



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2025

B-24:84 — 541 Stone Church Road West, Hamilton

Recommendation:

See attached

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.
5. A Landscape Plan is required by the Forestry and Horticulture Section, depicting the street tree planting scheme for the proposed development.
6. The Courtland Avenue is to be 26.213 metres at the intersection of Stone Church Road East. Approximately ± 3.048 metres are to be dedicated to the right-of-way on Courtland Avenue, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2. Collector Roads.
 - 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>. (Transportation Planning)
 - c. Subject to the satisfaction and approval of the Manager, Transportation Planning.
7. Stone Church Road West is an Arterial Road and Courtland Avenue is a Collector Road. A 12.19 metres x 12.19 metres Daylighting Triangle is technically required to be dedicated 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.

- 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. Notwithstanding, Transportation Planning will accept a reduced daylighting triangle of 4.57 metres x 4.57 metres at the intersection of Stone Church Road West & Courtland Avenue. The daylighting triangle shall be measured following the required right-of-way dedication along Courtland 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.
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. (Development Engineering)
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. The owner/applicant shall apply for a demolition permit to demolish all or an appropriate portion of any buildings straddling the proposed property line, 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).
10. If a Condition for a road widening and/or daylight triangle dedication is required, the owner/applicant shall submit survey evidence that the lands to be retained, including the lot width, lot area, the location of any existing structure(s), parking and landscaping, conform to



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STAFF COMMENTS

HEARING DATE: February 13, 2025

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).

Proposed Notes:

Building permits are not circulated to Urban Forestry for review, but municipal tree assets on site to be retained and protected – additional trees to be planted. (Forestry)

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)



Hamilton

Development Planning: see attached

Zoning:

| Recommendation: | Comments and Conditions/Notes |
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| 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 apply for a demolition permit to demolish all or an appropriate portion of any buildings straddling the proposed property line, 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). 3. If a Condition for a road widening and/or daylight triangle dedication is required, the owner/applicant shall submit survey evidence that the lands to be retained, including the lot width, lot area, 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. 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. 2. This application is to be heard in conjunction with Minor Variance Application No. A-24:279. 3. The 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. All or an appropriate portion of the building straddling the proposed property line shall be demolished in order to achieve zoning compliance, or the applicant shall receive final approval of the required minor variances. 5. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees. |



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| Notes: | N/A |
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Development Engineering:

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| Recommendation: | Approve with Conditions |
| Proposed Conditions: | <p>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); 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> |
| Comments: | <p>According to our records, the existing municipal infrastructure fronting the subject property summarized as follows:</p> <p>Stone Church Road West:</p> <ul style="list-style-type: none"> • 750mm ø Conc. Watermain • 400mm ø Conc. Watermain • 375mm ø Storm Sewer • 250mm ø Sanitary Sewer <p>Courtland Avenue:</p> <ul style="list-style-type: none"> • 200mm ø Ductile Watermain • 600mm ø Storm Sewer • 250mm ø Sanitary Sewer <p>It appears that Subject lands has portion of land to be dedicated to City for Daylight Triangle and Road Widening purposes. Please refer to the Transportation Planning comments and conditions. 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> |
| Notes: | N/A |

Building Engineering:

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| Recommendation: | Comments and Conditions/Notes |
| Proposed Conditions: | |



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| Comments: | |
| Notes: | This Division has no concerns with the proposed application. |

Transportation Planning:

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| Recommendation: | Approve with Conditions |
| Proposed Conditions: | <p>Courtland Avenue is to be 26.213 metres at the intersection of Stone Church Road East. Approximately ±3.048 metres are to be dedicated to the right-of-way on Courtland Avenue, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2. Collector Roads. 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. Subject to the satisfaction and approval of the Manager, Transportation Planning. Stone Church Road West is an Arterial Road and Courtland Avenue is a Collector Road. A 12.19 metres x 12.19 metres Daylighting Triangle is technically required to be dedicated 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 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. Notwithstanding, Transportation Planning will accept a reduced daylighting triangle of 4.57 metres x 4.57 metres at the intersection of Stone Church Road West & Courtland Avenue. The daylighting triangle shall be measured following the required right-of-way dedication along Courtland 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> |



Hamilton

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| | dedication. c. All to the satisfaction and approval of the Manager, Transportation Planning. |
| Comments: | |
| Notes: | |

Forestry:

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| 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 the Forestry and Horticulture Section, depicting the street tree planting scheme for the proposed development.</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 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> |



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 intentions 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 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.

