

B-25:049 — 44 Dalewood Crescent, Hamilton

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 shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division –**Plan Examination Section**).
5. 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).

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)

Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to Forestry. Email urbanforest@hamilton.ca for questions or public tree permit application. (Forestry)



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In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees. (Building Engineering)

Development Planning:

Background

	Frontage	Depth	Area
SEVERED LANDS: (44 Dalewood Crescent)	10.0584 m±	30.5 m±	306.7812 m²±
RETAINED LANDS: (48 Dalewood Crescent)	10.0584 m±	30.5 m±	306.7812 m²±

The purpose of Consent to Sever application B-25:049 is to permit the conveyance of a parcel of land known as 44 Dalewood Crescent, Hamilton (containing an existing dwelling), and to retain a parcel of land known municipally as 48 Dalewood Crescent, Hamilton (containing an existing dwelling). These properties inadvertently merged in title and the owner wishes to recreate the two original lots.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and are designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policies B.2.4.1.4, 2.4.2.2, E.3.4.3, and F.1.14.3.1, amongst others, are applicable and permit the existing single detached dwellings.

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;
- 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, are compatible with the character, scale and established development pattern of the area and are fully serviced by municipal water and wastewater services. Staff are of the opinion that the proposal is similar to and compatible with the built form, uses and established development pattern within the area. The proposed lots are

consistent with the existing lot fabric and the development will maintain as well as enhance the existing streetscape.

Staff note that the proposed retained and severed lots would meet the minimum requirements of the Zoning By-law.

Ainslie Wood Westdale Secondary Plan

The subject lands are identified as “Low Density Residential 2” on Map B.6.2-1- Land Use Plan Map of the Ainslie Wood Westdale Secondary Plan. Policies B.1.5, B.6.2.5.3 and B.6.2.5.4, amongst others, are applicable and permit the existing single detached dwellings.

Staff note that Policy B.1.5 a) states that for lands designated “Low Density Residential 2”, amongst other low density residential designations within each Secondary Plan area, Policy E.3.4.3 of Volume 1 of the Urban Hamilton Official Plan shall apply for the purposes of permitted density ranges, built form and height. Staff further note that Policy E.3.4.3 of Volume 1 of the Urban Hamilton Official Plan permits the existing single detached dwellings.

Staff are of the opinion that the proposed severance is compatible with the existing built form, development pattern and character of the neighbourhood.

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

The subject lands are zoned Low Density Residential- Small Lot (R1a) Zone in City of Hamilton Zoning By-law No. 05-200. The existing single detached dwellings are permitted.

The Zoning By-law requires a minimum lot area of 270 square metres and a minimum lot width of 9 metres for single detached dwellings. The proposed severed and retained lands exceed the required minimum lot area and lot width.

Based on the foregoing, **staff recommend approval of the proposed severance.**

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 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).
Comments:	1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Legislated Approvals and Staging of



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	<p>Development Section of the Planning and Economic Development Department prior to the issuance of a building permit.</p> <p>2. Please note the existing 3.96m front yard of the lands to be retained is considered legally established non-conforming and does not require a variance as per Zoning Policy ZON-012.</p> <p>3. Parking has not been indicated on the plans therefore can not be reviewed by zoning at this time, please note no parking spaces are required for a single detached dwelling as the property is within PRA 1.</p>
Notes:	N/A

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
Comments:	
Notes:	In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

Forestry:

Recommendation:	Approve
Proposed Conditions:	
Comments:	<p>There are municipal tree assets on site although it is determined that no impacts are anticipated through this application. No public tree permit is required.</p> <p>No Landscape plan required.</p>
Notes:	Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to Forestry. Email urbanforest@hamilton.ca for questions or public tree permit application.



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Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

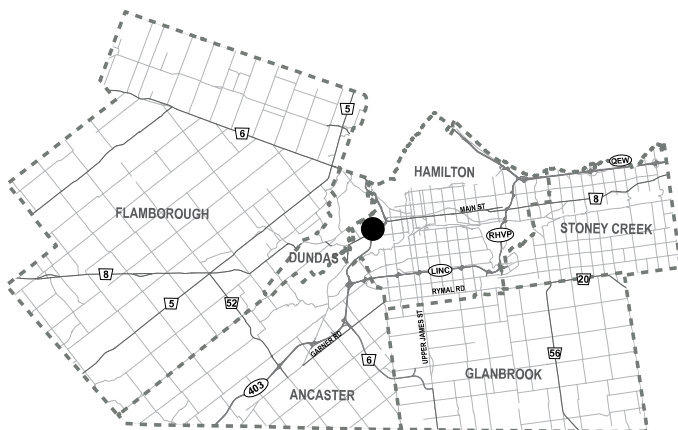
Legislative Approvals:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
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.

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

44 Dalewood Crescent, Hamilton (Ward 1)



Lands to be Retained



Lands to be Severed

File Name/Number:

B-25:049

Date:

August 6, 2025

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department