



Hamilton

B-25:087 — 117 Lowden Avenue, Ancaster

Recommendation:

Approve with 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/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. The owner/applicant shall demolish the **existing shed** on the lands to be **lands to be conveyed** to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Review Section), or alternatively apply for and receive final approval of the appropriate Planning Act application in order for the **existing shed** to remain when no principal use is existing (Planning Division – Zoning Review Section). **NOTE: If a demolition permit is required, the permit shall have a status of either "Review", "Issued", or "Closed" in order for this condition to be cleared by the Zoning Review Section.**
7. 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 and



Hamilton

the use proposed on site, 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).

8. 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: 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.
9. That the owner submits a Stormwater Management Brief c/w grading and servicing plans, prepared by a qualified professional, to demonstrate:
 - adequate stormwater management on-site to manage the increased runoff volumes and flow rates to the predevelopment levels up to the 100-year storm event,
 - No grading impacts to adjacent properties,
 - Soil characteristics are conducive to infiltration and sizing of Low Impact Development techniques (i.e., infiltration galleries),
 - A suitable emergency overland flow route; and,
 - Legal right to discharge the flow to adjacent lands. all to the satisfaction of the City's Director of Development Engineering.
10. That the Owner agrees to include a Notice of the approved SWM measures to be registered on the title of the lands, all to the satisfaction of the City's Director of Development Engineering.
11. That the owner provides a cash payment to the City for the future urbanization of the street based on the frontage of the severed portion of the property and the "New Roads Servicing Rate" at the time of payment to the satisfaction of the Director of Development Engineering.
12. That the owner shall investigate the noise levels on the severed 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 Planning and Chief Planner. 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 City of Hamilton, Director of Development Planning.



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13. The owner shall demolish the existing dwelling and accessory structure, subject to a demolition permit issued in the normal manner, to the satisfaction of the Director of Development Planning.
14. 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).
15. 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.

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)

Currently Lowden Avenue is urban street with a rural cross-section. Therefore, the proponent is required to submit the cash payment to the city for future urbanization in accordance with the City of Hamilton financial policies. (Development 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 archeological 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)



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Development Planning:

Background

| | Frontage | Depth | Area |
|------------------------|-----------|-----------|--------------------------|
| SEVERED LANDS: | 53.86 m± | 48.685 m± | 870 m ² ± |
| RETAINED LANDS: | 19.089 m± | 48.685 m± | 929.347 m ² ± |

The purpose of Consent to Sever application B-25:087 is to permit the conveyance of a parcel of land to create a new residential building lot. Both the severed and retained lands are to contain a proposed dwelling. The existing dwelling and accessory structure (shed) are to be removed.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and are designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policies B.2.4.1.4, B.2.4.2.2, B.3.6.3.7, E.3.4.3 and F.1.14.3.1, amongst others, are applicable and permit low density residential uses such as single detached, semi-detached, duplex or triplex dwellings.

Policy B.3.6.3.7 b) requires a noise feasibility study, detailed noise study or both for residential developments within 400 metres of a major arterial road, as identified on Schedule C – Functional Road Classification. The subject lands are located within 400 metres of Mohawk Road, which is identified as a major arterial road on Schedule C – Functional Road Classification of the Urban Hamilton Official Plan. Therefore, staff are recommending a condition requiring a noise study be provided to confirm the proposed development conforms with the policies regarding sensitive land use developments.

The proposal is considered residential intensification and has been evaluated against the criteria found in policies B.2.4.1.4 and B.2.4.2.2. The proposed lots are consistent and compatible with the existing lot fabric, development pattern and streetscape along Lister Avenue. Staff note that no built form is proposed at this time.

Policy F.1.14.3.1 permits new lots for residential uses in the “Neighbourhoods” designation, subject to the following criteria:

- 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;



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- 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 note that the proposed lots will have frontage on a public road and are fully serviced by municipal water and wastewater services. The proposed lots are generally consistent with and compatible with the character, scale and established development pattern of the area. Both the retained and severed lands appear to exceed the minimum required lot width and lot area of the Zoning By-law.

Development Planning staff note that Zoning staff will require confirmation that the proposed lots comply with the Zoning By-law.

Archaeology:

The subject property meets three (3) 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;
- 2) In an area of sandy soil in areas of clay or stone; and,
- 3) Along historic transportation routes.

These criteria 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.

If this consent is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as follows:

“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 archeological 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.



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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:

No Comments.

Natural Heritage

The subject property lies within the boundaries of the Urban Hamilton Official Plan (UHOP). Based on Schedule B (Natural Heritage System) of the UHOP, Core Areas have been identified adjacent to the subject property. These Core Areas include Significant Woodland and a Stream (Ancaster Creek). Given that these features are separated from the subject property by approximately 70 metres (consisting of a road and other residential development), negative impact to the City's Natural Heritage System are not anticipated.

Based on aerial imagery, 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 (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 protection of existing trees assists in achieving this goal. Comments on publicly owned trees will be deferred to the City's Forestry section.

Based on this proposal, privately-owned trees may be impacted to accommodate residential intensification on the retained and severed lots. Therefore, a Tree Protection Plan (TPP) should be provided. To ensure that existing tree cover is maintained, the City requires 1:1 compensation for the removal of any privately-owned trees (10 cm DBH or greater). Should removal of private trees be required to facilitate this development, compensation is generally shown on a Landscape Plan associated with the Tree Protection Plan. If adequate space for tree planting cannot be provided, cash-in-lieu for the removed trees is required.

The following conditions should be considered for B-25:087:

- 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).



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- 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.

Staff are of the opinion that the proposed severance conforms to the policies of the Urban Hamilton Official Plan.

