

A-25:136 — 1530 Jerseyville Road West, Ancaster

**Recommendation:**

Deny – Source Protection Planning

Table — 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 conversion of an existing accessory building to the proposed additional dwelling unit-detached. (Building Engineering)

Order to Comply 24-8958, dated December 20, 2024 remains outstanding. (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 Citizenship and Multiculturalism



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**STAFF COMMENTS**

**HEARING DATE: August 14, 2025**

(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-25:157 is to permit the conversion of an existing accessory building into an additional dwelling unit – detached.

Staff note that a related Minor Variance application, AN/A-22:72, was approved by the Committee of Adjustment on April 7, 2022. This application granted relief to permit the size of the existing accessory building.

### **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 permit them as of the date the Greenbelt Plan came into force.

Section 4.5.4 permits expansions to existing building and structures, accessory structures and uses and/or conversions of legally existing uses which bring the use more into conformity with the Greenbelt Plan provided new municipal services are not required and the use does not expand into key natural heritage features or key hydrologic features.

#### **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.3.1.2, C.3.1.4, C.5.1, D.2.1 and Section C.2.0, amongst others, are applicable and permit a single detached dwelling and an additional dwelling unit - detached.

Policy C.3.1.4 a) permits a maximum of one dwelling per lot in designations where residential uses are permitted.

Policy C.3.1.4 b) permits a second dwelling on a lot on a temporary basis, such as to allow an existing dwelling to be replaced, provided that:

- i) *“Provision is included in the Zoning By-law;*
- ii) *The temporary residence is provided with water and sewage disposal services that are acceptable to the City; and*
- iii) *The owner enters into an agreement and posts financial securities with the City to ensure the removal of the temporary residence and its associated uses following the expiration of the temporary use.”*



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Further, staff note that Policy C.3.1.2 e) permits an additional dwelling unit – detached in Rural Hamilton subject to the following:

- i) *“One additional dwelling unit – detached may be permitted on a lot with a minimum lot area of 1.5 hectares*
- ii) *The primary dwelling and the additional dwelling unit – detached can achieve the minimum servicing requirements of Policy C.5.1 of this Plan.*
- iii) *The minimum lot area established in e) i) above may be reduced where it can be demonstrated that the minimum servicing requirements of Policy C.5.1 of this plan can be achieved.”*

Based on the above policies, staff are of the opinion that there is a policy basis to support the proposed conversion of the existing accessory building into an additional dwelling unit – detached to facilitate the construction of a new primary dwelling. However, insufficient information has been provided to demonstrate that the proposal will comply with the private servicing requirements of Section C.5.1.

### **Natural Heritage**

The subject property is located within the boundaries of the Rural Hamilton Official Plan (RHOP) and has been identified within the Greenbelt Protected Countryside. Based Schedule B (Natural Heritage System) of the Rural Hamilton Official Plan, Core Areas have not been identified within the subject property. Since the accessory dwelling unit is proposed within an existing building, it is anticipated that there will be no further negative impacts to 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.2.10.1). 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 proposed to be removed, the City requires 1 for 1 compensation to be provided in order to ensure that existing tree cover is maintained.

If trees are to be impacted, 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).



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- 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 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.

**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:**

**“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**

No comments.



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**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 dwelling is a permitted use.

**Variance 1**

1. An additional dwelling unit – detached shall be permitted on a lot with an area of 0.8 hectares whereas the Zoning By-law requires a minimum lot area of 1.5 hectares.

The intent of this provision is to ensure lots are large enough to sustainably accommodate the private servicing requirements for both a principal dwelling and an additional dwelling unit – detached.

Staff note that the existing property has a lot area of 0.8 hectares, falling below the required 1.5 hectare lot area.

**Variances 2 and 3**

2. A legally established accessory building which did not exist as of May 12, 2021, shall be permitted to be converted to an Additional Dwelling Unit – Detached notwithstanding only a legally established accessory building existing as of May 12, 2021, is permitted to be converted to an Additional Dwelling Unit – Detached.
3. An Additional Dwelling Unit – Detached shall be permitted to be maintained on a lot where a principal dwelling does not exist, during the demolition and reconstruction of the principal dwelling, notwithstanding an Additional Dwelling Unit – Detached is only permitted on a lot where a principal dwelling exists.

The intent of the first provision is to allow for the recognition of and conversion of older, legally established accessory buildings to additional dwelling units – detached. The intent of the second provision is to prevent accessory uses or buildings from being established as the principal use or building on a property.

