

B-25:037 — 209 Highway 8, Stoney Creek

Recommendation:

Approve with 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. The owner/applicant shall receive final and binding approval of minor variance application A.25.123 (Planning Division – Zoning Review Section).
5. The owner/applicant shall apply for a demolition permit to demolish all or an appropriate portion of any buildings straddling the proposed property line, 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). **NOTE: The demolition permit shall have a status of either "Review", "Issued", or "Closed" in order for this condition to be cleared by the Zoning Review Section.**
6. 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.
7. That the owner/applicant receive final and binding approval of Minor Variance A-25:123, to the satisfaction of the Director of Development Planning.



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8. That the owner submits and receives approval of a Tree Protection Plan including the review fee as part of the Schedule of Rates and Fees, to the satisfaction of the Manager of Heritage and Urban Design. The Tree Protection Plan is to be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010). (Natural Heritage)
9. That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Manager of Heritage and Urban Design. (Natural Heritage)
10. That the Owner must enter into with the City of Hamilton and register, a combined External Works and Consent Agreement, along with the current administrative fee (includes grading plan review) to address issues including but not limited to: extension of the municipal sewers to service the proposed severance, lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as any outstanding servicing cost for the existing municipal services adjacent to the property, street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer services inspections, driveway approaches, relocation of any existing infrastructure/ utilities and any damage during construction (at the Owner's Cost), to the satisfaction of the Director of Development Engineering.
11. The Owner shall submit a Grading Plan and Servicing Plan in accordance with City Standards. (Development Engineering)
12. The Owner shall submit a Stormwater Management Brief to demonstrate how the stormwater runoff will be handled in accordance with City and MECP standards. (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)

This Division has no concerns with the proposed application. (Building Engineering)

Development Planning:

Background

The purpose of the application is to permit the conveyance of a parcel of land to create a new residential building lot. The severed lands will contain a proposed two storey dwelling, and the retained lands will be a vacant residential building lot. The existing dwelling will be demolished to facilitate this application.

The following variances are requested:

1. A minimum Lot Area of 260.0 square metres shall be provided instead of the minimum required Lot Area of 310.0 square metres.

The lots are to be conveyed as follows:

	Frontage	Depth	Area
SEVERED LANDS: (Part 2):	10.65 m±	24.38 m±	260.69 m2±
RETAINED LANDS: (Part 1):	24.39 m±	27.90 m±	651.88 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, 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 Single Detached Dwelling on the proposed severed lot and low density residential uses on the retained lot.

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 and permits the proposed Single Detached Dwelling on the severed lands and low density residential uses on the retained lands.



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Eastdale Neighbourhood Plan

The subject property is identified as being “Low Density Residential” in the Eastdale Neighbourhood Plan which permits the proposed residential development.

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.

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 will be located approximately 30 metres from Highway No. 8. 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:

- 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 2b” within the Western Development Area



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Secondary Plan area and comply with the applicable policies. The subject property is identified as being located within the Eastdale Neighbourhood Plan area as “Low Density Residential” which permits the proposed Single Detached Dwellings. The Minor Variance application to permit a reduced minimum lot area is discussed below, and Development Planning staff recommend that a condition of consent approval require that the minor variance application be final approved. Development Planning staff defer to Zoning staff to verify if a condition to determine zoning compliance is necessary for the newly proposed lot. Further, Development Planning staff defer to Zoning staff to determine if a condition for demolition of the existing dwelling is required. The proposed lots have frontage on a public road (Highway 8 and Chester 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.

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 areas that ecologically connect Core Areas) have not been identified within the subject property. As a result, it is anticipated that the proposed severance will not further negatively impact the features and functions of the City’s Natural Heritage System.

Through aerial photograph interpretation, trees have been identified within 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). In addition, through the City’s Council adopted Urban Forest Strategy a canopy target of 40 percent by 2050 within the urban area has been identified. The preservation of existing trees will assist in meeting this target. A Tree Protection Plan indicating how trees will be impacted/protected as a result of this development has not been provided with the application. If trees are to be removed, the City requires 1 for 1 compensation to be provided in order to ensure that existing tree cover is maintained.

Archaeology

No Comments.

Cultural Heritage

No Comments.

City of Stoney Creek Zoning By-law No. 3692-92



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The subject property is zoned as Residential “R6” Zone in Zoning By-law No. 3692-92. The zone permits single detached, semi detached, and duplex 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.

