

B-25:044 — 56-62 Delawana Drive, Hamilton

Recommendation:

Approve with the proposed conditions. — 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 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.
5. That the owner/applicant receive final and binding approval of Minor Variance A-25:139, to the satisfaction of the Director of Development Planning.
6. That the owner demonstrate that the proposed Duplex Dwelling units are self-contained individual dwelling units along the proposed lot line in accordance with the Ontario Building Code, to the satisfaction of the Director of Development Planning.
7. That the owner provide private separate access and servicing to each of the proposed Duplex Dwellings on the proposed separate lots and meet all requirements under the Ontario Building Code, to the satisfaction of the Director of Development Planning.



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8. That the existing shed on the lands to be retained that is approximately ± 0.17 metres from the proposed lot line be relocated to comply with the setback requirements of the Zoning By-law or that additional relief be obtained through a Minor Variance application, to the satisfaction of the Director of Development Planning.
9. The owner/applicant shall receive final and binding approval of minor variance application **A-25:139** in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
10. The owner/applicant shall submit survey evidence that both 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).
11. That the Owner demonstrate or provide proof of separate and independent sewer and water services for each parcel of land in accordance with the Sewer and Drain By-Law 23-234 and Water Works By-Law 23-235, to the satisfaction of the Director, Development Engineering.

Proposed 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 Municipal Addressing By-law and Sign By-law, in a manner that is clearly visible from the road. (Legislative Approvals)

Development Planning:

Background

The purpose of the application is to sever the existing residential lot into two (2) parcels. The existing 2-storey fourplex will be divided in half. The severed lands will contain a 2-storey duplex dwelling, and the retained lands will contain a 2-storey duplex dwelling. An existing shed will be moved to facilitate this application.

The owner will have to construct a party wall in accordance with the Ontario Building Code or demonstrate that the existing dwelling wall meets the Ontario Building Code. The owner will also be required to demonstrate that both lots operate as self-contained individual dwelling units and are serviced and accessed independently.

The following variances are requested:

1. A minimum interior Side Yard width of 0.0 metres shall be provided whereas the By-law requires a minimum Side Yard width of 1.2 metres.
2. A minimum Lot Width of 12.0 metres shall be provided whereas the By-law requires a minimum Lot Width of 18.0 metres.
3. A minimum Lot Area of 500.0 square metres shall be provided whereas the By-law requires a minimum Lot Area of 540.0 square metres.

Staff are recommending Variance 1 be revised as follows:

1. A minimum interior Side Yard width of 0.0 metres shall be provided where the lot line is a shared party wall whereas the By-law requires a minimum Side Yard width of 1.2 metres.

The lots are to be conveyed as follows:

	Frontage	Depth	Area
SEVERED LANDS:	12.19 m±	41.09 m±	500.2 m±
RETAINED LANDS:	12.19 m±	41.09 m±	500.3 m±

Urban Hamilton Official Plan



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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. The subject property permits the proposed duplex dwellings on both the proposed severed and retained lots subject to criteria.

Centennial Neighbourhoods Secondary Plan

The subject property is further designated “Low Density Residential 2” on Map B.6.7-1 – Centennial Neighbourhoods 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 Centennial Neighbourhoods Secondary Plan including the proposed duplex dwellings, which are permitted.

Riverdale West Neighbourhood Plan

The subject property is identified as being Single and Double in the Riverdale West Neighbourhood Plan. Which permits the proposed duplex dwelling land use.

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 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. Staff note that the proposed severance simply serves to sever the existing fourplex into two duplexes. The existing structure is to remain so the impact on the streetscape is mitigated.

