



Hamilton

STAFF COMMENTS

HEARING DATE: March 27, 2025

A-25:024 — 420 Red Oak Avenue, Stoney Creek

Recommendation:

Approve — Development Planning

Proposed Conditions:

Proposed Notes:

A building permit is required for the construction of three (3) Street Townhouses.

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

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 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)



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Development Planning:

Background

The purpose of the application is to facilitate the construction of three (3) Street Townhouse Dwellings and a future consent application so each of the townhouses can be conveyed individually.

The following variances are requested:

1. A minimum lot area of 175.0 square metres shall be provided whereas the by-law requires a minimum lot area of 180.0 metres.
2. A minimum of 45% of the front yard shall be landscaped area whereas the by-law requires a minimum of 50%.

Urban Hamilton Official Plan and Western Development Area Secondary Plan

The subject property is designated “Neighbourhoods” on Schedule E-1 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 a) permits single detached, semi detached, duplex, triplex, fourplex, and street townhouse dwellings. Based on the forgoing policies, street townhouse dwellings are permitted.

The subject property is further designated “Low Density Residential 2b” on Map B.7.1-1 – Western Development Area Secondary Plan – Land Use Plan. In accordance with Policy B.1.5 a), Policy E.3.4.3 of Volume 1 shall apply for the purposes of permitted density ranges, built form, and height. Based on the forgoing the proposal complies with the Western Development Area Secondary Plan.

Archaeology

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 1) In an area of sandy soil in areas of clay or stone; and
- 2) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 4.6.2 of the Provincial Planning Statement apply to the subject application.

Cultural Heritage

No comments



Hamilton

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

The subject property is zoned “R1” (Low Density Residential) in the City of Hamilton Zoning By-law No. 05-200. The “R1” (Low Density Residential) Zone permits the proposed Street Townhouse use.

Analysis

Variance 1

1. A minimum lot area of 175.0 square metres shall be provided whereas the by-law requires a minimum lot area of 180.0 metres.

The intent of the provision is to ensure that there is an adequate lot area to facilitate the permitted uses in the R1 zone. Based on staff’s analysis of the proposed variance, staff are of the opinion that the proposed decrease in minimum lot area down from 180 square metres to 175 square metres is minor, staff do not foresee adverse impacts being generated through the proposed decrease in lot area. Through the submitted Minor Variance Sketch, the applicant has demonstrated that the lot is of a sufficient size to accommodate the proposed use, while still accommodating appropriate setbacks, amenity area, and parking on-site. Based on the forgoing analysis staff are supportive of the proposed variance 1 as it meets the four tests of a minor variance under the *Planning Act*.

Variance 2

2. A minimum of 45% of the front yard shall be landscaped area whereas the by-law requires a minimum of 50%.

The intent of the provision is to ensure that adequate landscaping is provided in the front yard to provide for a consistent and desirable streetscape, provide sufficient space for front yard trees and vegetation, and to reduce the amount of impervious area in the front yard to mitigate stormwater management impacts. Staff have reviewed the proposed variance to decrease the required minimum front yard landscaping from 50% to 45%, the proposed decrease appears to be minor and generally maintains the intent of the Zoning By-law. Staff do not anticipate any adverse impacts being generated. Based on the forgoing analysis, staff recommend that the proposed variance 2 be approved as it meets the four tests under the *Planning Act*.

Based on the forgoing analysis staff recommend the **approval of variances 1 & 2** as they maintain the general intent and purpose of the Official Plan and Zoning By-law, are minor in nature and desirable for the appropriate development of the subject lands. Staff note that a future consent application will be required to create the proposed lots.

Zoning:

Recommendation:	No Comments
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Hamilton

STAFF COMMENTS

HEARING DATE: March 27, 2025

Proposed Conditions:	
Comments:	
Notes:	

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	A building permit is required for the construction of three (3) Street Townhouses Be advised that Ontario Building Code regulations may require specific setback and construction types.

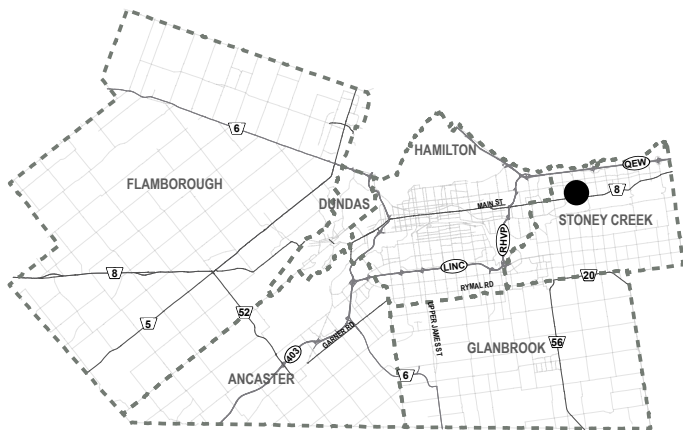
Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



420 Red Oak Avenue,
Stoney Creek (Ward 10)

File Name/Number:

A-25:024

Date:

March 11, 2025

Technician:

DR

Scale:

N.T.S.

Appendix "A"



Hamilton