



Hamilton

STAFF COMMENTS

HEARING DATE: September 25, 2025

B-25:062 — 62 Melbourne Street, Hamilton

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. 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. A Landscape Plan is required by to the Forestry and Horticulture Section, depicting the street tree planting scheme for the proposed development. In some cases, the requirement for a Landscape Plan may be waived. Request for waiver must be made to the Urban Forestry Health Technician. (Forestry)
6. 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.



7. Separate and independent services are required for each parcel of land in accordance with the Sewer and Drain By-Law 23-234 and Water Works By-Law 23- 235.
8. The owner/applicant shall submit survey evidence that 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).
9. 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).
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.
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 Heritage and Urban Design 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)
12. 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 Director 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



Hamilton

accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010). (Natural Heritage)

13. That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Director of Heritage and Urban Design. (Natural Heritage)
14. That the owner demolish the existing dwelling and all existing accessory structure(s) on the lands to be severed and retained, subject to a demolition permit issued in the normal manner, to the satisfaction of the Director of Development Planning. (Development Planning)

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)

The existing Alleyway abutting the subject property's rear lot line is unassumed; therefore, the City cannot guarantee access, including access to the proposed (4) parking spaces. (Transportation Planning)

Boulevard Parking is typically only considered for low density residential properties that were not constructed with vehicle parking as a consideration; therefore, the City cannot guarantee renewal and / or expansion of the existing Boulevard Parking spaces on the property's Melbourne Street frontage. (Transportation Planning)

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



Development Planning:

Background

The purpose of the application is to sever the existing residential lot into two (2) parcels to facilitate the development of two (2) semi-detached dwelling units. The existing single detached dwelling will be demolished to facilitate the development.

The proposed lots are to be conveyed as follows:

	Frontage	Depth	Area
SEVERED LANDS (Part 2):	7.61 m±	42.6 m±	315 m2 ±
RETAINED LANDS (Part 1):	7.61 m±	42.6 m±	315 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 lands are not identified as being within a Secondary Plan found in Volume 2 of the Urban Hamilton Official Plan. Based on the above Volume 1 policies the subject property permits the proposed land use for both the proposed severed and retained lots.

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 of the Urban Hamilton Official Plan. 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/railway traffic noise and vibration. The Canadian Pacific Rail Line is identified as Utility on Schedule E-1 – Urban Land Use Designations. The requirement for a noise study is triggered for lands within 400 metres of a Rail line. The severed and retained lands will be located approximately 160 metres from the Canadian Pacific Rail Line. Based on the forgoing, staff recommend the inclusion of a noise study as a condition of consent 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 not identified as being within a Secondary Plan area of Volume 2 of the Urban Hamilton Official Plan. The subject property is identified as “Single and Double” within the Kirkendall North Neighbourhood Plan, which permits the proposed use. The proposed lots appear to generally be zoning compliant with respect to lot area and lot width. Development planning staff defer to Zoning staff to verify if a condition to determine zoning compliance is necessary for the resulting proposed lots. The proposed lots have frontage on a public road (Melbourne Street). 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 proposed conditions.

Kirkendall North Neighbourhood Plan

As identified above, the subject lands are identified as being “Single and Double” within the Kirkendall North Neighbourhood Plan permitting the proposed residential uses of both the proposed severed and retained lots.

Archaeology

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:



Hamilton

STAFF COMMENTS

HEARING DATE: September 25, 2025

- 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 areas of pioneer Euro-Canadian settlement.

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

The property known as 62 Melbourne Street is located within the Kirkendall North Established Historical Neighborhood.

Accordingly, the following sections of the Urban Hamilton Official Plan, Volume 1, apply:

- B.3.4.1.4 Ensure that all new *development, site alterations*, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or *adjacent cultural heritage resources*.
- B.3.4.2.1(h) Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and *cultural heritage landscapes*, by encouraging those land uses, *development* and *site alteration* activities that protect, maintain and enhance these areas within the City.
- B.3.4.3.6 The City shall protect established historical neighbourhoods, as identified in the cultural heritage landscape inventory, secondary plans and other City initiatives, by ensuring that new construction and development are sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials.

