



Hamilton

B-24:85 — 52 Durham Road, 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. A site inspection and review of the survey that was provided has determined that there are municipal trees that will be impacted, therefore a Permit to injure or remove municipal trees is a requirement for this application. A Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.
5. The owner/applicant shall submit survey evidence that the lands to be retained, including the minimum landscaped area conforms 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).
6. 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).
7. The Owner is to dedicate to the City of Hamilton a 4.57 metres x 4.57 metres Daylighting Triangle to the right-of-way, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7. at the intersection of Durham Road and Cedardale Avenue.
 - a. 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.



- b. The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the right-of-way dedication requirements. <https://www.hamilton.ca/build-invest-grow/planning-development/planning-policies-guidelines/road-widening-dedication>.
- c. All to the satisfaction and approval of the Manager, Transportation Planning.
8. That the owner submits and receives approval of a Tree Protection Plan including the review fee as part of 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).
9. 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.
10. That the owner submits a Zoning Compliance Review to determine zoning conformity, if required receive approval of the appropriate Planning Act Application to obtain relief from any Zoning deficiencies required to implement the proposed Consent Application (B-24:85), to the satisfaction of the Director of Development Planning.
11. That the Owner must enter into with the City of Hamilton and register, a Consent Agreement, along with the current administrative fee (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 Director of Development Engineering.
12. The Owner shall submit a Grading Plan and Servicing Plan in accordance with City Standards. (Development Engineering)
13. The Owner shall submit a Stormwater Management Brief to demonstrate how the stormwater runoff will be handled in accordance with City and MECP standards. (Development Engineering)

Proposed Notes:

That the proponent shall carry out an archaeological assessment of the portion of the property to be conveyed and mitigate, through preservation or resource removal and documentation, adverse



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HEARING DATE: February 13, 2025

impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Development Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ontario Ministry of Citizenship and Multiculturalism (MCM). Should deeply buried archaeological materials be found on the property during any of the above development activities the 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)

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. (Legislative Approvals)



Development Planning:

Background

The purpose of the 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 the existing dwelling which is intended to remain.

Staff note that the property previously applied for a consent to sever application file SC/B-22:89 which has since lapsed in approval.

The lots are to be conveyed as follows:

	Frontage	Depth	Area
Severed Lands:	29.70 m±	19.81 m±	588.69 m2 ±
Retained Lands:	19.81 m±	23.64 m±	468.49 m2 ±

Urban Hamilton Official Plan

The subject property is designated “Neighbourhoods” in 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.7.1.1.2 a) of Volume 2 of the Urban Hamilton Official Plan states that “the permitted uses shall be single, semi detached and duplex dwellings”. Policy B.7.1.1.2 b) states that the density shall range from 1 to 29 units per net residential hectare. 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 Policy B.2.4.1.4 and B.2.4.2.2 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.

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;
- 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 (Cedardale Avenue). Planning Staff defer to Development Engineering staff on any concerns related to site servicing.

Natural Heritage

The subject property is located within the boundaries of the Urban Hamilton Official Plan (UHOP) and has been identified within the Western Development Area Secondary Plan. Based on mapping within the UHOP (Volume 1-Schedule B Natural Heritage System and Volume 2-Western Development Area Secondary Plan Land Use Plan Map B.7.1.-1), Core Areas (i.e., Environmentally Significant Areas, Areas of Natural and Scientific Interest, Significant Woodlands, wetlands, and watercourses) as well as Linkages (natural areas that ecologically connect Core Areas) have not been identified within or adjacent to the subject property. The property includes an area zoned as “OS-Open Space” within the Zoning By-law 3692-92. There is concern that this open space may be impacted (based on the sketch provided this area is included in the lands that are to be severed).

Through aerial photograph interpretation, trees have been identified within and adjacent to the subject property. 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 restoration and protection of trees (UHOP Volume 1 policy C.2.11.1). A Tree Protection Plan was submitted as part of a previous Consent Application (SC/B-22:89). Since there may have been changes to the condition of the trees, an updated Tree Protection Plan (TPP) is to be provided. In addition, an updated Landscape Plan (showing any required compensation) should be provided.



