



Hamilton

STAFF COMMENTS

HEARING DATE: September 25, 2025

B-25:021 — 46 Seabreeze Crescent, Stoney Creek

Recommendation:

Approve minor variances 1-3. — Development Planning
Approve consent subject to 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. A Permit to injure or remove municipal trees is a requirement of this application. A Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees. (Forestry)
5. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Review Section). In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
6. 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). In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
7. That the Owner must enter into with the City of Hamilton and register, a 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.

8. The Owner shall submit a Grading Plan and Servicing Plan in accordance with City Standards. (Development Engineering)
9. 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)
10. 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. (Development Planning)
11. That the proponent shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ontario Ministry of Citizenship and Multiculturalism (MCM).
Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499). (Cultural Heritage)

Proposed Notes:



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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)

“Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MCM.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).” (Development Planning)



Development Planning:

Background

The applicant is proposing to permit the conveyance of a parcel of land to create a new residential building lot. The existing dwelling will be demolished to facilitate for development. Staff note that this application was previously tabled at the April 17, 2025 Committee of Adjustment hearing. Staff have since worked with the applicant to receive additional information and the applicant has reached out to the Hamilton Conservation Authority who have identified that they are supportive of the proposed applications with the proposed easement for access. Planning staff defer to the Hamilton Conservation Authority for further comment.

The following variances are being requested:

1. A minimum lot width of 15.0 metres shall be provided whereas the by-law requires a minimum lot width of 18.0 metres.
2. A minimum setback from a side lot line of 1.2 metres shall be provided whereas the by-law requires a minimum of 2.0 metres.
3. A maximum building height of 11.0 metres shall be provided whereas the by-law permits a maximum of 10.5 metres.

The lots are to be conveyed as follows:

	Frontage	Depth	Area
SEVERED LANDS: (Part 2)	15.70 m±	52.12 m±	813.57 m2±
RETAINED LANDS: (Part 1)	15.94 m±	54.44 m±	826.86 m2±
Easement #1:	2.5 m±	42 m±	105 m2±
Easement #2:	2.5 m±	42 m±	105 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. Based on the policies found in Volume 1 of the Urban Hamilton Official Plan the proposed single detached dwellings are permitted.



Urban Lakeshore Area Secondary Plan

The subject property is further designated “Low Density Residential 2b” on Map B.7.3-1 – Urban Lakeshore 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 proposal complies with the Urban Lakeshore Secondary Plan.

Trillium Neighbourhood Plan

The subject property is designated “Low Density Residential” in the Trillium Neighbourhood Plan. The proposed use complies with the Trillium Neighbourhood Plan.

The following applies to consent applications to create a new lot:

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. The applicant has since consulted with the Hamilton Conservation Authority and have identified that they have no concerns with the proposed easement.

Policy B.3.6.3.7 addresses impacts related to noise and vibration, as such the Queen Elizabeth Way is identified as a Provincial Highway in Schedule C – Functional Road Classification. The requirement for a noise study is for lands within 400 metres of an existing or proposed Parkway or Provincial Highway. The subject property is located approximately 150 metres from the Queen Elizabeth Way, and staff recommend the inclusion of a noise study to be completed to the satisfaction of the Director of Development Planning.

- 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
- 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;



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- 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 Urban Lakeshore Area Secondary Plan and comply with the applicable policies. The subject property is designated Low Density Residential within the Trillium Neighbourhood Plan, and as noted above Policy E.6.2.6 of the UHOP permits low density residential uses. The applicant is seeking variances to the requirements of the R2 Zone with respect to lot width, side yard setbacks, and maximum building height. Development planning staff defer to Zoning staff to verify if a condition to determine zoning compliance is necessary for the newly proposed lot. The proposed lots have frontage on a public road (Seabreeze Crescent). 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.

Archaeological

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and
- 2) In an area of sandy soil in areas of clay or stone.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 4.6.2 of the Provincial Planning Statement apply to the subject application.

Cultural Heritage

No Comments.

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

The subject property is zoned Low Density Residential – Large Lot (R2) Zone in Zoning By-law No. 05-200. The R2 Zone permits a range of low-density residential uses.

Analysis



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Severance

Based on the above analysis, the proposed severance conforms to the policies of the Urban Hamilton Official Plan and the Urban Lakeshore Area Secondary Plan. 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. Staff defer to the Hamilton Conservation Authority for further comment regarding the proposed easement required for access in favour of the Hamilton Conservation Authority.

Minor Variance

1. A minimum lot width of 15.0 metres shall be provided whereas the by-law requires a minimum lot width of 18.0 metres.
2. A minimum setback from a side lot line of 1.2 metres shall be provided whereas the by-law requires a minimum of 2.0 metres.
3. A maximum building height of 11.0 metres shall be provided whereas the by-law permits a maximum of 10.5 metres.