The proponent proposes to sever the existing residential lot into two (2) parcels to facilitate the development of two (2) semi-detached dwelling units. The existing dwelling will be demolished to facilitate this application.

Where new construction and/or alterations or additions to existing structures are proposed in a Cultural Heritage Landscape, key considerations are the visual and physical impacts on landscape features, typically public views of the building fabric, building set-back, the streetscape and significant vistas.

Staff strongly recommend that the design of the proposed semi-detached dwellings consider the existing built heritage features of the surrounding historic context. Staff recommend that a compatible



height and massing as well as similar colour and materiality be used that is sympathetic and in keeping with the character of Kirkendall North. Staff further encourage that the setback of the new building be consistent with neighbouring buildings.

Natural Heritage

The subject property is located within the boundaries of the Urban Hamilton Official Plan (UHOP). Based on Schedule B (Natural Heritage System) within the UHOP, components of the City’s Natural Heritage System have not been identified within or adjacent to the subject property. As a result, it is anticipated that the proposed development will not further negatively impact the City’s Natural Heritage System.

Based on aerial photograph interpretation, trees have been identified within and adjacent to 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). Further, through the Council adopted Urban Forest Strategy, a canopy cover target of 40 percent by 2050 within the urban area has been identified. The maintenance of existing trees assists in achieving this goal. Based on this proposal trees may be impacted. If these 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.

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

The subject property is zoned as R1a (Low Density Residential-Small Lot) in Zoning By-law No. 05-200. The zone permits the proposed use of both the severed and retained lots being semi-detached dwellings.

Analysis

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.

Based on the forgoing **staff recommend that the consent application be approved** with the proposed conditions.

Zoning:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	1. The owner/applicant shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of



	<p>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).</p> <p>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 Zoning By-law (Planning Division – Zoning Review Section).</p>
Comments:	<p>1. The applicant is proposing to sever the subject lands into two (2) individual lots, with the intent of building 1 half of a semi detached dwelling on each lot</p> <p>2. 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>3. 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>4. 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:	<p>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</p>



	<p>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.</p> <p>2. Separate and independent services are required for each parcel of land in accordance with the Sewer and Drain By-Law 23-234 and Water Works By-Law 23- 235.</p>
<p>Comments:</p>	<p>According to. our GIS records, the existing municipal infrastructure fronting the subject property is summarized as follows:</p> <p>Melbourne Street</p> <ul style="list-style-type: none"> • 150mm ø Watermain • 300mm ø Combined Sewer • 525mm ø Storm Sewer
<p>Notes:</p>	

Building Engineering:

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

Transportation Planning:

<p>Recommendation:</p>	<p>No Comments</p>
<p>Proposed Conditions:</p>	
<p>Comments:</p>	
<p>Notes:</p>	<ol style="list-style-type: none"> 1. The existing Alleyway abutting the subject property’s rear lot line is unassumed; therefore, the City cannot guarantee access, including access to the proposed (4) parking spaces. 2. Boulevard Parking is typically only considered for low density residential properties that were not constructed with vehicle parking as a consideration; therefore, the City cannot guarantee renewal and



	/ or expansion of the existing Boulevard Parking spaces on the property's Melbourne Street frontage.
--	--

Forestry:

Recommendation:	Approve with Conditions
Proposed Conditions:	<p>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.</p> <p>A Landscape Plan is required by to the Forestry and Horticulture Section, depicting the street tree planting scheme for the proposed development. In some cases, the requirement for a Landscape Plan may be waived. Request for waiver must be made to the Urban Forestry Health Technician.</p>
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>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</p>



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.

