



Hamilton

**STAFF COMMENTS**

**HEARING DATE: February 13, 2025**

A-24:274 — 981 Book Rd West, Ancaster

**Recommendation:**

Approve revised Variance 1 with condition — Development Planning

**Proposed Conditions:**

1. That the proposed accessory building location is consistent with the site plan titled “Schillaci Accessory Building” dated November 19, 2024, submitted with this application, to the satisfaction of the Director of Development Planning

**Proposed Notes:**

A building permit is required for the construction of the proposed accessory structure in the front yard.

Be advised that Ontario Building Code regulations may require specific setback and construction types. (Building 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 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 (416-212-8886). 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**

The purpose of Minor Variance application A-24:274 is to permit the construction of a detached garage accessory to an existing single detached dwelling in the front yard of the dwelling.

**Analysis**

**Greenbelt Plan**

The subject lands are designated “Protected Countryside” under the Greenbelt Plan. Section 4.5.1 of the Greenbelt Plan permits all existing uses and Section 4.5.2 permits single detached dwellings on existing lots of record provided they were zoned to allow single detached dwellings as of the date the Greenbelt Plan came into force.

**Rural Hamilton Official Plan**

The subject lands are designated “Agriculture” and in Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan. Core Areas have are identified within and adjacent to the subject property based on Schedule B – Natural Heritage System of the Rural Hamilton Official Plan. These Core Areas are a Significant Woodland, an unevaluated wetland and watercourses. Policy C.3.1.4, amongst others, is applicable and permits the existing single detached dwelling.

**Archaeological:**

The subject property meets four (4) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites;
- 2) 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;
- 3) In areas of pioneer Euro-Canadian settlement; and
- 4) Along historic transportation routes.

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.



**Natural Heritage**

The subject property is located within the boundaries of the Rural Hamilton Official Plan and is located within the Greenbelt Protected Countryside. Based on Schedule B (Natural Heritage System) of the Rural Hamilton Official Plan, Core Areas have been identified within and adjacent to the subject property. In this case, the Core Areas have been identified as Significant Woodland, unevaluated wetland, and watercourses. The wetland and watercourses are also regulated by the Grand River Conservation Authority.

Any development or site alteration within or adjacent to Core Areas shall not negatively impact their environmental features or ecological functions (policy C.2.3.3). Within the Protected Countryside new development and site alteration shall not be permitted within or adjacent to key natural heritage features in the Greenbelt Protected Countryside unless it has been evaluated through an Environmental Impact Statement and has been demonstrated that there shall be no negative impacts on the natural features or their ecological functions (policy C.2.4.8). Since the proposed accessory building is located approximately 90 metres from the Core Areas in an area that has been previously disturbed (area has been sodded), it is anticipated that there will be no further negative impacts on the Core Areas or their functions. As a result, Natural Heritage Planning staff does not have any further concerns with this application.

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

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

Variance 1, as written on the Notice of Public Hearing for this application reads as follows:

*“An Accessory Building shall be permitted to be located within the Front Yard instead of the requirement that no Accessory Buildings or structures are permitted within a front or flankage yard.”*

Development Planning staff are recommending a revised variance that reads as follows:

*“An Accessory Building shall be permitted to be located within the Front Yard with a front yard setback of 118 metres instead of the requirement that no Accessory Buildings or structures are permitted within a front or flankage yard.”*

Development Planning staff are recommending this revised variance to specify the permitted setback within the front yard of the property.



**Variance 1**

1. An accessory building shall be permitted to be located within the front yard 21.6 metres from the front lot line whereas an accessory building is not permitted within a front yard.

The intent of this provision is to preserve a consistent streetscape and rural residential character by ensuring accessory structures, such as detached garages, do not become the predominant feature or built form from the street.

