

A-25:082 — 1849 Fiddler's Green Road, Ancaster

**Recommendation:**

Approve revised Variance 1, Variances 2 and 3 with conditions — Development Planning

**Proposed Conditions:**

1. That the proposed accessory building location is consistent with the site plan titled "Site Plan – Overview Proposed" dated June 24, 2025, prepared by Christian Hollingshead, submitted with this application, to the satisfaction of the Director of Development Planning.
2. That the owner submits and receives approval of a Tree Protection Plan including the review fee as part of the Schedule of Rates and Fees, to the satisfaction of the Manager of Heritage and Urban Design. The Tree Protection Plan is to be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010).
3. That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Manager of Heritage and Urban Design.

**Proposed Notes:**

A building permit is required for the construction of the proposed accessory building in the front yard of the existing single family dwelling. (Building Engineering)

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



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**STAFF COMMENTS**

**HEARING DATE: August 14, 2025**

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:**

### **Background**

The purpose of Minor Variance application A-25:082 is to permit the construction of an accessory structure within the front yard of an existing single detached dwelling.

Staff note this application was originally tabled at the May 8, 2025, Committee of Adjustment hearing. Staff conducted a site visit on June 17, 2025, and the proposal has been revised in accordance with discussions with Development Planning and Natural Heritage Planning staff.

Staff note that the applicant proposed a revision to Variance 1, to include a front yard setback of 17.0 metres. Staff have reviewed this application with this revised Variance in mind, to read as follows:

“An accessory building shall be permitted within the front yard with a front yard setback of 17.0 metres whereas an accessory building shall not be permitted within a front or flankage yard.”

### **Analysis**

#### **Greenbelt Plan**

The subject lands are designated “Protected Countryside” under the Greenbelt Plan. Section 4.5.1 permits all existing uses. The existing single detached dwelling is a permitted use under the Greenbelt Plan.

#### **Rural Hamilton Official Plan**

The subject lands are designated “Agriculture” in Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan. Policies C.3.1.4, D.2.1 and Section C.2.0, amongst others, are applicable and permits the existing single detached dwelling.

Schedule B – Natural Heritage System of the Rural Hamilton Official Plan identifies Core Areas on the Significant Woodland, unevaluated wetland and a watercourse.

#### **Natural Heritage**

The subject property is located within the Rural Hamilton Official Plan (RHOP) and has been identified within the Greenbelt Protected Countryside. Based on Schedule B (Natural Heritage System) of the Rural Hamilton Official Plan, Core Areas (Significant Woodland, unevaluated wetland, and watercourse) have been identified within and adjacent to the subject property. In addition, the property has been zoned as “P6” (Conservation/hazard Lands). The intent of this zoning is to protect the natural features and their ecological functions.

Based on policies within the Rural Hamilton Official Plan (C.2.3.3) any development or site alteration within or adjacent to Core Areas shall not negatively impact their environmental features or ecological functions. In addition, new development and site alteration shall not be permitted within or adjacent



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to key natural heritage features in the Greenbelt Protected Countryside unless it has been evaluated through an Environmental Impact Statement (EIS) and has been demonstrated that there shall be no negative impacts on the natural features or their ecological functions (policy C.2.4.8). Based on a site visit that occurred June 17, 2025, the accessory building is proposed within an area that is currently disturbed (existing driveway, manicured lawn). In addition, it is proposed to be located outside of the dripline of the existing trees. It is anticipated that there would be no further negative impacts on the features or their functions.

Through aerial photograph interpretation as well as the site visit, existing trees have been identified within the subject property. The City also recognizes the importance of trees to the health and quality of life in the community (i.e., canopy cover, energy conservation, mental health benefits, wildlife habitat) and encourages the protection and restoration of trees (policy C.2.10.1). A Tree Protection Plan (indicating how the trees will be protected from the development) has not been provided with the application. If trees are to be removed, the City requires 1 for 1 compensation to be provided in order to ensure that existing tree cover is maintained.

If the Committee of Adjustment approves this application, the following conditions should be considered.

- That the owner submits and receives approval of a Tree Protection Plan including the review fee as part of the Schedule of Rates and Fees, to the satisfaction of the Manager of Heritage and Urban Design. The Tree Protection Plan is to be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010).
- That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Manager of Heritage and Urban Design

### **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) 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.

**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:**



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**“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).”

### **Cultural Heritage**

The subject property is adjacent to 1770 Fiddler’s Green Road and 2402 Glancaster Road, both of these properties are listed on the City’s Inventory of Heritage Properties.

The City recognizes there may be cultural heritage properties that are not yet identified or included in the Municipal Heritage Register, nor designated under the *Ontario Heritage Act*, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation (Rural Hamilton Official Plan, Volume 1, Section B.3.4.2.6 and B.3.4.2.7).

Although not formally recognized under the *Ontario Heritage Act* through registration or designation, the adjacent properties are of potential cultural heritage value and staff do have an interest in ensuring any proposed changes are sympathetic to the historic character of the properties and are contextually appropriate.

