



Hamilton

**B-24:75 (479 Springbrook Ave., Ancaster)**

**Recommendation**

- Approve

**Proposed Conditions**

3. That the owner takes the necessary steps to lift the reserve block that currently runs along the frontage of Fair Street, described as Block 18, Registered Plan 62M-1161, that any and all costs associated with lifting the reserve block shall be borne by the owner, and that the reserve block is lifted, in order to provide adequate frontage on a public road for the severed lands, to the satisfaction of the Director of Development Planning.
4. The owner shall receive final approval of the appropriate *Planning Act* application in order to seek relief from the requirements of the Zoning By-law.
5. That the owner shall investigate the noise levels on the severed 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 City of Hamilton, Director of Development Planning.
6. That the owner submits and receives approval of a Tree Protection Plan including the review fee as per the Schedule of Rates and Fees, to the satisfaction of the Manager of Heritage and Urban Design. The Tree Protection Plan is to be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester or landscape architect) in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010).
7. That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Manager of Heritage and Urban Design if required.

**Proposed Notes**

N/A



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**Development Planning:  
Background**

|                                     | <b>Frontage</b> | <b>Depth</b> | <b>Area</b>             |
|-------------------------------------|-----------------|--------------|-------------------------|
| <b>SEVERED LANDS<br/>(Part 1):</b>  | 10.34 m±        | 31.66 m±     | 327.73 m <sup>2</sup> ± |
| <b>SEVERED LANDS<br/>(Part 3):</b>  | 10.59 m±        | 38.03 m±     | 526.6 m <sup>2</sup> ±  |
| <b>SEVERED LANDS<br/>(Part 4):</b>  | 9.41 m±         | 38.7 m±      | 606.6 m <sup>2</sup> ±  |
| <b>SEVERED LANDS<br/>(Part 5):</b>  | 10.9 m±         | 28.27 m±     | 515.82 m <sup>2</sup> ± |
| <b>SEVERED LANDS<br/>(Part 6):</b>  | 11.63 m±        | 30.91 m±     | 366.83 m <sup>2</sup> ± |
| <b>SEVERED LANDS<br/>(Part 7):</b>  | 15.56 m±        | 42.1 m±      | 418.07 m <sup>2</sup> ± |
| <b>RETAINED LANDS<br/>(Part 2):</b> | 10.34 m±        | 31.66 m±     | 330.46 m <sup>2</sup> ± |

The purpose of Consent to Sever Application B-24:75 is to sever the existing residential lots to create six new parcels and one retained parcel. The severed lands will be vacant residential lots and the retained lands will be a vacant residential lot. The existing dwelling and structures are intended to be demolished.

The subject lands are located south of a temporary cul-de-sac where Fair Street currently terminates and to the west of an existing hydro corridor. The extension of Fair Street and the establishment of a permanent cul-de-sac will be required to facilitate the proposed development. This is discussed in more detail below in the Meadowlands Neighborhood IV Secondary Plan analysis.

Staff note that the proposed future development is to facilitate the creation of six new residential lots, with five fronting onto Fair Street and one new lot fronting onto Springbrook Avenue. To achieve this, Consent to Sever applications B-24:72 and B-24:75 have been concurrently submitted. B-24:72 proposes to convey a portion of the rear of 485 Springbrook Avenue, to merge with 479 Springbrook Avenue. B-24:75 proposes to create six new residential lots from the enlarged 479 Springbrook Avenue.

Staff further note that a 1 foot reserve remains between Fair Street and 479 Springbrook Avenue, being Block 18 of Registered Plan 62M-1161. This reserve must be lifted prior to development occurring. Additionally, the proposed severed and retained lands are labelled as Parts 1 to 7 on the



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submitted severance sketch. The proposed parcels to be dedicated to the City for the permanent cul-de-sac on Fair Street are labelled Parts 8 and 9, with Part 10 being the remaining parcel from the existing temporary cul-de-sac.

## **Analysis**

### **Urban Hamilton Official Plan**

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and are designated as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policies B.2.4.1.4, B.2.4.2.2, B.3.6.3.7, F.1.14.3.1 and E.3.2.3, amongst others, is applicable and permits the single detached dwellings.

