

B-25:031 — 555–559 Sanatorium Road, 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. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – **Building Engineering Section**).
5. The owner/applicant shall submit survey evidence that the **lands to be severed and the 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).
6. Landscape Plan (Forestry)
7. That the Owner demonstrate or provide proof of separate and independent sanitary sewer services for each parcel of land in accordance with the Sewer and Drain By-Law 23-234 to the satisfaction of the City's Director of Development Engineering.
8. That the Owner demonstrate that there is a private easement over the existing sanitary drain in favour of the retained portion of the lands over the severed portion of the lands c/w appropriate private agreement to address access and maintenance of the existing drain to the satisfaction of the City's Director of Development Engineering.



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**STAFF COMMENTS**

**HEARING DATE: May 29, 2025**

9. That the owner apply for and obtain approval for a reciprocal easement over the proposed retained and severed lands to permit access to the proposed four storey parking structure, consistent with the severance sketch submitted with this application and consistent with Site Plan Control application DA-22-142, to the satisfaction of the Director of Development Planning.

**Proposed Notes:**

In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees. (Building Engineering)

If the scope of work expands (i.e. utility upgrades) to include any construction within the dripline of a public tree, a Tree Management Plan and Public Tree Permit will be required. Please contact [urbanforest@hamilton.ca](mailto:urbanforest@hamilton.ca) to inquire. (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)

MCFN's Department of Consultation and Accommodation (DOCA) have no questions or comments for you at this time. This does not indicate a position of support for the project, that the Duty to Consult and Accommodate the MCFN has been met, or that there are no adverse impacts to the MCFN's Indigenous and Treaty Rights.

DOCA expects to be notified of any and all future project updates and/or changes. Additionally, DOCA must be notified of, invited to participate in, and provided the opportunity to review any environmental and/or archaeological assessments. At its discretion, DOCA may request capacity funding from the proponent for its consultation and engagement activities relating to the project. (Mississaugas of the Credit First Nation)

**Development Planning:**

**Background**

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	54.28 m±	N/A	12,770.79 m <sup>2</sup> ±
<b>RETAINED LANDS:</b>	112.98 m±	N/A	7,488.53 m <sup>2</sup> ±

The purpose of Consent to Sever application B-25:031 is to permit the conveyance of a vacant parcel of land for future development of a six storey retirement home and six storey multiple dwelling in accordance with Site Plan Control application DA-22-142, and to retain a parcel of land containing two existing buildings.

The retirement home consists of 40 units and the multiple dwelling consists of 202 units. A four storey parking structure is proposed on the retained land, following the removal of the second existing building on the retained land.

Staff note Site Plan Control application DA-22-142 received conditional approval on May 17, 2023. Staff further note an access easement over the severed lands will be required for the proposed parking structure to be accessible.

**Analysis**

**Urban Hamilton Official Plan**

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and are designated “Institutional” 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.3.5.2, E.6.2.4 and F.1.14.3.4, amongst others, are applicable and permit the proposed retirement home, multiple dwelling and parking structure and the existing medical building.

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.1.14.3.4 permits new lots for mixed uses, commercial, institutional or open space uses in the “Institutional” designation subject to the following criteria:

“a) the lots severed for commercial, institutional or open space uses shall comply with the policies of this Plan including secondary plans, where one exists;

b) The lots are in conformity with the Zoning By-law or a minor variance is approved;



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- c) the lots severed for residential uses, including mixed use buildings which contain residential uses shall comply with Section B.2.4 – Residential Intensification Policies, Section B.3.3 – Urban Design Policies, Section E.3.0 – Neighbourhoods Designation and any other relevant policies of this Plan;
- d) the lots are fully serviced by municipal water and wastewater systems; and,
- e) the lots have frontage on a public road.”

Staff note that the proposed lots and uses comply with the policies of the Urban Hamilton Official Plan and the Chedmac Secondary Plan, the proposed lots conform to the Zoning By-law, the proposed residential uses comply with the policies found in Section E.3.5 regarding medium density residential uses, the lots are fully serviced by municipal water and wastewater systems and have frontage along Sanatorium Road.

