

A-25:123 — 209 Highway 8, Stoney Creek

Recommendation:

Approve. — Development Planning

Proposed Conditions:

Proposed Notes:

A building permit is required for the construction of the proposed single detached dwelling. (Building Engineering)

Be advised that Ontario Building Code regulations may require specific setback and construction types. (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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STAFF COMMENTS

HEARING DATE: August 14, 2025

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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STAFF COMMENTS

HEARING DATE: August 14, 2025

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 Only
Proposed Conditions:	
Comments:	Please be advised any future development on the retained lands shall be in accordance with Section 6.7 of the 3692-92 Stoney Creek Zoning By-law.
Notes:	

Development Engineering:



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HEARING DATE: August 14, 2025

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the construction of the proposed single detached dwelling.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

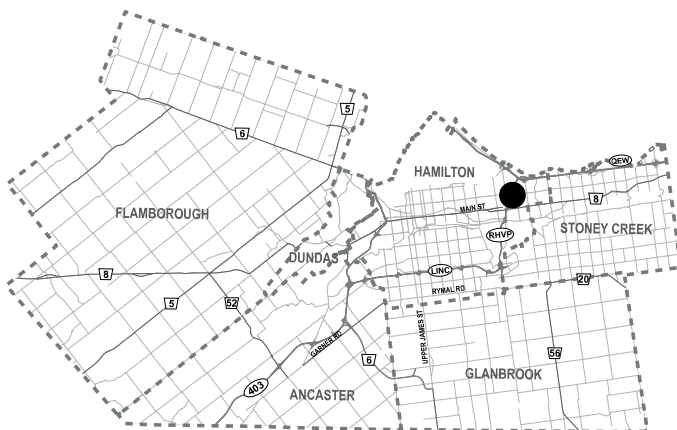
Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

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)

File Name/Number:

A-25:123

Date:

July 25, 2025

Technician:

RS

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department