Policy B.3.6.3.7 b) requires a noise feasibility study, detailed noise study or both for residential developments within 400 metres of a major arterial road, as identified on Schedule C – Functional Road Classification. The subject property is located within 400 metres of Garner Road East, which is identified as a major arterial road on Schedule C – Functional Road Classification of the Urban Hamilton Official Plan. Therefore, staff are recommending a condition requiring a noise study be provided to confirm conformity with the policies regarding sensitive land use developments.

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;



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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 note that the proposed lots comply with the minimum lot frontage and area requirements of the Zoning By-law, have frontage on public roads, and are similar in character, scale and the established development pattern of the area. Regarding servicing, the existing dwelling is serviced by municipal water and a private septic system. Full municipal services are available for the proposed severed lot along Fair Street.

#### **Meadowlands Neighbourhood IV Secondary Plan**

The subject lands are further designated “Low Density Residential 2b” on Map B.2.6-1 within the Meadowlands Neighbourhood IV Secondary Plan. Policy B.2.6.1.4, among others, is applicable and permits single detached dwellings.

The proposed severance and single detached dwellings generally comply with the policies of the Meadowlands Neighbourhood IV Secondary Plan.

Staff note that the subject lands are located south of a temporary cul-de-sac where Fair Street currently terminates. As per Map B.2.6-1 of the Meadowlands Neighbourhood IV Secondary Plan, Fair Street was anticipated to be extended and a permanent cul-de-sac was to be accommodated on 479 and 485 Springbrook Avenue.

Staff further note that the applicant is proposing to dedicate a portion of Block 19 of Registered Plan 62M-1161 (Part 9) and a portion of the rear of 479 Springbrook Avenue (Part 8) to the City to extend Fair Street and establish a permanent cul-de-sac at the end of Fair Street. The remnant of Block 19 (Part 10) would become a residential building lot. The proposed severance and development will facilitate the long-term vision of the 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 Meadowlands Neighbourhood IV Secondary Plan.

#### **Archaeology**

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:



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**STAFF COMMENTS**

**HEARING DATE: November 26, 2024**

- 3) Within 250 metres of known archaeological sites;
- 4) 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;

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.

A Stage 1-2 (P038-038) archaeological report for the subject property were submitted to the City and the Ontario Ministry of Citizenship and Multiculturalism (MCM) and subsequently signed off on by the Ministry on September 6<sup>th</sup>, 2007. Therefore, staff believe the archaeology condition for the subject application has been met to the satisfaction of municipal heritage planning staff.

### **Cultural Heritage**

No comments.

### **Natural Heritage**

The subject properties are located within the boundaries of the Urban Hamilton Official Plan (UHOP) and have been identified within the Meadowlands Neighbourhood IV Secondary Plan. Based on mapping within the UHOP (Volume 1-Schedule B Natural Heritage System and Volume 2-Meadowlands Neighbourhood IV Secondary Plan Land Use Plan Map B.2.6-1), components of the Natural Heritage System (Core Areas and Linkages) have not been identified within or adjacent to the subject properties.

Through aerial photograph interpretation, trees have been identified within/adjacent to the subject properties. To facilitate the proposed severance, trees may be impacted. The City recognizes the importance of trees to the health and quality of life in the community (i.e., canopy cover, energy conservation, mental health benefits) and encourages the protection and restoration of trees (UHOP Volume 1 policy C.2.11.1). In addition, Town of Ancaster By-law No. 2000-118 may apply. A Tree Protection Plan (TPP) prepared by a recognized tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010). A review fee is to be submitted with the TPP. The 2024 review fee is \$715.00.



In order to ensure that existing tree cover is maintained, the City requires 1 for 1 compensation for any tree (10 cm DBH or greater) that is proposed to be removed. Generally, compensation is provided on a Landscape Plan associated with the Tree Protection Plan.

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

The subject lands are zoned Low Density Residential (R1) Zone in City of Hamilton Zoning By-law No. 05-200. The proposed future residential uses are permitted.

