



## City of Hamilton Report for Consideration

**To:** Chair and Members  
Planning Committee

**Date:** April 29, 2025

**Report No:** PED25114

**Subject/Title:** Application for Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek

**Ward(s) Affected:** Ward 10

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### Recommendations

- 1) That **Draft Plan of Condominium (Vacant Land) Application 25CDM-202406, by UrbanSolutions Planning and Land Development Consultants Inc. (c/o Matt Johnston) on behalf of Fifty Road Inc. (c/o Peter DeSantis), Owner**, to establish a Draft Plan of Condominium (Vacant Land), on lands located at 541 and 545 Fifty Road, Stoney Creek, as shown on Appendix A attached to Report PED25114, **BE APPROVED** subject to the following:
  - a) That this approval apply to the Draft Plan of Condominium (Vacant Land) 25CDM-202406, prepared by UrbanSolutions Planning and Land Development Consultants Inc., and certified by R.A. McLaren, O.L.S., dated November 13, 2024, consisting of 15 vacant land units for single detached dwellings, a private condominium road with associated sidewalks, 11 visitor parking spaces, two barrier free parking spaces, and centralized mailboxes, as shown in Appendix B attached to Report PED25114;
  - b) That the Owner enter into a Standard Form Condominium Agreement as approved by City Council and with the Special Conditions as shown in Appendix C attached to Report PED25114;
  - c) That the Special Conditions of Draft Plan of Condominium Approval 25CDM-202406, as shown on Appendix C attached to Report PED25114, be received and endorsed by City Council;

- d) That Payment of Cash-in-Lieu or dedication of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-laws, as approved by Council; and,
  
- e) In accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2019) there will be no cost sharing for this development.

### **Key Facts**

- The proposed Draft Plan of Condominium (Vacant Land) application is to establish 15 vacant land units for single detached dwellings on a private condominium road with associated sidewalks, 11 visitor parking spaces, two barrier free parking spaces, and centralized mailboxes.
- The subject lands are designated "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan, designated "Low Density Residential 2b" in the Urban Lakeshore Area Secondary Plan, and zoned Single Residential "R3-45" Zone, Modified, as further amended by Minor Variance application (A-24:256), in Stoney Creek Zoning By-law No. 3692-92 which permits single detached dwellings.
- Staff recommends approval of the application for Draft Plan of Condominium (Vacant Land) with conditions as shown in Appendices B and C attached to Report PED25114.

### **Financial Considerations**

Not applicable.

### **Background**

A Vacant Land Condominium is one in which the units need not be constructed upon at the time the condominium is registered. A vacant land condominium can consist only of vacant land and at least one unit must have no buildings or structures on it.

The owner previously established the land use through Zoning By-law Amendment application ZAC-21-045, approved through By-law No. 22-153, for 11 vacant land units. The applicant has also applied for and received final approval of a Draft Plan of Condominium (Vacant Land) for 11 vacant land units through application 25CDM-202120.

The owner has also received final approval for Site Plan Control application (DA-22-156) for the 11 vacant land units which required an amendment and is being further reviewed through Site Plan Amendment application SPA-24-038.

Minor Variance application A-24:256 was also approved by the Committee of Adjustment on March 6, 2025, to implement the revised proposal, which was final and binding as of March 26, 2025.

## **Analysis**

The subject lands are municipally known as 541 and 545 Fifty Road, Stoney Creek. The subject lands are located on the west side of Fifty Road, north of the Queen Elizabeth Way highway. The subject lands are approximately 0.701 hectares in size and are rectangular in shape as identified in Appendix A attached to Report PED25114. The site is surrounded by low density residential uses as identified in Appendix A1 attached to Report PED25114. The proposal consists of 15 vacant land units for single detached dwellings, a private condominium road with associated sidewalks, 11 visitor parking spaces, two barrier free parking spaces, and centralized mailboxes with access from Fifty Road.

A full review of the applicable Provincial Planning Statement (2024) and Urban Hamilton Official Plan is provided in Appendix E attached to Report PED25114.

### **Provincial Planning Statement (2024)**

The provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Planning Statement (2024). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Planning Statement (2024).

The proposal supports the development of healthy, liveable, and complete communities and implements the targets for housing by intensifying underutilized lands. The proposal has been reviewed against the Provincial Planning Statement (2024), including policies 2.3.1.3 and 2.3.1.4, among others. The proposed development is within a settlement area, efficiently uses land and resources, and optimizes existing and planned infrastructure and public service facilities. The proposal for 15 single detached dwellings on a private condominium road achieves appropriate residential densities within a planned settlement area, is compatible with the surrounding area, which is characterized by low density residential dwellings, and makes efficient use of existing municipal infrastructure. The development will support the use of existing and planned transit and commercial uses and it will also support active transportation.