Staff note that the grading in the vicinity of the existing dwelling, particularly in the rear and side yards, decreases in a north-to-south direction. For example, the grading on the eastern side of the dwelling decreases in elevation by approximately 2 metres in the area around the paved driveway (106.6 metres above sea level to 104.88, 104.79 or 103.86 metres above sea level). Similarly, the grading in the western side yard decreased by a similar amount from 107.30 metres above sea level to 105.89 or 105.32 metres above sea level. Staff further note that the dwelling has a setback of 136.2 metres to the front lot line and the proposed garage would have a setback to the front property line of 118.96 metres.

As the existing dwelling and proposed garage are setback far from the streetline, negative impacts on the streetscape or rural residential character of the area are not anticipated because of proposed location of the garage within the front yard.

Therefore, staff are of the opinion that the requested variance maintains the intent of the Rural Hamilton Official Plan and Zoning By-law, is desirable for the appropriate development and use of the land and is minor in nature.

Staff are of the opinion that the requested variance meets the four tests of a minor variance. Based on the foregoing, **staff recommend approval with the revised variance and condition.**

**Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> <li>1. Be advised, as per elevation drawings, the proposed Accessory Structure is indicated to be 11'- 8-3/8" (6.01 metres). As per Section 4.8.1.2 a), a maximum of 6.0 metres is permitted for an Accessory Structure within an A1 Zone. Additional variances may be required should the proposed Accessory Building exceed the 6.0 metres in height.</li> </ol>



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	2. Please note for clarification, as per correspondence with the applicant, the “Existing Implement Shed” has been considered to be Accessory to an Agriculture use. As such, the building has not been considered towards the Lot Coverage of 200 m <sup>2</sup> associated with the Single Detached Dwelling.
Notes:	

**Development Engineering:**

Recommendation:	No Comments
Proposed Conditions:	N/A
Comments:	N/A
Notes:	N/A

**Building Engineering:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	A building permit is required for the construction of the proposed accessory structure in the front yard.  Be advised that Ontario Building Code regulations may require specific setback and construction types.

**Transportation Planning:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

**Source Protection Planning:**

Recommendation:	
Proposed Conditions:	
Comments:	
Notes:	

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



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**ENB\_R250130-002ON - Enbridge Notification Response - Application # A-24 274**

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**From** Kevin Bailey <kbailey@bastudios.ca>  
**Date** Thu 2/6/2025 5:56 PM  
**To** Committee of adjustment <cofa@hamilton.ca>  
**Cc** notifications <notifications@enbridge.com>

**External Email:** Use caution with links and attachments

Hello,

Thank you for sending Enbridge notice of this project. B&A is the land use planning consultant for Enbridge's Liquid Pipeline Network across Canada. On behalf of Enbridge, we work with municipalities and stakeholders regarding planning and development in proximity to their liquid pipeline infrastructure to ensure that it occurs in a safe and successful manner.

We would like to remind you to always obtain a locate request to identify the precise location of underground infrastructure. In addition, if any future planning or development work is proposed within 220 metres of Enbridge infrastructure, we request that this information be sent to [notifications@enbridge.com](mailto:notifications@enbridge.com) for our review and comment.

Do not hesitate to contact me with any questions or comments. We appreciate receiving your notifications and look forward to continuing to receive them at [notifications@enbridge.com](mailto:notifications@enbridge.com) for our review and comment.

Thank you,  
-Kevin Bailey

**ENBRIDGE**

[notifications@enbridge.com](mailto:notifications@enbridge.com)

10175 101 Street NW, Edmonton, Alberta T5J 0H3

enbridge.com

**Safety. Integrity. Respect. Inclusion. High Performance.**

**Kevin Bailey**, BA, BEd, MPlan

Community Planner, **B&A**

403.692.5229 | [kbailey@bastudios.ca](mailto:kbailey@bastudios.ca)

600, 215 – 9 Avenue SW | Calgary, AB T2P 1K3 | [www.bastudios.ca](http://www.bastudios.ca)

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February 7, 2025

via email

GRCA File: A-24-274 – 981 Book Road West

Jamila Sheffield  
City of Hamilton  
City Hall, 5<sup>th</sup> floor  
71 Main Street West  
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield,

**Re: Application for Minor Variance A-24:274**  
981 Book Road West, City of Hamilton  
Owner: Nick & Lena Schillaci  
Agent: Ian Jonkman

Grand River Conservation Authority (GRCA) staff have reviewed the above-noted minor variance application to permit an accessory building within the front yard.