Based on the foregoing, staff are requesting that this application be tabled to allow for additional information to be provided regarding the private servicing policies of the Rural Hamilton Official Plan and investigate alternative options for the applicant. **Staff recommend tabling.**

**Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	1. Please be advised that the Electric Vehicle Parking requirements under By-law 24-052 remain under appeal and are not covered under Section 1.12 of the “Transitional Provisions” of Hamilton Zoning By-law 05-200. At present, a review of the Electric Parking requirements has not been



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	<p>included in the following zoning chart. If the remaining portions of By-law 24-052 become final before the issuance of a building permit, the Electric Vehicle Parking requirements may be applicable upon review for such building permit.</p> <p>2. A further variance will be required if an unobstructed path with a minimum 1.0 metre width and minimum 2.1 metre clearance in height is not provided from the street line to the entrance of the proposed Additional Dwelling Unit – Detached.</p> <p>3. A further variance will be required if a waste disposal and water supply system is not provided in accordance with Section 4.22 iii) of the Zoning By-law.</p> <p>4. A further variance will be required if a minimum of one (1) parking space which complies to the requirements of the Zoning By-law is not provided for the proposed Additional Dwelling Unit – Detached.</p>
Notes:	

**Development Engineering:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

**Building Engineering:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the conversion of an existing accessory building to the proposed additional dwelling unit-detached.</p> <p>Order to Comply 24-8958, dated December 20, 2024 remains outstanding.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

**Transportation Planning:**

Recommendation:	No Comments
Proposed Conditions:	



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STAFF COMMENTS

HEARING DATE: August 14, 2025

Comments:	
Notes:	

Source Protection Planning:

Recommendation:	Deny
Proposed Conditions:	
Comments:	<p>Source Protection Planning understands the applicant is seeking a minor variance of a minimum lot area of 0.8 ha instead of the minimum lot area of 1.5 ha for the proposal of a detached additional dwelling unit on an existing 0.8 ha lot. Our comments are as follows:</p> <p>The current lot size of 0.8 ha is considered insufficient for an additional dwelling unit, as our desktop review indicates that based on the septic effluent expected from the proposed use of the property, the lot size of 0.8 ha is not considered sustainable and as a result does not meet policies within Rural Hamilton Official Plan C.5.1.</p> <p>Rural Official Plan, Policy 3.1.2.e states that:</p> <p>An additional dwelling unit - detached shall be permitted in Rural Hamilton subject to the following: (OPA 39)</p> <p>i) One additional dwelling unit - detached may be permitted on a lot with a minimum lot area of 1.5 hectares.</p> <p>ii) The primary dwelling and the additional dwelling unit – detached can achieve the minimum servicing requirements of Policy C.5.1 of this Plan.</p> <p>iii) The minimum lot area established in e) i) above may be reduced where it can be demonstrated that the minimum servicing requirements of Policy C.5.1 of this Plan can be achieved.</p> <p><b>As such, Source Protection Planning cannot support the application at this time.</b> As per Section 3.1.2.e iii) the lot size can be reduced if it is demonstrated through a Hydrogeological Report that Policy C.5.1 of the Rural Official Plan can be achieved. The Study must follow the City's Guideline for Hydrogeological Studies and Technical Standards for Private Services. The guidelines are available on the City's website: <a href="https://www.hamilton.ca/sites/default/files/2023-06/pedpolicies-guidelines-hydrogeological-studies-2023.pdf">https://www.hamilton.ca/sites/default/files/2023-06/pedpolicies-guidelines-hydrogeological-studies-2023.pdf</a></p>





