



Hamilton

**STAFF COMMENTS**

**HEARING DATE: September 25, 2025**

A-25:043 — 46 Seabreeze Crescent, Stoney Creek

**Recommendation:**

Approve minor variances 1-3. — Development Planning  
Approve consent subject to conditions. — Development Planning

**Proposed Conditions:**

**Proposed Notes:**

A demolition permit is required for the demolition of the existing single family dwelling. (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:

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS: (Part 2)</b>	15.70 m±	52.12 m±	813.57 m2±
<b>RETAINED LANDS: (Part 1)</b>	15.94 m±	54.44 m±	826.86 m2±
<b>Easement #1:</b>	2.5 m±	42 m±	105 m2±
<b>Easement #2:</b>	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



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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 Only
Proposed Conditions:	
Comments:	<ul style="list-style-type: none"> <li>i. These variances are necessary to facilitate consent application B-25:021.</li> <li>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.</li> </ul>
Notes:	

### **Development Engineering:**



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Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

**Building Engineering:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	A demolition permit is required for the demolition of the existing single family dwelling.

**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: <a href="#">HCMS - Apply for a permit - Application for Building and Land Use permit</a></p> <p>The following documents must be uploaded with the application:</p> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Architectural Drawing</li> </ul> <p>Please note no construction or grading may begin until the permit has been approved and issued by the Ministry.</p>
Notes:	

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

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**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**

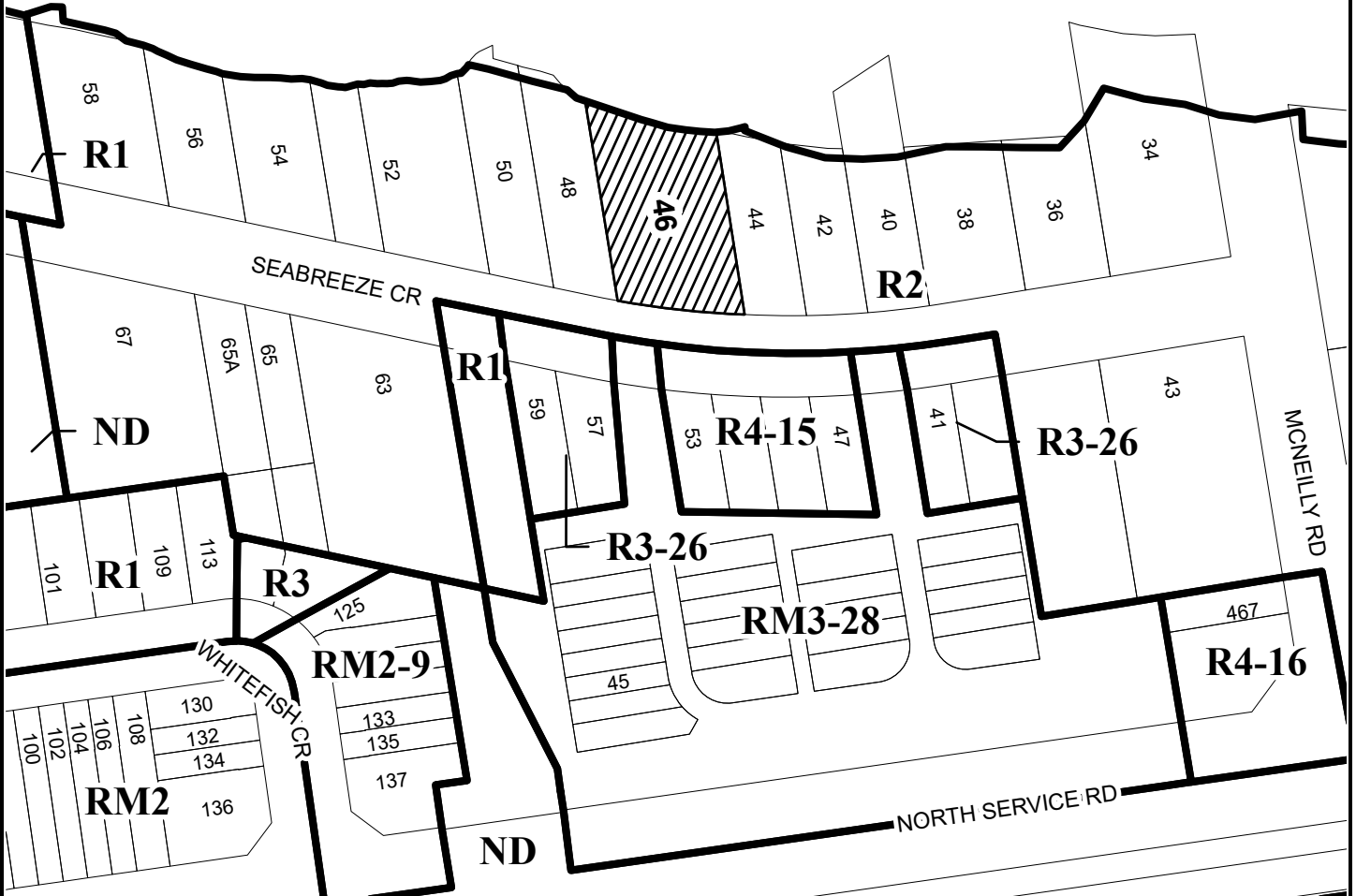
Corridor Management Officer | Corridor Management, Central Region West | Operations Division  
Ministry of Transportation | Ontario Public Service  
416-816-4719 | [alexandra.boucetta@ontario.ca](mailto:alexandra.boucetta@ontario.ca)



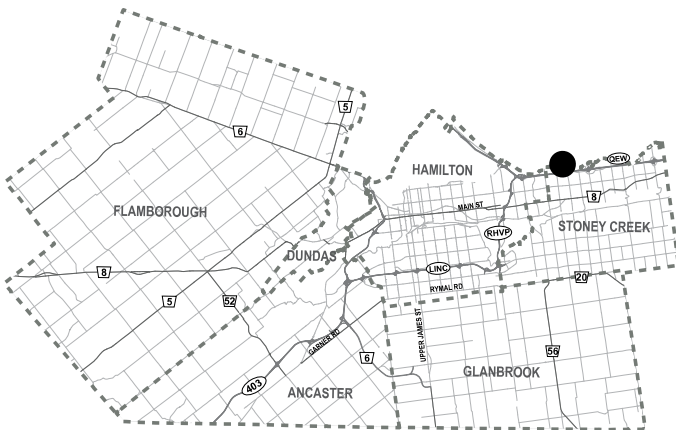
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Lake Ontario




● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property

 46 Seabreeze Crescent, Stoney Creek (Ward 10)

File Name/Number:  
A-25:043

Date:  
September 4, 2025

Technician:  
RS

Scale:  
N.T.S.

Appendix "A"



**Hamilton**

Planning and Economic Development Department