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



LANDSCAPE PLAN

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.

The City of Hamilton's Public Tree Preservation and Sustainability Policy in conjunction with the Tree By-Law 15-125 requires new developments to provide payment of \$740.00 +HST per tree for road allowance street trees. All street tree plantings shall be planted by the City of Hamilton, as approved through the review of a proposed street tree planting scheme. All trees shown on municipal road allowance shall be identified as 'Trees to be planted by City of Hamilton Forestry Section.

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.

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 21m³ of soil, and a grouping of 2 or more trees in a soil bed shall include 16m³ of soil per tree. New sidewalks, paving or asphaltting shall allow 1.5m² 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 8-10 meters on center for larger species and 4-8 meters on center for smaller species.



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| | <p>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 intent of the design. Trees planted on the road allowance will have a minimum approximate caliper of 50 mm.</p> <p>Forestry’s mission to increase urban canopy through new development encourages any opportunity for planting locations. The City’s goal is to plant trees for many reasons including replacement of canopy loss due to development. Forestry’s mandate is to increase canopy coverage across the city to promote a robust green infrastructure, and therefore, a healthy community for all residents of Hamilton.</p> <p>SUMMARY</p> <ul style="list-style-type: none"> • There are municipal tree assets on site; therefore, a Tree Management Plan will be required. • Landscape Plan required. • A permit will be issued upon approval of the Tree Management Plan and applicable fees. • 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. <p>The City of Hamilton’s Public Tree Preservation and Sustainability Policy in conjunction with the Tree By-Law 15-125 requires new developments to provide payment of \$740.00 +HST per tree for road allowance street trees. All street tree plantings shall be <u>planted by the City of Hamilton</u>, as approved through the review of a proposed street tree planting scheme. All trees shown on municipal road allowance shall be identified as ‘Trees to be planted by City of Hamilton Forestry Section.</p> |
| Notes: | Building permits are not circulated to Urban Forestry for review, but municipal tree assets on site to be retained and protected – additional trees to be planted. |



Hamilton

Legislative Approvals:

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| Recommendation: | Comments and Conditions/Notes |
| Proposed Conditions: | |
| Comments: | <p>The lands to be conveyed will remain as 541 Stone Church Road West (Hamilton).</p> <p>The lands to be retained will be assigned the address of 543 Stone Church Road West (Hamilton).</p> <p>If at a future date it is discovered that the main entry of the house to be constructed on the retained lands will face Courtland Avenue, an address change will be required.</p> |
| Notes: | <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

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

To: Jamila Sheffield, Secretary-Treasurer, Committee of Adjustment

From: David Bonaventura, Planning Technician I – Development Planning

Email: David.Bonaventura@hamilton.ca

File Number: B-24:84 and A-24:279

Address: 541 Stone Church Road West, Hamilton

Subject: Committee of Adjustment File Comments – February 13, 2025

Recommendation

- Approve

Proposed Conditions

1. That the owner receive final approval for Minor Variance application A-24:279, to the satisfaction of the Director of Development Planning.
2. That the owner shall investigate the noise levels on the severed lands and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Development Planning.

Proposed Notes

N/A

Background

| | Frontage | Depth | Area |
|------------------------|-----------------|--------------|----------------------|
| SEVERED LANDS: | 11.7 m± | 29.86 m± | 341 m ² ± |
| RETAINED LANDS: | 11.6 m± | 29.87 m± | 345 m ² ± |



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The purpose of Consent to Sever application B-24:84 is to permit the conveyance of a parcel of land to create a new residential building lot. The existing dwelling is to be demolished. Staff note that related Minor Variance application A-24:279 was concurrently submitted to facilitate Consent to Sever application B-24:84. Staff further note that previous consent to sever and minor variance applications were submitted. A brief history is discussed below.

Consent application HM/B-17:108 was tabled by the Committee of Adjustment at its hearing on January 18, 2018. The initial application proposed an east-west severance line to create two lots that fronted on Courtland Avenue. Planning staff recommended denial of the application because the proposed lot sizes and configurations were not consistent with residential intensification policies and the policies for new lot creation in the Urban Area in the Urban Hamilton Official Plan. The application was heard again by the Committee on January 24, 2019, where a revised application proposing a lot line running north and south to create two lots fronting onto Stone Church Road West was presented. However, the revised submission did not address staff concerns about the proposed development in the context of the required land dedication required for road widening. Staff also noted discrepancies between the submitted sketch and the City property mapping. Staff recommended denial and the application was again tabled by the Committee.

