



Hamilton

**STAFF COMMENTS**

**HEARING DATE: January 21, 2025**

B-24:81 – 315 Wentworth Street North, Hamilton

**Recommendation:**

Table — 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 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). 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).
3. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
4. 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)
5. The owner/applicant 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).
6. The owner/applicant shall submit survey evidence that the lands to be severed and 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).
7. 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. (Development Planning)



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8. That the owner demonstrate or provide proof of separate and independent sewer and water services for each parcel of land in accordance with the Sewer and Drain By-Law 23-234 and Water Works By-Law 23-235, to the satisfaction of the Director, Development Engineering.

**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**

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS (Lot 20):</b>	10.287 m±	30.302 m±	311.718 m <sup>2</sup> ±
<b>RETAINED LANDS (Lot 21):</b>	6.528 m±	33.302 m±	197.806 m <sup>2</sup> ±

The purpose of Consent to Sever Application B-24:81 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 the existing dwelling which is to remain. The severed lands are labelled “Lot 20” on the submitted consent sketch and the retained lands are labelled “Lot 21”.

**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, F.1.14.3.1 and E.3.2.3, amongst others, are applicable and permits the single detached dwellings.

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;



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- 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;
- 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 both the retained and severed lands will have frontage on a public road, and are similar in character, scale and the established development pattern of the area and are serviced by municipal water and wastewater. The retained lands do not meet the minimum required lot width or lot area of the Zoning By-law, whereas the severed lands exceed the minimum requirements.

### **Landsdale Neighbourhood Plan**

The subject lands are further identified as “Single and Double” on Map 6608 (Map 1 of 2) of the Landsdale Neighbourhood Plan. The proposed lots and existing uses are consistent with the vision of the Neighbourhood Plan.

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

The subject lands are zoned Low Density Residential – Small Lot (R1a) Zone in City of Hamilton Zoning By-law No. 05-200. The residential uses are permitted.

Staff note that the minimum required lot area and width for single detached dwellings in the R1a Zone are 270 square metres and 9 metres, respectively. The retained lands, being “Lot 21”, do not meet these requirements with an area of 197.806 square metres and a width of 6.528 metres. The proposed severed lands, being “Lot 20”, exceed the minimum requirements with a lot area of 311.718 square metres and a lot width of 10.287 metres.

Staff further note that the existing dwelling on the retained lands appears to have deficient side yard setbacks (being 0.813 metres and .527 metres each) and a deficient front yard at 3.73 metres. The existing dwelling and detached garage on the severed lands also appear to have deficient setbacks, with the dwelling straddling the proposed lot line between the retained and severed lands.

These zoning non-conformities and any other potential non-conformities must be addressed with the appropriate *Planning Act* application. A condition has been recommended to ensure the severed and retained lands conform with the applicable zoning.



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Based upon review of the above noted policies and the materials provided in support of this severance application, **staff are recommending this application be tabled.** This would afford staff the opportunity to request additional information and discuss the application with the Owner.

**Staff recommend the proposed severance be tabled to allow staff to discuss the proposal with the applicant.**

**Zoning:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	<ol style="list-style-type: none"> <li>1. The owner/applicant 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).</li> <li>2. The owner/applicant shall submit survey evidence that the lands to be severed and 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).</li> </ol>
Comments:	<ol style="list-style-type: none"> <li>1. The proposal properties are both zoned Low Density Residential – Small Lot (R1a) in Section 15.2 of Hamilton Zoning By-law 05-200.</li> <li>2. 313 Wentworth St. N. (Lot 20) appears there is a 0.0m side yard proposed whereas 1.2m is required, additional variance may be required.</li> <li>3. 315 Wentworth St. N. (Lot 21), the proposed lot area doesn't meet is only 197m<sup>2</sup> whereas 270m<sup>2</sup> is required. The proposed frontage is only 6.5 metres whereas 9.0 metres is required. A proposed minimum side yard of 0.5m whereas 1.2m is required. Additional variances may be required.</li> <li>4. The accessory structures in the rear of the property 315 Wentworth Street N do not appear to be meeting the required side yard setbacks, additional variance may be required.</li> <li>5. Approval of the appropriate Planning Act application is required to permit the accessory structures to remain on the conveyed/retained lands when no main use/building has been established.</li> </ol>



	<p>6. Please be advised that additional Planning Act approvals may be required if a road widening and/or daylight triangle is required as part of this application.</p> <p>7. Additional variances may be required, sketch provided did not provide all information to complete a full zoning compliance review.</p> <p>8. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.</p>
Notes:	N/A

**Cultural Heritage:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	<p>Archeology: No Comments</p> <p>Cultural Heritage: No Comments.</p>
Notes:	

**Development Engineering:**

Recommendation:	Approve with Conditions
Proposed Conditions:	That the owner demonstrate or provide proof of separate and independent sewer and water services for each parcel of land in accordance with the Sewer and Drain By-Law 23-234 and Water Works By-Law 23-235, to the satisfaction of the Director, Development Engineering.
Comments:	<ul style="list-style-type: none"> <li>According to our GIS records, the existing municipal infrastructure fronting the subject property is summarized as follows:           <p><b>Wentworth Street North:</b></p> <ul style="list-style-type: none"> <li>➢ 2100mm x 2250mm Storm Sewer (Wentworth CSO) @ ±0.2%</li> <li>➢ 1200mm x 1500mm Combined Sewer @ ±0.6%</li> <li>➢ 150mm Watermain</li> </ul> </li> <li>It is noted that 313 Wentworth Street North was merged with 315 Wentworth Street North when the property was purchased in 1997. The severance application is for land assembly purposes; there does not appear to be any proposed development within the properties.</li> <li>Separate and independent services are required for each parcel of land in accordance with the Sewer and Drain By-Law 23-234 and Water Works By-Law 23-235.</li> </ul>