### **Recommendation**

The GRCA has no objection to the proposed minor variance application.

### **GRCA Comments**

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 5.2 of the Provincial Planning Statement (PPS, 2024), as a regulatory authority under Ontario Regulation 41/24, and as a public body under the *Planning Act* as per our CA Board approved policies.

Information currently available at this office indicates that the subject property contains watercourses, floodplain, a wetland, and the regulated allowance adjacent to these features. A copy of GRCA's resource mapping is attached.

Due to the presence of the features noted above, portions of the property are regulated by the GRCA under Ontario Regulation 41/24 – Prohibited Activities, Exemptions and Permits Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 41/24.

The minor variance application requests permission to allow an accessory building within the front yard. It is understood that the application is required to facilitate the construction of a detached garage. GRCA staff have reviewed the circulated plans and we have no concerns with the location of the proposed accessory building. As such, the GRCA has no objection to the proposed consent application.

Consistent with GRCA's approved fee schedule, this application is considered a 'minor' minor variance and the applicant will be invoiced in the amount of \$300.00 for GRCA's review of this application.

Should you have any questions, please contact me at 519-621-2763 ext. 2228 or [aherreman@grandriver.ca](mailto:aherreman@grandriver.ca).

Sincerely,

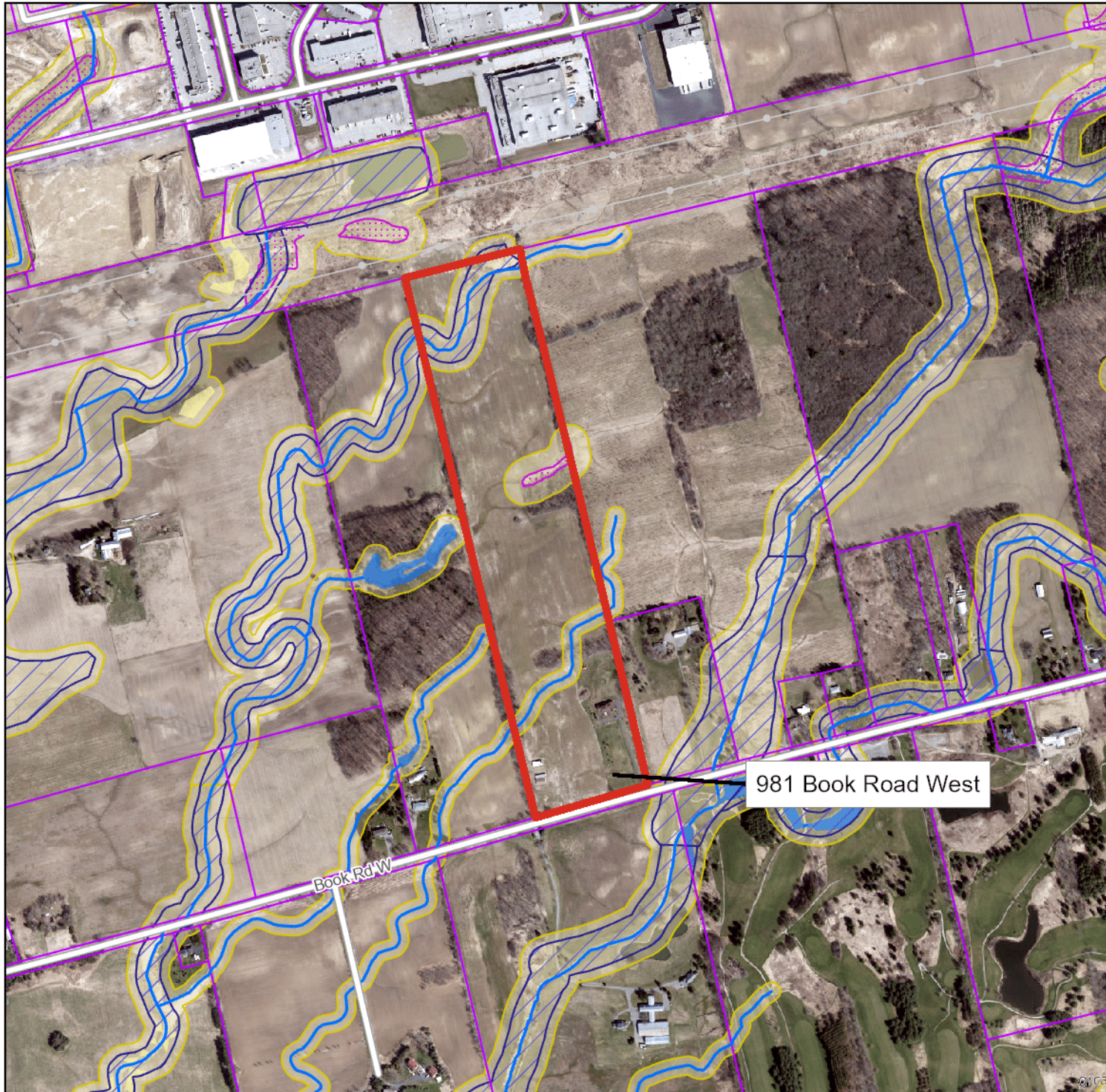
A handwritten signature in black ink, appearing to read "Andrew Herreman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Herreman, CPT  
Resource Planning Technician  
Grand River Conservation Authority