Minor Variance

Variance 1

1. A minimum Lot Area of 260.0 square metres shall be provided instead of the minimum required Lot Area of 310.0 square metres.

The intent of the provision is to ensure that there is an adequate lot area to facilitate the permitted uses in the R6 Zone. Based on staff’s analysis of the proposed variance, staff are of the opinion that the proposed decrease in minimum lot area from 310.0 square metres to 260.0 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. Staff are of the opinion that the proposed lot area is in character with the area and does not generate concerns of overdevelopment of the proposed lots. The proposed lot area is similar in area of what would be required through the R1a zone of Zoning By-law No. 05-200 which is 270.0 square metres. 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 setbacks, amenity area, etc. Based on the forgoing analysis **staff are supportive of the proposed minor variance** as it meets the four tests of a minor variance under the *Planning Act*.

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.25.123 (Planning Division – Zoning Review Section).2. The owner/applicant shall apply for a demolition permit to demolish all or an appropriate portion of any buildings straddling the proposed property line, or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the



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	Zoning By-law (Planning Division – Zoning Review Section). NOTE: The demolition permit shall have a status of either “Review”, “Issued”, or “Closed” in order for this condition to be cleared by the Zoning Review Section.
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.</p> <p>2. All or an appropriate portion of the building straddling the proposed property line shall be demolished in order to achieve zoning compliance, or the owner/applicant shall receive final approval of the appropriate Planning Act application.</p> <p>3. Please be advised any future development on the retained lands shall be in accordance with the Residential – six (R6) Zone within the 3692-92 Stoney Creek Zoning By-law.</p> <p>4. Please be advised that additional Planning Act approvals may be required if a road widening and/or daylight triangle dedication is required as part of this application.</p>
Notes:	

Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	<p>1. That the Owner must enter into with the City of Hamilton and register, a combined External Works and Consent Agreement, along with the current administrative fee (includes grading plan review) to address issues including but not limited to: extension of the municipal sewers to service the proposed severance, lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as any outstanding servicing cost for the existing municipal services adjacent to the property, street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer services inspections, driveway approaches, relocation of any existing infrastructure/ utilities and any damage during construction (at the Owner's Cost), to the</p>



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	<p>satisfaction of the Director of Development Engineering.</p> <p>2. The Owner shall submit a Grading Plan and Servicing Plan in accordance with City Standards.</p> <p>3. The Owner shall submit a Stormwater Management Brief to demonstrate how the stormwater runoff will be handled in accordance with City and MECP standards.</p>
Comments:	<p>According to. our GIS records, the existing municipal infrastructure fronting the subject property is summarized as follows:</p> <p>Highway 8</p> <ul style="list-style-type: none">• 400mm ø Watermain• 375mm ø Sanitary Sewer• 750mm ø Storm Sewer <p>Chester Rd</p> <ul style="list-style-type: none">• 150mm ø Watermain• 250mm ø Sanitary Sewer• 300mm ø Storm Sewer <p>The Owner will be required to extend the 250mm Sanitary and 300mm Storm Sewers on Chester Rd to the south property limit to accommodate the services for the proposed development.</p>
Notes:	

Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	This Division has no concerns with the proposed application.

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>



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	Forestry has no concerns or conditions regarding this application. For questions please contact: urbanforest@hamilton.ca
Notes:	

