

B-25:047 — 19 Dawson Avenue, Stoney Creek

Recommendation:

Approve — 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. 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.**
5. That the Owner must enter into with the City of Hamilton and register, a combined External Works and 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.



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6. That the Owner submits a cash payment to the City for the future urbanization of Dawson Ave based on the "New Roads Servicing Rates" and the frontage of the property to the satisfaction of the City's Director of Development Engineering.
7. The Owner shall submit a Grading Plan and Servicing Plan in accordance with City Standards. (Development Engineering)
8. 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)

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)

If this consent is approved, the proponent must be advised by the Committee of Adjustment as follows:

"Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Citizenship and Multiculturalism (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)."

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

The applicant will be required to obtain Form 1 approval for the extension of the municipal watermain. (Development Engineering)

Development Planning:

Background

The purpose of the application is to sever the existing lot into five (5) residential parcels. Each lot will contain a 2.5 storey Street Townhouse dwelling and a Secondary Dwelling Unit. The existing two storey Place of Assembly will be removed to facilitate this application.

Staff note that the proposed severance is related to the following files: UHOPA-20-007, ZAC-20-012. which resulted in an OLT (Ontario Land Tribunal) decision (By-Law No. 22-012-OLT & 22-013-OLT) on the proposal. The proposed severance is to implement the decision of the OLT.

	Frontage	Depth	Area
SEVERED LANDS (Lot 1 TO BE SEVERED):	6.46 m±	19.05 m±	123.06 m2±
SEVERED LANDS (Lot 2 TO BE SEVERED):	6.46 m±	19.05 m±	123.06 m2±
SEVERED LANDS (Lot 3 TO BE SEVERED):	6.46 m±	19.05 m±	123.06 m2±
SEVERED LANDS (Lot 4 TO BE SEVERED):	*8.9 m±	19.05 m±	158.11 m2±
RETAINED LANDS (LANDS TO BE RETAINED):	8.30 m±	19.05 m±	158.94 m2±

* Staff revised the frontage of Lot 4 from 4.33 m± to 8.9 m± as the definition of Lot Frontage in Zoning By-law No. 3692-92 states that in the case of a corner lot where a daylight triangle has been established the lot frontage is to be determined by measuring along the front lot line after the side lot line and the front lot line have been extended to the point of intersection of the two streets. Accordingly, the length of the daylight triangle has been added to the front lot line dimensions as shown on the submitted site plan.

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 above Volume 1 policies the subject property permits the proposed land use.



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Old Town Secondary Plan

The subject property is further 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. In accordance with Policy B.7.2.8.9 of Volume 2 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.”

Based on the above Site Specific Policies found in the Secondary Plan that apply to the subject lands, the proposed severance complies with the applicable policies as it relates to the permitted use, density and building height.

Olde Town Neighbourhood Plan

With respect to Urban Hamilton Official Plan policy F.1.14.3.1 b), the subject property is designated “Institutional” in the Olde Town Neighbourhood Plan. Policy E.6.2.6 of the UHOP states that where institutional uses cease on lands designated Institutional, low density residential uses may be permitted without an amendment to the UHOP, provided the uses are compatible with the surrounding area and are in keeping with the policies of this Plan. Accordingly, the proposed lots comply with the existing Neighbourhood Plan.

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 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;



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- 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 designated “Medium Density Residential 3” within the Old Town Secondary Plan area and comply with the applicable policies. The subject property is designated Institutional within the Olde Town Neighbourhood Plan, and as noted above Policy E.6.2.6 of the UHOP permits low density residential uses. 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 newly proposed lot. The proposed lots have frontage on a public road (Dawson Avenue). 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.

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:

- 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



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

The subject property is zoned as RM2-46 (Multiple Residential) Zone in Zoning By-law No. 3692-92. The zone permits the proposed 11 metre High Townhouses at 2 ½ storeys as approved through (22-013-OLT).

Staff defer to zoning staff to determine if the proposed lots are zoning compliant and if a condition for a future minor variance application would be appropriate.

