,606.1 m ^{2±}
LANDS TO BE MERGED TO (259 Wilson Street East):	15.5 m [±]	94.3 m [±]	3,787.4 m ^{2±}

The purpose of this application is to create an easement (Part 6 on the submitted survey) on the parcel of lands that is to be severed from 265 Wilson Street East and merged in title with the property at 259 Wilson Street East, to the benefit of 265 Wilson Street East, for access and maintenance purposes. The easement allows for both 259 and 265 Wilson Street East to utilize a shared driveway for access purposes. The easement will replace existing easement rights that exist over the lands at 265 Wilson Street East that are in favour of 259 Wilson Street East.

Staff note that this Consent application was concurrently submitted with Consent to Sever application B-24:40, which seeks to sever a portion of 265 Wilson Street East and to merge the lands in title with the property at 259 Wilson Street East. The proposed application for easements does not properly function until the proposed severance under application B-24:40 is approved and finalized. Therefore, the approval of and merger of the severed lands in title with the property at 259 Wilson Street East needs to occur prior to the finalization of application B-24:41. It is therefore recommended that this matter be included as a condition of approval of this delegated authority Consent application.

Staff further note that applicant applied for Official Plan Amendment (UHOPA-24-006) and Zoning By-law Amendment (ZAC-24-013) for the subject lands, which were approved by Council on July 12, 2024. The applications were 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. Through the Official Plan Amendment and Zoning By-law Amendment applications staff identified the need for reciprocal easements to ensure the continued functioning of the parking areas for the separate properties.

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, in addition to the proposed easement.

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

Natural Heritage

Through the Zoning By-law Amendment application, Natural Heritage staff advised 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.

Archeology

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:

- 5) Within 250 metres of known archaeological sites;
- 6) 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;
- 7) In areas of pioneer EuroCanadian settlement; and,
- 8) 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:



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

Therefore, staff recommend the application be approved, subject to the recommended condition.

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"> 3. Please note, this application shall be heard in conjunction with Consent application B-24-40 and conditions provided above may be cleared under one Zoning Compliance Review application. 4. 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,



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	<p>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.</p> <p>5. The lands to be conveyed/retained shall be merged in title with the lands to which they are to be added.</p> <p>6. 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.</p>
Notes:	

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

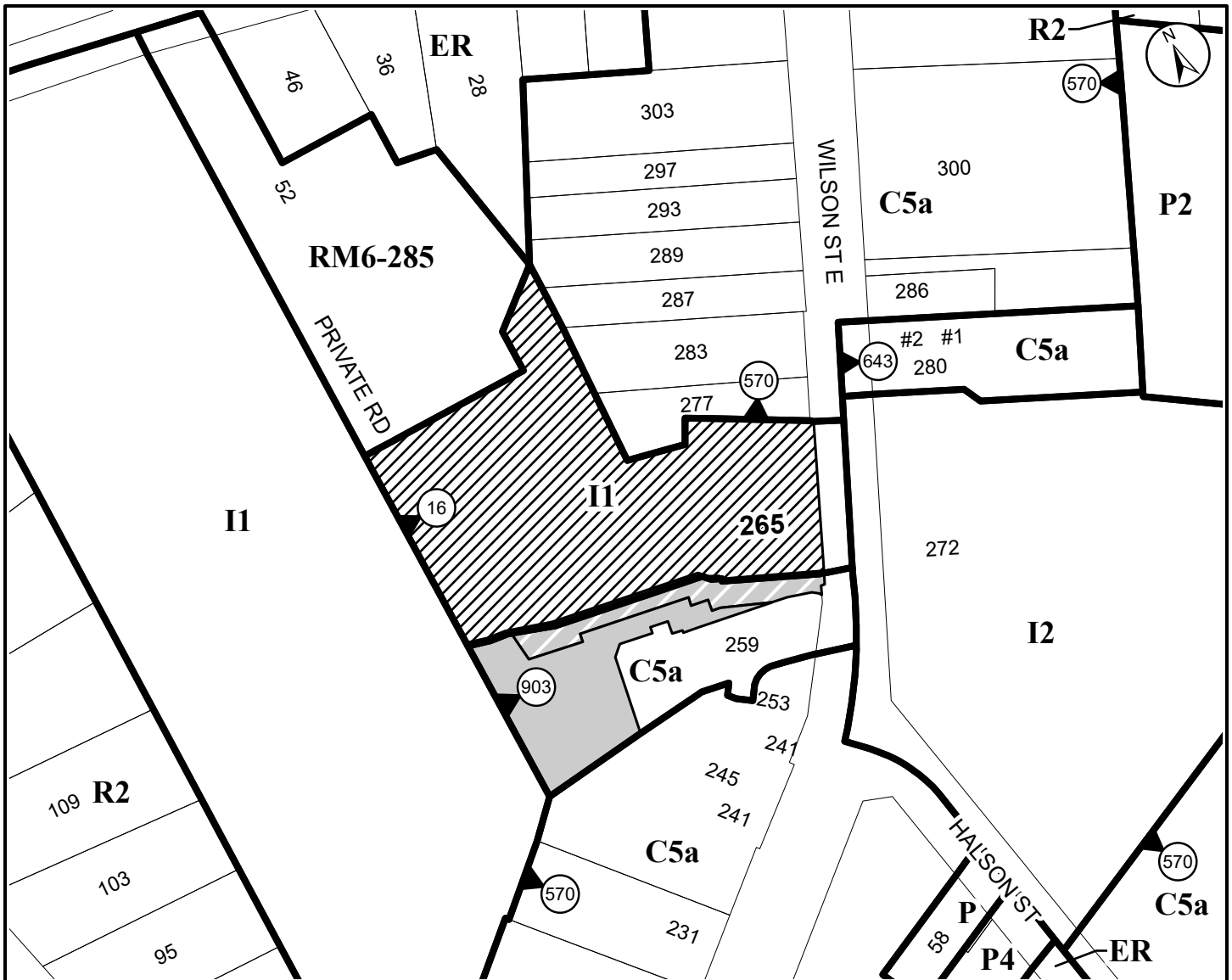
Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	Delegated Authority file does not get circulated to staff.
Notes:	

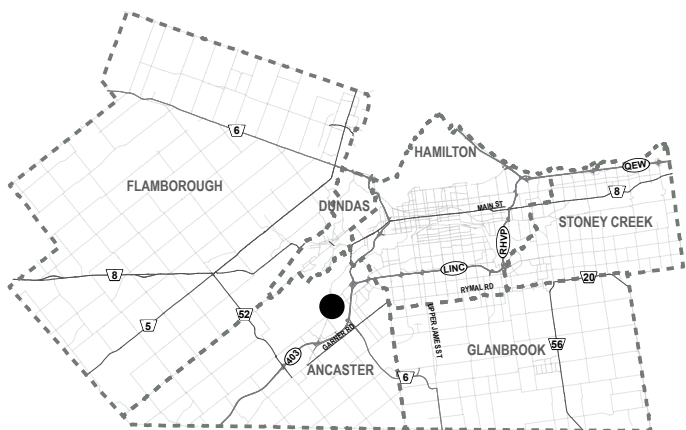
Legislative Approvals:

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"



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