#### **Chedmac Secondary Plan**

The subject lands are designated “Institutional” on Map B.6.3-1 – Land Use Plan of the Chedmac Secondary Plan. Policy B.6.3.4, amongst others, is applicable and permits the proposed retirement home, multiple dwelling and parking structure and the existing medical building.

#### **Mountview Neighbourhood Plan**

The subject lands are identified as “Civic and Institutional” on Map 7111 (Map 1 of 2) of the Mountview Neighbourhood Plan.

#### **Archaeology:**

Staff comments addressed as part of Site Plan Control Application DA-22-142.

#### **Cultural Heritage:**

Staff comments addressed as part of Site Plan Control Application DA-22-142.

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

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

The subject lands are zoned Major Institutional (I3) Zone in City of Hamilton Zoning By-law No. 05-200. The proposed multiple dwelling, retirement and parking structure and existing medical building are permitted.

The retained lands are to have an area of 7488.53 square metres and a frontage of 112.98 metres. The severed lands are to have an area of 12,770.79 square metres and a frontage of 54.28 metres. The Zoning By-law does not require a minimum lot area for any of the proposed uses but it does require a 30 metre lot width for a retirement home, which the severed lands exceed.



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**STAFF COMMENTS**

**HEARING DATE: May 29, 2025**

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

**Zoning:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	The owner/applicant shall submit survey evidence that the <b>lands to be severed and the lands to be retained</b> , 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).
Comments:	<ol style="list-style-type: none"><li>I. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.</li><li>II. Please note that a minimum of 7 accessible parking spaces are required to be provided for the 'Medical Clinic' to facilitate this consent application. It is noted that no accessible parking space have been shown. As such, the appropriate planning act application may be required should the proposed development not meet the requirements of Section 5 of Hamilton Zoning By-law 05-200.</li><li>III. Legally established rights of ways shall be properly registered on title to provide access between properties (lands to be conveyed and retained) and sharing of the parking areas.</li><li>IV. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.</li><li>V. This application is associated with DA-22-142 and is required to facilitate the future development of the site.</li><li>VI. An Access Easement shall be required to be registered on title to permit the access to the proposed parking facility and the five (5) Parking Spaces, located within the rear yard, to be located on the adjacent property, created as a result of the proposed severance.</li></ol>
Notes:	

**Development Engineering:**



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**STAFF COMMENTS**

**HEARING DATE: May 29, 2025**

Recommendation:	Approve with Conditions
Proposed Conditions:	<ol style="list-style-type: none"><li>1. That the Owner demonstrate or provide proof of separate and independent sanitary sewer services for each parcel of land in accordance with the Sewer and Drain By-Law 23-234 to the satisfaction of the City's Director of Development Engineering.</li><li>2. That the Owner demonstrate that there is a private easement over the existing sanitary drain in favour of the retained portion of the lands over the severed portion of the lands c/w appropriate private agreement to address access and maintenance of the existing drain to the satisfaction of the City's Director of Development Engineering.</li></ol>
Comments:	<p>There is no municipal sanitary sewer on Sanatorium Road available to service severed and retained portion of the subject lands.</p> <p>There is an existing municipal sanitary sewer, within an easement, adjacent to the rear property line of the severed portion of the lands only.</p>
Notes:	

**Building Engineering:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – <b>Building Engineering Section</b> ).
Comments:	
Notes:	In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

**Transportation Planning:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

**Forestry:**

Recommendation:	Approve with Conditions
Proposed Conditions:	Landscape Plan



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**STAFF COMMENTS**

**HEARING DATE: May 29, 2025**

Comments:	The Forestry & Horticulture Section requests a Landscape Plan be provided to Forestry. Natural Heritage will oversee replacement or compensation for private trees, and Forestry needs to review proposed landscape features and setbacks to ensure they are in line with Forestry & Horticulture Design and Preservation Standards.
Notes:	If the scope of work expands (i.e. utility upgrades) to include any construction within the dripline of a public tree, a Tree Management Plan and Public Tree Permit will be required. Please contact <a href="mailto:urbanforest@hamilton.ca">urbanforest@hamilton.ca</a> to inquire.

