



Hamilton

**STAFF COMMENTS**

**HEARING DATE: February 13, 2025**

B-24:83 — 0 Kingspoint Circle, Stoney Creek

**Recommendation:**

Approve with Proposed Conditions — 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 Permit to injure or remove municipal trees is a requirement of 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. (Forestry)
5. A Landscape Plan is required by to the Forestry and Horticulture Section, depicting the street tree planting scheme for the proposed development. In some cases, the requirement for a Landscape Plan may be waived. Request for waiver must be made to the Urban Forestry Health Technician. (Forestry)
6. The owner/applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the R3-12-H zone or alternatively apply for and receive final approval of the appropriate Planning Act application in order to permit the intended use (Planning Division – Zoning Review Section).
7. The owner 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 alternately apply for and receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).



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8. 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).
9. 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.
10. The Owner shall submit a Grading Plan and Servicing Plan in accordance with City Standards. (Development Engineering)
11. 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)
12. That the Owner apply for a Zoning By-law Amendment application to remove the Holding 'H' Provision that applies to the subject property to the satisfaction of the Director of Development Planning.

## **Proposed Notes:**

Please be advised that By-law 25-009, "A By-law to Deem a Part of A Subdivision Not To Be Registered" has been approved. This by-law deems Block 187, Block 188, and Block 189 of Registered Plan 62M-987 not to be part of the registered plan of subdivision.

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 permit the conveyance of a parcel of land to create three parcels for residential purposes. Staff note that a Holding Provision is in place requiring that the subject lands, including the northerly portion of the subject lands municipally known as 44 Sandbeach Drive, be consolidated. Council approved By-law No. 25-009 on January 22, 2025 deeming Block 187, Block 188, and Block 189, Registered Plan 62M-987 not to be a Registered Plan of Subdivision. A Zoning By-law Amendment (Holding Removal) application will be required to lift the Holding Provision.

The lots are to be conveyed as follows:

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>Severed Lands (Part 1):</b>	17.0 m±	24.9 m±	586 m2 ±
<b>Severed Lands (Part 3):</b>	15.0 m±	24.9 m±	376 m2 ±
<b>Retained Lands (Part 2):</b>	15.3 m±	24.9 m±	382 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 2e” on Map B.7.3-1 – Urban Lakeshore Area Secondary Plan – Land Use Plan. Policy B.1.5 a) of Volume 2 of the Urban Hamilton Official Plan states that the applicable policies of Volume 1 shall apply for the purposes of permitted density ranges, built form, and height for lands designated “Low Density Residential 2e”, amongst others. 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:



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- "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 (Kingspoint Circle). Planning Staff defer to Development Engineering staff on any concerns related servicing, with respect to F.1.14.3.1 e). A Holding Provision is applied to the lands requiring lot consolidation to conform with the minimum lot area requirements of the Zoning By-law that needs to be removed to the City's satisfaction, which staff have included as a condition of approval.

**Archaeological:**

No Comments.

**Cultural Heritage:**

No comments.

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

The subject property is zoned Single Residential "R3-12-H" Zone, Modified, Holding, in the Former City of Stoney Creek Zoning By-law No. 3692-92 which permits Single Detached Dwellings.

**Analysis**



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## 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.

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:	<ol style="list-style-type: none"> <li>1. The owner/applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the R3-12-H zone or alternatively apply for and receive final approval of the appropriate Planning Act application in order to permit the intended use (Planning Division – Zoning Review Section).</li> <li>2. The owner 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 alternately apply for and receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).</li> <li>3. 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> </ol>
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. 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>



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	3. Please be advised that additional Planning Act approvals 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"> <li>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.</li> <li>2. The Owner shall submit a Grading Plan and Servicing Plan in accordance with City Standards.</li> <li>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.</li> </ol>
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:  <b>Kingspoint Circle:</b> <ul style="list-style-type: none"> <li>➤ 150mm ø PVC Watermain</li> <li>➤ 250mm ø Sanitary Sewer @ ±0.5%</li> <li>➤ 450mm ø Storm Sewer @ ±0.63%</li> </ul> </li> </ul>
Notes:	

**Building Engineering:**

Recommendation:	No Comments
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Proposed Conditions:	
Comments:	
Notes:	

**Transportation Planning:**

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Notes:	

**Urban Forestry:**

Recommendation:	Approve with Conditions
Proposed Conditions:	<p>A Permit to injure or remove municipal trees is a requirement of 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.</p> <p>A Landscape Plan is required by to the Forestry and Horticulture Section, depicting the street tree planting scheme for the proposed development. In some cases, the requirement for a Landscape Plan may be waived. Request for waiver must be made to the Urban Forestry Health Technician.</p>
Comments:	<p>Conditions of the Forestry and Horticulture Section will be cleared only after receipt of all applicable fees.</p> <p>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.</p> <p>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 <b>Permit</b> to injure or remove municipal trees is required.</p> <p>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.</p> <p><b>TREE MANAGEMENT</b></p>



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.