Policy B.3.6.3.7 addresses impacts related to road traffic noise and vibration. Centennial Parkway North 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 will be located approximately 170 metres from Centennial Parkway North, based on the forgoing 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:



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- 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 conforms to 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 2” within the Centennial Neighbourhoods Secondary Plan area and comply with the applicable policies. The subject property is identified as being located within the Riverdale Neighbourhood Plan area as Single and Double which permits the proposed duplex dwellings. Staff note that the applicant is applying for a concurrent Minor Variance to address zoning compliance. Development planning staff defer to Zoning staff to verify if a condition to determine zoning compliance is necessary for the newly proposed lot in addition to the concurrent minor variance application. The proposed lots have frontage on a public road (Delawana Drive). 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.

Former City of Hamilton Zoning By-law No. 6593

The subject property is zoned as DE/S-103 (Low Density Multiple Dwellings) Zone in Zoning By-law No. 6593. The zone permits the existing multiple dwelling and proposed semi-detached dwellings subject to criteria.



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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.

Minor Variance

Variance 1 requested

1. A minimum interior Side Yard width of 0.0 metres shall be provided whereas the By-law requires a minimum Side Yard width of 1.2 metres.

Variance 1 Revised by Staff:

1. A minimum interior Side Yard width of 0.0 metres shall be provided where the lot line is a shared party wall whereas the By-law requires a minimum Side Yard width of 1.2 metres.

The intent of the above provision is to ensure that there is an adequate required interior side yard setback to ensure sufficient access for maintenance and sufficient separation distance to adjacent properties for grading and drainage. Based on staff's analysis of the proposed variance, staff are supportive of a 0.0 metre setback in this instance as it is an existing condition. The subject application will create a duplex that shares a party wall with another duplex dwelling on an adjacent lot. The applicant is seeking to sever an existing fourplex into two separate lots and create two duplex dwellings. Staff note that the proposed 0m side yard is to reflect that the shared wall of the proposed two existing duplex dwellings will have a setback of 0 metres. With approval of the proposed conditions staff support the proposed 0 metre interior side yard. Staff defer concerns relating to drainage to Development Engineering Staff. Based on the forgoing analysis **staff are supportive of the revised variance 1** as it meets the four tests of a minor variance under the *Planning Act*.

Variance 2

2. A minimum Lot Width of 12.0 metres shall be provided whereas the By-law requires a minimum Lot Width of 18.0 metres.

The intent of the provision is to ensure that the proposed lots are of an adequate size in order to support the proposed use of the subject property being a duplex dwelling on each of the proposed and severed lots. Staff note that there is an existing fourplex on the lot that the applicant is seeking to remain as is. The lots will maintain the same number of dwelling units, which have functioned effectively on the site since they were built in the ≈1970s. Staff note in this circumstance that the



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building is existing and through the proposed variance maintains the character of neighbourhood. Staff in reviewing the proposed variance acknowledge that had these lands been zoned within Zoning By-law No. 05-200 the minimum lot width for a duplex in the R1 Zone would be 12 metres. Based on the forgoing analysis, **staff are supportive of the proposed variance 2** as it meets the four tests of a minor variance under the *Planning Act*.

Variance 3

3. A minimum Lot Area of 500.0 square metres shall be provided whereas the By-law requires a minimum Lot Area of 540.0 square metres.

The intent of the provision is to ensure that there is an adequate lot area to facilitate the permitted uses in the D - District Zone of Zoning By-law No. 6593. Based on staff's analysis of the proposed variance, staff are of the opinion that the proposed decrease in minimum lot area from 540.0 square metres to 500.0 square metres is minor, as staff do not foresee adverse impacts being generated through the proposed decrease in lot area. Staff note that the proposed variance is to facilitate a concurrent consent application, and that the existing structure on the site is to remain without any exterior changes. Staff are of the opinion that the proposed lot area is in character for the area and does not generate concerns of overdevelopment of the proposed lots. Through the submitted minor variance sketch and package, the applicant has demonstrated that the lots are of a sufficient size to accommodate the proposed use, while still accommodating appropriate amenity area, etc. Based on the forgoing analysis **staff are supportive of the proposed variance 3** as it meets the four tests of a minor variance under the *Planning Act*.

