

**B-24:66 (407 Parkside Dr., Flamborough)**

**Recommendation**

- Approve

**Proposed Conditions**

21. That the severed parcel be merged on title with 415 Parkside Drive, to the satisfaction of the Director of Development Planning.
22. The owner of 415 Parkside Drive shall receive 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.

**Proposed Notes**

N/A

**Development Planning:  
Background**

	Frontage	Depth	Area
<b>SEVERED LANDS:</b>	8.99 m±	60.96 m±	560.31 m <sup>2</sup> ±
<b>RETAINED LANDS:</b>	46.628 m±	162.68 m±	7585.44 m <sup>2</sup> ±

The purpose of Consent to Sever Application B-24:66 is to permit the conveyance of a parcel of land severed from 407 Parkside Drive, to be added to the property known municipally as 415 Parkside Drive. The driveway for the existing single detached dwelling on 415 Parkside Drive is currently located on 407 Parkside Drive.

Staff note that the retained lands are identified as “Lands to be Retained” and the severed lands, to be merged with 415 Parkside Drive, are identified as “Lands to be Conveyed”.

**Analysis**

**Greenbelt Plan**

The subject lands are designated “Protected Countryside” under the Greenbelt Plan. Section 4.6.1 e) of the Greenbelt Plan permits minor lot adjustments or boundary additions, provided they do not



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create a separate lot for a residential dwelling in prime agricultural areas and there is no increased fragmentation of key natural heritage or hydrologic features.

**Rural Hamilton Official Plan**

The subject lands are identified as “Greenbelt Protected Countryside” on Schedule A – Provincial Plans of the Rural Hamilton Official Plan. The subject lands are designated as “Rural” in Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan. Policy F.1.14.2.6, amongst others, is applicable and permits minor boundary adjustments for legal or technical reasons.

Policy F.1.14.2.6 reads as follows:

“Minor lot line adjustments and minor boundary adjustments may be considered for legal or technical reasons only provided:

- a) a separate lot is not created for a dwelling or any other non-farm use except in designated Rural Settlement Areas;
- b) there is no increased fragmentation of a key natural heritage feature or key hydrologic feature;
- c) the land area of the lot adjustment does not exceed the land area required to address the legal or technical issue, meet the requirements of Section C.5.1, Private Water and Wastewater Services, and meet F.1.14.2.6 b) above with as little acreage as possible taken out of agricultural use; and,
- d) the adjustments do not conflict with intent of the policies of this Plan.”

Staff note that the purpose of the proposed lot line adjustment is to convey a small portion of land from 407 Parkside Drive to 415 Parkside Drive. The lands to be conveyed contain the driveway and provides access to Parkside Drive for the existing single detached dwelling at 415 Parkside Drive. The proposal does not remove land from agricultural use, does not create a new lot and will not cause increased fragmentation of natural heritage or hydrologic features.

Upon merging with the severed lands, 415 Parkside Drive will not meet the minimum required lot area or frontage requirements and will not meet the 0.4 hectare minimum lot area required by Section C.5.1 of the Rural Hamilton Official Plan. However, no intensification of the existing residential use at 415 Parkside Drive is proposed.

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 Rural Hamilton Official Plan.

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

The lands to be retained, 407 Parkside Drive, are zoned Existing Rural Industrial (E2, 173) Zone in City of Hamilton Zoning By-law No. 05-200. The existing industrial use is permitted., 415 Parkside Drive, are zoned Rural (A2) Zone in City of Hamilton Zoning By-law No. 05-200. Upon merging the severed parcel with 415 Parkside Drive, the property would be zoned both Existing Rural Industrial (E2, 173) Zone and Rural (A2) Zone.

Staff note that the Existing Rural Industrial (E2, 173) Zone does not have provisions for a minimum required lot frontage or lot area and the Rural (A2) Zone has a minimum required lot frontage of 30 metres and lot area of 0.4 hectares (4,000 square metres). The retained lands would have a lot area of 7,585.44 square metres and a frontage of 46.628 metres. The severed lands have a frontage of 8.99 metres and an area of 560.31 square metres.

Upon merging the lands to be conveyed with 415 Parkside Drive, 415 Parkside Drive would have a frontage of 24.23 metres and a lot area of approximately 1,350 square metres. 415 Parkside Drive will not meet the required minimum lot frontage nor lot area requirements of the Rural (A2) Zone. However, staff note that 415 Parkside Drive currently does not meet these requirements. These zoning deficiencies must be addressed with the appropriate *Planning Act* application. Therefore, staff are recommending a condition of approval to ensure that the resulting parcels meet the zoning requirements.

**Staff recommend the proposed severance be approved.**

Zoning:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	1. The owner/applicant shall submit survey evidence that the lands to be retained, including the location of any existing structure(s), 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 application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).