On February 7, 2019, staff met with the owner and then Councillor Whitehead to discuss staffs' concerns and what development proposals may be supported by staff. Staff had determined through review of the consent application that two single detached dwellings could not be supported. Staff determined it would be difficult to support a semi-detached dwelling on this corner lot if the required road widening and daylighting triangle were dedicated the City. As a result, a Council motion that staff be directed to reduce the road widening land dedication along Courtland Avenue from 3 m to 1 m with a reduced daylighting triangle was made at Planning Committee on February 19, 2019.

The revised application for a semi-detached dwelling was then brought back to the Committee on May 30th, 2019. Planning staff supported the severance and Committee granted approval at the May 2019 meeting. However, the approval lapsed.

Subsequently, Consent to Sever application HM/B-21:123 and Minor Variance application HM/A-21:452 were heard at the February 3, 2022, Committee of Adjustment hearing, with the proposed development being two new residential building lots and two



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new single detached dwellings. Staff supported both applications and they were approved by the Committee of Adjustment. However, HM/B-21:123 also lapsed.

HM/A-21:452 permitted a minimum lot width of 11.6 metres and a minimum lot area of 335 square metres for the retained lands and a minimum lot width of 11.6 metres and a minimum lot area of 348 square metres for the severed lands.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and are designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policies B.2.4.1.4, 2.4.2.2, B.3.6.3.7, E.3.4.3, and F.1.14.3.1, amongst others, are applicable and permit the proposed 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 B.3.6.3.7 a) requires a noise feasibility study, detailed noise study or both for residential developments within 100 metres of a minor arterial road, as identified on Schedule C – Functional Road Classification. The subject lands front onto Stone Church Road West, which is identified as a minor arterial road on Schedule C – Functional Road Classification of the Urban Hamilton Official Plan. Therefore, staff are recommending a condition requiring a noise study be provided to confirm conformity with the policies regarding sensitive land use developments.

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;



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- 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 note that the proposed lots will have frontage on a public road, are similar to the character, scale and established development pattern of the area and are fully serviced by municipal water and wastewater services. The retained lands would comply with the minimum required lot width and area of the Zoning By-law. The severed lands would comply with the minimum required lot width of the Zoning By-law but not the minimum required lot area. Minor Variance application A-24:279 was concurrently submitted to address this and other non-conformities, which is further discussed below.

Falkirk East Neighbourhood Plan

The subject lands are identified as “Single and Double” on Map 7606 of the Falkirk East Neighbourhood Plan. The proposed single detached dwellings are consistent with the vision of the Neighbourhood Plan.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “D/S-198” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified and “D/S-1822” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified in Former City of Hamilton Zoning By-law No. 6593. Single detached dwellings are a permitted use.

The severed and retained lands are to have lot widths of 11.7 and 11.6 metres respectively, meeting the minimum required lot width of 11.6 metres as approved in HM/A-21:452. The retained lands are proposed to have a lot area of 345 square metres, exceeding the required 335 square metres. However, the severed lands would have a lot area of 345 square metres, which would not meet the minimum required lot area of 360 square metres. Minor Variance application A-24:279 was submitted to address this and other zoning non-conformities, discussed below.

Portion of Lands to be Retained

Variance 1

1. A minimum side yard along each side lot line of a width of at least 1.2 metres shall be permitted, instead of the minimum required side yard of at least 2.7 metres.

The intent of this provision is to ensure there is sufficient space provided between the dwelling and side lot line for access, maintenance and drainage purposes. Staff defer to Development Engineering staff regarding drainage concerns.

Staff note that for structures below 11 metres in height, a side yard of 1.2 metres is required and the proposed single detached dwelling is to have side yards of 1.22 metres. However, elevations were not provided to confirm the proposed dwelling's height. Staff consider 1.2 metres to be sufficient space for access and maintenance purposes and defer to Development Engineering staff regarding drainage concerns.

Staff are of the opinion that the requested variances maintain the intent of the Urban Hamilton Official Plan and Zoning By-law, is desirable for the appropriate development of the lands and is minor in nature.