**Legislative Approvals:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	<p>The lands to be retained will remain as <b>565 Sanatorium Road &amp; 559 Sanatorium Road (Hamilton)</b>.</p> <p>The lands to be conveyed will be assigned the address of <b>577 Sanatorium Road &amp; 571 Sanatorium Road (Hamilton)</b> as per the ongoing Site Plan application DA-22-142.</p>
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.

**Mississaugas of the Credit First Nation:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	<p>MCFN's Department of Consultation and Accommodation (DOCA) have no questions or comments for you at this time. This does not indicate a position of support for the project, that the Duty to Consult and Accommodate the MCFN has been met, or that there are no adverse impacts to the MCFN's Indigenous and Treaty Rights.</p> <p>DOCA expects to be notified of any and all future project updates and/or changes. Additionally, DOCA must be notified of, invited to participate in, and provided the opportunity to review any environmental and/or archaeological assessments. At its discretion, DOCA may request capacity funding from the proponent for its consultation and engagement activities relating to the project.</p>

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

## Danelski, Alexander

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**From:** Mikiya Hobbs <mhobbs@conservationhamilton.ca>  
**Sent:** Wednesday, May 21, 2025 11:48 AM  
**To:** Committee of adjustment  
**Cc:** mquarcoopome@westonconsulting.com  
**Subject:** May 27th COA - HCA Comments for B-25:031 - 555-559 Sanatorium Road

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

Hello,

Thank you for circulating the Hamilton Conservation Authority (HCA) with the Consent Application B-25:031 for the lands located at 555-559 Sanatorium Road, Hamilton. HCA staff have reviewed the information provided in accordance with HCA's plan review and regulatory responsibilities under the *Conservation Authorities Act* and provide the following comments.

The subject property is located in the Chedoke Creek subwatershed. A northern portion of the property is regulated by HCA pursuant to the *Conservation Authorities Act* and *Ontario Regulation 41/24* (Prohibited Activities, Exemptions and Permits) due to its proximity to a watercourse, a tributary to Chedoke Creek, and the associated potential for flooding and erosion hazards.

HCA staff understand that severance is requested to permit the conveyance of a parcel of land containing an existing commercial building for residential purposes. The parcel of land proposed to be severed is subject to the conditionally approved site plan application DA-22-142 for the proposed development of two mid-rise residential buildings. The applicant notes that a future site plan application will be submitted for the proposed development of a 4-storey parking structure within the retained lands. HCA has been reviewing site plan application DA-22-142 and will address any concerns through the site plan applications. As such, HCA staff have no comments related to the proposed severance.

Please contact me if there are any questions regarding the above.

Kind regards,

### Mikiya Hobbs

Planner, Watershed Management Services  
Hamilton Conservation Authority  
838 Mineral Springs Road, P.O. Box 81067  
Ancaster, ON L9G 4X1

