

A-25:023 — 20 Saveryn Road, Glanbrook

**Recommendation:**

Deny Severance and Minor Variance Applications — Development Planning

**Proposed Conditions:**

**Proposed Notes:**

A building permit is required for the construction of four (4) lots each with a Single Detached Dwelling. The Ontario Building Code requires a clear height of 1.95m under beams and ducting in basement units.

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

**Development Planning:**

**Background**

The purpose of the application is to facilitate the creation of four (4) lots each with a Single Detached Dwelling. The applicant has applied for a concurrent Minor Variance and Consent (Severance) applications.

The following variances are requested:

6. A minimum Lot Area of 339.0 square metres shall be provided instead of the minimum required lot area of 630.0 square metres.
7. A minimum Lot Width of 10.7 metres shall be provided instead of the minimum required lot width of 18.0 metres.
8. A minimum 1.2 metre Side Yard shall be permitted instead of the minimum required 2.0 metre setback.
9. A minimum 2.0 metre Flankage Yard shall be permitted instead of the minimum required 3.0 metre setback.
10. A maximum Lot Coverage of 45% shall be permitted instead of the maximum permitted lot coverage of 35%

The lots are being requested to be conveyed as follows:

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS: (Part 1)</b>	10.7 m±	31.7 m±	339.07 m2
<b>SEVERED LANDS: (Part 2)</b>	10.7 m±	31.7 m±	339.07 m2
<b>SEVERED LANDS: (Part 3)</b>	10.7 m±	31.7 m±	339.07 m2
<b>RETAINED LANDS: (Part 4)</b>	13.6 m±	31.7 m±	418.35 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,



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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 subject property is not located in any Secondary Plan area found in Volume 2 of the Urban Hamilton Official Plan. The subject property permits the proposed Single Detached Dwellings.

The following Official Plan Policies are applicable, among others:

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. Staff are of the opinion that the policies in B.2.4.1.4 and B.2.4.2.2 are being met.

Policy B.3.6.7 addresses impacts related to noise and vibration, as such Twenty Road East is identified as a Minor Arterial Road in Schedule C – Functional Road Classification. The subject property is located approximately 70 metres from Twenty Road East, and staff recommend the inclusion of a noise study to be completed to the satisfaction of the Director of Development Planning.

The following policy applies to consent applications that 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:
- g) The lots comply with the policies of this Plan, including secondary plans, where one exists;
  - h) The lots comply with existing Neighbourhood Plans;
  - i) The lots are in conformity with the Zoning By-law or a minor variance is approved;
  - j) 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;
  - k) The lots are fully serviced by municipal water and wastewater systems; and,
  - l) The lots have frontage on a public road.

Policy C.4.8.1 Proposals for development, infill development and redevelopment of residential or other sensitive land uses shall comply with the following requirements in Table C.4.8.1 – Requirement for Development in the Vicinity of John C. Munro International Airport, based on all applicable locational criteria. Proposals may



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meet more than one locational criteria and thereby be subject to more than one set of requirements.

Based on the policies found in Chapter C.4.8.1 of the Urban Hamilton Official Plan including Table C.4.8.1 (Requirements for Development in the Vicinity of John C. Munro International Airport). The lands are identified as being located in the 28 NEF and greater, but less than 35 NEF category. The requirements of this NEF contour category are included below:

- a) All new development of residential and other sensitive land uses, including infill development and redevelopment, shall be prohibited.
- b) New land uses which may cause a potential aviation hazard shall be prohibited.
- c) All development applications approved prior to approval of this Plan may proceed.

Policy F.1.14.3.1 a) requires that consent for new lot creation comply with the policies of the Urban Hamilton Official Plan. Staff have identified concerns with the policies of Section C.4.8.1 regarding proximity to the airport and the NEF guidelines. Staff are of the opinion that the proposed consent and concurrent minor variances does not comply with the policies of Section C.4.8.1 of the Urban Hamilton Official Plan. Staff defer concerns of servicing to development engineering staff. The lots will have frontage on a public road.