Variance 2

2. Not less than 43% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials, instead of the minimum 50% required.

The intent of this provision is to maintain a consistent residential character and streetscape.

Staff note that a portion of the front yard is proposed to be dedicated to the City as a daylight triangle (a 4.58 m x 4.58 m daylight triangle), reducing the area of what would otherwise compromise the front yard of the retained lands. Additionally, while this portion of land would not be considered part of the front yard, visually it will be contiguous with the front yard of the retained land. Therefore, staff do not anticipate negative impacts to the residential character of the area and the streetscape.



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Staff are of the opinion that the request variance maintains the intent of the Urban Hamilton Official Plan and Zoning By-law, is desirable for the appropriate development of the lands and is minor in nature.

Portion of Lands to be Severed

Variance 1

1. A minimum side yard along each side lot line of a width of at least 1.2 metres shall be permitted, instead of the minimum required side yard of at least 2.7 metres.

The intent of this provision is to ensure there is sufficient space provided between the dwelling and side lot line for access, maintenance and drainage purposes. Staff defer to Development Engineering staff regarding drainage concerns.

Staff note that for structures below 11 metres in height, a side yard of 1.2 metres is required and the proposed single detached dwelling is to have side yards of 1.22 metres. However, elevations were not provided to confirm the proposed dwelling's height. Staff consider 1.2 metres to be sufficient space for access and maintenance purposes and defer to Development Engineering staff regarding drainage concerns.

Staff are of the opinion that the requested variances maintain the intent of the Urban Hamilton Official Plan and Zoning By-law, is desirable for the appropriate development of the lands and is minor in nature.

Variance 2

2. A minimum lot area of 345.0 square metres shall be permitted instead of the minimum required lot area of 360 square metres.

The intent of these provisions is to ensure lots are large enough to be viable building lots and to ensure a consistent lot fabric and development pattern.

Staff note that property sizes vary from approximately 300 square metres to over 500 square metres within the vicinity of the subject lands. Additionally, as part of Minor Variance application HM/A-21:452, a minimum lot area of 348 square metres was approved for the proposed severed lands and an area of 335 square metres was approved for the proposed retained lands as part of Consent to Sever B-21:123.



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Staff are of the opinion that the proposed lot area of 345 square metres is in keeping with the character and established development pattern of the neighbourhood and is a viable building lot. Therefore, the requested variances maintain the intent of the Urban Hamilton Official Plan and Zoning By-law, is desirable for the appropriate development of the lands and is minor in nature.

Variance 3

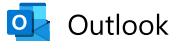
3. Not less than 47% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers or other similar materials, instead of the minimum 50% required.

The intent of this provision is to maintain a consistent residential character and streetscape.

It is staff's opinion that the requested reduction in front yard landscaping from 50% to 47.53% represents a small reduction at 2.47%. Staff do not anticipate negative impacts on the residential character of the area or the streetscape.

Staff are of the opinion that the request variance maintains the intent of the Urban Hamilton Official Plan and Zoning By-law, is desirable for the appropriate development of the lands and is minor in nature.

In conclusion, staff are of the opinion the proposed severance is consistent with the policies of the Urban Hamilton Official Plan and that the requested variances meet the four tests of a minor variance. Based on the foregoing, **staff recommend approval of the proposed severance and requested variances with conditions.**



Hamilton - 541 Stone Church Road West - B-24:84

From LANDUSEPLANNING <LandUsePlanning@HydroOne.com>

Date Wed 2/5/2025 11:45 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-24:84 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).