Staff note that the minimum required lot area and width for single detached dwellings in the R1 zone are 360 square metres and 12 metres, respectively. The retained lands, being Part 2, do not meet these requirements with an area of 330.46 square metres and a width of 10.34 metres. The proposed severed lands, being Parts 1, 3, 4, 5, 6 and 7, are to have the following lot areas and widths:

| Severed Lands | Lot Width            | Lot Area                |
|---------------|----------------------|-------------------------|
| Part 1        | 10.34 m <sup>±</sup> | 327.73 m <sup>2</sup> ± |
| Part 3        | 10.59 m <sup>±</sup> | 526.6 m <sup>2</sup> ±  |
| Part 4        | 9.41 m <sup>±</sup>  | 606.6 m <sup>2</sup> ±  |
| Part 5        | 10.9 m <sup>±</sup>  | 515.82 m <sup>2</sup> ± |
| Part 6        | 11.63 m <sup>±</sup> | 366.83 m <sup>2</sup> ± |
| Part 7        | 15.56 m <sup>±</sup> | 418.07 m <sup>2</sup> ± |

Parts 1, 3, 4, 5 and 6 do not meet the required lot width of 12 metres and Part 1 does not meet the required lot area of 360 square metres. These zoning non-conformities must be addressed with the appropriate *Planning Act* application; therefore staff are recommending a condition of approval to address this.

**Staff recommend the proposed severance be approved, subject to the recommended conditions.**



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Zoning:

| Recommendation:      | Comments and Conditions/Notes  |
|----------------------|--|
| Proposed Conditions: | <p>1.The owner/applicant shall apply for a demolition permit to demolish all or an appropriate portion of any buildings straddling the proposed property line(s), 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).</p> <p>NOTE: The demolition permit shall have a status of either “Review”, “Issued”, or “Closed” in order for this condition to be cleared by the Zoning Review Section.</p> <p>2.The owner shall 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).</p>   |
| Comments:            | <p>1.The applicant should obtain an appropriate municipal address for the proposed parcel(s) 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>2.Demolition of all or an appropriate portion of the building(s) straddling the proposed property line shall be a condition of consent. Such demolition is subject to a demolition permit issued in the normal manner.</p> <p>3.Please note that the lots indicated as Part “1” to Part “7” are zoned “R1” (Low Density Residential) pursuant to Hamilton Zoning By-law No. 05-200. Specific details regarding the development of these lots has not been indicated. The “R1” Zone permits limited Residential uses, and the applicant may wish to ensure that the proposed uses for the lands to be conveyed/retained are permitted.</p> <p>4.For the purpose of establishing the minimum required lot area and minimum required lot width for the lot(s) as indicated, it is assumed that the proposed use is intended as either a Single Detached Dwelling, Duplex Dwelling or Triplex Dwelling, and therefore subject to the regulations contained in Section 15.1.2.1. As such, the appropriate Planning Act approvals for minimum lot width for Part “1” and Part “2” and minimum lot area for Part “1” to Part “6” will be required for zoning compliance of the lands to be conveyed/retained. Please note that from the materials provided, it is unclear if “Lot Width” has been indicated as per the definition provided in Hamilton Zoning By-law No. 05-200.</p> |
| Proposed Notes:      | <p>1.Please note that this application is to be heard in conjunction with Consent/Severance Application No. B.24.72 for the lands known municipally as 485 Springbrook Avenue, Ancaster which is required to facilitate the subject application, and to establish the configuration of the lots as indicated.</p>  |



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Development Engineering:

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|----------------------|---|
| Recommendation:      | Approve with Conditions   |
| Proposed Conditions: | <p>1. That the Owner must enter into with the City of Hamilton and register on the title of the lands, a Combined Consent and External Works Agreement, having an administrative fee of \$5,945.00 (includes grading plan review) to address issues including but not limited to: extension of the storm and sanitary sewer on Springbrook Avenue and Fair Street, extension of the existing watermain, removal of the existing temporary turning circle and installation of a permanent turning circle to the City specification, 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>3.A Functional Servicing Report must be provided demonstrating that the downstream sanitary sewer has the capacity to account for the newly created lots to the satisfaction of the Director of Development Engineering.</p> <p>4.The Owner / Applicant shall obtain and satisfy the requirements of any applicable MECP approval or requirements for municipal sewer extension and Form 1 Watermain Approval by the City, all to the satisfaction of the Director of Development Engineering.</p> <p>6.The applicant shall submit a Stormwater Brief prepared by a qualified professional to demonstrate that the change in stormwater runoff due to an increased impervious area will be handled on the site for all storm events to the satisfaction of the Director of Development Engineering.</p> <p>7.That the Owner pay to the City of Hamilton for the future urbanization costs of Springbrook Avenue based on the New Road Servicing Rate for the year that final approval is obtained, to the satisfaction of the City's Director of Development Engineering.</p> <p>8.The Owner/ Applicant shall pay any outstanding charges or best efforts, all to the satisfaction of the Director of Development Engineering.</p> |





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|-----------------|---|
| Comments:       | <p>According to our records, the existing municipal infrastructure fronting the subject property summarized as follows:</p> <p>Springbrook Ave:</p> <ul style="list-style-type: none"> <li>• 300mm ø Ductile Watermain</li> </ul> <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> |
| Proposed Notes: |   |

Building Engineering:

|                      |   |
|----------------------|---|
| Recommendation:      |   |
| 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 – <b>Plan Examination Section</b> ). |
| 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:

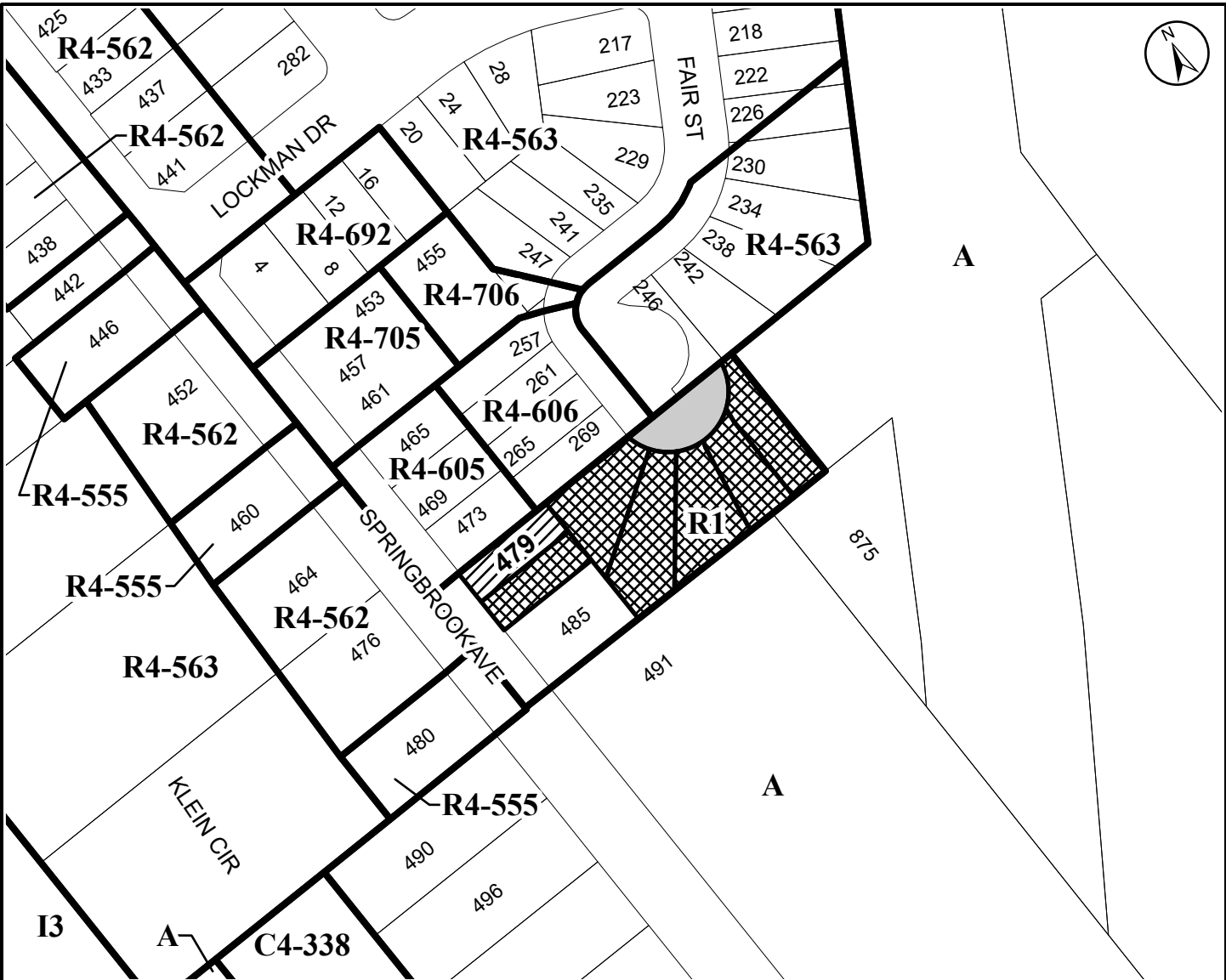
|                      |  |
|----------------------|--|
| Recommendation:      | Approve  |
| Proposed Conditions: | No conditions required.  |
| Comments:            | There are no public tree assets impacted by the proposed conveyance. |
| Proposed Notes:      |  |