Based on the forgoing staff the proposal does not comply with F.1.14.3.1 a) as the proposed consent application does not comply with the policies found in Chapter C.4.8.1 of the Urban Hamilton Official Plan including Table C.4.8.1.

Based on the forgoing, all new development of residential and other sensitive land uses, including infill development and redevelopment, is prohibited within this NEF contour and staff have concerns regarding the proposal to create four (4) new lots.

As such staff recommend that the application for consent be **denied**.

### **Natural 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, and watercourses) as well as Linkages (natural features that ecologically connect Core Areas) have not been identified within the subject property. While Core Areas (Upper Twenty Mile Creek Provincially Significant Wetland, significant woodland, and watercourse) have been identified within 120 metres of the property it is anticipated that the proposed development will not further negatively impact the features or their functions.



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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). Based on the preliminary layout plan that has been provided, it appears that trees will be impacted. If trees are to be removed, the City requires 1 for 1 compensation to be provided. This is to ensure that existing tree cover is being maintained.

### **Archaeology**

The subject property meets four (4) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 5) Within 250 metres of known archaeological sites;
- 6) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 7) In areas of pioneer Euro-Canadian settlement; and
- 8) 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

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

The subject property is zoned “R2” (Low Density Residential – Large Lot) in Zoning By-law No. 05-200. The R2 (Low Density Residential – Large Lot) zone permits the proposed Single Detached Dwellings.

### **Analysis**

#### **Severance**

Staff have reviewed the proposed severance which seeks to create a total of four (4) developable lots to be used for future Single Detached Dwellings. In staff’ opinion the proposal does not comply with the policies found in C.4.8.1, which identifies the lands as being within the 28 NEF and greater, but less than 35 NEF category as found in Appendix D - Noise Exposure Forecast Contours and Primary Zoning Regulation Area of Volume 1 of the Urban Hamilton Official Plan. All new development of residential and other sensitive land uses, including infill development and redevelopment, shall be



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prohibited within this contour. Based on the policies of Chapter C.4.8.1 **staff are unable to support the proposed severance application.**

**Minor Variance 1-5**

6. A minimum Lot Area of 339.0 square metres shall be provided instead of the minimum required lot area of 630.0 square metres.
7. A minimum Lot Width of 10.7 metres shall be provided instead of the minimum required lot width of 18.0 metres.
8. A minimum 1.2 metre Side Yard shall be permitted instead of the minimum required 2.0 metre setback.
9. A minimum 2.0 metre Flankage Yard shall be permitted instead of the minimum required 3.0 metre setback.
10. A maximum Lot Coverage of 45% shall be permitted instead of the maximum permitted lot coverage of 35%

Staff have reviewed the proposed minor variance application, which is to facilitate the creation of a total of four (4) developable lots to be used for future Single Detached Dwellings. Staff have concerns with the policies found in C.4.8.1, which identifies the lands as being within the 28 NEF and greater, but less than 35 NEF category as found in Appendix D - Noise Exposure Forecast Contours and Primary Zoning Regulation Area of Volume 1 of the Urban Hamilton Official Plan. In staff's opinion, the proponent has not demonstrated that the proposed development meets the general intent and purpose of Section C.4.8.1 of the Urban Hamilton Official Plan with respect to protecting the airport from incompatible land uses and similarly, to protect sensitive land uses from noise impacts associated with the airport and associated flight paths. **As such, staff are unable to support the proposed minor variance application.**

Based on the forgoing analysis, staff recommend that the application for minor variance and consent be **denied** as the proposal does not comply with the applicable Official Plan policies. Further, the minor variance does not meet the test of maintaining the general intent and purpose of the Urban Hamilton Official Plan which prohibits all new development of residential and other sensitive land uses, including infill development and redevelopment.

**Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	



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**STAFF COMMENTS**

**HEARING DATE: March 27, 2025**

Comments:	<ol style="list-style-type: none"><li>1. Please be advised that insufficient information was provided to determine zoning conformity with requested variance No.4. Therefore Variance No. 4 has been written as requested.</li><li>2. Insufficient information was provided to determine zoning conformity for the building height and landscaped area. Additional variances may be required in conformity cannot be achieved.</li><li>3. Insufficient information was provided to determine zoning conformity with Section 4 and 5 of the 05-200 Hamilton Zoning By-law. Additional variances will be required if conformity cannot be achieved.</li></ol>
Notes:	

**Development Engineering:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

**Building Engineering:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the construction of four (4) lots each with a Single Detached Dwelling.</p> <p>The Ontario Building Code requires a clear height of 1.95m under beams and ducting in basement units.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

**Transportation Planning:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

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

## Danelski, Alexander

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**From:** Kyle Riley <kriley@npca.ca>  
**Sent:** Wednesday, March 12, 2025 9:57 AM  
**To:** Committee of adjustment  
**Subject:** Re: ATTN: Jamilia Sheffield: NPCA March 27, 2025 COA Comments

**External Email:** Use caution with links and attachments

Hello Mr. Danelski,

Apologies for the errors.

The first set of comments are towards 96 Eighth Road East A-25:032.

The second set of comments are for both A-25-023 and B-25:010.

The third set of comments are for 476 Book Road East A-24:258.

If there is any further uncertainty please do not hesitate to contact the undersigned.

Best regards,



Kyle Riley

Watershed Planner

**Niagara Peninsula Conservation Authority (NPCA)**

3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 252

(Cell) 905.933.2541

[www.npca.ca](http://www.npca.ca)

[kriley@npca.ca](mailto:kriley@npca.ca)

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

The NPCA completed its [Watershed-based Resource Management](#) and [Conservation Area](#) Strategies, paving the way for sustainable conservation across the Niagara Peninsula watershed. It's [Watershed Natural Asset Analysis and Valuation](#) for the Niagara Peninsula watershed offers new insights that redefine how we view nature. **Explore them today!**

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**From:** Committee of adjustment <cofa@hamilton.ca>  
**Sent:** Wednesday, March 12, 2025 9:48 AM  
**To:** Kyle Riley <kriley@npca.ca>; Committee of adjustment <cofa@hamilton.ca>  
**Subject:** RE: ATTN: Jamilia Sheffield: NPCA March 27, 2025 COA Comments

Good morning, Ms. Riley:

Thank you for your comments.

Just to be clear could we reconcile the addresses and file names for the files for which you have provided comments?

Your e-mail refers to:



"96 Eighth Road East A-25:031"

By that, do you intend your comments to apply to

96 Eighth Road East A-25:032

or

97 Dartnall Road A-25:031?

Likewise, your e-mail refers to:

"476 Book Road East B-25:010"

Do you intend your comments for:

476 Book Road East A-24:258

or

20 Saveryn Road B-25:010

And when your e-mail refers to

"20 Saveryn Road A-25-023" and notes that "The Applicants are proposing to sever two lots"

Do you intend your comments to be applied solely to the variance file name for this address (A-25-023), the severance file name for this address (B-25:010) or both?

Just want to have our records consistent. Please let me know.

Thanks,

**Alexander Danelski**

Development Clerk (Temporary Position)

Committee of Adjustment

City of Hamilton



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**From:** Kyle Riley <kriley@npca.ca>

**Sent:** Wednesday, March 12, 2025 9:13 AM

**To:** Committee of adjustment <cofa@hamilton.ca>

**Subject:** ATTN: Jamilia Sheffield: NPCA March 27, 2025 COA Comments

**External Email:** Use caution with links and attachments

Good day,

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the subject matter forming Hamilton's March 27<sup>th</sup> COA Agenda and offers the following comments.

The following addresses are within the NPCA's Watershed.

**96 Eighth Road East A-25:031 -**

The Applicants seek Minor Variances to permit a detached Accessory Dwelling Unit within a front yard, and to allow for the ADU to exist of a .4 hectare lot where 1.5 hectares is required.

There are currently no features regulated by the NPCA which traverse the subject address. As such, the NPCA offers No Objections to development at this address.

There are no Planning or Permitting fees required for our review of this Application.