Variance 1

1. A minimum lot width of 15.0 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 single detached dwelling on each of the retained and severed lots. Through granting of the proposed variance, it would maintain the character of the neighbourhood as existing lots in the area are of similar size and width. The reduction from 18.0 metres to 15.0 metres is considered minor and maintains the intent of the zoning by-law. Staff do not foresee any adverse impacts being generated through the proposed reduction. Based on the forgoing analysis, **staff are supportive of the proposed variance 1** as it meets the four tests of a minor variance under the *Planning Act*.

Variance 2

2. A minimum setback from a side lot line of 1.2 metres shall be provided whereas the by-law requires a minimum of 2.0 metres.

The intent of the above provision is to ensure that there is an adequate required yard setback to provide sufficient space for access and maintenance and grading/drainage. This provision also ensures a consistent streetscape and sufficient separation between adjacent uses. Based on staff's analysis of the proposed variances, staff are of the opinion that the proposed decreased side yard



setback is minor, as staff do not foresee adverse impacts being generated through the proposed decrease. The proposed 1.2 metre side yard maintains a sufficient yard to provide access and conduct maintenance, while also providing sufficient separation from adjacent uses. Staff defer concerns relating to drainage to Development Engineering staff for comment. Through the submitted minor variance sketch and package, the applicant has demonstrated that the proposed configuration of the proposed single detached dwellings is in character with the area and that the reduced side yard setbacks will not generate concerns related to massing. 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 maximum building height of 11.0 metres shall be provided whereas the by-law permits a maximum of 10.5 metres.

The intent of the maximum building height of the primary use is to ensure that there are no adverse impacts to neighbouring uses in terms of privacy and overlook as well as shadowing impacts. In addition, the maximum permitted building height ensures that the existing neighbourhood character is maintained. Staff have reviewed the proposed increase in permitted height and have no concerns. The increase in height is considered minor as the applicant is seeking an increase of approximately 0.5 metres. In terms of impacts of privacy, overlook and character those adverse impacts will not be generated through the proposed variance. 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 proposed variances 1-3** 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:	<p><u>If the application is approved, we request the following condition(s):</u></p> <ol style="list-style-type: none"> 1. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (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



	<p>requirements of the Zoning By-law (Planning Division – Zoning Review Section).</p> <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:	<p>i. Minor variance application A.25.043 is to facilitate this consent application.</p> <p>ii. The Hamilton Conservation authority is requesting a shared vehicle maintenance access easement on both the lands to be retained and the lands to be conveyed.</p>
Notes:	

Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	<ol style="list-style-type: none"> 1. That the Owner must enter into with the City of Hamilton and register, a 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. 2. The Owner shall submit a Grading Plan and Servicing Plan in accordance with City Standards. 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.



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Comments:	<p>According to. our GIS records, the existing municipal infrastructure fronting the subject property is summarized as follows:</p> <p>Seabreeze Crescent</p> <ul style="list-style-type: none"> • 200mm ø Watermain • 250mm ø Sanitary Sewer • 525mm ø Storm Sewer
Notes:	

Building Engineering:

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

Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Ministry of Transportation:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>The Ministry has no issues with the proposed severance and minor variances. However, the proponent must be aware that the property is located within the Ministry's permit control and therefore requires a Building and Land Use permit from the Ministry for any proposed construction on either property.</p> <p>The permit application must be submitted through the following link: HCMS - Apply for a permit - Application for Building and Land Use permit</p> <p>The following documents must be uploaded with the application:</p> <ul style="list-style-type: none"> • Site Plan • Architectural Drawing <p>Please note no construction or grading may begin until the permit has been approved and issued by the Ministry.</p>
Notes:	



Forestry:

Recommendation:	Approve with Conditions
Proposed Conditions:	A Permit to injure or remove municipal trees is a requirement of this application. A Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.
Comments:	<p>Conditions of the Forestry and Horticulture Section will be cleared only after receipt of all applicable fees.</p> <p>An assessment of the information provided shows that there are potential conflicts with publicly owned trees or trees that may become city assets through right of way widening.</p> <p>Where existing municipal trees are impacted by development work, are within proximity of the development work or access/egress to the development work, a Public Tree Permit to injure or remove municipal trees is required.</p> <p>Where ownership of trees in proximity to the boundary between public and private land is un-certain, the subject trees must be surveyed by the applicant to confirm ownership. Ownership is as per By-law 15-125. Ownership must be clearly identified on the Tree Management Plan as either municipal or private.</p> <p>No Landscape plan required.</p> <p>TREE MANAGEMENT</p> <p>Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.</p> <p>The Forestry & Horticulture Section requires that a Tree Management Plan be prepared by a MTCU Qualified Arborist, or ISA Certified Arborist, or a Registered Landscape Architect. All trees within this proposed development area must be surveyed, identified and accurately plotted on the plan to determine ownership, including intensions regarding retention or removal.</p> <p>It is compulsory that all proposed surface treatment changes within individual tree driplines as well as property lines, building footprints, driveways, utility</p>



