



Hamilton

**A-24:174 – 360 Book Road West, Ancaster**

Recommendation:

Development Planning - Deny Variance 1, Approve Variances 2 and 3  
Watershed Management – Deny  
Development Engineering – Approve with Condition

Proposed Conditions:

1. That, the Owner submits a Hydrogeological Study prepared by a qualified professional to demonstrate that the existing private services can support the proposed additional dwelling unit to the satisfaction of Hamilton Water and the Manager of Development Engineering.

Proposed Notes:

“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 (416-212-0036). 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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## Development Planning:

### Background

To facilitate the conversion of an existing accessory building to an additional dwelling unit – detached.

### Analysis

#### Greenbelt Plan

The subject lands are designated “Protected Countryside” under the Greenbelt Plan. Section 4.5.3 of the Greenbelt Plan permits second dwelling units within single dwellings or within existing accessory structures on the same lot. Section 4.1.1.2, amongst other requirements, requires that the proposal demonstrate appropriate water and sewer servicing.

#### Rural Hamilton Official Plan

The subject lands are designated “Agriculture” in Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan. Core Areas have been identified on and adjacent to the subject lands in Schedule B – Natural Heritage Systems of the Rural Hamilton Official Plan. These Core Areas are a Significant Woodland and a lake (Key Hydrologic Feature). Policies C.3.1.2, C.3.1.4 and C.5.1, amongst others, is applicable and permits the existing single detached dwelling.

Policy C.3.1.2 e) i) and ii) of the Rural Hamilton Official Plan permits an additional dwelling unit – detached in Rural Hamilton provided that the subject property has a minimum lot size of 1.5 hectares, that the primary dwelling and additional dwelling unit – detached can meet the minimum servicing requirements of Policy C.5.1.

However, Policy C.3.1.2. e) iii) permits a reduction in the minimum lot area if it can be demonstrated that the minimum servicing requirements of Policy C.5.1 can be achieved. Staff cannot support Variance 1 unless Source Protection staff determine that the proposal can meet the minimum servicing requirements of Policy C.5.1.

### 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 areas of pioneer Euro-Canadian settlement; and,
3. Along historic transportation routes.



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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.

#### Cultural Heritage

The subject property is 360 Brook Road West, a property listed on the City of Hamilton's Municipal Heritage Register. Accordingly, section B.3.4.1.4 and B.3.4.2.1(g) of the Urban Hamilton Official Plan, Volume 1, apply.

The proponent proposes to facilitate the conversion of an existing building to an additional dwelling.

Notwithstanding that the subject property is listed on the City of Hamilton's Municipal Heritage Register, staff feel the heritage features of the property will be maintained through the use of similar materials, as outlined in the proposed design for the barn conversion.

Staff have no further comments on the application as circulated.

#### Natural Heritage

The subject property is located within the boundaries of the Rural Hamilton Official Plan. Core Areas have been identified within and adjacent to the subject property. These areas have been identified as Significant Woodland and a lake (Key Hydrologic Feature). These features have been zoned as "P6" (Conservation/Hazard Lands) within the City's 05-200 Zoning By-law. The pond is also regulated by the Grand River Conservation Authority.

Rural Hamilton Official Plan Policy C.2.3.3 states that any development or site alteration within or adjacent to Core Areas shall not negatively impact their environmental features or ecological functions. Since the proposal is to convert an existing building to an additional dwelling unit, the existing footprint will be maintained. As a result, it is anticipated that there will be no further negative impacts to the Core Areas or their functions.

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

The subject lands are zoned Agricultural (A1) Zone in City of Hamilton Zoning By-law No. 05-200. The existing single detached dwelling and proposed additional dwelling unit – detached are permitted uses.

#### Variance 1

1. A minimum lot area of 0.30 hectares shall be provided whereas a minimum lot area of 1.5 hectares required.



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The intent of this provision is to ensure the subject property is large enough to meet the minimum private servicing requirements identified in Policy C.5.1 of the Rural Hamilton Official Plan to sustainably support a single detached dwelling and an additional dwelling unit – detached.

Staff note that the subject lands have a total area of 0.33 hectares, significantly less than the 1.5 hectare minimum required by the Rural Hamilton Official Plan and Zoning By-law. The minimum requirements identified in Policies C.3.1.2 b) and C.5.1 and implemented in the Zoning By-law are meant to ensure a property can sustainably support development as it relates to water quality and public health risks (stemming from septic systems). The 1.5-hectare requirement is intended to serve as a minimum lot size that can meet these goals.

Based upon Source Protection staff's comments, the subject property is not large enough to sustainably accommodate the property's septic system and would pose a health risk to neighbouring properties. Therefore, staff are of the opinion that the requested variance does not meet the intent of the Rural Hamilton Official Plan or Zoning By-law, is not desirable or appropriate for the development of the lands and is not minor in nature. Staff do not support the variance.