Based on the foregoing, the proposal is consistent with the Provincial Planning Statement (2024).

## **Urban Hamilton Official Plan and Urban Lakeshore Area Secondary Plan**

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. The subject lands are further designated “Low Density Residential 2b” on Map B.7.3-1 – Urban Lakeshore Area Secondary Plan – Land Use Plan. A full policy analysis of the applicable Urban Hamilton Official Plan policies is provided in Appendix E attached to Report PED25114.

The Draft Plan of Condominium (Vacant Land) application will facilitate the development of 15 lots for single detached dwellings fronting onto a private condominium road (Units 1 to 15) which is permitted in the “Low Density Residential 2b” designation. The proposed built form is considered appropriate as it is compatible with and respects the adjacent existing surrounding low density residential built form which includes one, two and two and a half storey single detached dwellings. Based on the size, scale, setbacks, and orientation of the proposed single detached units, adequate privacy will be provided to neighbouring properties. The proposed development will not create shadow and overlook impacts on adjacent dwellings. The proposed dwellings have similar height and setbacks to surrounding properties and will represent a form, orientation and massing similar to existing residential along Fifty Road, which enhances the streetscape.

Based on the foregoing, the proposal complies with the Urban Hamilton Official Plan and Urban Lakeshore Secondary Plan.

## **Stoney Creek Zoning By-law No. 3692-92**

The subject lands are zoned Single Residential “R3-45” Zone, Modified, in Stoney Creek Zoning By-law No. 3692-92, which permits single detached dwellings on a private common element condominium road. The proposal was previously approved by Council through By-law No. 22-153 to permit 11 residential units for single detached dwellings and a private condominium road. The applicant submitted a revised proposal to permit 15 single detached dwellings on a private condominium road. Minor Variances were required to address the deficiencies of lot area and frontage to implement the revised proposal. The applicant submitted a Minor Variance application (A-24:256) which was approved by the Committee of Adjustment on March 6, 2025, and is final and binding, to implement the revised proposal.

## **Rationale For Recommendation**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Planning Statement (2024);
  - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan and the Urban Lakeshore Secondary Plan; and,

- (iii) It is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units contributing to a complete community through the establishment of housing forms that are in keeping with existing and planned development in the surrounding area, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.

2. Draft Plan of Condominium (Vacant Land)

The proposed Draft Plan of Condominium (Vacant Land) is for 15 vacant land units for single detached residential dwellings and common elements for a private road as well as 11 visitor parking spaces inclusive of two visitor parking spaces and sidewalks, as shown in Appendix B attached to Report PED25114. The private condominium road will provide access to Fifty Road and all 15 lots will be accessed from the private condominium road. Staff are supportive of the Draft Plan of Condominium (Vacant Land) and recommend its approval, subject to the conditions attached as Appendix C to Report PED25114.

3. Previous Draft Plan of Condominium (Vacant Land) Approval

Development cannot occur until the Vacant Land Condominium is registered to create the individual units. Registration will require the previously approved Draft Plan of Condominium 25CDM-202120 for the subject lands and registered as Wentworth Condominium Plan WCP-646 to be deregistered, which is addressed as Condition No. 5 in Appendix C attached to Report PED25114.

## **Relationship to Council Strategic Priorities**

Priority 1: Sustainable Economic & Ecological Development

- 1.2: Facilitate the growth of key sectors.

Priority 2: Safe & Thriving Neighbourhoods

- Increase the supply of affordable and supportive housing and reduce chronic homelessness.

## **Previous Reports Submitted**

- [Report PED22126](#) was approved at the June 14, 2022, Planning Committee meeting for Zoning By-law Amendment application ZAC-21-045 and Draft Plan of Condominium application 25CDM-202120 to permit 11 residential units for single detached dwellings on a private common element condominium road.

## **Consultation**

In addition to the requirements of the *Planning Act*, the applicant held a virtual community meeting relating to a previous Zoning By-law Amendment application ZAC-21-045 and Draft Plan of Condominium application 25CDM-202120 on September 9, 2021. As the application implements the site specific zoning approved by City Council on June 22, 2022, as amended by Minor Variance application A-24:256, further public consultation beyond giving notice of complete application prior to the submission of the Draft Plan of Condominium application did not occur. Staff note that the site layout, setbacks, and orientation of the proposed single detached units has not changed.

## **Appendices and Schedules Attached**

Appendix A:	Location Map
Appendix A1:	Existing Land Use, Surrounding Lands and Zoning Chart
Appendix B:	Proposed Concept Plan and Draft Plan of Subdivision
Appendix C:	Draft Plan of Subdivision Special Conditions
Appendix D:	Historical Background Report Fact Sheet
Appendix E:	Policy Review
Appendix F:	Department and Agency Comments

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