Archaeological:

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 250 metres of known archaeological sites;
- 2) In an area of sandy soil in areas of clay or stone;

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.

Cultural Heritage:

No comments.

City of Hamilton Zoning By-law No. 05-200 as Amended by By-law 24-051

The subject property is zoned R1 (Low Density Residential) Zone in Zoning By-law No. 05-200. The R1 (Low Density Residential) Zone permits residential uses including Single Detached Dwelling.

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. Staff note the accessory structures shown on the site sketch have been removed and accordingly staff are not recommending a condition for the demolition of existing accessory structures.

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

Zoning:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	1. The owner/applicant shall submit survey evidence that the lands to be retained, including the minimum landscaped area conforms 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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Comments:	<ol style="list-style-type: none"> 1. Be advised that if any existing accessory structures on the severed lands are not demolished prior to the severance becoming final. Final approval of the appropriate Planning Act application will be required to permit the existing accessory structures to remain on the retained lands when no principal use/building has been established. 2. 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. 3. Please be advised that a Planning Act approval may be required if a road widening and/or daylight triangle dedication is required as part of this application.
Notes:	

Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	<ol style="list-style-type: none"> 1. That the Owner must enter into with the City of Hamilton and register, a Consent Agreement, along with the current administrative fee (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 Director of Development Engineering. 2. The Owner shall submit a Grading Plan and Servicing Plan in accordance with City Standards. 3. The Owner shall submit a Stormwater Management Brief to demonstrate how the stormwater runoff will be handled in accordance with City and MECP standards.
Comments:	<ul style="list-style-type: none"> • According to our GIS records, the existing municipal infrastructure fronting the subject property is summarized as follows:



	<p>Durham Road:</p> <ul style="list-style-type: none"> ➤ 200mm ø PVC Watermain ➤ 250mm ø Sanitary Sewer @ ±0.5% ➤ 375mm ø Storm Sewer @ ±0.4% <p>Cedardale Avenue:</p> <ul style="list-style-type: none"> ➤ 200mm ø PVC Watermain ➤ 250mm ø Sanitary Sewer @ ±1.1% <p>675mm ø Storm Sewer @ ±0.5%</p>
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 – Plan Examination Section).
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 with Conditions
Proposed Conditions:	<p>The Owner is to dedicate to the City of Hamilton a 4.57 metres x 4.57 metres Daylighting Triangle to the right-of-way, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7. at the intersection of Durham Road and Cedardale Avenue. a. 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. b. The Applicant’s surveyor is to contact Geomatics and Corridor Management to confirm the right-of-way dedication requirements. https://www.hamilton.ca/build-invest-grow/planning-development/planning-policies-guidelines/road-widening-dedication.</p> <p>c. All to the satisfaction and approval of the Manager, Transportation Planning.</p>
Comments:	
Notes:	



Legislative Approvals:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	The lands to be retained will remain as 52 Durham Road (Stoney Creek) . The lands to be conveyed will be assigned the address of 199 Cedardale Road (Stoney Creek) . If at a future date it is discovered that the main entry of a house to be constructed on the retained lands will face Cedardale Road, an address change will be required.
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.

Urban Forestry:

Recommendation:	Approve with Conditions
Proposed Conditions:	A site inspection and review of the survey that was provided has determined that there are municipal trees that will be impacted, therefore a Permit to injure or remove municipal trees is a requirement for this application. A Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.
Comments:	Conditions of the Forestry and Horticulture Section will be cleared only after receipt of all applicable fees. An assessment of the information provided shows that there are potential conflicts with publicly owned trees or trees that may become city assets through right of way widening. Where existing municipal trees are impacted by development work, are within proximity of the development work or access/egress to the development work, a Public Tree Permit to injure or remove municipal trees is required. Where ownership of trees in proximity to the boundary between public and private land is un-certain, the subject trees must be surveyed by the applicant to confirm ownership. Ownership is as per By-law 15-125. Ownership must be clearly identified on the Tree Management Plan as either municipal or private. No Landscape plan required.



TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

The Forestry & Horticulture Section requires that a Tree Management Plan be prepared by a MTCU Qualified Arborist, or ISA Certified Arborist, or a Registered Landscape Architect. All trees within this proposed development area must be surveyed, identified and accurately plotted on the plan to determine ownership, including intensions regarding retention or removal.

It is compulsory that all proposed surface treatment changes within individual tree driplines as well as property lines, building footprints, driveways, utility construction corridors and temporary access roads be accurately depicted on the submission.

The Tree Inventory Analysis Table on the Tree Management Plan shall not be considered complete without the following data and recommended action for each tree.

- ❖ Species by Botanical and common name
- ❖ Diameter at breast height in centimeters or millimeters
- ❖ Ownership {> 50% @ ground level = ownership}
- ❖ Biological health
- ❖ Structural condition
- ❖ Proposed grade changes within individual driplines {compulsory}
- ❖ Proposed utility construction within individual driplines {compulsory}
- ❖ Proposed removals or relocations
- ❖ Proposed trees to be protected.

If it is determined and verified that existing trees can remain, a Tree Protection Zone Detail with notes showing Tree Preservation Techniques shall be included on the submission as per the **Public Tree Preservation and Sustainability Policy**.

The determination of ownership of all trees is the responsibility of the applicant and any civil issues which may exist or arise between property owners with respect to trees, must be resolved by the applicant. The ownership of each individual tree inventoried must be clearly stated as municipal or private.



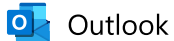
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STAFF COMMENTS

HEARING DATE: February 13, 2025

	<p>All Healthy trees on municipal property which are found to be in conflict with this proposed development and do not meet our criteria for removal are subject to a replacement fee as outlined in the Public Tree Preservation and Sustainability Policy in conjunction with By-Law 15-125.</p> <p>A <u>permit</u> will be issued upon approval of the Tree Management Plan and applicable fees.</p>
Notes:	

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



Hamilton - 52 Durham Road - B-24:85

From LANDUSEPLANNING <LandUsePlanning@HydroOne.com>

Date Wed 2/5/2025 10:46 AM

To Committee of adjustment <cofa@hamilton.ca>

External Email: Use caution with links and attachments

Hello,

We are in receipt of your Application for Consent, B-24:85 dated 2025-01-27. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One’s 'High Voltage Facilities and Corridor Lands' only.

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at subdivision@Hydroone.com or 1-866-272-3330.

To confirm if Hydro One is your local distributor please follow the following link: [Stormcentre \(hydroone.com\)](https://stormcentre.hydroone.com).

Please select "Search" and locate the address in question by entering the address or by zooming in and out of the map.

