

A-25:133 — 40 Church Street, Ancaster

**Recommendation:**

Deny — Development Engineering  
Approve with conditions — Development Planning

**Proposed Conditions:**

1. 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).
2. 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.
3. That the proponent shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found, to the satisfaction of the Manager of Heritage and Urban Design. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ontario Ministry of Citizenship and Multiculturalism (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)

**Proposed Notes:**

Building permits are required for the construction of the proposed six street townhouse dwellings.  
(Building Engineering)



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**STAFF COMMENTS**

**HEARING DATE: August 14, 2025**

Be advised that Ontario Building Code regulations may require specific setback and construction types. (Building Engineering)

**Development Planning:**

**Background**

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS (Lot 2):</b>	6.99 m±	25.79 m±	180 m <sup>2</sup> ±
<b>SEVERED LANDS (Lot 3):</b>	9.79 m±	25.79 m±	252 m <sup>2</sup> ±
<b>SEVERED LANDS (Lot 4):</b>	8.02 m±	24.80 m±	198 m <sup>2</sup> ±
<b>SEVERED LANDS (Lot 5):</b>	6.99 m±	24.80 m±	173 m <sup>2</sup> ±
<b>SEVERED LANDS (Lot 6):</b>	12.35 m±	24.80 m±	258 m <sup>2</sup> ±
<b>RETAINED LANDS (Lot 1):</b>	8.01 m±	25.80 m±	206 m <sup>2</sup> ±

The purpose of Consent to Sever application B-25:042 is to sever the existing residential lot into six (6) residential lots, to facilitate the development of six (6) street townhouse dwellings contained within two (2) townhouse blocks. The existing duplex dwelling and accessory structures will be removed. Minor Variance application A-25.133 was concurrently submitted to facilitate Consent to Sever application B-25:042.

**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 proposed street townhouse dwellings.

The proposal is considered residential intensification and has been evaluated against the criteria found in Policies B.2.4.1.4 and B.2.4.2.2. 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.

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;



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- 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. Lots 1 through 4 and Lot 6 would comply with the requirements of the Zoning By-law. However, Severed Lot 5 would not meet the required minimum lot area. Staff further note that Minor Variance application A-25:133 was concurrently submitted to address this, which is further discussed below.

#### **Ancaster Wilson Street Secondary Plan**

The subject lands are designated as “Low Density Residential 1” on Land Use Plan Map B.2.8-1 of the Ancaster Wilson Street Secondary Plan. Policies B.2.8.7.3 and B.1.5 amongst others, are applicable and permit the proposed street townhouse dwellings.

Policy B.1.5 a) of Volume 2 of the Urban Hamilton Official Plan states the following:

“The residential density ranges and permitted built forms of Sections E.3.4, E.3.5 and E.3.6 – Residential Uses of Volume 1 shall apply to new secondary plans. The secondary plan policies and designations of Volume 2 may be more restrictive than the policies and designations contained in Volume 1. (OPA 64)

- a) Notwithstanding Policies B.1.2, B.1.5, and the policies contained in Sections B.2.0 to B.7, and Volume 1 Policy F.1.2.2, for all lands designated Low Density Residential 1, 1 a, 1 b, 2, 2a, 2b, 2e, and 2f on the land use plans appended to each secondary plan area, and for lands designed Low Density Residential 3 on Map B.6.6-1 Strathcona Secondary Plan: Land Use Plan, Policies E.3.4.3, E.3.4.4, and E.3.4.5 of Volume 1 shall apply for the purposes of permitted density ranges, built form, and height. (OPA 202)”.

The intent of this policy is to apply the permitted density ranges, built forms and height of Policies E.3.4.3, E.3.4.4 and E.3.4.5 of Volume 1 to lands designated “Low Density Residential” within the majority of secondary plans. Therefore, it is staff’s opinion that the permissions and requirements found in Policies B.2.4.1.4, 2.4.2.2, E.3.4.3, and F.1.14.3.1 of Volume 1 of the Urban Official Plan are applicable.



