



Hamilton

**STAFF COMMENTS**

**HEARING DATE: January 21, 2025**

B-24:45 – 1335 Highway 8, Stoney Creek

**Recommendation:**

Approve — Development Planning

**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. That the lands to be severed are to be merged on title with the lands to the north, municipally known as 30 Parkmanor Drive, to the satisfaction of the Director of Development Planning.
5. That the owner apply for a Zoning Compliance Review, and obtain approval of the appropriate Planning Act application should it be determined that the newly proposed lot configuration creates any Zoning deficiencies, to the satisfaction of the Director of Development Planning.
6. The existing right-of-way at the subject property is approximately 28.0 metres. Approximately, 4.5 metres are to be dedicated to the right-of-way on Highway 8, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Highway 8 is to be 36.576 metres. (Transportation Planning)
7. 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(s). (Transportation Planning)

**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.



**Development Planning:**

**Background**

The applicant proposes a lot addition where the severed lands are to be added the abutting lot known municipally as 30 Park Manor Drive. B-24:45 is a resubmission of a proposed severance that previously proposed to create lots with frontage onto Maple Gate Drive which is a temporary road not suitable for the creation of lots thus creating a lot without street frontage. Staff were not in support of the previous application submission. B-24:45 proposes no new lots but instead a lot addition onto 30 Parkmanor Drive.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>Severed Lands (Part 2):</b>	N/A m ±	12.2 m ±	321.6 m2 ±
<b>Retained Lands (Part 1):</b>	26.2 m ±	59.0 m ±	1477.3 m2 ±

**Urban Hamilton Official Plan**

The subject property is designated as “Neighbourhoods” on Schedule E1-Urban Land Use Designations in the Urban Hamilton Official Plan. Policy E.3.4.3 permits singles-detached, semi-detached, duplex, triplex, fourplex and street townhouse dwellings. Based on the forging, the land use designation permits the existing single detached dwelling use for both the proposed retained and severed lands.

The following policy applies to minor lot line adjustments:

“F.1.14.3.6 Minor lot line adjustments shall be permitted provided there is no increased fragmentation of a core area and the adjustments do not conflict with intent of the policies of this Plan.

There are no core areas located on the subject lands, so the proposed lot line adjustment does not further fragment a core area. Staff have completed an analysis of the proposed lot line adjustment against the policies of the Official Plan and are of the opinion that the proposed lot addition conforms to the policies of the Official Plan. The proposed lots reflect the general scale and character of the established development pattern in the surrounding area. The proposed lot line adjustment would simply recognize how the two lots are currently being used today, with the lands to be severed currently being used as part of the rear yard amenity area for the single detached dwelling at 30 Parkmanor Drive. There are currently improvements to this portion of the lands that are associated with the rear yard amenity area of 30 Parkmanor Drive. Staff are satisfied with the lot configuration as it does not propose new lot creation with lots fronting onto Maple Gate Drive, which is intended to be a temporary access street between Parkmanor Drive and Highway 8. The size of the severed portion of the lands has also been reduced so as to limit the amount of land being removed from future



development potential. Furthermore, adding the severed lands to 30 Parkmanor Drive does not preclude those lands from being reassemble for development in the future. The proposed lots comply with the existing Secondary Plan and have frontage onto a public road (Highway 8 & Parkmanor Drive). Staff defer to Development Engineering staff on any concerns related to site servicing.

### **Fruitland-Winona Secondary Plan**

The subject property is further designated as “Low Density Residential 1” on Map B.7.4-1 - Land Use Plan Map found in Volume 2 of the Urban Hamilton Official Plan. Policy B.7.4.4.3 a) and b) of Volume 2 Chapter B limits the permitted uses to single detached dwellings and a maximum net residential density of 20 units per hectare. The land use designation of the Secondary Plan permits the existing single detached dwelling use for both the proposed retained and severed lands.

### **Archeology:**

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:

- 1) 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; and,
- 2) 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.

A Stage (1-2) archaeological report (P017-1112-2024) has been submitted to the City of Hamilton and the Ministry of Citizenship and Multiculturalism. While the Provincial interest has yet to be signed off by the Ministry, Staff concur with the recommendations made in the report and are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied. Staff request a copy of the letter from the Ministry when available.

### **Cultural Heritage:**

The property known as address is located within the Mohawk Trail Cultural Heritage Landscape.

Further, the subject property is adjacent to 1344 Highway 8, a property listed on the City’s Inventory of Heritage Properties.

The City recognizes there may be cultural heritage properties that are not yet identified or included in the Municipal Heritage Register, nor designated under the *Ontario Heritage Act*, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated



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but are still worthy of conservation (Urban Hamilton Official Plan, Volume 1, Section B.3.4.2.6 and B.3.4.2.7).

Although not formally recognized under the *Ontario Heritage Act* through registration or designation, the adjacent property is of potential cultural heritage value and staff do have an interest in ensuring any proposed changes are sympathetic to the historic character of the property and are contextually appropriate.

Accordingly, sections B.3.4.2.1(h) and B.3.4.6.2 of the Urban Hamilton Official Plan, Volume 1, apply.

Additionally, sections 7.4.12.1 (b) and 7.4.13.7 (b) of the Fruitland Winona Secondary Plan, apply.

The proponent proposes the conveyance of a parcel of land to be added to property known municipally as 30 Park Manor Drive.

Notwithstanding that the subject property is within the Mohawk Trail Cultural Heritage Landscape and that the adjacent property is listed on the Inventory of Heritage Properties, staff have reviewed the application and are of the opinion that the cultural heritage value of the landscape will be conserved.

Staff have no further comments on the application as circulated.