2/7/25, 12:25 PM

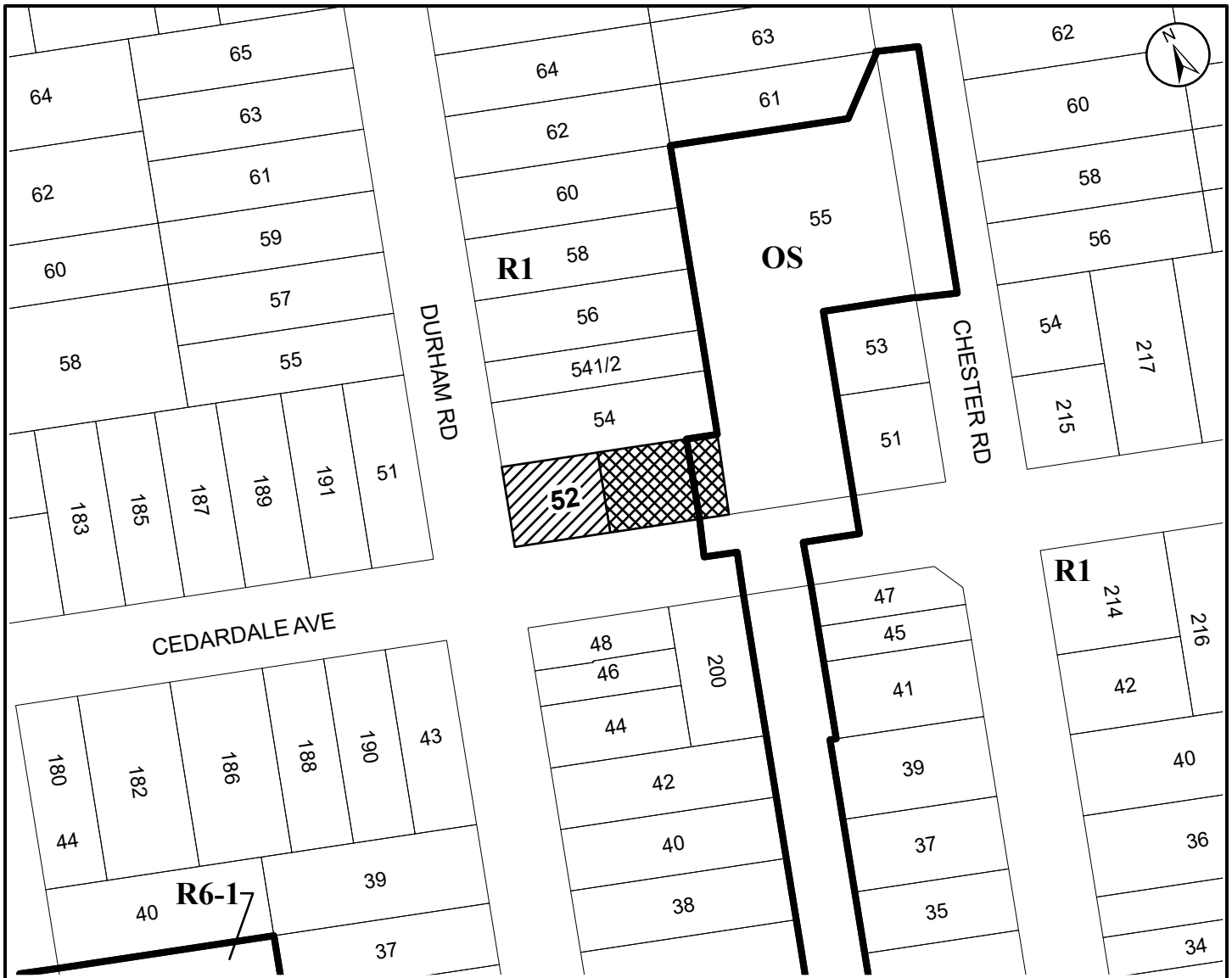
Mail - Boc, Cameron - Outlook

If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

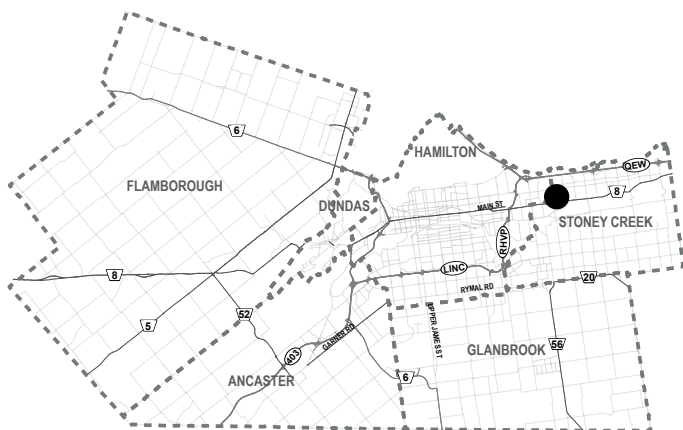
If you have any questions please feel free to contact myself.

Thank you,

Dennis De Rango
Specialized Services Team Lead,
Real Estate Department
Hydro One Networks Inc.
Tel: (905)946-6237
Email: Dennis.DeRango@HydroOne.com



● Site Location





City of Hamilton

Committee of Adjustments

Subject Property

52 Durham Road, Stoney Creek (Ward 10)

-  Lands to be retained
-  Lands to be severed

File Name/Number:
B-24:85

Date:
February 6, 2025

Technician:
DR

Scale:
N.T.S.

Appendix "A"



Hamilton