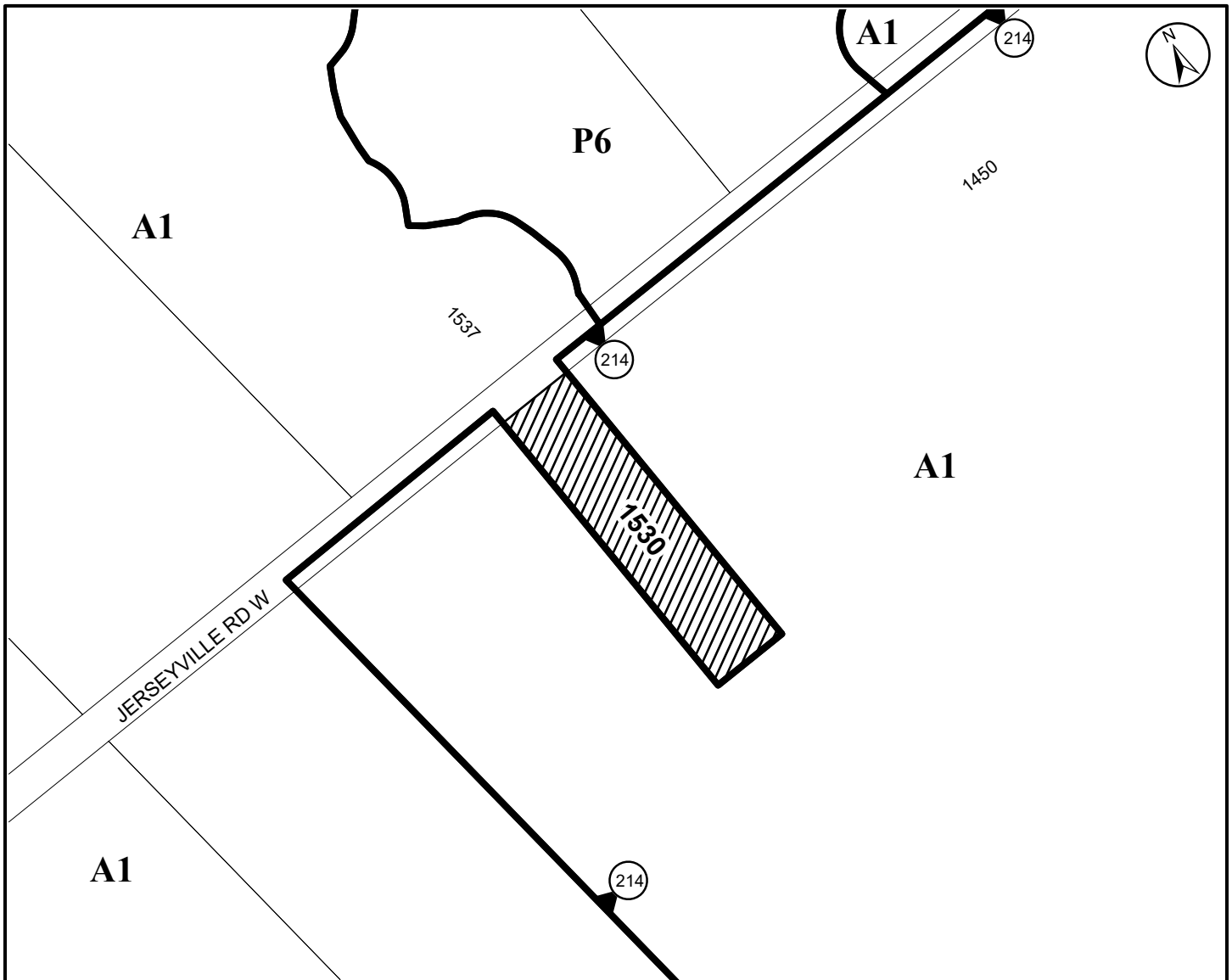
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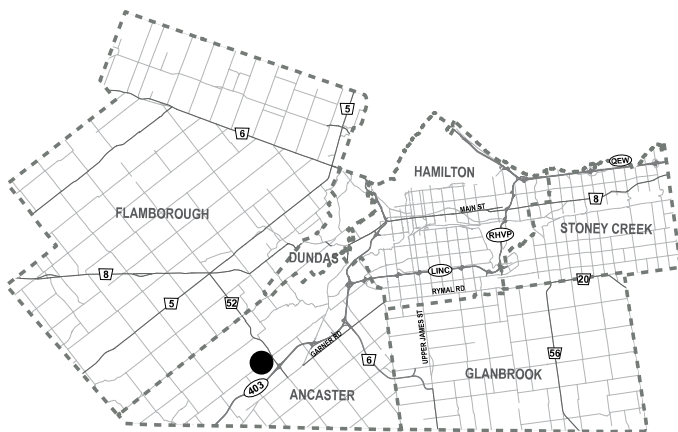
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	The applicant should be aware that a Hydrogeological Report does not necessarily promote a favorable outcome.
Notes:	

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



● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property



1530 Jerseyville Road West,  
Ancaster (Ward 12)

File Name/Number:

A-25:136

Date:

August 5, 2025

Technician:

AL

Scale:

N.T.S.

Appendix "A"



**Hamilton**

Planning and Economic Development Department