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**STAFF COMMENTS**

**HEARING DATE: November 26, 2024**

Comments:	<ol style="list-style-type: none"><li>1. The owner/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</li><li>2. No dimensions for the existing dwelling have been shown on the submitted survey; therefore, this Division cannot confirm zoning compliance.</li><li>3. The lands to be conveyed/retained shall be merged in title with the lands to which they are to be added.</li><li>4. In order to clear conditions, the owner/applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees</li></ol>
Proposed Notes:	

**Development Engineering:**

Recommendation:	Approve
Proposed Conditions:	N/A
Comments:	
Proposed Notes:	

**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 – <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:	

**Legislative Approvals:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
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.

**Source Water:**

Recommendation:	Approve
Proposed Conditions:	
Comments:	<p>Source Protection Planning understands the application is to permit the conveyance of a parcel of land from 407 Parkside Drive to be added to 415 Parkside Drive. We understand the application does not include change of the existing land use of the property and as well does not include the construction of any new additional dwelling or expand the size of the existing dwelling such that there would be an increase in septic sewage flows and water supply needs.</p> <p>In the applicant's submission package, it is noted that the area of the severed lot to be conveyed is 560.31 m<sup>2</sup> (0.056 ha), and the retained lot at 407 Parkside Drive would be 7,585.44 m<sup>2</sup> (0.76 ha). Based on the Sketch Drawing included in the applicant's submission package, we understand that the area of 7,585.44 m<sup>2</sup> was derived from dimensions of 162.680 m x 46.628 m along the southern portion of the retained lot. Based on our review of the Plan of Survey included in the applicant's submission package, we understand these dimensions and the corresponding reported area is only a portion of the actual total area of the retained lot. A review of our internal mapping notes that the retained lot size (after conveyance) would be 4.99 ha. For this reason, and since the lot size of 415 Parkside Drive would increase by 0.056 ha, we have no comments on this file, and the applicant has our clearance.</p>
Proposed Notes:	



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STAFF COMMENTS

HEARING DATE: November 26, 2024

Conservation Halton:

Recommendation:	Approve
Proposed Conditions:	N/A
Comments:	<p>Conservation Halton (CH) staff has reviewed the above-noted application as per our regulatory responsibilities under the <i>Conservation Authorities Act</i> (CA Act) and Ontario Regulation 41/24, and our provincially designated responsibilities under Ontario Regulation 686/21 (e.g. acting on behalf of the province to ensure decisions under the <i>Planning Act</i> are consistent with the natural hazards policies of the Provincial Planning Statement (PPS, Sections 5.1.1-5.2.8) and/or provincial plans.</p> <p>Documents reviewed as part of this submission include:</p> <ul style="list-style-type: none"><li>• <i>Set of 14 Drawings</i> (A100), (PV24-006), (A101), (A102), (A103), (A104), (A105), (A106), (A107), (A108), (A109), (A110), (A301), (A301), Prepared by Perspective Views Architectural Design, Dated October 23, 2024</li></ul> <p><u>Proposal and Background</u></p> <p>Minor Variances are being requested to allow for an Additional (detached) Dwelling Unit on a lot containing a single dwelling having a minimum lot area of 0.26 ha instead of the minimum 1.5 ha of lot area, and to allow for a height of 8.14 m instead of maximum of 6.0 m building height. On September 27, 2024, CH issued a Development Clearance Letter for development activities associated with the proposed additional dwelling unit (CH File RNOL-3271).</p> <p><u>Conservation Authorities Act and Ontario Regulation 41/24</u></p> <p>Under Part VI of the CA Act and Ontario Regulation 41/24, CH regulates all watercourses, valleylands, wetlands, Lake Ontario Shoreline and hazardous lands as well as lands adjacent to these features. Based on CH's Approximate Regulation Limit (ARL) mapping, the subject property is adjacent to the flood plain associated with a tributary of Grindstone Creek and adjacent to a property containing a wetland. CH regulates a distance of 15 metres from the limit of the flood plain associated with Grindstone Creek and 30m from the limit of wetlands. Permits are required from CH prior to undertaking development activities within CH's regulated areas and applications are reviewed under the CA Act, Ontario Regulation 41/24, and CH's Board-approved policies and requirements).(<a href="https://conservationhalton.ca/policies-and-guidelines">https://conservationhalton.ca/policies-and-guidelines</a>).</p> <p>The Additional Dwelling unit is outside of CH regulated areas on the property and CH's previously issued Development Clearance Letter remains applicable.</p> <p><u>Provincial Planning Statement (Sections 5.1.1-5.2.8)</u></p> <p>As the development contemplated through the variance application is located outside of regulated hazardous lands and sites, it is consistent with PPS Policies 5.1.1-5.2.8.</p>

