



Hamilton

STAFF COMMENTS

HEARING DATE: May 21, 2024

A-24:81 – 19 Dawson Avenue, Stoney Creek

Recommendation:

Approve

Proposed Conditions:

Proposed Notes:

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 (416-212-0036) 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).



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STAFF COMMENTS

HEARING DATE: May 21, 2024

Development Planning:

Background

The purpose of this application is to facilitate the construction of five (5) street townhouse dwellings each containing one secondary dwelling unit.

The following variances are requested:

1. 1 parking space for each townhouse dwelling unit shall be permitted instead of the required 2 parking spaces for each townhouse dwelling unit.
2. 0 parking spaces per secondary dwelling unit shall be permitted instead of the required 1 parking space per secondary dwelling unit.

Site History

The applicant applied for an Official Plan Amendment UHOPA-20-007 and Zoning By-law Amendment ZAC-20-012, to permit six street townhouse dwellings, which were both refused by Council. The applicant appealed the decision to the Ontario Land Tribunal (Case #PL210071). The OLT approved both applications with amendments to the proposal to construct five street townhouse dwellings limited to 2.5 storeys maximum building height. The decision by the OLT was issued January 14, 2022.

Archaeology:

The subject property meets the criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential. These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. If this variance 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 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



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(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 (416-212-0036) 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).”

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan.

The subject lands are with the Stoney Creek Old Town Secondary Plan and are designated “Medium Density Residential 3” within the Site Specific Policy – Area “I” on Map B.7.2-1.

Site Specific Policy – Area I (OPA 160) 7.2.8.9

For the lands located at 19 Dawson Avenue, Stoney Creek, designated Medium Density Residential 3, and identified as Site Specific Policy – Area I on Map B.7.2-1 – Old Town Secondary Plan – Land Use Plan, the following policies shall apply:

- a) Notwithstanding Policy E.3.5.2 and E.3.5.3 of Volume 1 and Policy B.7.2.2.3 b) of Volume 2, only street townhouses shall be permitted;
- b) Notwithstanding Policy E.3.5.7 of Volume 1, and Policy B.7.2.2.3 a) of Volume 2, the density range shall be from 30 to 73 units per net residential hectare; and,
- c) Notwithstanding Policy E.3.5.8 of Volume 1, building height shall not exceed two and a half storeys.

Former City of Stoney Creek Zoning By-law No. 3692-92

The subject lands are zoned Multiple Residential “RM2-46”, which permits townhouse dwellings.

Analysis

The applicant is proposing 5 two and a half storey street townhouses with an attached garage space and one parking spaces for the primary and secondary unit.

The following variances are requested:



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1. 1 parking space for each townhouse dwelling unit shall be permitted instead of the required 2 parking spaces for each townhouse dwelling unit.
2. 0 parking spaces per secondary dwelling unit shall be permitted instead of the required 1 parking space per secondary dwelling unit.

The subject lands are currently under the Former Stoney Creek Zoning By-law No. 3692-92. A Council approved amendment to The City- wide Zoning By-law No. 05-200 reduced the minimum parking rate for street townhouse dwellings to one parking space per unit and reduced parking rate for Secondary Dwelling Units to no minimum parking spaces required. The proposed parking rates in variances 1 and 2 align with the Council approved parking rates in-effect for the balance of the neighbourhood, which was brought into Zoning By-law No. 05-200 through By-law 24-051. It is also worth noting that these lands will likely be brought into Zoning By-law 05-200 in future updates of the by-law as the City seeks to bring all lands under the comprehensive by-law. Should this occur, the variances sought would no longer be required.

The proposal allows an opportunity to create affordable housing, add additional housing opportunities and contribute to small-scale intensification. The subject lands are within close proximity of HSR Transit routes on Queenston Road and King Street East and are within the highly walkable area of Old Town Stoney Creek. Staff are satisfied that the reduction in parking spaces from 2 spaces to 1 space for each townhouse dwelling and 0 parking spaces per secondary dwelling unit is minor. Staff recommend approval for Variance 1 and 2.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> 1. Please be advised insufficient information was provided to determine zoning compliance for Section 6.1.7.1 (c) and (d), Secondary Dwelling Units. Additional variances may be required if conformity with section 6.1.7.1 (c) and (d) of the Stoney Creek Zoning By-law 3692-92 cannot be achieved. 2. Please be advised insufficient information was provided for Section 4.19, Yard Encroachment. Additional variances may be required if conformity with Section 4.19 of the Stoney Creek Zoning By-law 3692-92 cannot be achieved. 3. Please note all Mechanical Equipment shall be in accordance with Section 4.16 of the Stoney Creek Zoning By-law 3692-92.
Proposed Notes:	

Development Engineering:



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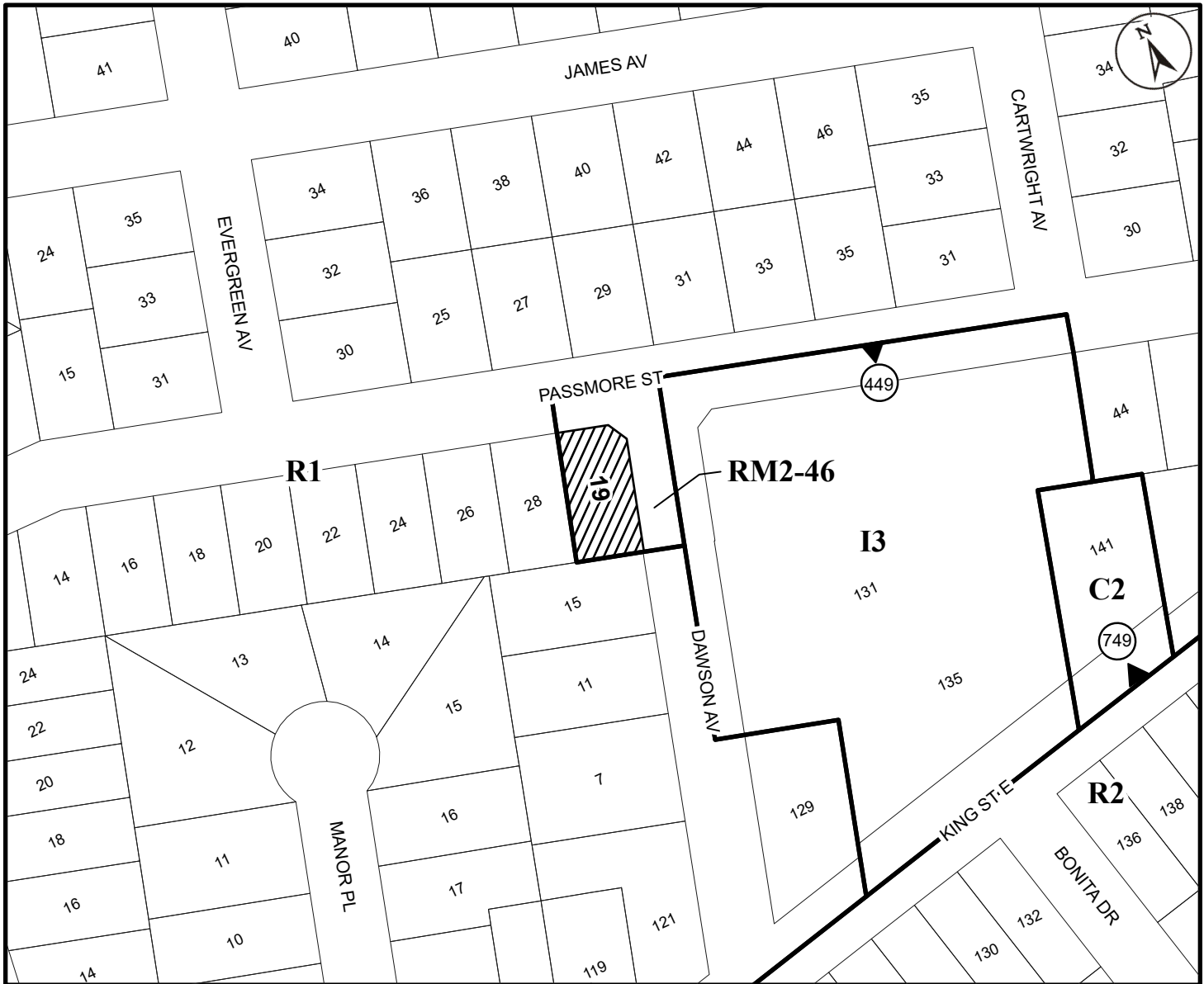
Recommendation:	No comments.
Proposed Conditions:	
Comments:	
Proposed Notes:	

Building Engineering:

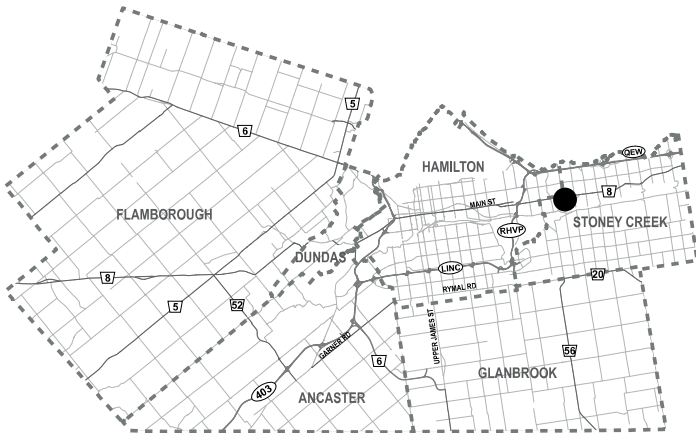
Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the construction of the proposed five (5) street townhouse dwellings each containing one secondary dwelling unit.

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



19 Dawson Avenue, Stoney Creek (Ward 5)

File Name/Number:

SC/A-24:81

Date:

May 8, 2024

Technician:

NB

Map Not To Scale

Appendix "A"



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