It is compulsory that all proposed surface treatment changes within individual tree driplines as well as property lines, building footprints, driveways, utility construction corridors and temporary access roads be accurately depicted on the submission.

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.

- ❖ 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.

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**.

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.

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**.

A permit will be issued upon approval of the Tree Management Plan and applicable fees.

LANDSCAPE PLAN



Clarification to ensure a street tree can be accommodated for each lot needs to be confirmed.

The Forestry & Horticulture Section requires that a detailed Landscape Planting Plan prepared by a **Registered Landscape Architect**, showing the placement of trees on internal/external City property be provided.

All street tree plantings are planted by the City of Hamilton, as approved through the review of a proposed street tree planting plan and shall be identified on plan as 'Trees to be planted by City of Hamilton Forestry Section.

The Landscape Plan should specifically outline 50mm caliper size and the species of trees to be planted as well as identify hard surface and soft surface areas on the site. Individually planted trees in new sidewalk installations shall include a detail showing 21 m³ of soil, and a grouping of 2 or more trees in a soil bed shall include 16m³ of soil per tree. New sidewalks, paving or asphaltting shall allow 1.5m² of breathing space for tree roots.

An option to allow forestry to determine tree species is permitted and plan shall reflect that decision by denoting on plan 'City of Hamilton forestry department to determine species. Please note: all private trees on plan shall have species denoted.

Tree species selection should take into account cultivars {fruitless etc.} salt and heat tolerance, mature tree size, public visibility and daylight triangles, as well as potential pest concerns. Spacing guidelines for trees are ten 8-10m on centre for larger species and 4-8 meters on center for smaller species.

Guidelines for species diversity shall ensure no single species shall make up more than 20% of the total street tree population. No coniferous trees will be permitted on City of Hamilton road allowance. Any identified street tree species on plan will be subject to change at time of planting due to but limited to, on site conditions, in stock availability and compatibility with approved species by City of Hamilton. Although utility conflicts may change specific planting locations, every opportunity will be made to keep with the intent of the design. Trees planted on the road allowance will have a minimum approximate caliper of 50 mm.

Urban Forest Health Technician from the Forestry Section shall be notified post construction, when final grade has been achieved, to facilitate the scheduling of the street tree planting(s). Otherwise, all sites will be monitored