Accordingly, Section B.3.4.1.3 of the Rural Hamilton Official Plan, Volume 1, applies.

The proponent proposes the construction of an accessory building in the front yard of the existing Single Detached Dwelling.



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Notwithstanding that the adjacent properties are listed on the Inventory of Heritage Properties. Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the adjacent cultural heritage resources will be conserved.

Staff have no further comments on the application as circulated.

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

The subject lands are zoned Conservation/Hazard Land Rural (P6) Zone in City of Hamilton Zoning By-law No. 05-200. The existing single detached dwelling and proposed accessory building are permitted.

**Variance 1**

1. An accessory building shall be permitted within the front yard with a front yard setback of 17.0 metres whereas an accessory building shall not be permitted within a front or flankage yard.

The intent of this provision is to maintain the rural residential character of the area.

The proposed location of the new accessory building is within the front yard of the existing dwelling. Based upon the June 17, 2025 site visit and discussions between staff and the applicant, the proposed location of the accessory building was revised to be 2 metres further east than originally proposed. This adjustment, in conjunction with the recommended conditions, addresses previous concerns regarding impacts on natural heritages features on the property.

Regarding the preservation of the rural residential character of the area, staff note that the view of the detached garage is obscured from the roadway by mature trees and vegetation. Additionally, the northern side yard of the existing dwelling is not a suitable alternative location due to the location of existing utilities such as the propane tank and generator as well as one of two existing sheds.

It is staff's opinion that the revised Variance 1, in combination with the recommended conditions, maintains the intent of the Rural Hamilton Official Plan and Zoning By-law, is desirable for the appropriate use or development of the land and is minor in nature. Staff support the variance.

**Variances 2 and 3**

1. A maximum building height of 7.5 metres shall be permitted for an accessory building instead of the maximum permitted building height of 4.5 metres for all accessory buildings.
2. A maximum of 147 square metres combined lot coverage for all accessory buildings shall be permitted instead of the permitted maximum of 45 square metres or 7.5% of the lot area, whichever is the lesser.

The intent of these provisions is to limit the size of accessory buildings to ensure they remain subordinate to the principal use or buildings.



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Staff note that the proposed detached garage would have an area of 111 square metres and a height of 7.5 metres. The aggregate combined area of the existing and proposed accessory structures is approximately 142.7 square metres. The existing dwelling has a lot coverage of 175 square metres and a height of 6.7 metres.

Staff note that the proposed location of the detached garage would place it behind a significant amount of mature trees and vegetation, obscuring it from the roadside and passing traffic. Therefore, staff are of the opinion that the Variances 2 and 3 maintain the intent of the Rural Hamilton Official Plan and Zoning By-law, are desirable for the appropriate use or development of the land and are minor in nature. Staff support the variances.

Based on the foregoing, staff are of the opinion that the requested variances meet the four tests of a minor variance. **Staff recommend approval of revised Variance 1 and Variances 2 and 3, with the recommended conditions.**

**Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"><li>1. Variance #1 should be altered to include the words “with a Front Yard setback of 17.0 metres” so that it reads:  “An Accessory Building shall be permitted within the Front Yard with a Front Yard setback of 17.0 metres whereas an Accessory Buildings shall not be permitted within a Front or Flankage Yard”  This alteration was originally requested within the resubmission of this application as requested by Planning Staff. The variance should be altered as per this recommendation.</li><li>2. Please note, insufficient information has been provided to determine if parking spaces are proposed within the proposed Storage/ Garage building. Should parking be proposed all applicable requirements under Section 5 shall apply to any parking spaces provided within the proposed accessory structure, or additional variances may be required.</li><li>3. Please note, there appears to be a discrepancy between the Site Plan and submitted application form. The total Lot Coverage for all Accessory Buildings indicated on the Site Plan is 142.7 square metres, however updated information provided on the application indicates a Lot Coverage of 115 square metres for the proposed</li></ol>



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	<p>Accessory Building with a new total Lot Coverage for all Accessory Buildings is 146.7 square metres. Variance #3 has been requested to permit a total Lot Coverage of 147.0 square metres and as such has been provided according to updated information. The applicant shall clearly indicate the updated Building Area on all future submissions.</p> <p>4. Please be advised that a portion of this property is within an area regulated by <b>Grand River Conservation Authority</b>. Please contact <b>(519) 621-2761</b> or <a href="mailto:grca@grandriver.ca">grca@grandriver.ca</a> prior to any development.</p>
Notes:	

**Development Engineering:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Provided the existing drainage pattern is maintained, Development Engineering has no comments or objections to the minor variances as proposed.
Notes:	