### **Former City of Stoney Creek Zoning By-law No. 3692-92**

The subject property currently known as 1335 Highway 8, Stoney Creek (property in which the proposed retained lands will be) is zoned as “R1” (Single Residential – One) in the former City of Stoney Creek Zoning By-law No. 3692-92. This zone permits the existing Single Detached Dwelling use.

The subject property currently known as 30 Parkmanor Drive, Stoney Creek (property in which the proposed severed lands will be added to) is zoned as “R2” (Single residential -Two) in the former City of Stoney Creek Zoning By-law No. 3692-92. This zone permits the existing Single Detached Dwelling use.

Based on the forgoing, Development Planning staff do not have concerns with the proposed severed lands merging with the lands to the north known as 30 Parkmanor Drive. The newly proposed lots appear to be zoning compliant. Staff have included a condition that the applicant apply for and receive a Zoning Compliance Review and obtain approval of the appropriate *Planning Act* application should zoning deficiencies be identified.

### **Analysis**

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 into the existing neighbourhood 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, subject to conditions.

**Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	
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. The lands to be conveyed/retained shall be merged in title with the lands to which they are to be added.</li> <li>3. This Division has no concerns with the proposed application.</li> </ol>
Notes:	

**Cultural Heritage:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>Archeology:</p> <p>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:</p> <ol style="list-style-type: none"> <li>1) 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; and,</li> <li>2) Along historic transportation routes;</li> </ol> <p>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.</p> <p>A Stage (1-2) archaeological report (P017-1112-2024) has been submitted to the City of Hamilton and the Ministry of Citizenship and Multiculturalism. While the Provincial interest has yet to be signed off by the Ministry, Staff concur with the recommendations made in the report and are of the opinion</p>



	<p>that the municipal interest in the archaeology of this portion of the site has been satisfied. Staff request a copy of the letter from the Ministry when available.</p> <p>Cultural Heritage: The property known as address is located within the Mohawk Trail Cultural Heritage Landscape.</p> <p>Further, the subject property is adjacent to 1344 Highway 8, a property listed on the City's Inventory of Heritage Properties.</p> <p>The City recognizes there may be cultural heritage properties that are not yet identified or included in the Municipal Heritage Register, nor designated under the Ontario Heritage Act, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation (Urban Hamilton Official Plan, Volume 1, Section B.3.4.2.6 and B.3.4.2.7).</p> <p>Although not formally recognized under the Ontario Heritage Act through registration or designation, the adjacent property is of potential cultural heritage value and staff do have an interest in ensuring any proposed changes are sympathetic to the historic character of the property and are contextually appropriate.</p> <p>Accordingly, sections B.3.4.2.1(h) and B.3.4.6.2 of the Urban Hamilton Official Plan, Volume 1, apply.</p> <p>Additionally, sections 7.4.12.1 (b) and 7.4.13.7 (b) of the Fruitland Winona Secondary Plan, apply.</p> <p>The proponent proposes the conveyance of a parcel of land to be added to property known municipally as 30 Park Manor Drive.</p> <p>Notwithstanding that the subject property is within the Mohawk Trail Cultural Heritage Landscape and that the adjacent property is listed on the Inventory of Heritage Properties, staff have reviewed the application and are of the opinion that the cultural heritage value of the landscape will be conserved.</p> <p>Staff have no further comments on the application as circulated.</p>
Notes:	



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**Development Engineering:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Development Engineering has no comments on the proposed severance, provided that the existing easement for the 300mm storm sewer on 30 Parkmanor Drive is maintained.
Notes:	Please note that there is an existing easement located within the lot of 30 Parkmanor Drive for a 300mm storm sewer.  This easement shall be maintained with no obstructions or future proposed structures that would conflict with the easement.

**Building Engineering:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	This Division has no concerns with the proposed application.

**Transportation Planning:**

Recommendation:	Approve with Conditions
Proposed Conditions:	<ol style="list-style-type: none"> <li>1. The existing right-of-way at the subject property is approximately 28.0 metres. Approximately, 4.5 metres are to be dedicated to the right-of-way on Highway 8, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Highway 8 is to be 36.576 metres.</li> <li>2. 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(s).</li> </ol>
Comments:	
Notes:	

**Forestry:**

Recommendation:	Approve
Proposed Conditions:	
Comments:	There are municipal tree assets on site although it is determined that no impacts are anticipated through this application. No public tree permit is required.



	No Landscape plan required.
Notes:	Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to Forestry. Email urbanforest@hamilton.ca for questions or public tree permit application.

**Legislative Approvals:**

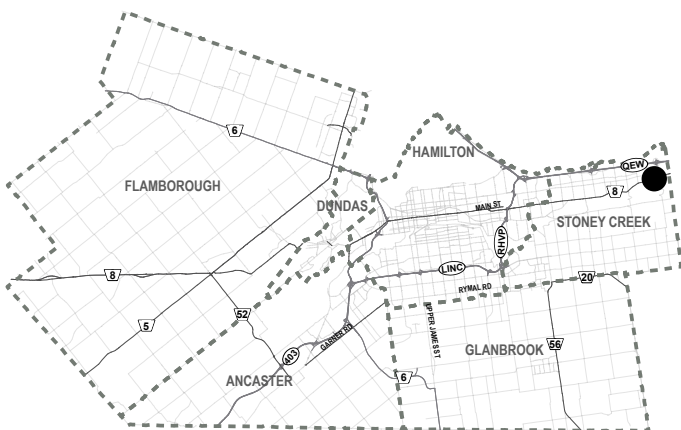
Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

Please Note: Public comment will be posted separately, if applicable.





● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property

1335 Highway 8, Stoney Creek (Ward 10)



Lands to be retained



Lands to be severed

File Name/Number:  
B-24:45

Date:  
January 10, 2025

Technician:  
SH

Scale:  
N.T.S.

Appendix "A"



**Hamilton**