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### **Natural Heritage**

The subject property is located within the boundaries of the Urban Hamilton Official Plan (UHOP) and has been identified within the Ancaster Wilson Street Secondary Plan. Based on mapping within the UHOP (Volume 1-Schedule B Natural Heritage System and Volume 2-Ancaster Wilson Street Secondary Plan Land Use Plan Map B.2.8-1), components of the City's Natural Heritage System (Core Areas and Linkages) have not been identified within or adjacent to the property. As a result, it is anticipated that the proposed severance will not further negatively impact the features and functions of the City's Natural Heritage System.

Through aerial photograph interpretation, trees have been identified within the subject property. The City recognizes the importance of trees to the health and quality of life in the community (i.e., canopy cover, energy conservation, mental health benefits) and encourages the protection and restoration of trees (policy C.2.11.1). In addition, trees within the subject property may be subject to the Town of Ancaster By-law (By-law 2000-118). Further, through the City's Council adopted Urban Forest Strategy, a canopy cover target of 40 percent by 2050 within the urban area has been identified. The preservation of existing trees will assist in meeting this target. A Tree Protection Plan indicating how trees will be impacted/protected as a result of this development has not been provided with this 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.

### **Archaeology**

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:**

The subject property is adjacent to 25 Church Street, Ancaster, a property 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



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but are still worthy of conservation (Urban 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 property is of potential cultural heritage value and staff do have an interest in ensuring any proposed changes are sympathetic to the historic character of the property and are contextually appropriate.

Accordingly, sections B.3.4.1.4 and B.3.4.2.1 (h) of the Urban Hamilton Official Plan, Volume 1, apply.

As well, the following section of the Ancaster Wilson Street Secondary Plan, applies:

2.8.12.1.j (ii):

“The Village Core area, shown on Appendix A - Character Areas and Heritage Features, shall be consistent with the following design considerations:

1. Notwithstanding Policy E.4.3.4 b) of Volume 1, for buildings fronting onto Wilson Street, setbacks may be varied, as per the character of the Village Core area;
2. Buildings within the Village Core should incorporate historical building features and styles in order to encourage a village atmosphere and pleasant pedestrian experience, where feasible;
3. Additional considerations to encourage the historic characteristics of the Village Core, including heritage styled signage and building façades, as described in the Urban Design Guidelines, should be given for any development or redevelopment;
4. The Village Core area should express a strong heritage design character that invites pedestrians and encourages interaction; and,
5. The heritage characteristic of the Village Core area can be strengthened through the use of a public walkway linking buildings and other land uses.”

The proponent proposes to sever the existing residential lot into six (6) residential lots, to facilitate the development of six (6) street townhouse dwellings contained within two (2) townhouse blocks. The existing duplex dwelling and accessory structures will be removed.

Staff strongly encourage that the design of the proposed townhouses follow the intent of the Ancaster Wilson Street Secondary Plan and utilizes massing, height, materials and architectural styles and elements sympathetic and in keeping with the existing historic character of the historic Ancaster Village Core.

Based on the above analysis, staff are of the opinion the proposed severances confirms with the Urban Hamilton Official Plan. **Staff recommend the proposed severances be approved.**

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

The subject lands are zoned Low Density Residential – Large Lot (R2) Zone in City of Hamilton Zoning By-law No. 05-200. Street townhouse dwellings are a permitted use.

The Zoning By-law requires a minimum lot area of 180 square metres and a minimum unit width for each dwelling unit of 6 metres for street townhouse dwellings. Severed Lot 5 would not meet the required minimum lot area. Minor Variance application A-25:133 was submitted to address this, discussed below.

### **Variance 1**

#### **Lot 5**

1. A minimum Lot Area of 170.0 square metres shall be permitted instead of the minimum required Lot Area of 180.0 square metres.

The intent of this provision is to ensure lots are large enough to be viable building lots and to ensure a consistent lot fabric and development pattern.

Staff note that with an area of 170 square metres, Lot 5 would only be deficient by 10 square metres. It is staff's opinion that Severed Lot 5 is in keeping with the character and established development pattern of the neighbourhood.

Therefore, the requested variance maintains the intent of the Urban Hamilton Official Plan and Zoning By-law, is desirable for the appropriate development of the lands and is minor in nature.

