



Hamilton

B-24:68 (143 Margaret Ave., Stoney Creek)

Recommendation

Approve with conditions

Proposed Conditions

1. That the owner shall investigate the noise levels on the severed and retained lands and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the Director of Planning and Chief Planner.

Proposed Notes

If this severance is approved, the proponent must be advised by the Committee of Adjustment as follows:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Citizenship and Multiculturalism (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 (416-212-7499).”

Development Planning:

Background

The purpose of the severance application is to sever the existing residential lot into two parcels, the severed lands will be a vacant residential building lot and the retained lands will contain a dwelling. The lands currently contain an unfinished single detached dwelling with just a foundation currently occupying the lands. Staff note that there is an active building permit to construct the single detached dwelling.

The lots are to be conveyed as follows:



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	Frontage	Depth	Area
SEVERED LANDS:	13.19 m±	53.39 m±	698 m2 ±
RETAINED LANDS:	13.12 m±	53.38 m±	701.74 m2 ±

Urban Hamilton Official Plan

The subject property is designated “Neighbourhoods” on Schedule E-1 of the Urban Hamilton Official Plan. Policy E.3.2.3 a) permits residential dwellings, including second dwelling units and housing with supports. The subject lands are further designated “Low Density Residential 2b” on Map B.7.1-1 – Western Development Area Secondary Plan – Land Use Plan. Policy B.1.5 a) of Volume 2 of the Urban Hamilton Official Plan states that the applicable policies of Volume 1 shall apply for the purposes of permitted density ranges, built form, and height for lands designated “Low Density Residential 2b”, amongst others. The proposal complies with these policies.

The proposal is considered residential intensification in accordance with the Urban Hamilton Official Plan. Staff have completed an analysis of the proposal against Policies B.2.4.1.4 and B.2.4.2.2 of the Urban Hamilton Official Plan and are satisfied that the proposed severance conforms to the residential intensification policies. The proposed severance is compatible with the scale and character of the neighbourhood and maintains the general streetscape pattern and considers the relationship of the proposed lots with existing development.

Highway No. 8 is identified as a Major Arterial road on Schedule C – Functional Road Classification in the Urban Hamilton Official Plan. As noted in Policy B.3.6.3.7, a noise feasibility study, or detailed noise study, or both, is required to be submitted for review and approval in order to conform with this policy.

The following policy applies to consent applications to create a new lot:

- “F.1.14.3.1 Consents for new lot creation, for both the severed and retained lands, for residential uses in the “Neighbourhoods” designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:
- 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;



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- e) The lots are fully serviced by municipal water and wastewater systems; and,
- f) The lots have frontage on a public road.”

Staff have completed an analysis of the lot creation policies of Policy F.1.14.3.1 and are of the opinion that the proposed severance conforms to the above noted policies. The proposed lots reflect the general scale and character of the established development pattern in the surrounding area. The proposed lots comply with the existing Secondary Plan and have frontage onto a public road (Margaret Avenue). Staff defer to development engineering staff on any concerns of servicing.

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) In an area of sandy soil in areas of clay or stone;
- 2) In areas of pioneer Euro-Canadian settlement; 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.

Cultural Heritage:

No comments.

City of Hamilton By-law No. 05-200

The subject lands are zoned Low Density Residential (R1) Zone. The R1 Zone permits Single Detached Dwellings.

Analysis

Severance

Based on the above analysis, the proposed severance conforms to the policies of the Urban Hamilton Official Plan, subject to the recommended conditions. Staff are of the opinion that the lots are well integrated within the existing neighbourhood and lot fabric and are compatible with the existing character and streetscape.

Based on the forgoing analysis staff recommend the approval of the severance as it conforms to the Urban Hamilton Official Plan.



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Zoning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Proposed Notes:	

Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	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/ utilities and any damage during construction (at the Owner's Cost), to the satisfaction of the City's Director of Development Engineering.
Comments:	<p>According to our records, the existing municipal infrastructure fronting the subject property summarized as follows:</p> <p>Margaret Avenue:</p> <ul style="list-style-type: none"> • 150mm ø Ductile Iron Watermain • 375mm ø Storm Sewer • 250mm ø Sanitary Sewer <p>Separate and independent services (Water, Storm and Sanitary) shall be provided for each dwelling constructed within each parcel of land in accordance with the current Sewer and Water By-laws.</p>
Proposed Notes:	



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Building Engineering:

Recommendation:	Comments and Conditions/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:	
Proposed 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
Proposed Conditions:	
Comments:	
Proposed Notes:	

Forestry:

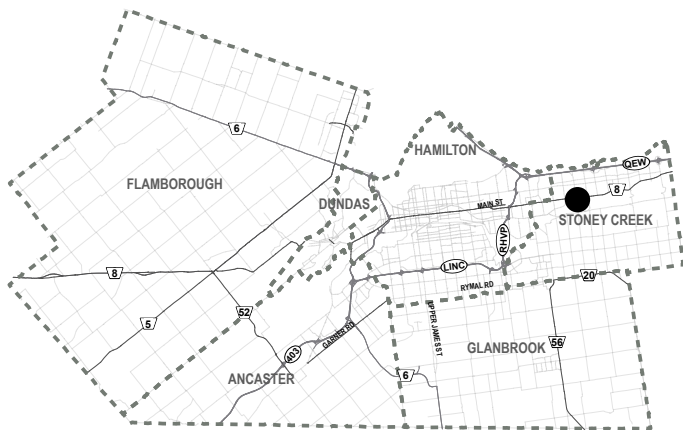
Recommendation:	Approve
Proposed Conditions:	None
Comments:	There are no Municipal Tree Assets on site. No public tree permit is required. No Landscape plan required. Forestry has no concerns or conditions regarding this application. For questions please contact: urbanforest@hamilton.ca
Proposed Notes:	

Legislative Approvals:

Recommendation:	
Proposed Conditions:	
Comments:	The lands to be conveyed (Part 2) will remain as 143 Margaret Avenue (Stoney Creek) . The lands to be retained (Part 1) will be assigned the address of 141 Margaret Avenue (Hamilton) .
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.



● Site Location





City of Hamilton

Committee of Adjustments

Subject Property

143 Margaret Avenue, Stoney Creek
(Ward 10)

 Lands to be retained

 Lands to be severed and conveyed

File Name/Number:
B-24:68

Date:
November 14, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



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