All Healthy trees on municipal property which are found to 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**.





**A permit will be issued upon approval of the Tree Management Plan and applicable fees.**

**LANDSCAPE PLAN**

Clarification to ensure a street tree can be accommodated for each lot needs to be confirmed.

The Forestry & Horticulture Section requires that a detailed Landscape Planting Plan prepared by a **Registered Landscape Architect**, showing the placement of trees on internal/external City property be provided.

All street tree plantings are planted by the City of Hamilton, as approved through the review of a proposed street tree planting plan and shall be identified on plan as 'Trees to be planted by City of Hamilton Forestry Section.

The Landscape Plan should specifically outline 50mm caliper size and the species of trees to be planted as well as identify hard surface and soft surface areas on the site. Individually planted trees in new sidewalk installations shall include a detail showing 21 m<sup>3</sup> of soil, and a grouping of 2 or more trees in a soil bed shall include 16m<sup>3</sup> of soil per tree. New sidewalks, paving or asphaltting shall allow 1.5m<sup>2</sup> of breathing space for tree roots.

An option to allow forestry to determine tree species is permitted and plan shall reflect that decision by denoting on plan 'City of Hamilton forestry department to determine species. Please note: all private trees on plan shall have species denoted.

Tree species selection should take into account cultivars {fruitless etc.} salt and heat tolerance, mature tree size, public visibility and daylight triangles, as well as potential pest concerns. Spacing guidelines for trees are ten 8-10m on centre for larger species and 4-7 meters on center for smaller species.

Guidelines for species diversity shall ensure no single species shall make up more than 20% of the total street tree population. No coniferous trees will be permitted on City of Hamilton Road allowance. Any identified street tree species on plan will be subject to change at time of planting due to but limited to, on site conditions, in stock availability and compatibility with approved species by City of Hamilton. Although utility conflicts may change specific planting locations, every opportunity will be made to keep with the



	<p>intent of the design. Trees planted on the road allowance will have a minimum approximate caliper of 50 mm.</p> <p>Urban Forest Health Technician from the Forestry Section shall be notified post construction, when final grade has been achieved, to facilitate the scheduling of the street tree planting(s). Otherwise, all sites will be monitored annually by Forestry to determine when site is suitable for the following planting season.</p> <p>Forestry’s mission to increase urban canopy through new development encourages any opportunity for planting locations.</p>
Notes:	

**Legislative Approvals:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	<p>The lands to be retained (Part 2) will be assigned the address of <b>60 Kingspoint Circle (Stoney Creek)</b>.</p> <p>The lands to be conveyed (Parts 1 &amp; 3) will be assigned the addresses of <b>56 &amp; 64 Kingspoint Circle (Stoney Creek)</b>.</p> <p>If at a future date it is discovered that the main entry of the house to be constructed on the conveyed lands will face Sandbeach Drive, an address change will be required.</p>
Notes:	<p>Please be advised that By-law 25-009, "A By-law to Deem a Part of A Subdivision Not To Be Registered" has been approved. This by-law deems Block 187, Block 188, and Block 189 of Registered Plan 62M-987 not to be part of the registered plan of subdivision.</p> <p>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.</p>

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



**Hamilton - 0 Kingspoint Circle - B-24:83**

From LANDUSEPLANNING <LandUsePlanning@HydroOne.com>

Date Wed 2/5/2025 10:50 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-24:83 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).