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	<p>construction corridors and temporary access roads be accurately depicted on the submission.</p> <p>The Tree Inventory Analysis Table on the Tree Management Plan shall not be considered complete without the following data and recommended action for each tree.</p> <ul style="list-style-type: none"> ❖ Species by Botanical and common name ❖ Diameter at breast height in centimeters or millimeters ❖ Ownership {> 50% @ ground level = ownership} ❖ Biological health ❖ Structural condition ❖ Proposed grade changes within individual driplines {compulsory} ❖ Proposed utility construction within individual driplines {compulsory} ❖ Proposed removals or relocations ❖ Proposed trees to be protected. <p>If it is determined and verified that existing trees can remain, a Tree Protection Zone Detail with notes showing Tree Preservation Techniques shall be included on the submission as per the Public Tree Preservation and Sustainability Policy.</p> <p>The determination of ownership of all trees is the responsibility of the applicant and any civil issues which may exist or arise between property owners with respect to trees, must be resolved by the applicant. The ownership of each individual tree inventoried must be clearly stated as municipal or private.</p> <p>All Healthy trees on municipal property which are found to be in conflict with this proposed development and do not meet our criteria for removal are subject to a replacement fee as outlined in the Public Tree Preservation and Sustainability Policy in conjunction with By-Law 15-125.</p> <p>A permit will be issued upon approval of the Tree Management Plan and applicable fees.</p>
Notes:	

Legislative Approvals:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	The lands to be retained (Part 1) will be assigned the address of 46B Seabreeze Crescent (Stoney Creek) .



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HEARING DATE: September 25, 2025

	The lands to be conveyed (Part 2) will be assigned the address of 46A Seabreeze Crescent (Stoney Creek) . The existing municipal address of 46 Seabreeze Crescent will be retired.
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.

From: Boucetta, Alexandra (MTO) <Alexandra.Boucetta@ontario.ca>
Sent: Monday, September 15, 2025 3:22 PM
To: Committee of adjustment
Cc: Ali, Usama (MTO)
Subject: RE: September 25, 2025 Committee of Adjustment Agenda Available
Attachments: 46 Seabreeze Crescent Stoney Creek.docx; 631 Highway No. 8, Hamilton.docx

External Email: Use caution with links and attachments

Hello,

Re: 46 Seabreeze Crescent, Stoney Creek (B-25:021 46 and A-25:043)

The Ministry has no issues with the proposed severance and minor variances. However, the proponent must be aware that the property is located within the Ministry's permit control and therefore requires a Building and Land Use permit from the Ministry for any proposed construction on either property.

The permit application must be submitted through the following link: [HCMS - Apply for a permit - Application for Building and Land Use permit](#)

The following documents must be uploaded with the application:

- Site Plan
- Architectural Drawing

Please note no construction or grading may begin until the permit has been approved and issued by the Ministry.

Re: 631 Highway No. 8, Flamborough (A-25:183)

The Ministry has no issues with the proposed minor variance. However, the proponent must be aware that the property is located within the Ministry's permit control and therefore requires a Building and Land Use permit from the Ministry for any proposed construction.

The permit application must be submitted through the following link: [HCMS - Apply for a permit - Application for Building and Land Use permit](#)

The following documents must be uploaded with the application:

- Site Plan (ensure 14m setback line is indicated on the drawing)
- Architectural Drawing
- Grading Plan

Please note no construction or grading may begin until the permit has been approved and issued by the Ministry.