**Phone:** 905-525-2181 Ext. 148

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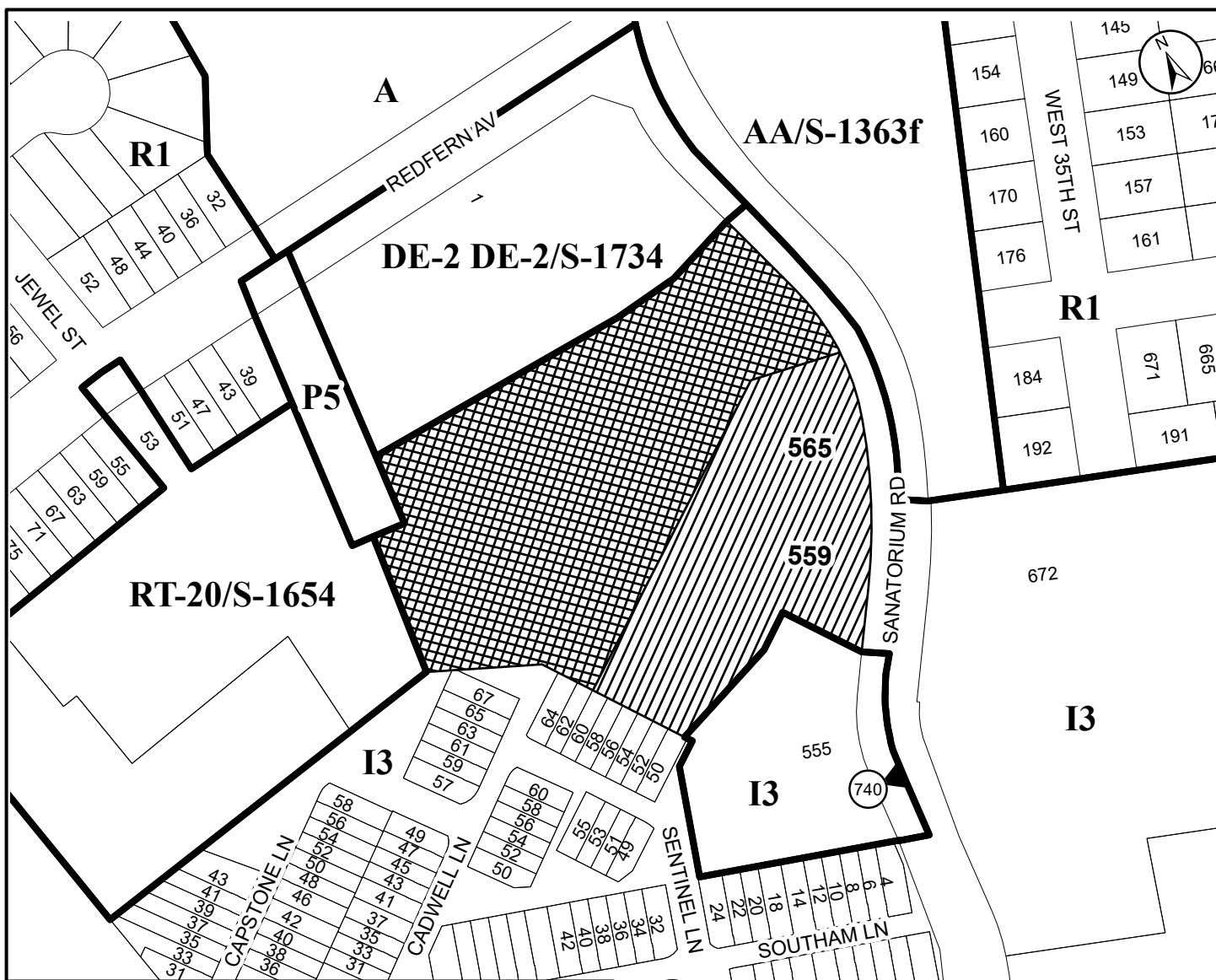
[www.conservationhamilton.ca](http://www.conservationhamilton.ca)



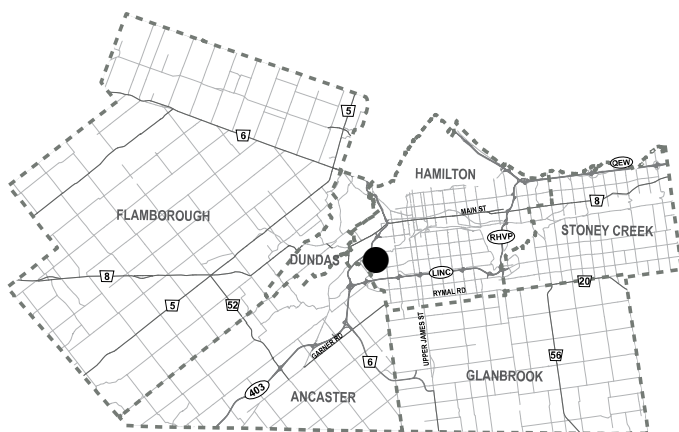


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● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property

559–565 Sanatorium Road, Hamilton  
(Ward 14)



Lands to be Retained



Lands to be Severed

File Name/Number:

B-25:031

Date:

May 6, 2025

Technician:

RS

Scale:

N.T.S.

Appendix "A"



**Hamilton**

Planning and Economic Development Department