



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2025

A-24:279 — 541 Stone Church Road West, Hamilton

Recommendation:

See attached

Proposed Conditions:

Proposed Notes:

Building permits are required for the construction of the proposed two (2) Single-Family Dwellings.

Be advised that Ontario Building Code regulations may require specific setback and construction types. (Building Engineering)



Hamilton

Development Planning: see attached

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>i. This application is to be heard in conjunction with Land Severance / Consent Application No. B-24:84.</p> <p>ii. Please note that Application for Consent/Land Severance No. HM/B-21:123 was previously approved on February 24th, 2022.</p> <p>iii. Please note that Application for Consent/Land Severance No. HM/B-17:108 was previously approved on March 30th, 2019.</p> <p>iv. Please note that Minor Variance Application No. HM/A-21:452 was previously granted and became final and binding on March 17th, 2022. The variance permitted a minimum lot width of +/- 11.6 metres and a minimum lot area of +/- 335.0 square metres for the portion of the lands to be retained, and a minimum lot width of +/- 11.6 metres and a minimum lot area of +/- 348.0 square metres for the portion of the lands to be severed. Please note the following:</p> <ul style="list-style-type: none"> • The variance requested to permit a minimum lot width of 11.60 metres for both the portion of the lands to be retained and the portion of the lands to be severed is not required as the proposed lot width(s) comply with the previously approved variance (i.e. minimum lot width of +/- 11.60 metres); • The variance requested to the minimum lot area for the portion of the lands to be retained is not required as the proposed lot area of 345.0 square metres complies with the previously approved variance (i.e. minimum lot area of +/-335.0 square metres); • The variance requested to the minimum lot area for the portion of the lands to be severed is still required as the proposed lot area of 345.0 square metres is less than the



	<p>lot area approved as part of the previous variance (i.e +/- 348.0 square metres).</p> <p>v. Detailed elevation drawings were not provided as part of the submitted Minor Variance Application to confirm the height of the proposed Single-Family Dwelling(s). The minimum required side yard(s) is based on the height of the proposed building(s). Note that the submitted application indicates that the proposed Single-Family Dwellings are to be two (2) storeys and +/- 10.0 metres in height.</p> <p>For a building or structure not over two and a half storeys or 11.0 metres in height, a side yard along each side lot line of a width of at least 1.2 metres shall be required. For any other building or structure, side yards of a width each of at least 2.7 metres shall be required. Therefore, Variance No. 1 for both the portion of the lands to be Retained and the portion of the lands to be Severed, has been written as requested by the Applicant.</p> <p>vi. Detailed floor plan drawings were not provided as part of the submitted Minor Variance Application to confirm the number of habitable rooms being proposed. Further, specific details regarding parking on the lot have not been indicated. Note that the parking rate for a Single-Family Dwelling is as follows:</p> <p><i>2 parking spaces for each Class A dwelling unit, for the first plus 0.5 parking space for each additional habitable room 8 habitable rooms in the dwelling unit;</i></p> <p>vii. It is noted that an attached garage is shown to be provided as part of each Single-Family Dwelling, which is indicated to accommodate two (2) parking spaces. As specific details regarding parking have not been provided, a zoning review could not be completed. Additional variances may be required if compliance with Section 18A is not possible.</p>
Notes:	

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	N/A
Comments:	N/A
Notes:	N/A



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STAFF COMMENTS

HEARING DATE: February 13, 2025

Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	Building permits are required for the construction of the proposed two (2) Single-Family Dwellings. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

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



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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