In conclusion, staff are of the opinion the requested variances meet the four tests of a minor variance. Based on the foregoing, **staff recommend approval with conditions of the proposed severance and requested variance.**

### **Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>1. Please note, this application shall be heard in conjunction with Consent application B/25:042.</p> <p>2. Please note, insufficient information has been provided to determine Parking requirements as it relates to parking space number, size, location. Furthermore, it is unclear if a garage is proposed; Section 5.3.2 shall apply to any proposed garage. All Parking Spaces and area shall be clearly indicated on the proposed Site Plan or should Parking not be in compliance with Section 5, additional variances may be required.</p> <p>3. In addition to the comment above, insufficient information has been provided to determine the proposed Building Height of the Street Townhouse Dwellings. Should the proposed Dwellings exceed the</p>



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**STAFF COMMENTS**

**HEARING DATE: August 14, 2025**

	Maximum Building Height of 10.5 metres, additional variances may be required.
Notes:	

**Development Engineering:**

Recommendation:	Deny
Proposed Conditions:	
Comments:	The severance application for the property is deemed to be pre-mature.
Notes:	

**Building Engineering:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	Building permits are required for the construction of the proposed six street townhouse dwellings.  Be advised that Ontario Building Code regulations may require specific setback and construction types.

**Transportation Planning:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

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# A:25-133

Re: 40 Church St

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 Subdivision or Townhouse development, the Developer needs to contact our Engineering Design Department @ 905-798-3234.
- 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 advantages 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.
- Existing O/H secondary service is in conflict with existing large balcony on the proposed conversion of this property exposing tennents or public to possible electrical contact risk and must be immediately relocated to meet the Electrical

Safety Authority clearances of 3.1m for energized services over a roof or patio immediately.

We would also like to stipulate the following:

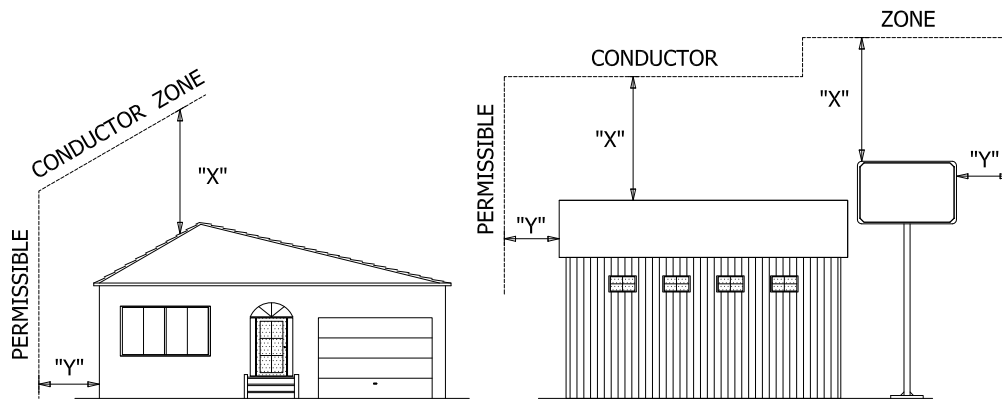
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's 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