Thank you,

Alexandra Boucetta

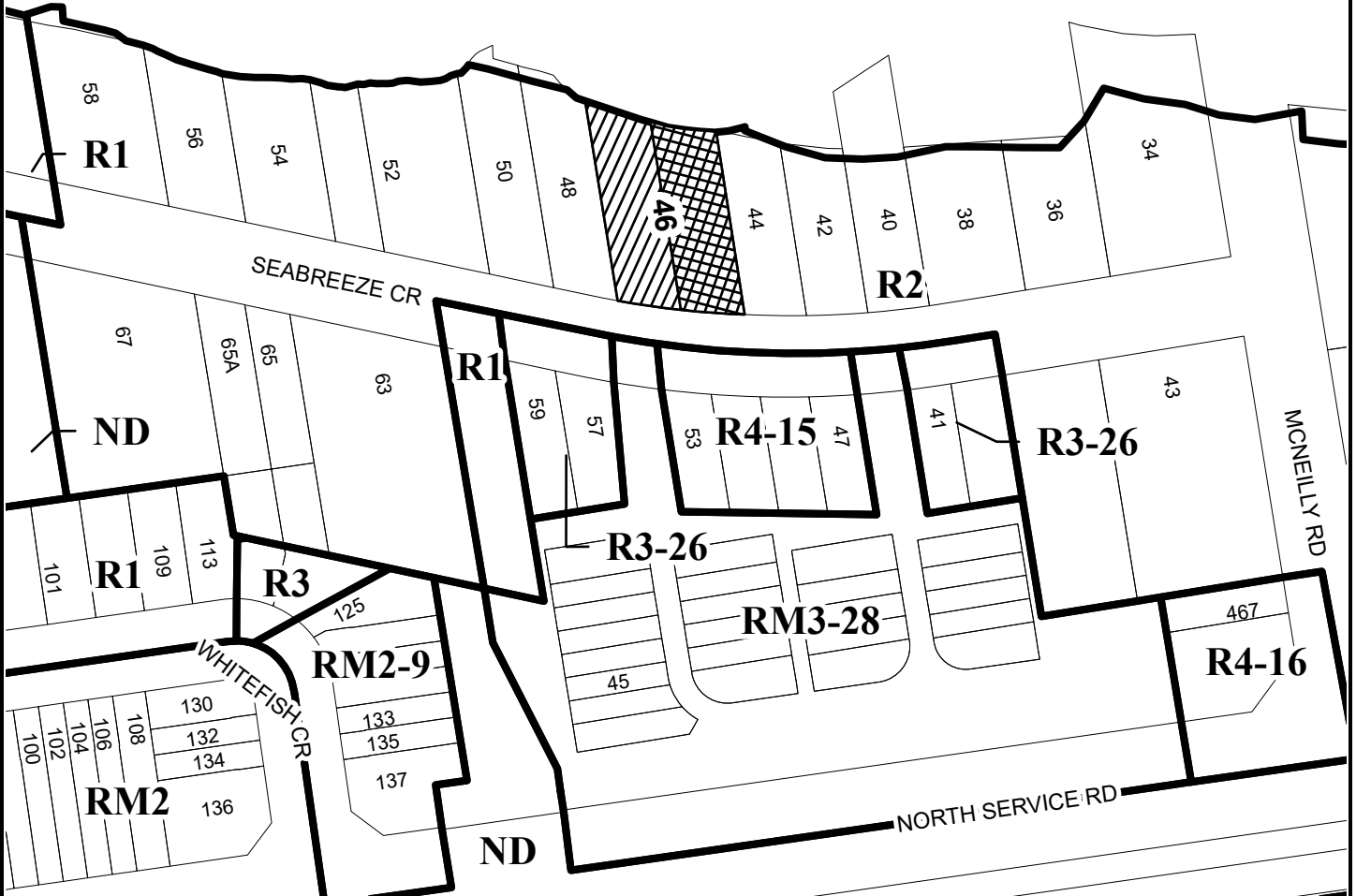
Corridor Management Officer | Corridor Management, Central Region West | Operations Division
Ministry of Transportation | Ontario Public Service
416-816-4719 | alexandra.boucetta@ontario.ca



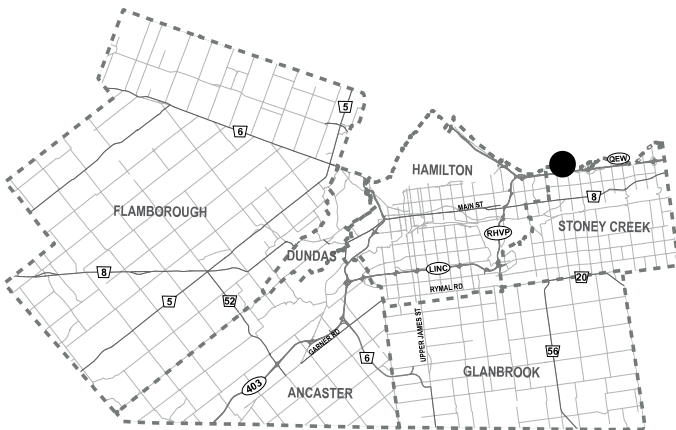
Taking pride in strengthening Ontario, its places and its people



Lake Ontario



● Site Location





City of Hamilton

Committee of Adjustments

Subject Property

46 Seabreeze Crescent, Stoney Creek (Ward 10)

-  Lands to be Retained
-  Lands to be Severed

File Name/Number:
B-25:021

Date:
September 4, 2025

Technician:
RS

Scale:
N.T.S.

Appendix "A"



Hamilton