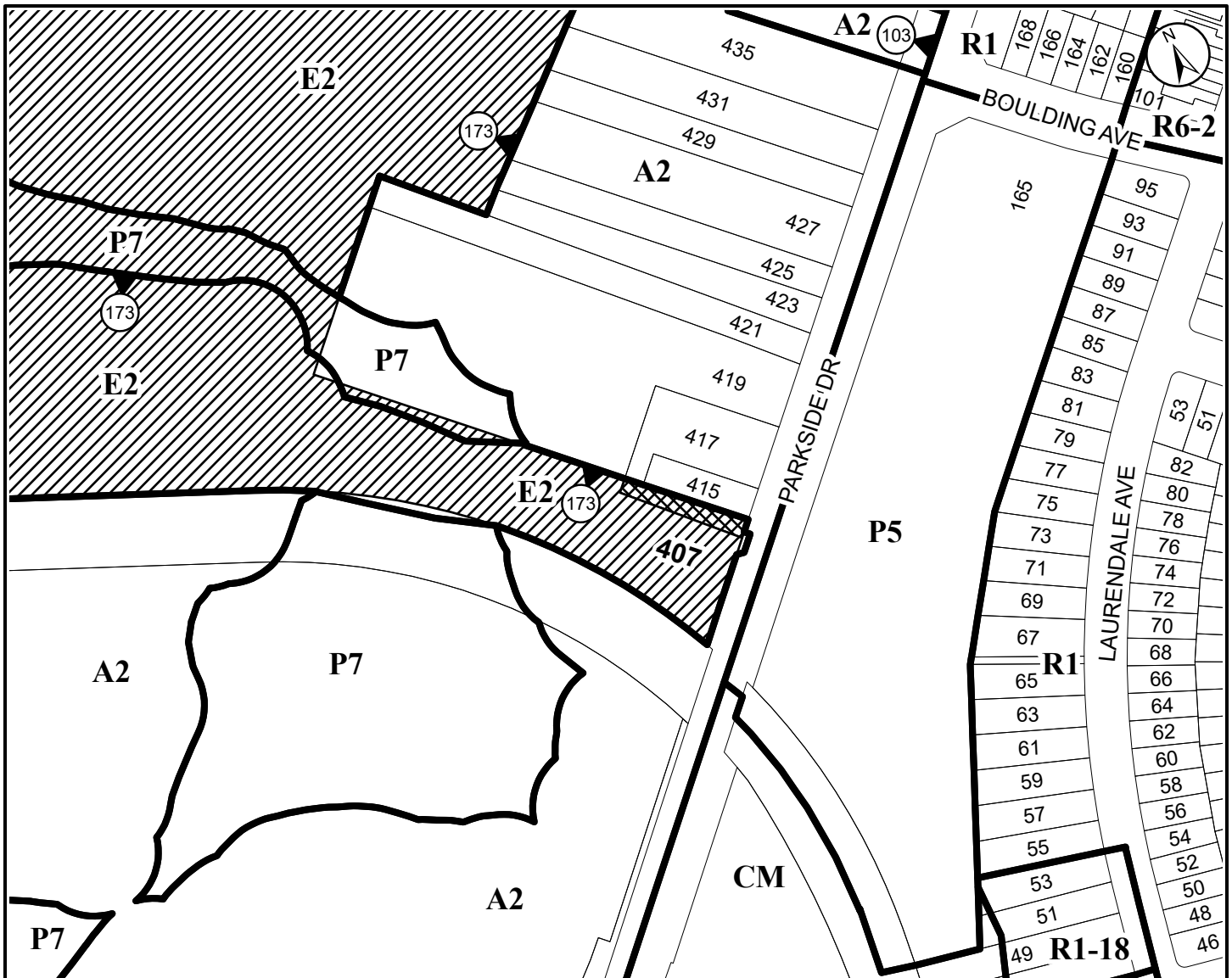


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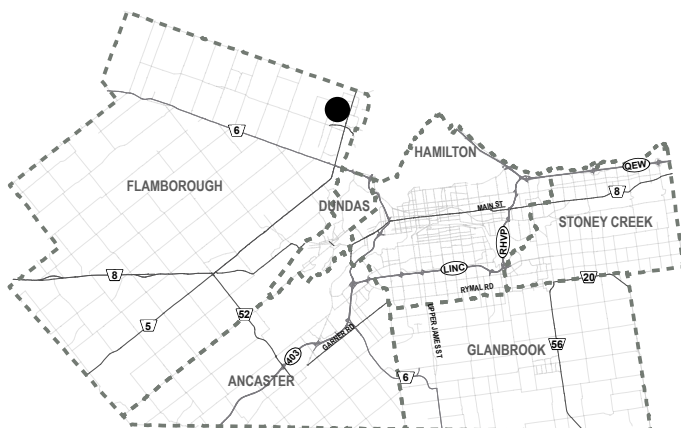
**STAFF COMMENTS**

**HEARING DATE: November 26, 2024**

	<p><u>Recommendation</u></p> <p>CH has no objections to the requested variances as the proposed works subject to these variances are outside of CH's regulated area and are consistent with the plans approved through the CH Development Clearance letter issued.</p> <p>Should any changes to the proposed development arise through the Minor Variance process, please circulate CH for further review and comment to identify any regulatory and permitting requirements.</p>
Proposed Notes:	N/A



● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property

407 Parkside Drive, Flamborough (Ward 15)



Lands to be retained



Lands to be severed and added to  
415 Parkside Dr

File Name/Number:  
B-24:66

Date:  
November 14, 2024

Technician:  
SH

Scale:  
N.T.S.

Appendix "A"



**Hamilton**

Planning and Economic Development Department