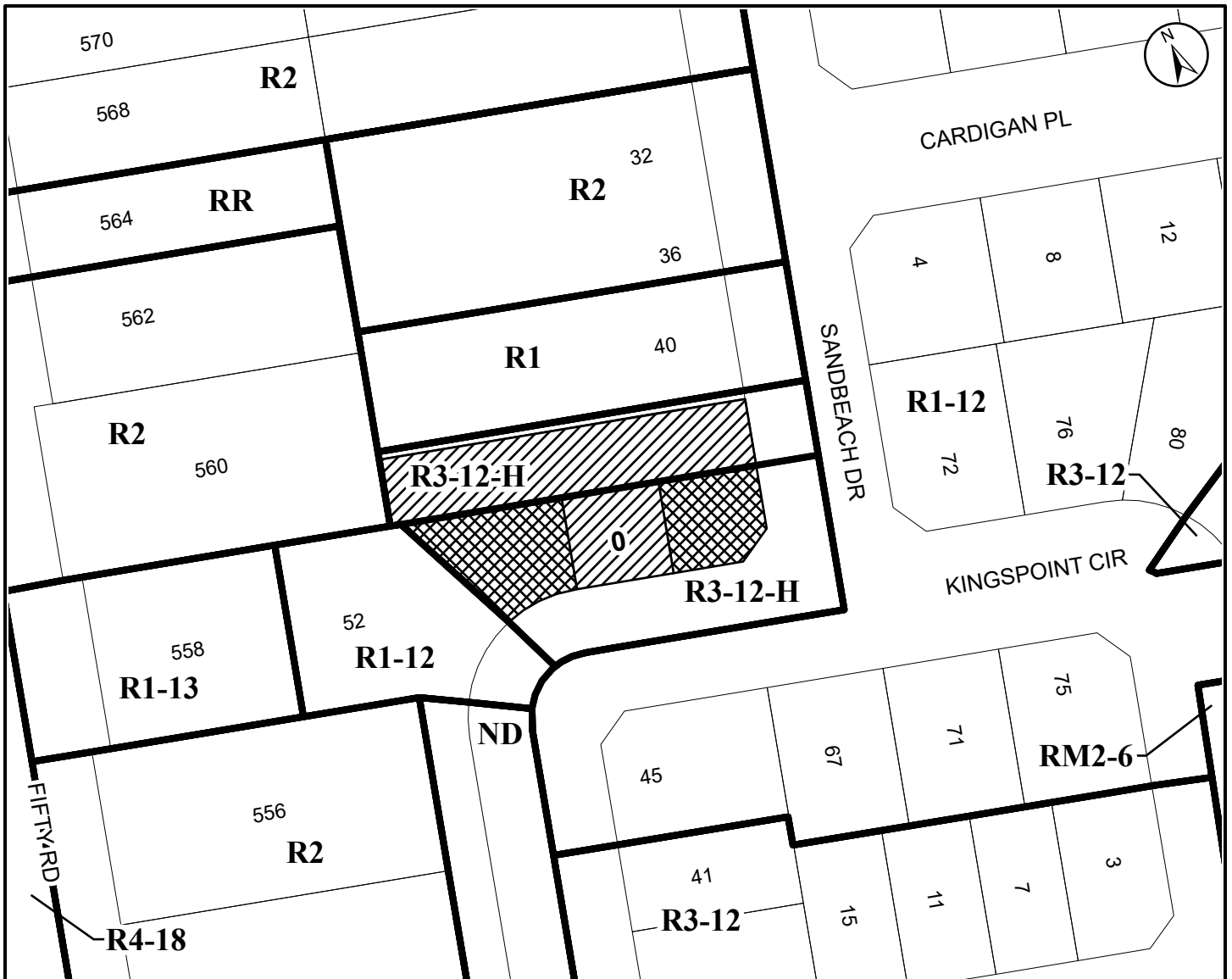
Please select "Search" and locate the address in question by entering the address or by zooming in and out of the map.

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

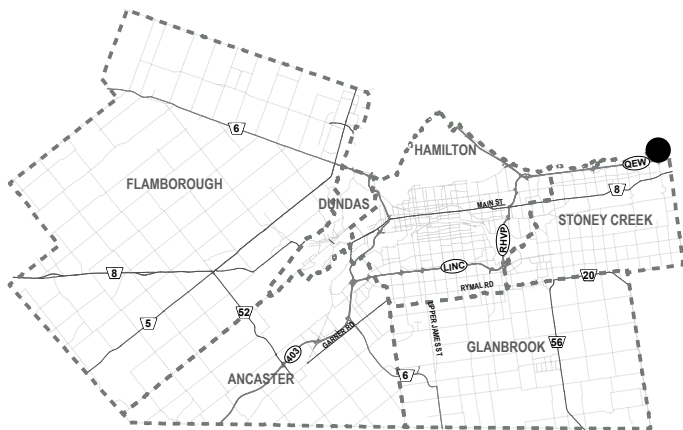
If you have any questions please feel free to contact myself.

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

0 Kingspoint Circle, Stoney Creek  
(Ward 10)

-  Lands to be retained
-  Lands to be severed

File Name/Number:  
B-24:83

Date:  
January 28, 2025

Technician:  
DR

Scale:  
N.T.S.

Appendix "A"



**Hamilton**