Based on the forgoing, staff recommend the **approval of revised variance 1 and requested variances 2 & 3** as they maintain the general intent and purpose of the Official Plan and Zoning By-law, are minor in nature and are desirable for the appropriate development of the subject lands.

Zoning:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	<ol style="list-style-type: none">1. The owner/applicant shall receive final and binding approval of minor variance application A-25:139 in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).2. The owner/applicant shall submit survey evidence that both 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).



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Comments:	<p>1. The owner/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. Please contact addressing@hamilton.ca.</p> <p>2. Details regarding parking on both the lands to be severed and the lands to be retained have not been shown on the submitted survey; therefore, this Division cannot confirm zoning compliance.</p> <p>3. Details regarding the percentage of the front yard that is to be Landscaped Area on both the lands to be severed and the lands to be retained have not been indicated; therefore, this Division cannot confirm zoning compliance.</p> <p>4. The appropriate Planning Act approvals for minimum lot width, minimum lot area, and minimum interior side yard will be required for zoning compliance of the lands to be conveyed/retained.</p> <p>5. Please note that should the consent/severance be granted, the proposed use on both the lands to be severed and the lands to be retained is indicated to be a Two Family Dwelling, which is a permitted use in the current DE/S-103 District, however, insufficient information was provided to confirm the use being proposed; therefore, this Division cannot confirm zoning compliance.</p> <p>6. In order to clear conditions, the owner/applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.</p>
Notes:	

Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	That the Owner demonstrate or provide proof of separate and independent sewer and water services for each parcel of land in accordance with the Sewer and Drain By-Law 23-234 and Water Works By-Law 23-235, to the satisfaction of the Director, Development Engineering.
Comments:	
Notes:	

Building Engineering:

Recommendation:	No Comments
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Proposed Conditions:	
Comments:	
Notes:	

Forestry:

Recommendation:	Approve
Proposed Conditions:	
Comments:	<p>There are no Municipal Tree Assets on site. No public tree permit is required.</p> <p>No Landscape plan required.</p> <p>Forestry has no concerns or conditions regarding this application.</p> <p>For questions please contact: urbanforest@hamilton.ca</p>
Notes:	