Analysis

Severance

Based on the above analysis, the proposed severance conforms to the policies of the Urban Hamilton Official 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 note that the proposed severance simply seeks to sever the development as previously approved by the Ontario Land Tribunal so each townhouse can be individually conveyed.

Based on the forgoing analysis, staff recommend that the **application for consent be approved** as the proposal complies with the applicable policies of the Urban Hamilton Official Plan.

Zoning:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	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.
Comments:	1. 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. 2. Please be advised that additional Planning Act approvals may be required if a road widening and/or daylight triangle dedication is required as part of this application.



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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 combined External Works and 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.</p> <p>2. That the Owner submits a cash payment to the City for the future urbanization of Dawson Ave based on the "New Roads Servicing Rates" and the frontage of the property to the satisfaction of the City's Director of Development Engineering.</p> <p>3. The Owner shall submit a Grading Plan and Servicing Plan in accordance with City Standards.</p> <p>4. The Owner shall submit a Stormwater Management Brief to demonstrate how the stormwater runoff will be handled in accordance with City and MECP standards.</p>
Comments:	<p>According to. our GIS records, the existing municipal infrastructure fronting the subject property is summarized as follows:</p> <p>Dawson Ave</p> <ul style="list-style-type: none">• 200mm ø Sanitary Sewer <p>Passmore St</p> <ul style="list-style-type: none">• 250mm ø Sanitary Sewer• 200mm ø Storm Sewer• 150mm ø Watermain



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	The Owner will be required to extend the 150mm Watermain on Passmore St to the west property limit to accommodate the services for the proposed development.
Notes:	The applicant will be required to obtain Form 1 approval for the extension of the municipal watermain.

Building Engineering:

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

Forestry:

Recommendation:	Approve
Proposed Conditions:	
Comments:	There are no Municipal Tree Assets on site. No public tree permit is required. No Landscape plan required. Forestry has no concerns or conditions regarding this application. For questions please contact: urbanforest@hamilton.ca
Notes:	

Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Legislative Approvals:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	The lands to be retained will remain as 19 Dawson Avenue (Stoney Creek) .



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	<p>The lands to be conveyed (Lots 1-4) will be assigned the addresses of 21, 23, 25 & 27 Dawson Avenue (Stoney Creek).</p> <p>If at a future date it is discovered that the main entry of the house to be constructed on the conveyed lands (Lot 4) will face Passmore Street, an address change will be required.</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.

August 1, 2025

City of Hamilton
Planning and Economic Development Department
71 Main St W
Hamilton, Ontario
L8P 4Y5

Attention: Committee of Adjustment

File# B:25-047

Re: 19 Dawson Ave

In response to your correspondence dated July 28, 2025, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 905-798-2634 or 905-798-3370 or visit our web site @ www.alectrautilities.com. To make a service request, [Make a Service Request | Alectra Utilities](#)
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantageous for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 36-52 weeks to purchase a transformer.

We would also like to stipulate the following:

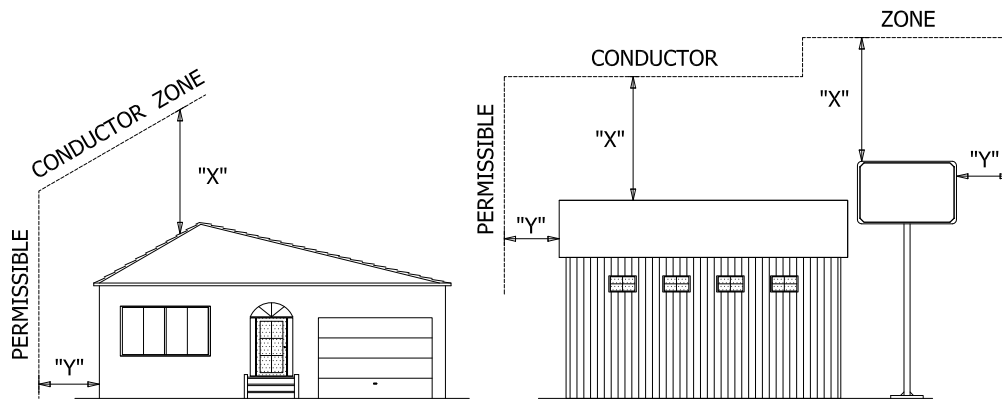
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system on our adjacent to the property must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CSA Standard C22.3 No. 1:20, Overhead System
 - CSA Standard C22.3 No. 7:20, Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-798-2517 in our Engineering Design Department.