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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). 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:	
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:	
Notes:	

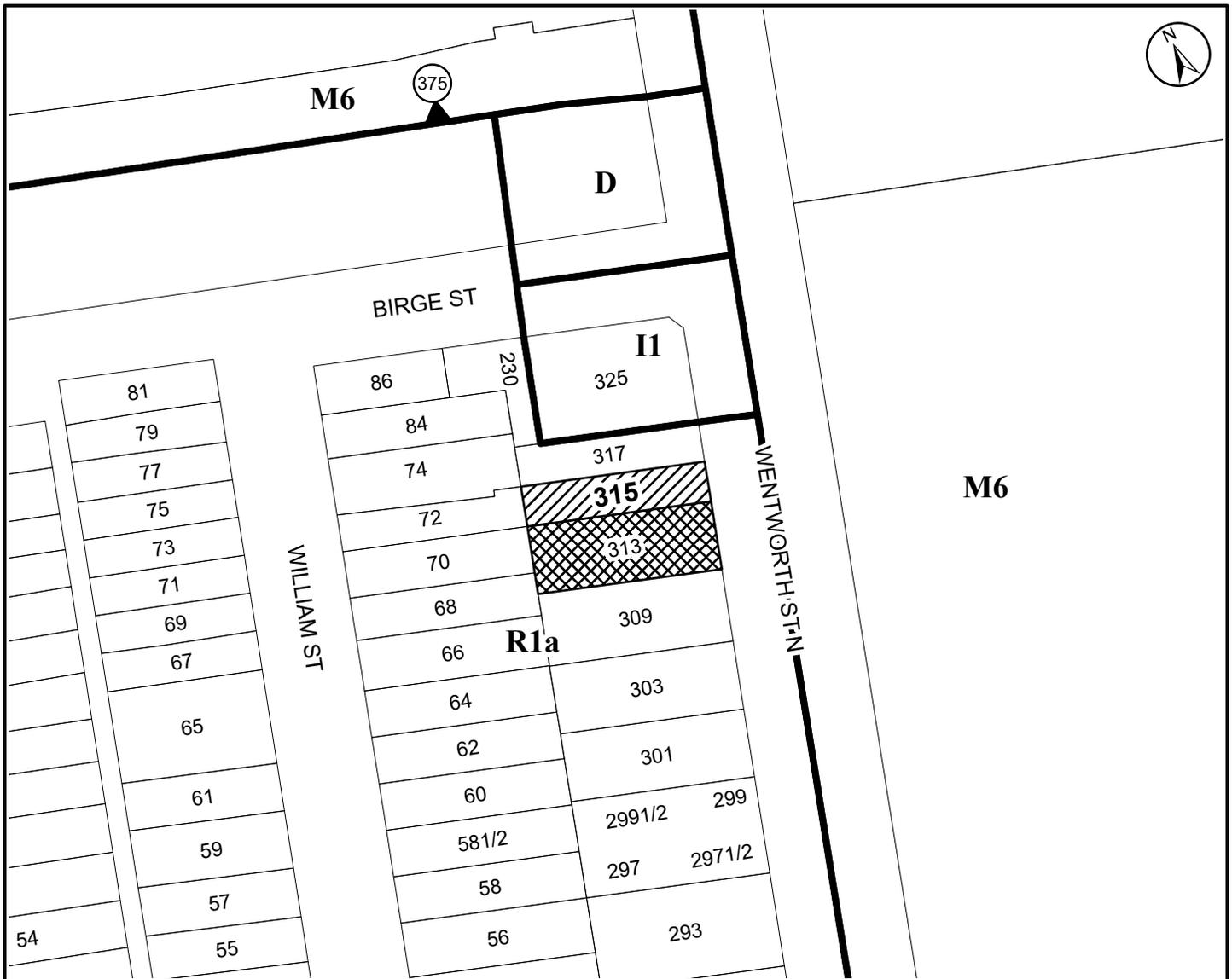
**Forestry:**

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

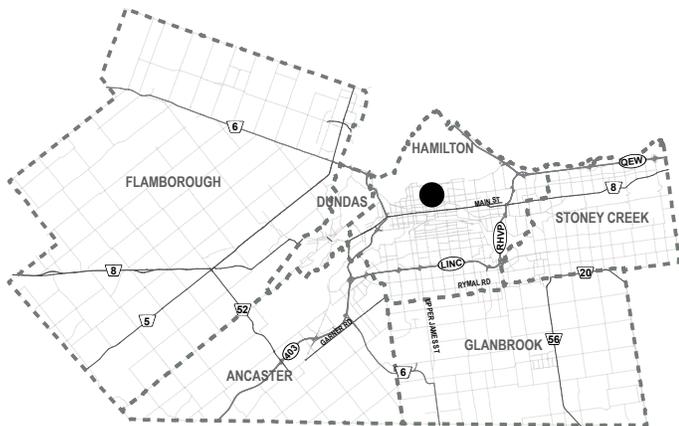
**Legislative Approvals:**

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**

315 Wentworth Street North, Hamilton  
(Ward 3)

- Lands to be retained
- Lands to be severed

File Name/Number:  
B-24:81

Date:  
January 10, 2025

Technician:  
SH

Scale:  
N.T.S.

Appendix "A"



**Hamilton**