

B-25:030 — 39 Norwich Road, Stoney Creek

Recommendation:

Approve with proposed condition. — 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 – **Plan Examination Section**).
5. That the owner shall investigate the noise levels on the severed and retained lands and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Development Planning. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the Director of Development Planning.
6. If the application is approved, we request the following condition(s): The owner/applicant shall submit survey evidence that the lands to be severed 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. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees. (Planning Division – Zoning Review Section)



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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)

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

The purpose of the application is to permit the conveyance of one half of a semi-detached dwelling and to retain one half of a semi-detached dwelling.

The lots are to be conveyed as follows:

	Frontage	Depth	Area
SEVERED LANDS:	10.0585 m±	37.070 m±	372.70 m ²
RETAINED LANDS:	10.0585 m±	37.070 m±	372.70 m ²

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, 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. Based on the above Volume 1 policies the subject property permits the proposed/under construction semi-detached dwellings.

Western Development Area Secondary Plan

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 proposed severance for both the retained and the severed lots complies with the Western Development Area Secondary Plan.

Eastdale Neighbourhood Plan

The subject property is identified as being Low Density Residential in the Eastdale Neighbourhood Plan permitting the proposed/under construction semi-detached dwellings.

The proposal is considered residential intensification in accordance with the Urban Hamilton Official Plan. Staff have completed an analysis of the proposal against Policies B.2.4.1.4 and B.2.4.2.2 and are satisfied that the proposed severance conforms to the residential intensification policies. The proposed severance is compatible with the scale and character of the neighbourhood, maintains the general streetscape pattern, and considers the relationship of the proposed lots with existing development.



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Policy B.3.6.3.7 addresses impacts related to road traffic noise and vibration. Highway No. 8 is identified as a Major Arterial Road in Schedule C – Functional Road Classification. The requirement for a noise study is for lands within 400 metres of a major arterial road. The severed lands are located approximately 300 metres from Highway No. 8, and staff recommend the inclusion of a noise study to be completed to the satisfaction of the Director of Development Planning.

The following Official Plan policy applies to consent applications to 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:
- 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;
 - e) The lots are fully serviced by municipal water and wastewater systems; and,
 - f) The lots have frontage on a public road.”

Staff have completed an analysis of the lot creation policies of Policy F.1.14.3.1 and are of the opinion that the proposed severance generally comply with the above noted policies. The proposed lots reflect the general scale and character of the established development pattern in the surrounding area. The proposed lots are designated “Low Density Residential 2b” within the Western Development Area Secondary Plan area and comply with the applicable policies. The subject property is identified as being Low Density Residential within the Eastdale Neighbourhood Plan, which permits the proposed use. The proposed lots appear to generally be zoning compliant with respect to lot area and lot width. Development Planning staff defer to Zoning staff to determine if variances are necessary. The proposed lots have frontage on a public road (Norwich Road). Planning staff defer to Development Engineering staff on any concerns related to servicing, with respect to F.1.14.3.1 e). Accordingly, the proposed severance complies with the Urban Hamilton Official Plan, subject to the conditions identified.

Archaeology:

No Comments.

Cultural Heritage:

No Comments.

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

The subject property is zoned Low Density Residential (R1) Zone in the City of Hamilton Zoning By-law No. 05-200. The “R1” Zone permits the proposed/under construction semi-detached dwellings.

Analysis

Severance

Based on the above analysis, the proposed severance conforms to the policies of the Urban Hamilton Official Plan, subject to the recommended conditions. Development Planning staff are of the opinion that the lots are well integrated within the existing neighbourhood and represent a compatible form of residential intensification in keeping with the existing neighbourhood character and streetscape.

Based on the forgoing analysis, staff recommend that the **application for consent be approved with the proposed conditions** as the proposal complies with the applicable policies of the Urban Hamilton Official Plan.

Zoning:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	<p><u>If the application is approved, we request the following condition(s):</u></p> <ol style="list-style-type: none"> 1. The owner/applicant shall submit survey evidence that the lands to be severed 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>In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.</p>
Comments:	
Notes:	

Development Engineering:

Recommendation:	No Comments
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STAFF COMMENTS

HEARING DATE: May 29, 2025

Proposed Conditions:	
Comments:	
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 – Plan Examination Section).
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
Proposed Conditions:	
Comments:	There are no Municipal Tree Assets on site. No public tree permit is required. No Landscape plan required. Forestry has no concerns or conditions regarding this application. For questions please contact: urbanforest@hamilton.ca
Notes:	

Legislative Approvals:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	The lands to be retained (Part 1) will remain as 39 Norwich Road (Stoney Creek) .



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STAFF COMMENTS

HEARING DATE: May 29, 2025

	The lands to be conveyed (Part 2) will be assigned the address of 41 Norwich Road (Stoney Creek) .
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.

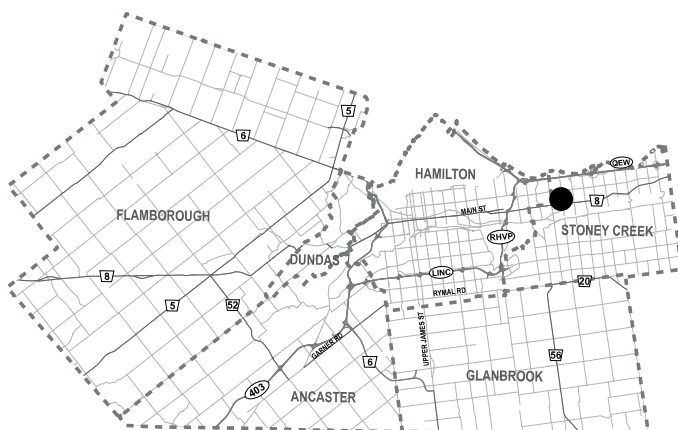
Mississaugas of the Credit First Nation:

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.



● Site Location



Committee of Adjustments

Subject Property

File Name/Number:
B-25:030