

A-24:157 — 768 Field Road, Ancaster

Recommendation:

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 proposed development is generally consistent with the site plan titled "Garage Addition" dated June 2025, prepared by Harry Dehaan, 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 garage addition to the side of the single-family dwelling. (Building Engineering)

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

"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 (416-212-8886). 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-24:157 is to permit the construction of an addition to an existing attached garage of an existing dwelling.

Staff note that this application was originally tabled at the August 6, 2024, Committee of Adjustment hearing. Natural Heritage Planning staff conducted a site visit on January 17, 2025. Based on this site visit and discussions between staff and the applicant, the proposal was revised to address staff concerns previously noted.

Analysis

Greenbelt Plan

The subject lands are designated “Protected Countryside” and “Greenbelt Natural Heritage System” under the Greenbelt Plan. Section 3.2.2.3 permits new development or site alteration within the Natural Heritage System if it is demonstrated that the proposal meets several criteria including, but not limited to, demonstration that there will be no negative impacts on key natural heritage or hydrologic features or their functions; connectivity between key natural heritage and hydrologic features is maintained or enhanced; that the disturbed area does not exceed 25% of the total developable area and impervious surfaces do not exceed 10% of the total developable area.

Staff note that the existing building is located within the Greenbelt Natural Heritage System. Based upon the January 17, 2025, site visit and the revised proposal, staff are satisfied that the proposal meets the criteria found in Section 3.2.2.3.

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 within and adjacent to the subject lands and as part of the Greenbelt Natural Heritage System. These Core Areas have been identified as the Lynden Southeast Woodlot Environmentally Significant Area and Significant Woodland.

Natural Heritage

The property is located within the boundaries of the Rural Hamilton Official Plan (RHOP) and has been identified within the Greenbelt Natural Heritage System. Core Areas have been identified within and adjacent to the subject property. These areas have been identified as the Lynden Southeast Woodlot Environmentally Significant Area (ESA) and Significant Woodland. In addition, these



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STAFF COMMENTS

HEARING DATE: August 14, 2025

features have been zoned as Conservation/Hazard Rural Lands (P7) Zone within the City of Hamilton Zoning By-law No. 05-200.

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. Further, policy C.2.4.2 indicates that new development or site alteration shall not be permitted within a key natural heritage feature within the Greenbelt Natural Heritage System or a key hydrologic feature anywhere in the Protected Countryside, including any associated vegetation protection zone. However, new development or site alteration proposed adjacent to (within 120 metres of) a key natural heritage feature within the Greenbelt Natural Heritage System or key hydrologic feature anywhere in the Protected Countryside requires an Environmental Impact Statement which identifies a vegetation protection zone.

Based on policy C.2.4.4, expansions to existing buildings and structures for agricultural uses and residential dwellings together with accessory uses may be considered within or adjacent to Core Areas and their associated vegetation protection zones if it is demonstrated that: a) there is no alternative and the expansion, alteration or establishment is directed away from the feature to the maximum extent possible and b) connectivity along the system and between key natural heritage or key hydrologic feature located within 240 metres of each other shall be maintained or enhanced, and c) buildings and structures do not occupy more than 25 percent of the total developable area and are planned to be compatible with the natural surroundings.

Natural Heritage Planning staff completed a site visit January 17, 2025. While the majority of garage was proposed to be in an existing disturbed area, encroachment was proposed within the Conservation/Hazard Rural Lands (P7) Zone. It was discussed that the size of the garage be reduced to the maximum extent possible and that it be reoriented to be directed away from the ESA/Significant Woodland to the maximum extent possible. Based on the information provided, the south side has been reduced to reduce the impacts on the P7 zone. Natural Heritage Planning staff is satisfied with this approach.

Through aerial photograph interpretation and the site visit, it was identified that trees have been identified within and adjacent to 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, wildlife habitat) and encourages the protection and restoration of trees (policy C.2.10.1). In addition, the trees associated with the Significant Woodland/Lynden Southeast Woodlot ESA would be subject to the City's Woodland Conservation By-law (R00-054). A Tree Inventory and Preservation Report has been prepared by Aberdeen Tree Services (Steven Burgess; certified arborist) May 9, 2025. Based on this report, all trees inventoried (except 1 dead tree) will be retained. Since compensation is not required for the dead tree, a Landscape Plan would not be required.

To ensure that the recommendations of the Tree Inventory and Preservation Report (i.e., provide tree protection fencing) are implemented, it is recommended that the following condition be identified:



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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 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 an area of sandy soil in areas of clay or stone; and,
- 3) 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 approved, the proponent must be advised by the Committee of Adjustment as follows:**

“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 (416-212-8886). 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

No comments.

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

The subject lands are zoned Conservation/Hazard Land Rural (P7) Zone and Agriculture (A1) Zone in City of Hamilton Zoning By-law No. 05-200. The existing dwelling is a permitted use.

Variance 1

1. 65.6 square metre addition to the existing garage shall be permitted instead of the requirement that a maximum gross floor area for an expansion to an existing building or structure shall not exceed 10% of the gross floor area of the existing building or structure.

The intent of this provision is to limit the expansion of existing buildings to ensure the conservation and enhancement of natural heritage features and hazard lands.

Staff note that the existing building is situated between both the Conservation/Hazard Land Rural (P7) Zone and Agriculture (A1) Zone.

Staff note that the proposed expansion of the attached garage has been reduced in size, following the January 17, 2025, site visit and discussions between Natural Heritage staff and the applicant.

Based upon the site visit by Natural Heritage staff, the revised proposal and the recommended conditions, staff are satisfied that the proposed detached garage will not expand into or adversely impact the Core Areas and natural heritage features on the subject property.

Therefore, staff are of the opinion that the Variance 1 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.