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

The subject lands are zoned Low Density Residential – Large Lot (R2) Zone in City of Hamilton Zoning By-law No. 05-200. Future residential development on the severed lands is permitted, but no specific built form is proposed at this time. Low density residential uses such as single detached, semi-detached, duplex, triplex or fourplex dwellings as well as street townhouse dwellings are permitted.

Staff note that the Zoning By-law requires a minimum lot area of 630 square metres and a minimum lot width of 18 metres for single detached, semi-detached, triplex and fourplex dwellings. Both the retained lands and severed lands will exceed these requirements. Staff note that the existing dwelling is to be removed to facilitate the proposed severance. Staff are recommending a condition requiring the demolition of the existing dwelling.

In conclusion, **staff recommend approval of the proposed Consent to Sever application, subject to the recommended conditions.**

Zoning:

| Recommendation: | Comments and Conditions/Notes |
|----------------------|---|
| Proposed Conditions: | <ol style="list-style-type: none"> <li data-bbox="435 1318 1484 1606">1. 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. <li data-bbox="435 1617 1484 1858">2. The owner/applicant shall demolish the existing shed on the lands to be lands to be conveyed to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Review Section), or alternatively apply for and receive final approval of the appropriate Planning Act application in order for the existing shed to remain when no principal use is existing (Planning Division – Zoning Review Section). NOTE: If a demolition permit is required, the permit shall have a |



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| | <p>status of either “Review”, “Issued”, or “Closed” in order for this condition to be cleared by the Zoning Review Section.</p> <p>3. 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 and the use proposed on site, 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> |
| Comments: | <p>1. Please be advised that Planning Act approvals may be required if a road widening and/or daylight triangle dedication is required as part of this application.</p> <p>2. Be advised that if the existing shed is not demolished at the same time as the dwelling, approval of the appropriate Planning Act application will be required to permit the existing shed to remain on the retained lands when no principal use/building has been established.</p> <p>3. Approval of the appropriate Planning Act application is required to permit the accessory structures to remain on the conveyed/retained lands when no main use/building has been established.</p> <p>4. The 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>5. All or an appropriate portion of the building straddling the proposed property line shall be demolished in order to achieve zoning compliance, or the applicant shall receive final approval of the required minor variances.</p> <p>6. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.</p> |
| Notes: | N/A |

Development Engineering:

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| Recommendation: | Approve with Conditions |
| Proposed Conditions: | 1. That the Owner must enter into with the City of Hamilton and |



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| | <p>register, a Consent Agreement, along with the current administrative fee (includes grading plan review) to address issues including but not limited to: 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.</p> <p>2. That the owner submits a Stormwater Management Brief c/w grading and servicing plans, prepared by a qualified professional, to demonstrate:</p> <ul style="list-style-type: none"> - adequate stormwater management on-site to manage the increased runoff volumes and flow rates to the predevelopment levels up to the 100-year storm event, - No grading impacts to adjacent properties, - Soil characteristics are conducive to infiltration and sizing of Low Impact Development techniques (i.e., infiltration galleries), - A suitable emergency overland flow route; and, - Legal right to discharge the flow to adjacent lands. all to the satisfaction of the City's Director of Development Engineering. <p>3. That the Owner agrees to include a Notice of the approved SWM measures to be registered on the title of the lands, all to the satisfaction of the City's Director of Development Engineering.</p> <p>4. That the owner provides a cash payment to the City for the future urbanization of the street based on the frontage of the severed portion of the property and the "New Roads Servicing Rate" at the time of payment to the satisfaction of the Director of Development Engineering.</p> |
| Comments: | <p>According to our GIS records, the existing municipal infrastructure fronting the subject property is summarized as follows:</p> <p>Lowden Avenue:</p> |



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| | <ul style="list-style-type: none"> • 150mm ø Watermain • 450mm ø Sanitary |
| Notes: | Currently Lowden Avenue is urban street with a rural cross-section. Therefore, the proponent is required to submit the cash payment to the city for future urbanization in accordance with the City of Hamilton financial policies. |

Building Engineering:

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

Transportation Planning:

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| Recommendation: | No Comments |
| Proposed Conditions: | |
| Comments: | |
| Notes: | |

Forestry:

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| 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> |



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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.

No Landscape plan required.

TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

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.

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



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| | <p>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:

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|----------------------|---|
| Recommendation: | Comments and Conditions/Notes |
| Proposed Conditions: | |
| Comments: | <p>The lands to be retained will remain as 117 Lowden Avenue (Ancaster). The lands to be severed will be assigned the address of 113 Lowden Avenue (Ancaster).</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> |

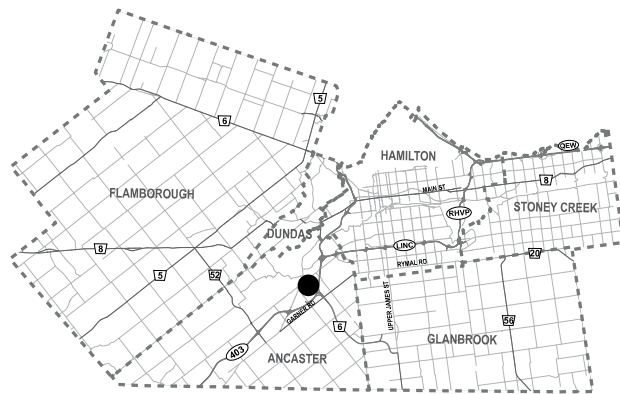
Mississaugas of the Credit First Nation - Department of Consultation and Accommodation:

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|----------------------|-------------|
| 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

117 Lowden Avenue, Ancaster (Ward 12)



Lands to be Retained



Lands to be Severed

File Name/Number:

B-25:087

Date:

January 12, 2026

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department