**20 Saveryn Road A-25-023 -**

The Applicants are proposing to sever two lots from the existing address known as 20 Saveryn Road. A number of Minor Variances are required to formalize the retained parcel, including permitting a minimum lot area of 339 m<sup>2</sup> where 630 m<sup>2</sup> is required, allowing a minimum lot width of 10.7m where 18m is required, permitting a minimum side yard of 1.2m where 2m is required, permitting a minimum rear yard of 2m where 3m is required, and finally permitting 45% lot coverage where 35% is allowed.

There are no features regulated by the NPCA which traverse the subject address. As such, the NPCA offers No Objections to development as shown at this address.

There are no Planning or Permitting fees required by the NPCA.

**476 Book Road East B-25:010 -**

The Applicants seek a Minor Variance to expand the existing legal non-conforming single by adding an Accessory Detached Dwelling Unit to the site. Minor Variances are required to remove the H3 holding provision that no development or site alteration be undertaken at the site. Minor Variances are also needed to allow for a gross floor area of 164.6 m<sup>2</sup>, where a maximum of 75 m<sup>2</sup> is permitted, and to allow for the ADU to reach a total height of 6.9 m, where 6m is allowed.

There are currently no features regulated by the NPCA which traverse the subject site.

As such, the NPCA offers No Objections to proposed development at this address.

There are no fees required for our comments on this file.

Thank you for circulating this Agenda to the NPCA for our comments.

Please do not hesitate to contact the undersigned if you have any questions on the above.

Best regards,



Kyle Riley

Watershed Planner

**Niagara Peninsula Conservation Authority (NPCA)**

3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 252

(Cell) 905.933.2541

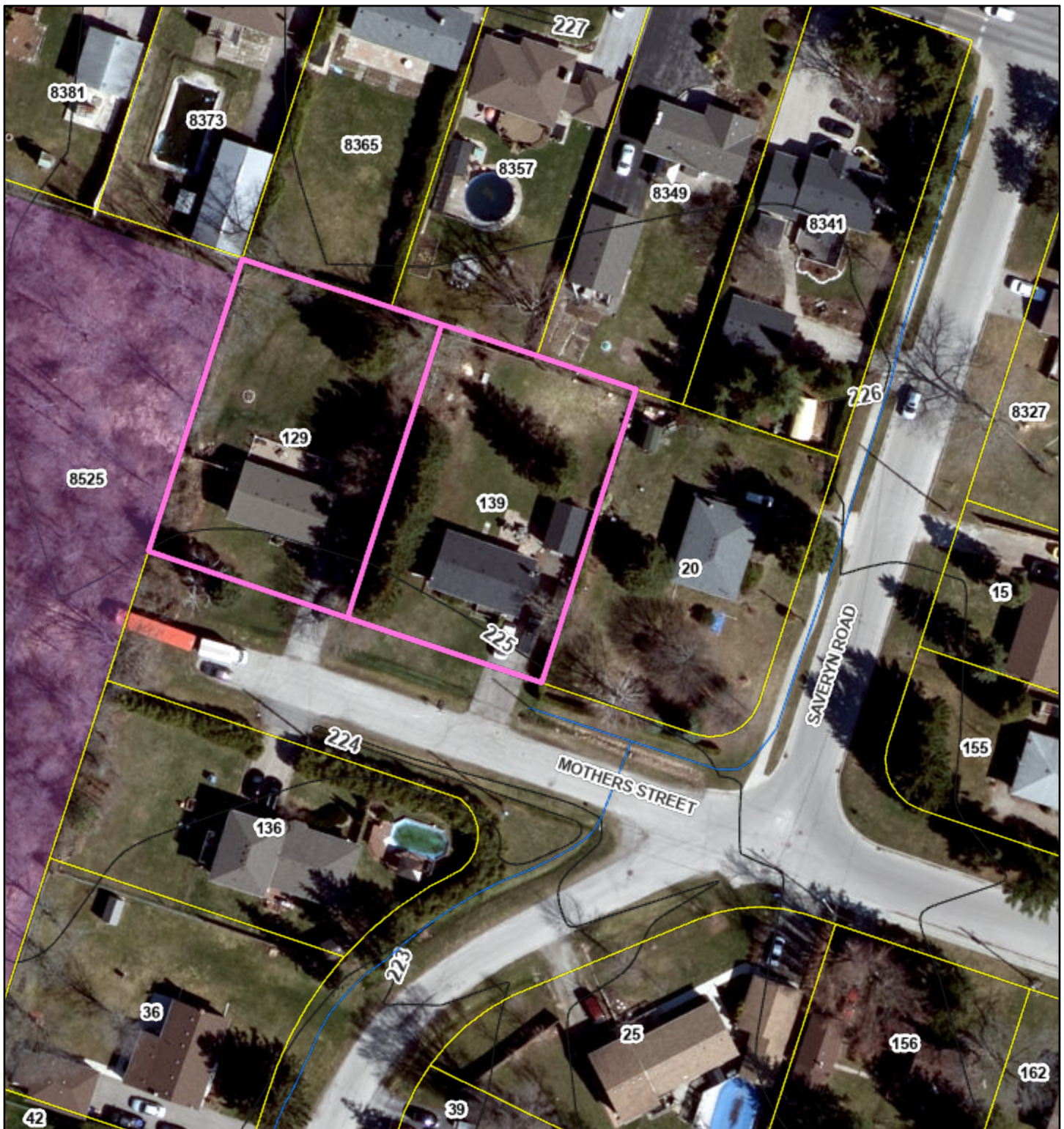
[www.npca.ca](http://www.npca.ca)