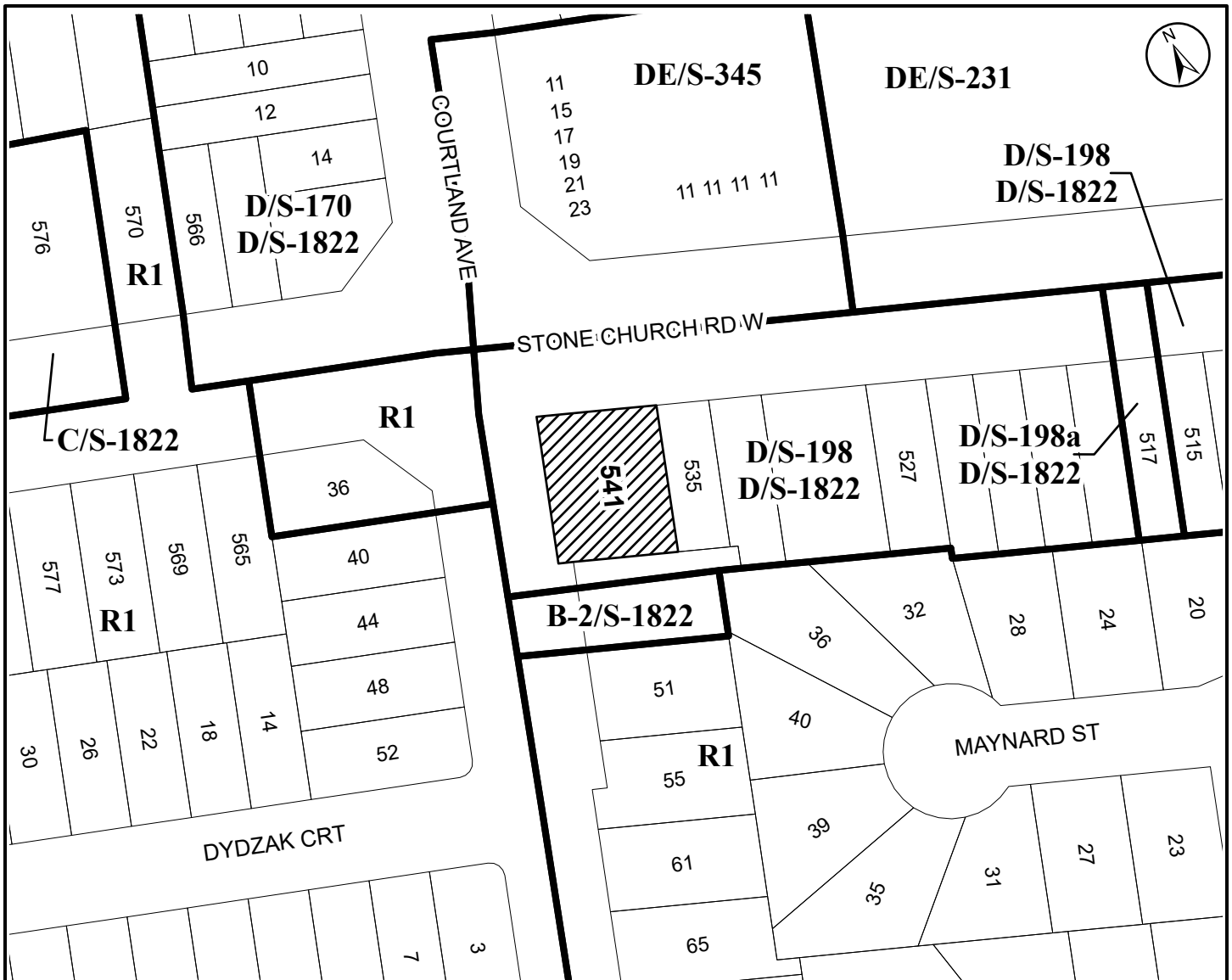
3. Not less than 47% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers or other similar materials, instead of the minimum 50% required.

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.

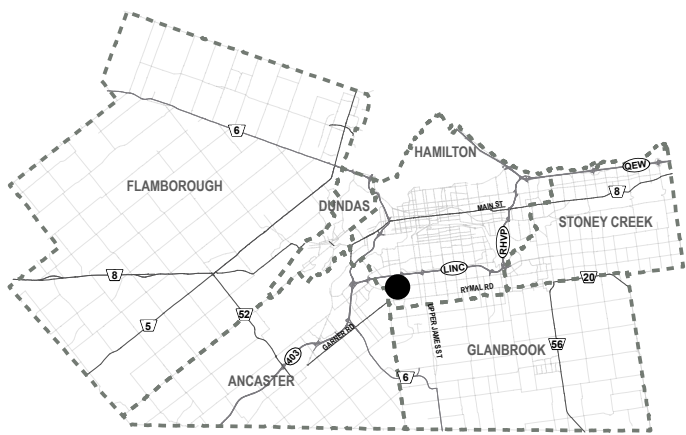
In conclusion, staff are of the opinion the proposed severance is consistent with the policies of the Urban Hamilton Official Plan and that the requested variances meet the four tests of a minor variance. Based on the foregoing, **staff recommend approval of the proposed severance and requested variances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



● Site Location




Committee of Adjustments



City of Hamilton

Subject Property

 541 Stone Church Road West, Hamilton (Ward 14)

File Name/Number:
A-24:279

Date:
February 6, 2025

Technician:
DR

Scale:
N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department