



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2025

B-24:86 — 90 Central Drive, Ancaster

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 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. 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).
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. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$5215.00 (2025 fee) to address issues including but not limited to: 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 street trees (City policy requires one (1) street tree/lot, , stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches,



and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change.

8. That the Owner submits a cash payment to the City for the future urbanization of Central Drive based on the "New Roads Servicing Rates" and the frontage of the property to the satisfaction of the City's Director of Development Engineering.
9. That the owner submits a Zoning Compliance Review to determine zoning conformity, and 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-24:86), to the satisfaction of the Director of Development Planning.
10. 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).
11. 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.
12. 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.

Proposed Notes:

If this variance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as follows:

"Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts



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may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the 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)

There are 2 public tree assets that will be required to be retained through the submission of a tree management plan. Removal of the public trees will not be approved. (Forestry)



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 be retained.

The lots are to be conveyed as follows:

	Frontage	Depth	Area
Severed Lands:	16.50 m±	60.96 m±	972.3 m2 ±
Retained Lands:	16.60 m±	60.96 m±	1,045.7 m2 ±

Urban Hamilton Official Plan

The subject property is designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policy E.3.2.3 a) permits residential dwellings, including second dwelling units and housing with supports. Policy E.3.4.3 permits single-detached, semi-detached, duplex, triplex, fourplex and street townhouse dwellings.

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. In order to complete a more fulsome analysis, the application should be reviewed in conjunction with any required relief from the Zoning By-law through a minor variance application. Based on the provided site sketch, relief from the Zoning By-law is required to facilitate the development with respect to the minimum lot width and minimum required side yard setbacks, and possibly others. Based on this, staff recommend tabling the application so that discussions can be had between staff and the applicant. Currently staff are not able to complete a thorough analysis of Policy B.2.4.1.4 and B.2.4.2.2 given the proposed lot configuration in relation to the proposed and existing single detached dwellings.

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 are of the opinion that the proposed lot configuration will need to be analysed with the required variances to facilitate the construction of a single detached dwelling on the proposed new lot in order to comply with Policy F.1.14.3.1 c). Staff recommend tabling the application to allow for discussions to occur between City staff and the applicant to ensure the lot configuration is suitable and reflects the general scale and character of the existing neighbourhood to support both the existing single detached dwelling and the newly proposed single detached dwelling, and to ensure that the proposed lots will be in conformity with the Zoning By-law. Staff defer to Development Engineering staff on matters related to municipal water and wastewater systems.

Cultural Heritage

The subject property is located within the boundaries of the Urban Hamilton Official Plan (UHOP). Based on Schedule B (Natural Heritage System) of the UHOP, Core Areas (i.e., Environmentally Significant Areas, Areas of Natural and Scientific Interest, Significant Woodlands, wetlands, watercourses) and Linkages (natural areas that ecologically connect Core Areas) have not been identified within or adjacent to the subject property. As a result, it is anticipated that the proposed development will not further negatively impact the features and functions of the City's Natural Heritage System.

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 protection and restoration of trees (policy C.2.11.1). In addition, the trees on the property may be regulated under the Town of Ancaster By-law 2000-118. Based on the proposed severance, there is concern that trees may be impacted, however, a tree protection plan has not been provided to confirm. If any tree (10 cm DBH or greater) is proposed to be removed, the City requires 1 for 1 compensation. This is to ensure that existing tree cover is maintained. Typically, this compensation is provided on a Landscape Plan.

Archaeological:



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The subject property meets (two) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 5) In an area of sandy soil in areas of clay or stone; and,
- 8) In areas of pioneer Euro-Canadian settlement.

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:

The property known as 90 Central Drive is located within the Spring Valley V.L.A. Subdivision Cultural Heritage Landscape.

The proponent proposes to sever the existing residential lot into two parcels, retaining the existing dwelling on the retained lands.

Where new construction and/or alterations or additions to existing structures are proposed in a Cultural Heritage Landscape, key considerations are the visual and physical impacts on landscape features, typically public views of the building fabric, building set-back, the streetscape and significant vistas.

Notwithstanding that the subject property is within the Spring Valley V.L.A. Cultural Heritage Landscape, 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.

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

The subject property is zoned Low Density Residential – Large Lot (R2) Zone in City of Hamilton Zoning By-law 05-200 which permits the proposed use of single detached dwellings for both the severed and retained lots. The R2 Zone requires a minimum lot width of 18.0 metres and a minimum setback from a side lot line of 2.0 metres. Based on the provided site sketch, the proposal is for lot widths of 16.5 metres and 16.6 metres for the severed and retained lots, respectively, and the proposed minimum setback from a side lot line is 1.16 metres (south side of the existing single detached dwelling to the proposed lot line).