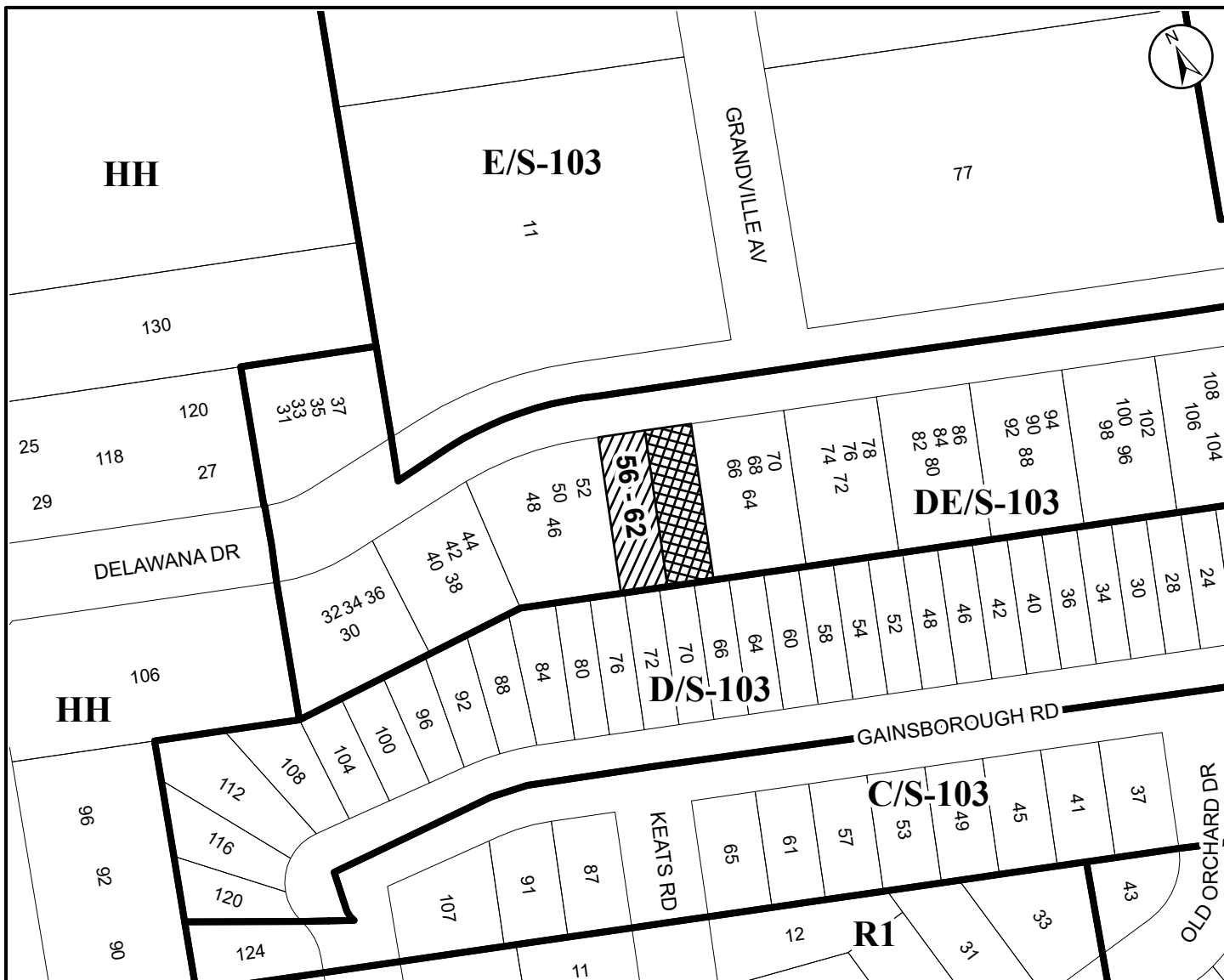
Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

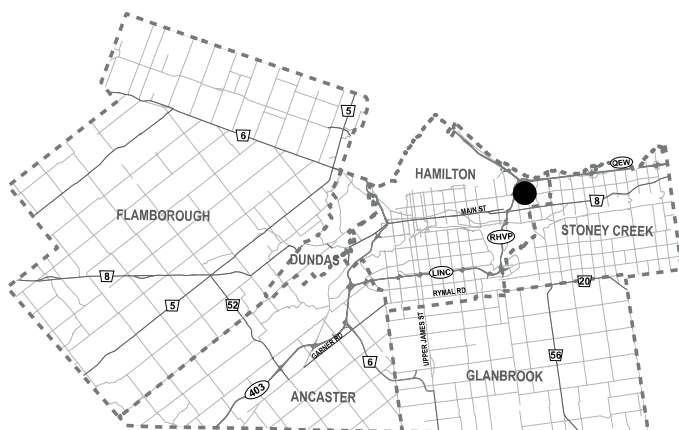
Legislative Approvals:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	<p>The lands to be retained (Part 1) will remain as 56 & 58 Delawana Drive (Hamilton).</p> <p>The lands to be conveyed (Part 2) will remain as 60 & 62 Delawana Drive (Hamilton).</p>
Notes:	<p>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 Municipal Addressing By-law and Sign By-law, in a manner that is clearly visible from the road.</p>

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

56 - 62 Delawana Drive, Hamilton (Ward 5)



Lands to be Retained



Lands to be Severed

File Name/Number:

B-25:044

Date:

August 6, 2025

Technician:

AL

Scale:

N.T.S.

Appendix "A"



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Planning and Economic Development Department