



Hamilton

**STAFF COMMENTS**

**HEARING DATE: March 27, 2025**

B-25:012 — 115 Chesley Street, Hamilton

**Recommendation:**

Approve — 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. That the Owner must enter into with the City of Hamilton and register, a Consent Agreement, having an administrative fee of \$5,215.00 (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 (such as hydrants) and any damage during construction (unknown costs at this time), to the satisfaction of the City's Director of Development Engineering.
5. The Owner/ Applicant shall pay any outstanding servicing charges for the existing municipal services on Chesley Street to the satisfaction of the Director of Development Engineering.
6. 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). NOTE: The demolition permit shall have a status of either "Review", "Issued", or "Closed" in order for this condition to be cleared by the Zoning Review Section.



Hamilton

**STAFF COMMENTS**

**HEARING DATE: March 27, 2025**

7. The owner/applicant shall submit survey evidence that the lands to be severed and 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).

**Proposed Notes:**

This Division has no concerns with the proposed application. (Building Engineering)

If new dwellings are to be erected on the new lots, a Landscape Plan will be required to be submitted to [urbanforest@hamilton.ca](mailto:urbanforest@hamilton.ca) (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)



**Development Planning:**

**Background**

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	12.03 m±	35.23 m±	425.4 m <sup>2</sup> ±
<b>RETAINED LANDS:</b>	12.03 m±	35.23 m±	425.4 m <sup>2</sup> ±

The purpose of Consent to Sever application B-25:012 is to facilitate the conveyance of a parcel of land to create two parcels for residential purposes. The existing single detached dwelling and accessory structure are to be removed.

**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, 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 as well as enhance the existing streetscape.

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;
- 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;



Hamilton

- 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, meet or exceed the requirements of the Zoning By-law, are compatible with the character, scale and established development pattern of the area and are fully serviced by municipal water and wastewater services.

**Gourley Neighbourhood Plan**

The subject lands are identified as “Single and Double” on Map 7610 of the Gourley Neighbourhood Plan. The proposed single detached dwellings are consistent with the vision of the Neighbourhood Plan.

Based on the above analysis, staff are of the opinion the proposed severance maintains the general intent of the Urban Hamilton Official Plan.

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

The subject lands are zoned Low Density Residential (R1) Zone in City of Hamilton Zoning By-law No. 05-200. Single detached dwellings are a permitted use.

The Zoning By-law requires a minimum lot area of 360 square metres and a minimum lot width of 12 metres for single detached dwellings. The proposed severed and retained lands meet or exceed these requirements.

Based on the foregoing, **staff recommend approval of the proposed severance.**

**Zoning:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	1. 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). NOTE: The demolition permit shall have a status of either “Review”, “Issued”, or “Closed” in order for this condition to be cleared by the Zoning Review Section.



Hamilton

	<p>2. The owner/applicant shall submit survey evidence that the lands to be severed and 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).</p>
<p>Comments:</p>	<ol style="list-style-type: none"> <li>1. Be advised that if the shed is not demolished at the same time as the dwelling, approval of the appropriate Planning Act application will be required to permit the shed to remain on the retained lands when no principal use/building has been established.</li> <li>2. 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.</li> <li>3. 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.</li> <li>4. 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.</li> </ol>
<p>Notes:</p>	

**Development Engineering:**

<p>Recommendation:</p>	<p>Approve with Conditions</p>
<p>Proposed Conditions:</p>	<ol style="list-style-type: none"> <li>1. That the Owner must enter into with the City of Hamilton and register, a Consent Agreement, having an administrative fee of \$5,215.00 (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,</li> </ol>



	<p>driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time), to the satisfaction of the City's Director of Development Engineering.</p> <p>2. The Owner/ Applicant shall pay any outstanding servicing charges for the existing municipal services on Chesley Street to the satisfaction of the Director of Development Engineering.</p>
Comments:	<p>According to our records, the existing municipal infrastructure fronting the subject property summarized as follows:</p> <p>Chesley Street:</p> <ul style="list-style-type: none"> <li>• 150mm ø PVC Watermain</li> <li>• 900mm ø Storm Sewer</li> <li>• 300mm ø Sanitary Sewer</li> </ul> <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>
Notes:	

**Building Engineering:**

Recommendation:	No comments.
Proposed Conditions:	
Comments:	
Notes:	This Division has no concerns with the proposed application.

**Transportation Planning:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

**Forestry:**

Recommendation:	Approve
Proposed Conditions:	No conditions required.
Comments:	There are no public tree assets impacted by the proposed conveyance.
Notes:	If new dwellings are to be erected on the new lots, a Landscape Plan will be required to be submitted to <a href="mailto:urbanforest@hamilton.ca">urbanforest@hamilton.ca</a>



Hamilton

**STAFF COMMENTS**

**HEARING DATE: March 27, 2025**

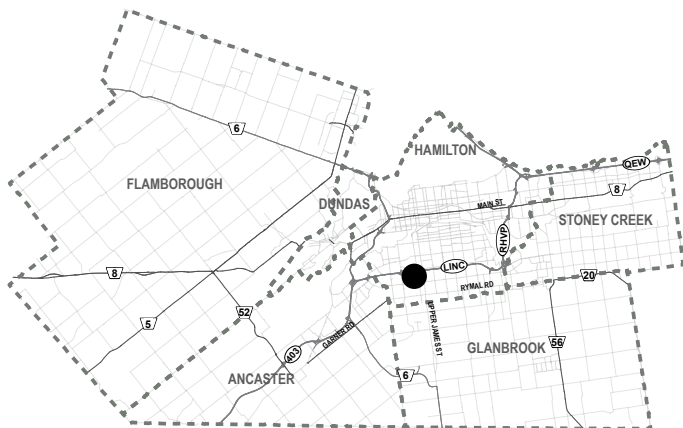
**Legislative Approvals:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	The lands to be retained will remain as <b>115 Chesley Street (Hamilton)</b> . The lands to be conveyed will be assigned the address of <b>111 Chesley Street (Hamilton)</b> .
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.



● Site Location



**City of Hamilton**

**Committee of Adjustments**

**Subject Property**

115 Chesley Street, Hamilton (Ward 2)

- Lands to be retained
- Lands to be severed

File Name/Number:  
B-25:012

Date:  
March 13, 2025

Technician:  
DR

Scale:  
N.T.S.

Appendix "A"



**Hamilton**