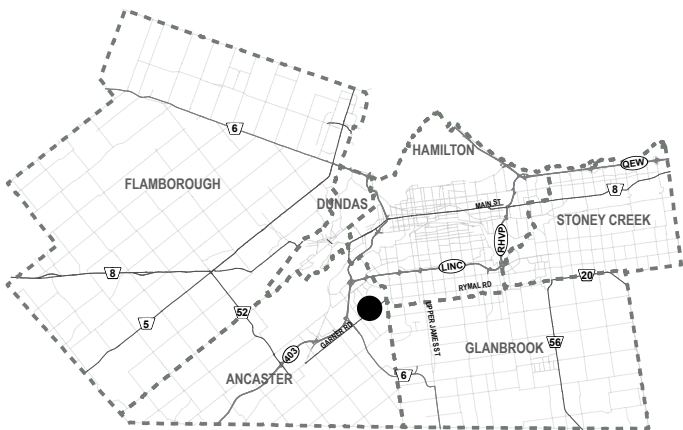
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Legislative Approvals:

|                      |   |
|----------------------|---|
| Recommendation:      | Comments and Conditons/Notes  |
| Proposed Conditions: |   |
| Comments:            | <p>The lands to be conveyed (Part 1) will be assigned the address of <b>481 Springbrook Avenue (Ancaster)</b></p> <p>The lands to be retained (Part 2) will remain as <b>479 Springbrook Avenue (Ancaster)</b>.</p> <p>The lands to be conveyed (Part 3) will be assigned the address of <b>273 Fair Street (Ancaster)</b>.</p> <p>The lands to be conveyed (Part 4) will be assigned the address of <b>277 Fair Street (Ancaster)</b>.</p> <p>The lands to be conveyed (Part 5) will be assigned the address of <b>281 Fair Street (Ancaster)</b>.</p> <p>The lands to be conveyed (Part 6) will be assigned the address of <b>280 Fair Street (Ancaster)</b>.</p> <p>The lands to be conveyed (Part 7) will be assigned the address of <b>276 Fair Street (Ancaster)</b>.</p> <p>The lands to be retained (Part 10) will remain as <b>246 Fair Street (Ancaster)</b>.</p> <p>The lands to be retained (Part 1 B-24:72) will remain as <b>485 Springbrook Avenue (Ancaster)</b>.</p> |
| Proposed Notes:      | Comments and Conditons/Notes  |



● Site Location



### City of Hamilton

# Committee of Adjustments

### Subject Property

479 Springbrook Avenue, Ancaster (Ward 12)



Lands to be retained



Lands to be severed and conveyed after severance described in application number B-24:72



Road dedication

File Name/Number:

B-24:75

Date:

November 15, 2024

Technician:

SH

Scale:

N.T.S.

Appendix "A"



Hamilton