#### Variance 2

2. A maximum building height of 6.2 metres for an additional dwelling unit – detached shall be permitted instead of the maximum height of 6.0 metres permitted.

The intent of this provision is to ensure the additional dwelling unit – detached remains subordinate in size, scale and function relative to the principal dwelling.

The requested increase in height is to provide some flexibility in case the existing accessory structure's height is found to be greater than 6.01 metres as shown in the elevations provided with this application. Staff are of the opinion that the requested variance maintains the intent of the Zoning By-law and is minor in nature. Staff support the variance.

#### Variance 3

3. A minimum distance of 4.8 metres shall be required between the rear wall of the principle dwelling and the additional dwelling unit – detached, instead of the minimum distance of 7.5 metres required.

The intent of this provision is to ensure sufficient space is provided between the principal dwelling and additional dwelling unit – detached to maintain privacy between each dwelling unit and to preserve rear yard amenity space for –both dwelling units.

Regarding privacy, Staff note that the proposed additional dwelling unit – detached is mostly offset to the east of principal dwelling. While the existing setback is 4.88 metres corner to corner, the buildings do not line up with each other. Staff are of the opinion that privacy between the principal dwelling and



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the proposed additional dwelling unit – detached will be maintained as lines of sight between the buildings do not directly align or overlap.

Regarding amenity space, staff note that the principal dwelling has a rear yard setback of 17.58 metres. Similarly, the proposed additional dwelling unit – detached has a rear yard setback of 6.04 metres. Staff are of the opinion that sufficient rear yard amenity space will be maintained. Staff support the variance.

Staff are of the opinion that Variance 1 does not maintain the intent of the Rural Hamilton Official Plan and Zoning By-law, is not desirable for the proposed development and is not minor in nature as the existing lot area is not sufficient to provide sustainable services to both the existing single detached dwelling and proposed detached additional dwelling unit. Regarding Variances 2 and 3, staff are of the opinion that they meet the four tests of a minor variance. Based on the foregoing, **staff recommend denial of Variance 1 and approval of Variances 2 and 3.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> <li>1. Please be advised the variances have been written as requested by the applicant. If conformity with the zoning by-law cannot be achieved additional variances may be required.</li> <li>2. Please be advised the property is subject to amending by-law 24-051 and 24-052, which are not yet final and binding.</li> <li>3. Please be advised the property is a registered non-designated heritage property.</li> <li>4. Please be advised a portion of the property falls under the Grand River Conservation Authority.</li> </ol>
Proposed Notes:	

Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	That, the Owner submits a Hydrogeological Study prepared by a qualified professional to demonstrate that the existing private services can support the proposed additional dwelling unit to the satisfaction of Hamilton Water and the Manager of Development Engineering.
Comments:	There is no supporting documentation included with the application to demonstrate that the existing private services within the undersized rural



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	lot can support the additional intensification on the property. The proponent should submit a hydrogeological study to clarify this issue.
Proposed Notes:	

Building Engineering:

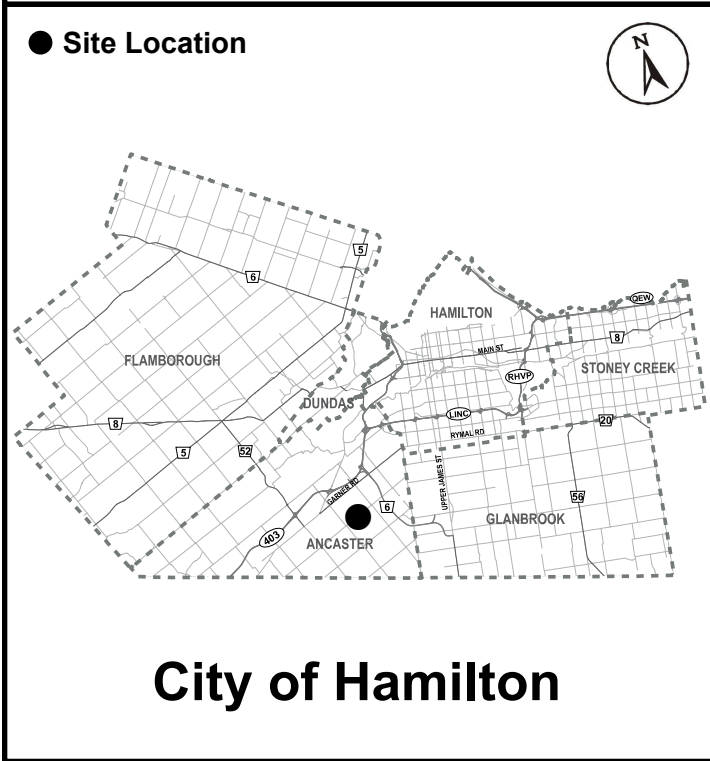
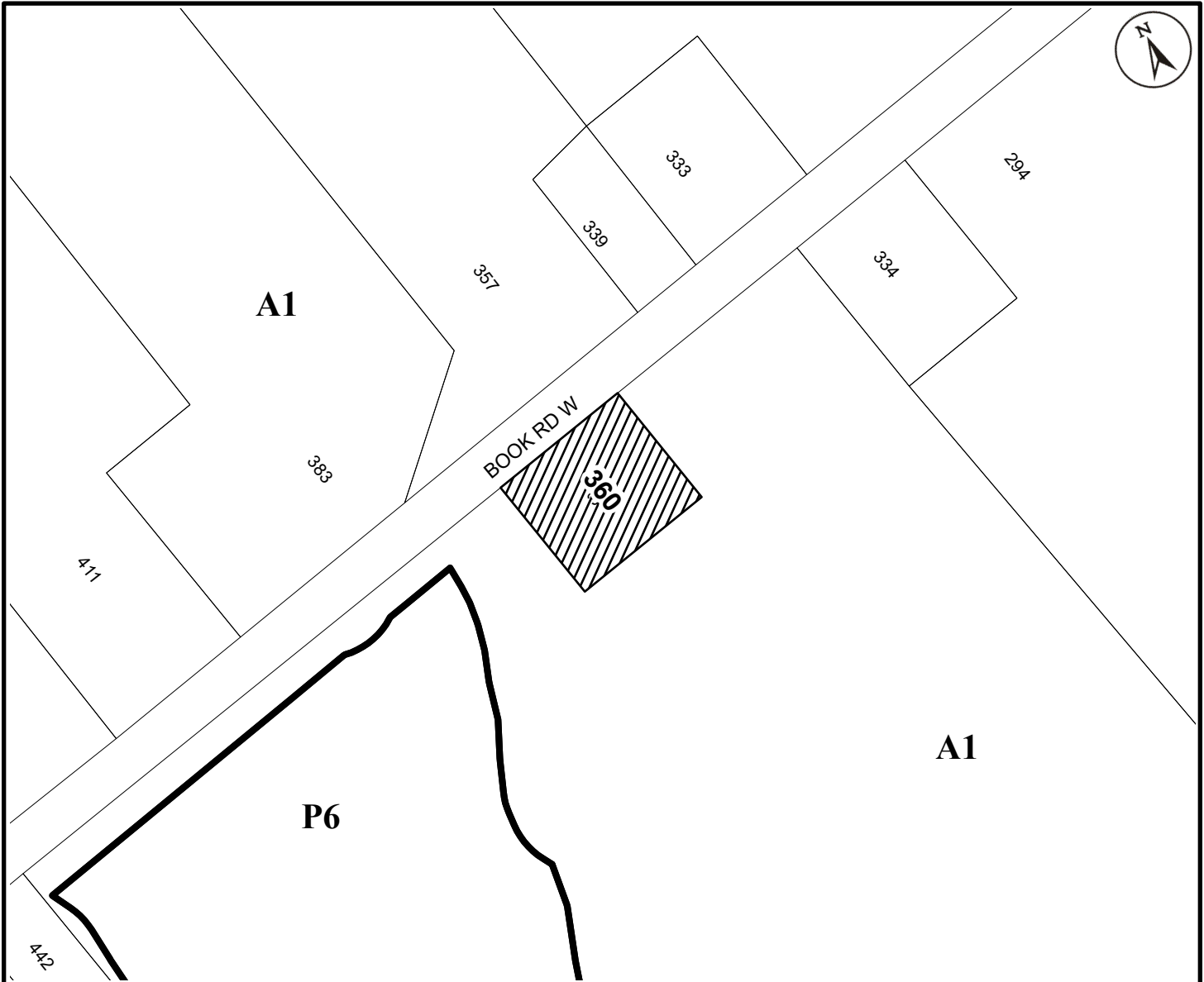
Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	<p>A building permit is required for the conversion of the existing building to an additional dwelling unit detached.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

Transportation Planning:

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

Watershed Management:

Recommendation:	Deny
Proposed Conditions:	
Comments:	<p>Source Protection Planning understands that the applicant is seeking a minor variance of a minimum lot area of 0.3 ha instead of the minimum lot area of 1.5 ha for the proposal of a detached additional dwelling unit on an existing 0.33 ha lot.</p> <p>The current lot size of 0.33 ha is considered insufficient for an additional dwelling unit, as our desktop review indicates pollution from the lot's septic system would not meet policies within Rural Hamilton Official Plan C.5.1 and put neighboring properties at increased water quality / health risk. Therefore, Source Protection Planning cannot support the application.</p>
Proposed Notes:	



# Committee of Adjustment

**Subject Property**



360 Book Road West, Ancaster  
(Ward 12)

**File Name/Number:**  
A-24:174

**Date:**  
August 9, 2024

**Technician:**  
NB

Map Not To Scale

**Appendix "A"**



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