Sincerely,

Tirath Garcha/per

Mark Jakubowski
Supervisor, Design, Customer Capital



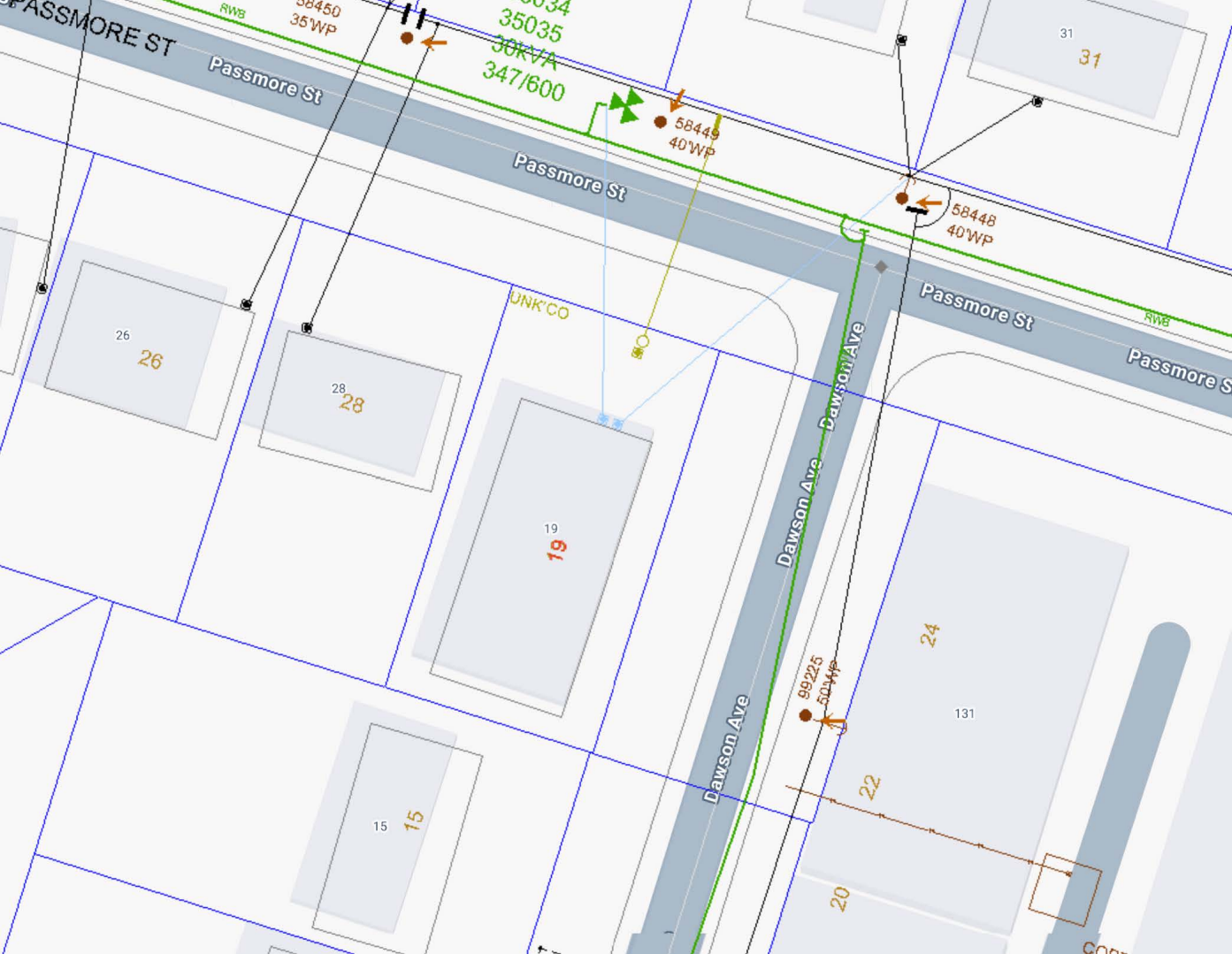
- UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.