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

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>1. Please note, insufficient information has been provided to determine Parking requirements of the proposed garage and driveway expansions. Should the proposed parking spaces and areas not be in compliance with the requirements of Section 5, additional variances may be required.</p> <p>2. The lands are located within or adjacent to an Environmentally Sensitive Area (ESA: Lynden Southeast Woodlot) and may be subject to Site Plan Control. For further information, please contact Development Planning at (905) 546-2424 extension 1355 or email pd.generalinquiry@hamilton.ca.</p>
Notes:	

Development Engineering:

Recommendation:	Comments Only
Proposed Conditions:	



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HEARING DATE: August 14, 2025

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

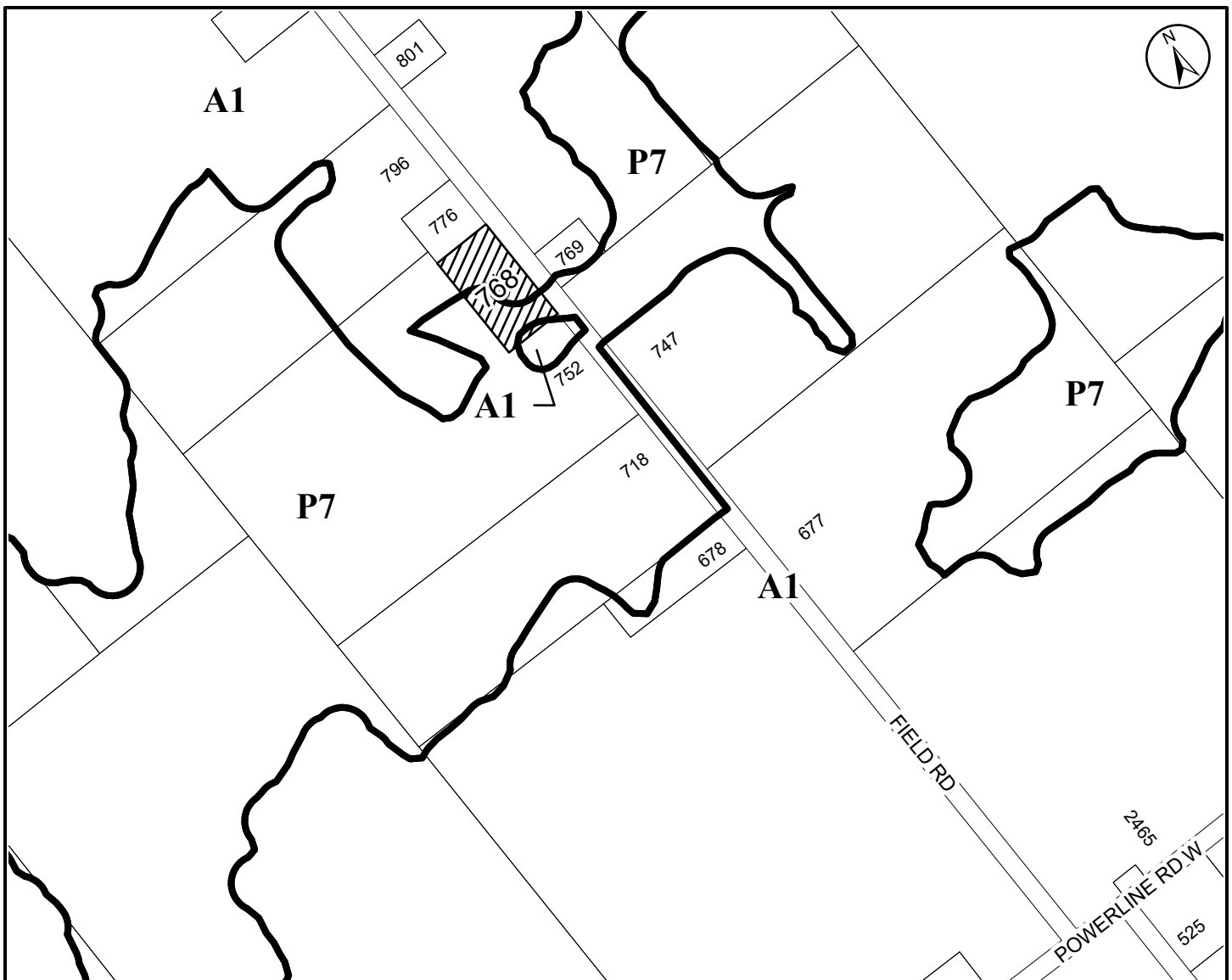
Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the construction of the proposed garage addition to the side of the single-family dwelling.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

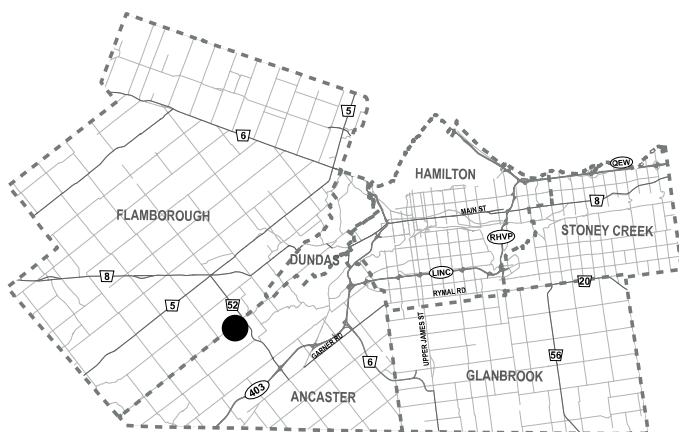
Transportation Planning:

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

 768 Field Road, Ancaster (Ward 12)

File Name/Number:

A-24:157

Date:

July 23, 2025

Technician:

RS

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department