Enclosed: GRCA Mapping

Copy: Nick & Lena Schillaci (via email)  
Ian Jonkman (via email)





Legend

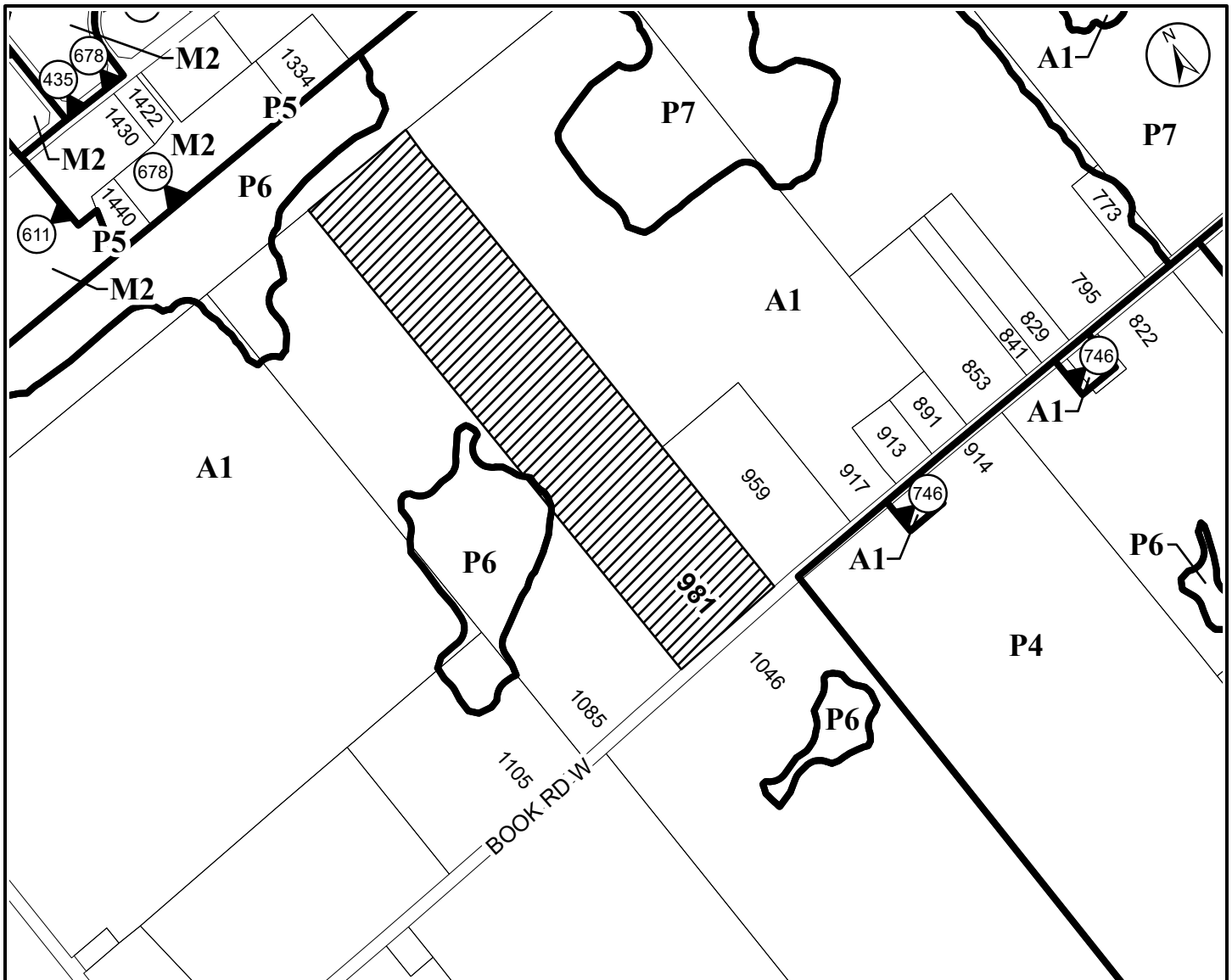
- Regulation Limit (GRCA)
- Floodplain (GRCA)
  - Engineered
  - Estimated
  - Approximate
- Floodplain - Special Policy Area (GRCA)
- Slope Erosion (GRCA)
  - Steep
  - Oversteep
  - Toe
- Slope Valley (GRCA)
  - Steep
  - Oversteep
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)
- Conservation Area Boundary (GRCA)

981 Book Road West

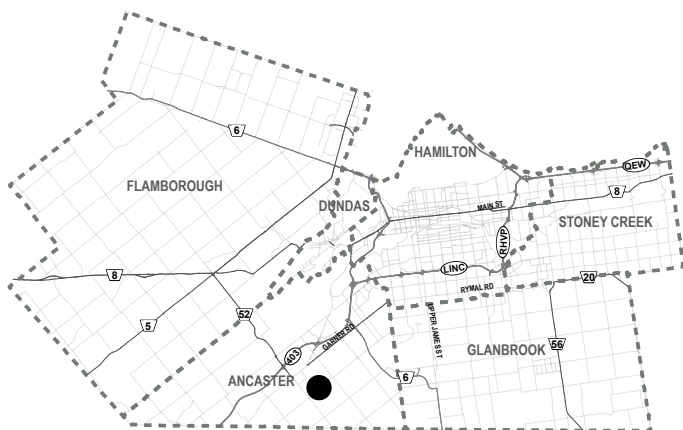
Book Rd W

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Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user. The source for each data layer is shown in parentheses in the map legend. See Sources and Citations for details.



● Site Location



**City of Hamilton**

# Committee of Adjustments

## Subject Property



981 Book Road West, Ancaster  
(Ward 12)

File Name/Number:  
A-24:274

Date:  
February 6, 2025

Technician:  
DR

Scale:  
N.T.S.

Appendix "A"



**Hamilton**