SYSTEM VOLTAGE	MINIMUM HORIZONTAL CLEARANCE DIMENSION "Y"	MINIMUM VERTICAL CLEARANCE DIMENSION "X"
0 - 750 V*	2.0 m (SEE NOTE 1)	4.5 m (SEE NOTE 3)
OVER 750 - 50000 V	4.0 m (SEE NOTE 2)	7.0 m (SEE NOTE 4)

* - INCLUDES MULTI-GROUNDED NEUTRALS

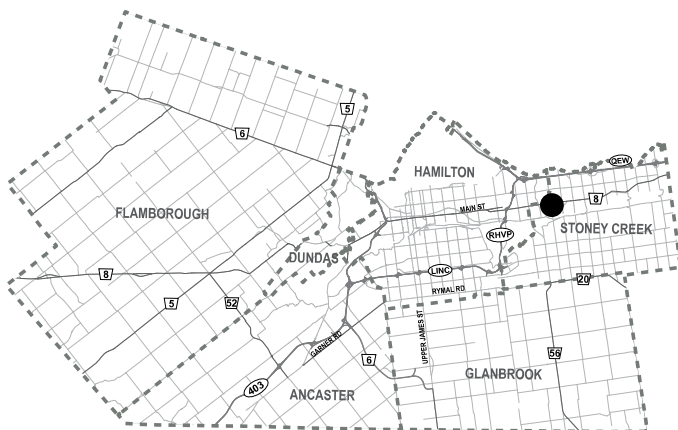
NOTES:

- THIS CLEARANCE IS MADE UP OF A 1.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING. WHERE CONDUCTOR PASS IN FRONT OF A WINDOW OR OTHER OPENING, THIS 2.0 m CLEARANCE SHOULD BE INCREASED TO 2.5 m. WHERE BUILDINGS EXCEED 3 STOREYS OR 15.0 m IN HEIGHT, THE 2.0 m CLEARANCE SHOULD BE INCREASED TO 3.0 m TO ALLOW FOR RAISING OF LADDERS BY THE LOCAL FIRE DEPARTMENT.
- THIS CLEARANCE IS MADE UP OF A 3.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING.
- THIS DIMENSION PROVIDES 1.0 m MINIMUM APPROACH CLEARANCE FROM A 2.0 m TALL WORKMAN, PLUS A 1.5 m ALLOWANCE FOR CONDUCTOR SAG. (BASED ON AVERAGE SPAN OF 40 m)
- THIS DIMENSION PROVIDES 3.0 m MINIMUM APPROACH CLEARANCE FROM A 2.0 m TALL WORKMAN, PLUS A 2.0 m ALLOWANCE FOR CONDUCTOR SAG. (BASED ON AVERAGE SPAN OF 40 m).
- THE ABOVE CLEARANCES ARE MINIMUM VALUES. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES ABOVE THOSE SHOWN, WHERE POSSIBLE. TO KEEP WORKMEN AND THEIR EQUIPMENT ON THE BUILDING ETC., AT THE MINIMUM CLEARANCE SHOWN, DIMENSION "X" AND "Y" ARE TO BE INCREASED BY THE REQUIRED WORKING DISTANCE.





● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

19 Dawson Avenue, Stoney Creek (Ward 5)



Lands to be Retained



Lands to be Severed

File Name/Number:

B-25:047

Date:

August 6, 2025

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department