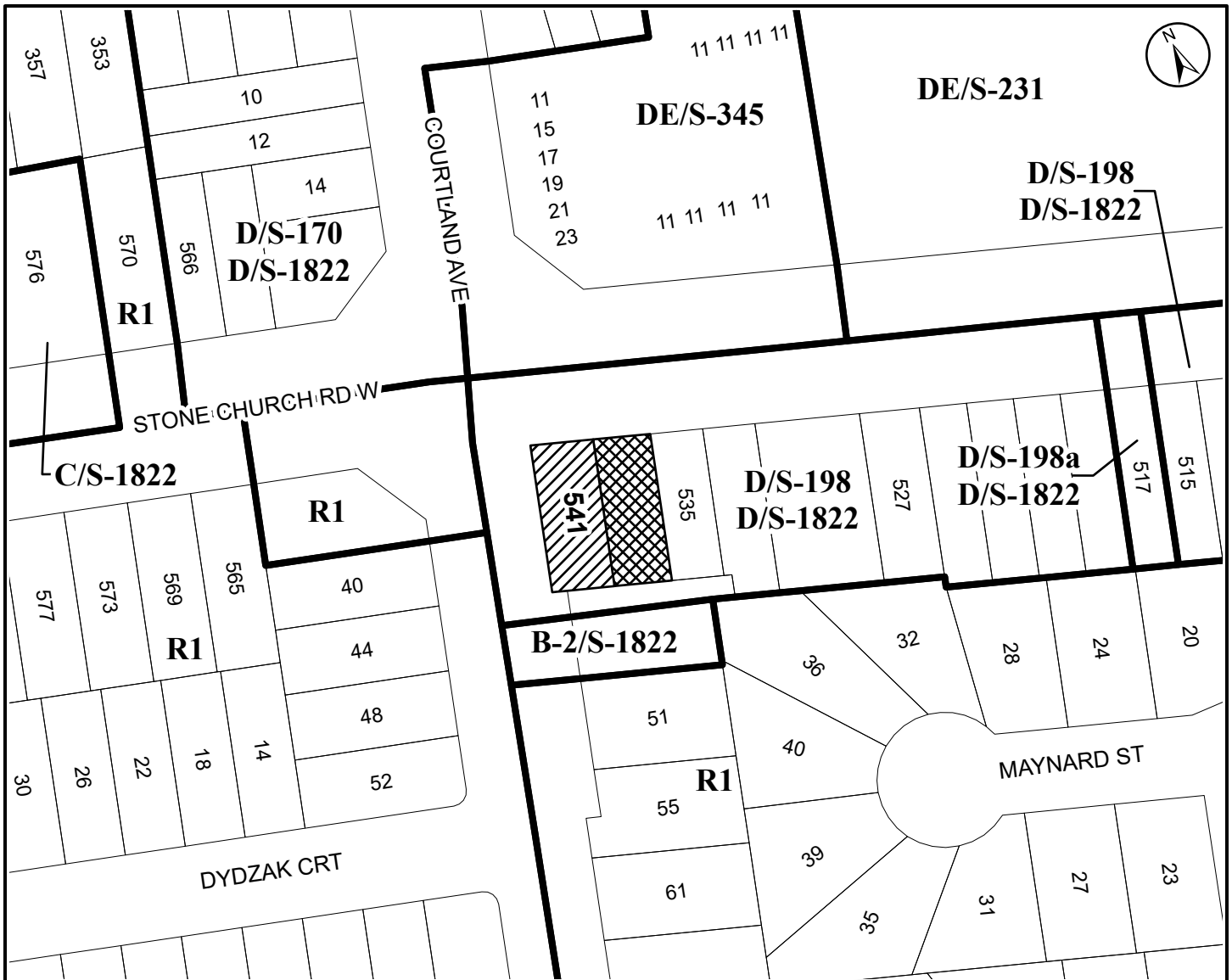
Please select "Search" and locate the address in question by entering the address or by zooming in and out of the map.

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

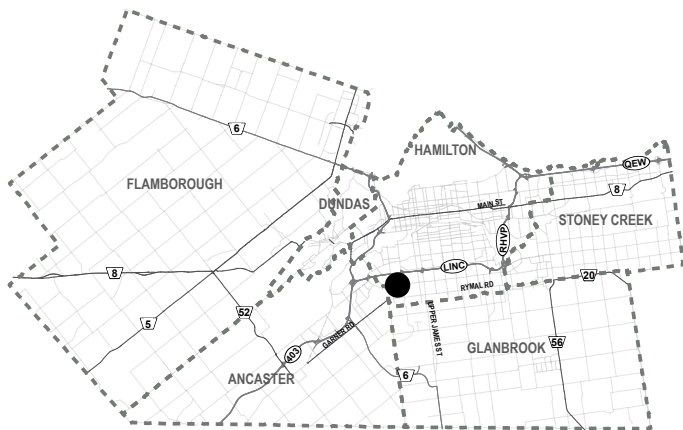
If you have any questions please feel free to contact myself.

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

541 Stone Church Road West, Hamilton
(Ward 14)

-  Lands to be retained
-  Lands to be severed

File Name/Number:
B-24:84

Date:
February 6, 2025

Technician:
DR

Scale:
N.T.S.

Appendix "A"



Hamilton