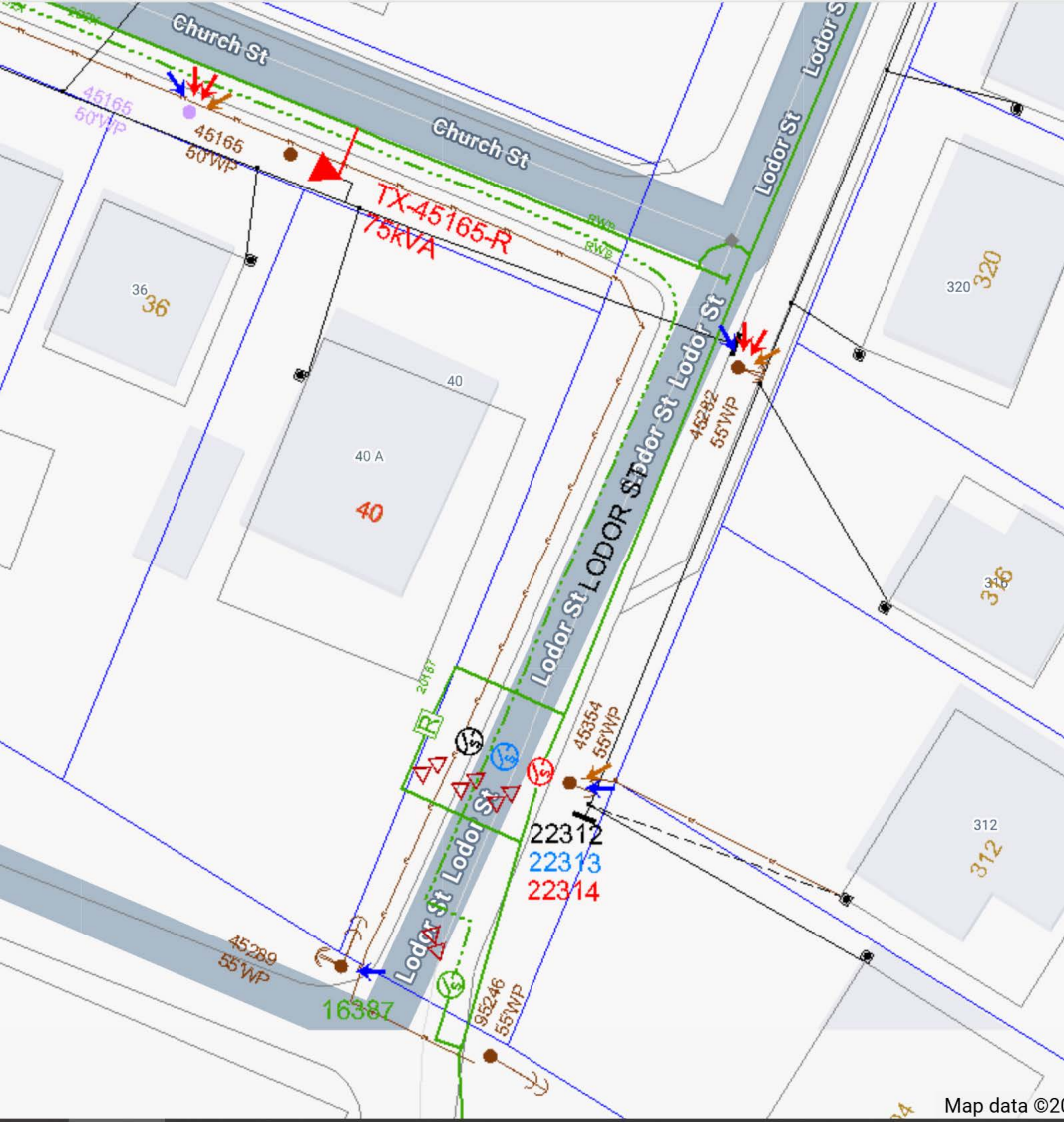
- UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.

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

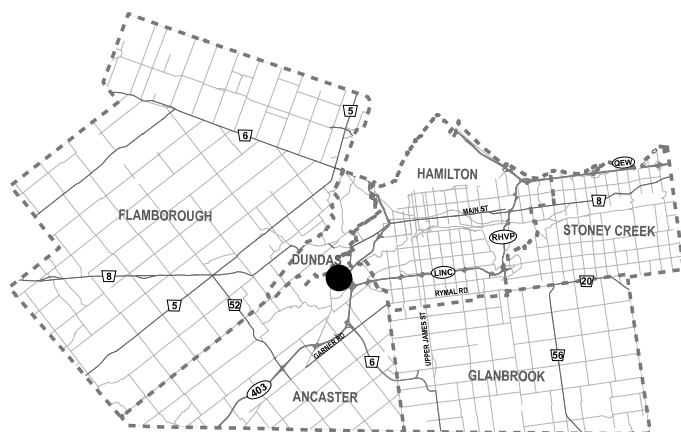
NOTES:

1. 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.
2. THIS CLEARANCE IS MADE UP OF A 3.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING.
3. 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)
4. 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).
5. 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



40 Church Street, Ancaster  
(Ward 12)

File Name/Number:

A-25:133

Date:

July 29, 2025

Technician:

RS

Scale:

N.T.S.

Appendix "A"



**Hamilton**

Planning and Economic Development Department