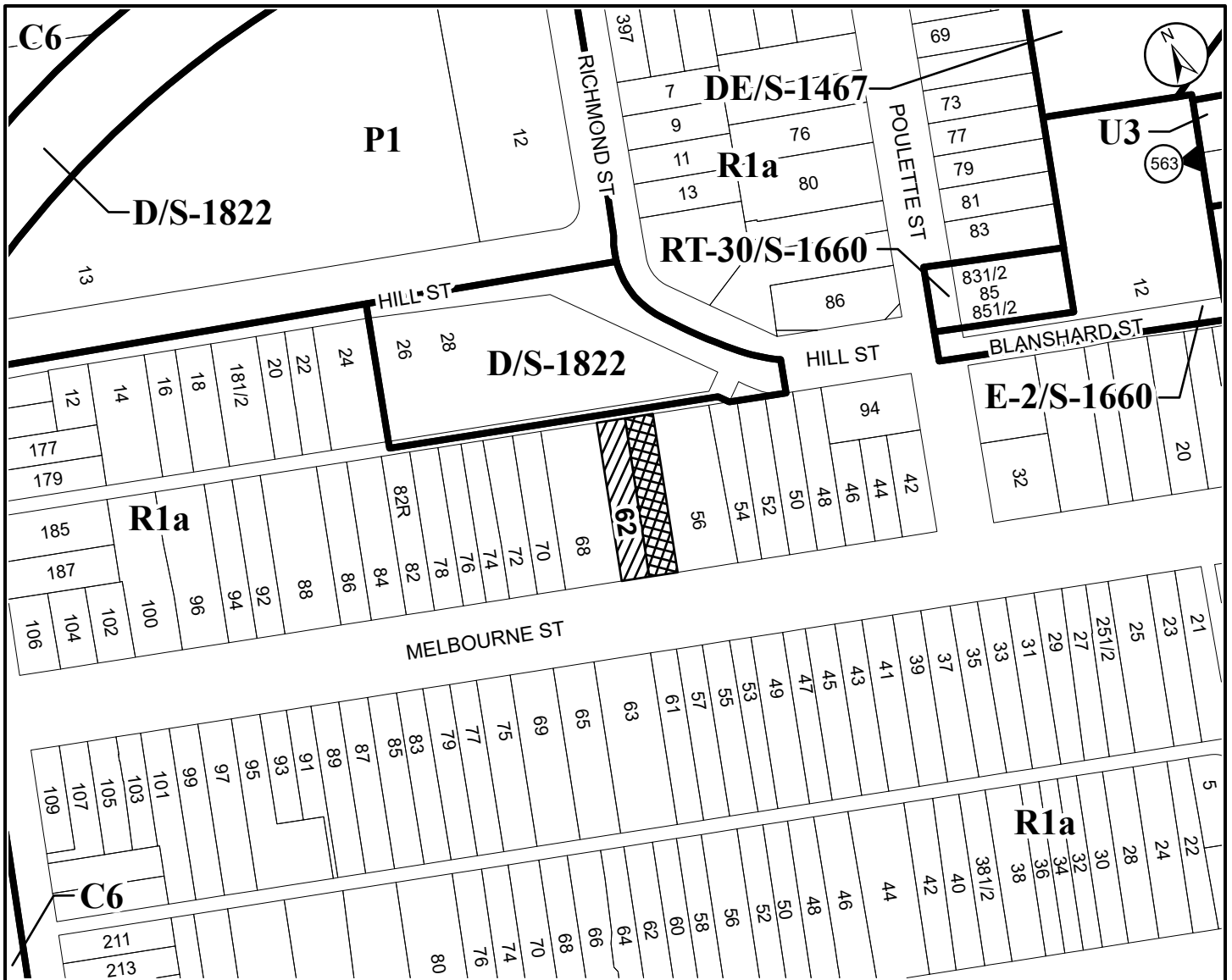


	<p>annually by Forestry to determine when site is suitable for the following planting season.</p> <p>Forestry’s mission to increase urban canopy through new development encourages any opportunity for planting locations.</p>
Notes:	

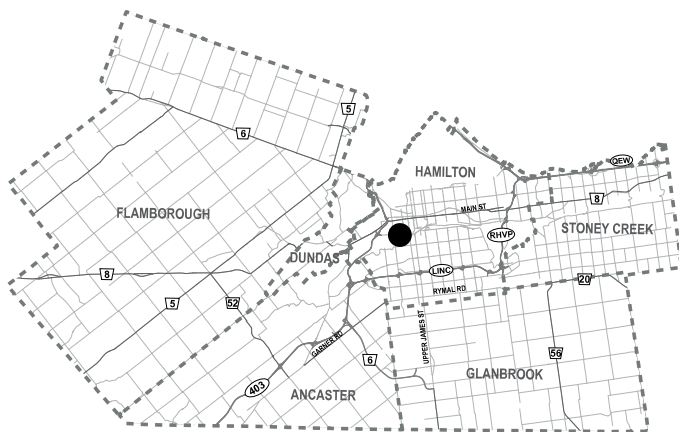
Legislative Approvals:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	<p>The lands to be retained (Part 1) will remain as 62 Melbourne Street (Hamilton).</p> <p>The lands to be conveyed (Part 2) will be assigned the address of 60 Melbourne Street (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

62 Melbourne Street, Hamilton (Ward 1)



Lands to be Retained



Lands to be Severed

File Name/Number:
B-25:062

Date:
September 16, 2025

Technician:
AL

Scale:
N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department