**Building Engineering:**

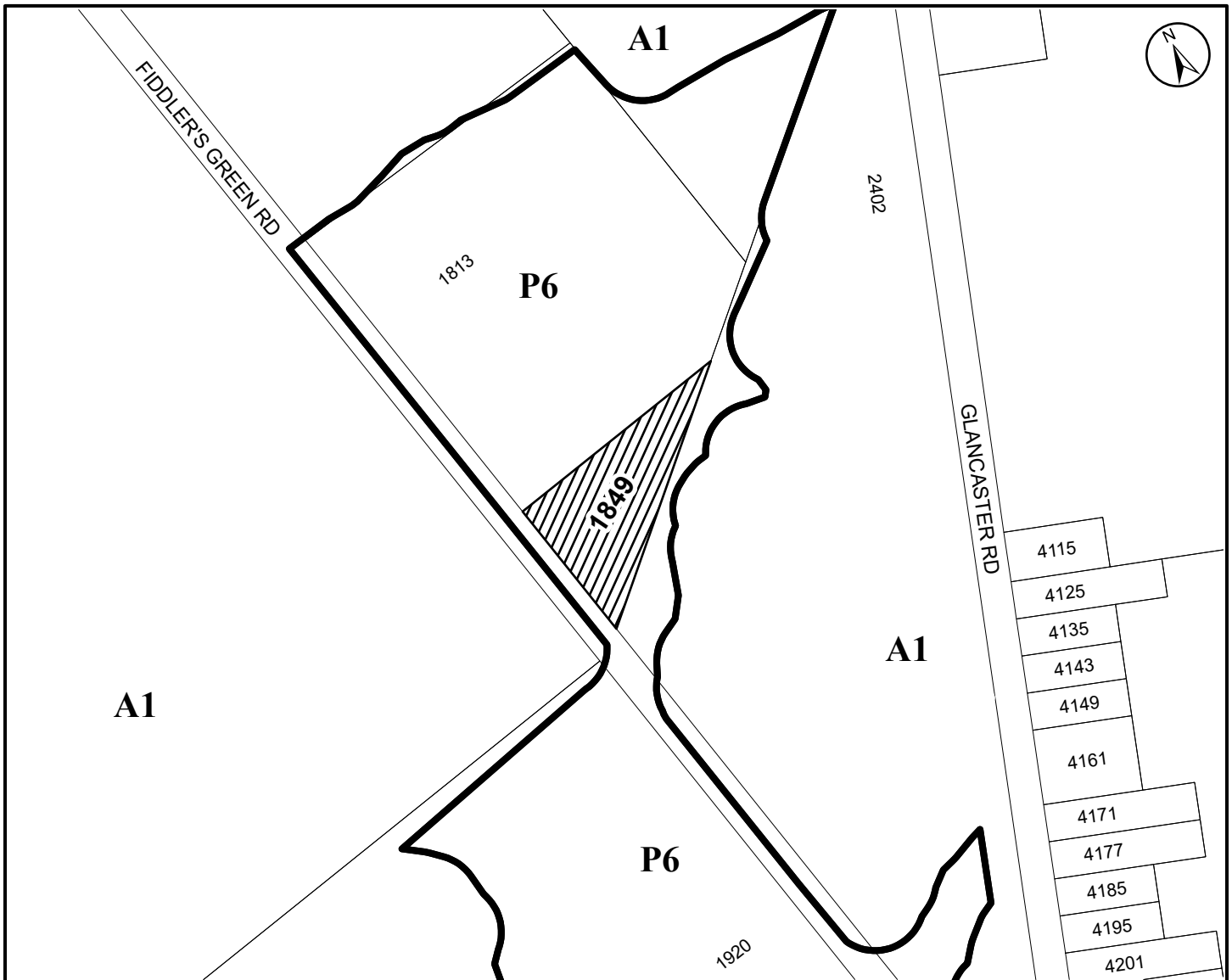
Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the construction of the proposed accessory building in the front yard of the existing single family dwelling.</p> <p>Be advised that Ontario Building Code regulations may require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

**Transportation Planning:**

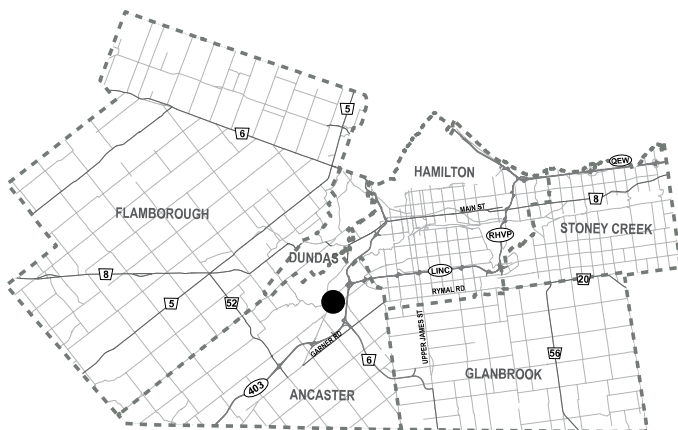
Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

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





● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property



1849 Fiddlers Green Road, Ancaster  
(Ward 12)

### File Name/Number:

A-25:082

### Date:

August 6, 2025

### Technician:

AL

### Scale:

N.T.S.

### Appendix "A"



**Hamilton**

Planning and Economic Development Department