Analysis

Based on the forgoing analysis staff recommend the **application be tabled** to allow for discussions to occur between City staff and the applicant to ensure the lot configuration is suitable to support both the existing single detached dwelling and the newly proposed single detached dwelling, and to ensure that the proposed lots will be in conformity with the Zoning By-law.



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Zoning:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	<ol style="list-style-type: none"> 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). 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).
Comments:	<ol style="list-style-type: none"> 1. The applicant is proposing to sever the existing land into two (2) separate parcels. The existing single detached dwelling is to remain. No proposed development has been indicated on the lands to be severed at this time 2. The property in question is zoned R2 pursuant to Hamilton Zoning By-law 05-200. Permitted uses can be found in section 15.3 of Hamilton Zoning By-law 05-200 3. 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. 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.
Notes:	

Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	<ol style="list-style-type: none"> 1. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$5215.00 (2025 fee) to address issues including but not limited to: 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);



	<p>cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, , stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches, and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change.</p> <p>2. That the Owner submits a cash payment to the City for the future urbanization of Central Drive based on the “New Roads Servicing Rates’ and the frontage of the property to the satisfaction of the City’s Director of Development Engineering.</p>
<p>Comments:</p>	<p>According to our records, the existing municipal infrastructure fronting the subject property summarized as follows:</p> <p>Central Drive:</p> <ul style="list-style-type: none"> • 150mm ø CISP Watermain • 250mm ø Sanitary Sewer <p>Currently Central Drive has a rural cross section adjacent to the subject lands. Therefore, the owner is required to submit a cash payment to the City for the future urbanization of the street</p> <p>Separate and independent services shall be provided for each dwelling constructed within each parcel of land in accordance with the current Sewer and Water By-laws.</p>
<p>Notes:</p>	

Building Engineering:

<p>Recommendation:</p>	<p>Comments and Conditions/Notes</p>
<p>Proposed Conditions:</p>	<p>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).</p>
<p>Comments:</p>	
<p>Notes:</p>	<p>In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.</p>

Transportation Planning:

<p>Recommendation:</p>	<p>Approve</p>
<p>Proposed Conditions:</p>	
<p>Comments:</p>	



Notes:	
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Urban Forestry:

Recommendation:	Approve with Conditions
Proposed Conditions:	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.
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 Permit 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>TREE MANAGEMENT</p> <p>Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.</p> <p>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.</p> <p>It is compulsory that all proposed surface treatment changes within individual tree driplines as well as property lines, building footprints,</p>



	<p>driveways, utility construction corridors and temporary access roads be accurately depicted on the submission.</p> <p>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.</p> <ul style="list-style-type: none"> ❖ 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. <p>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.</p> <p>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.</p> <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 permit will be issued upon approval of the Tree Management Plan and applicable fees.</p>
Notes:	There are 2 public tree assets that will be required to be retained through the submission of a tree management plan. Removal of the public trees will not be approved.

Legislative Approvals:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	



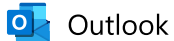
Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2025

Comments:	The lands to be retained (Part 1) will remain as 90 Central Drive (Hamilton) . The lands to be severed (Part 2) will be assigned the address of 96 Central Drive (Hamilton) .
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.



Hamilton - 90 Central Drive - B-24:86

From LANDUSEPLANNING <LandUsePlanning@HydroOne.com>

Date Wed 2/5/2025 11:42 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-24:86 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

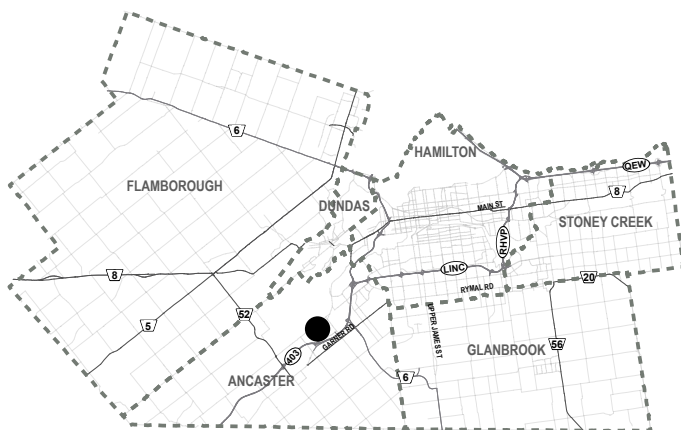
If you have any questions please feel free to contact myself.

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

90 Central Drive, Ancaster (Ward 12)

-  Lands to be retained
-  Lands to be severed

File Name/Number:
B-24:86

Date:
February 6, 2025

Technician:
DR

Scale:
N.T.S.

Appendix "A"



Hamilton