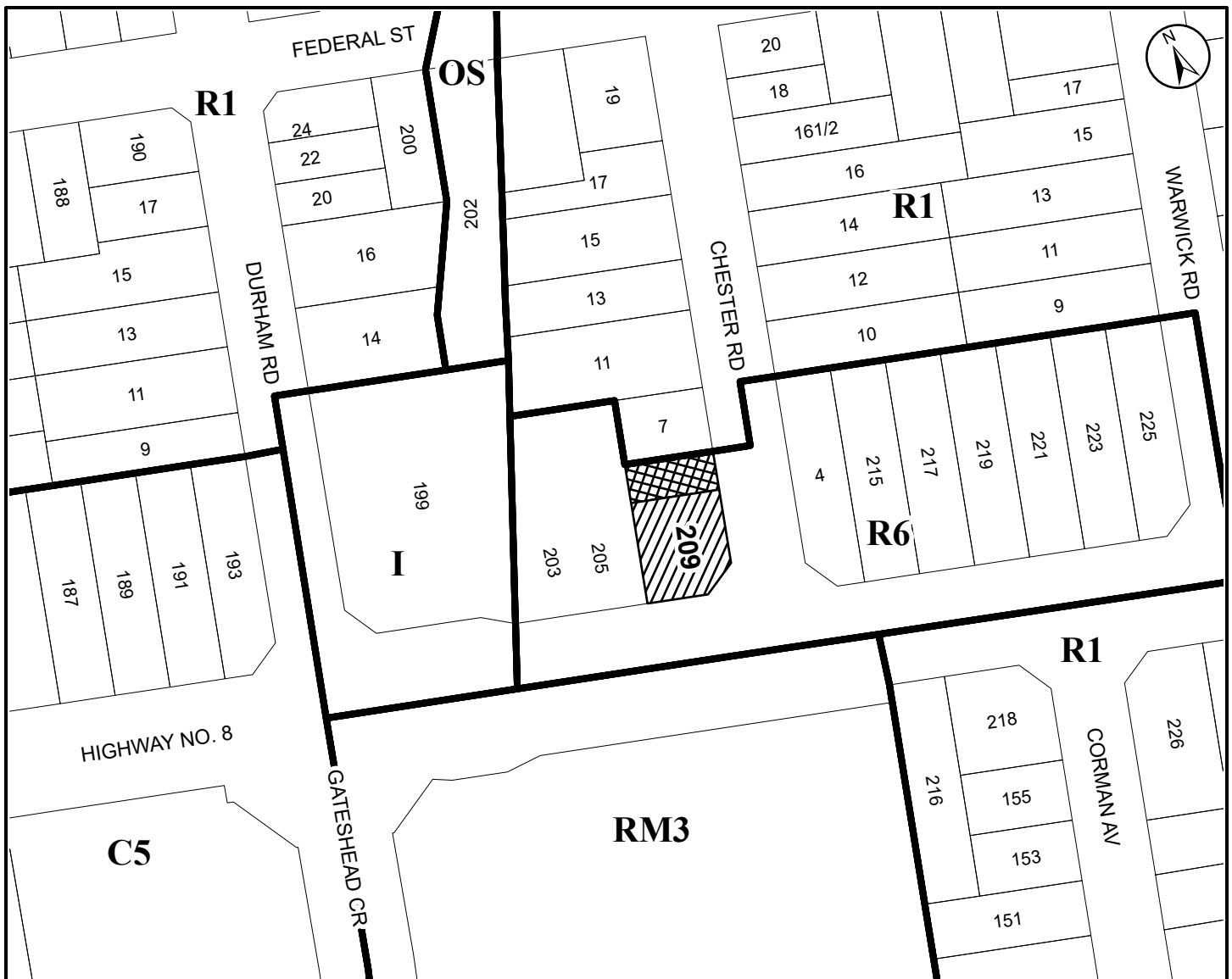
Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

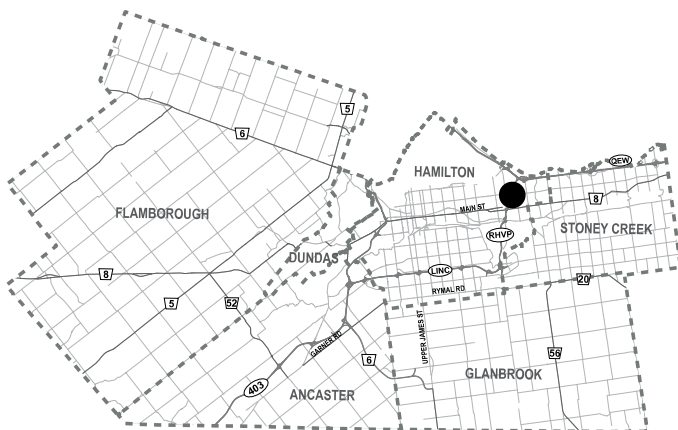
Legislative Approvals:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	The lands to be retained (Part 1) will remain as 209 Highway No. 8 (Stoney Creek) . The lands to be conveyed (Part 2) will be assigned the address of 5 Chester Road (Stoney Creek) . If at a future date it is discovered that the main entry of the house to be constructed on the retained lands (Part 1) will face Chester Road, an address change will be required.
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.

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

209 Highway 8, Stoney Creek (Ward 10)



Lands to be Retained



Lands to be Severed

File Name/Number:
B-25:037

Date:
July 30, 2025

Technician:
RS

Scale:
N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department