[kriley@npca.ca](mailto:kriley@npca.ca)

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

The NPCA completed its [Watershed-based Resource Management](#) and [Conservation Area](#) Strategies, paving the way for sustainable conservation across the Niagara Peninsula watershed. It's [Watershed Natural Asset Analysis and Valuation](#) for the Niagara Peninsula watershed offers new insights that redefine how we view nature. **Explore them today!**

# ArcGIS Web Map



3/11/2025, 10:37:18 AM

1:1,128

SWOOP 2020 NPCA

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3

Roads

■ WRIP Quaternary Watersheds (10K)

■ CityView Application Views

■ Assessment Parcels

■ 2K Hydrography

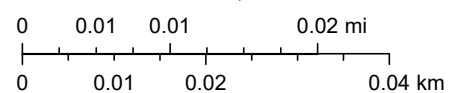
■ ELC 2020 NPCA

Niagara Region Ortho 2023

■ Red: Red

■ Green: Green

■ Blue: Blue



NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

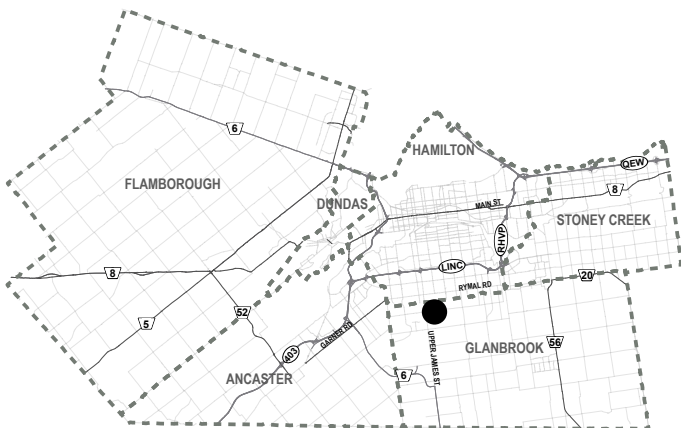
Web AppBuilder for ArcGIS

McMaster University, City of Hamilton, Province of Ontario, Ontario MNR, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, AAFC, NRCAN | Niagara Region, Ministry of Natural





● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property



20 Savernyn Road, Glanbrook  
(Ward 11)

File Name/Number:

A-25:023

Date:

March 11, 2025

Technician:

DR

Scale:

N.T.S.

Appendix "A"



**Hamilton**

Planning and Economic Development Department