

A-25:132 — 91 Jerseyville Road East, Ancaster

Recommendation:

Deny both applications — Development Planning

Proposed Conditions:

1. That the owner shall investigate the noise levels on the severed lands and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, 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.
4. That the proponent shall carry out an archaeological assessment of the portion of the property to be conveyed and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. 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).



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STAFF COMMENTS

HEARING DATE: August 14, 2025

Proposed Notes:

A building permit is required for the construction of the proposed single detached dwelling. (Building Engineering)

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

Development Planning:

Background

	Frontage	Depth	Area
SEVERED LANDS (Part 2):	15.45 m±	42.88 m±	604.10 m ² ±
RETAINED LANDS (Part 1):	24.02 m±	39.26 m±	905.12 m ² ±

The purpose of Consent to Sever application B-25:041 is to permit the conveyance of a parcel of land to create a new parcel for residential development. The severed lands will be vacant and the retained lands will contain the existing dwelling and accessory building (detached garage), to remain. Minor Variance application A-25.132 was concurrently submitted to facilitate Consent to Sever application B-25:041.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Community Node” 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, B.3.3.2.5, B.3.6.3.7, C.4.2.14, C.4.5.8, E.3.4.3, and F.1.14.3.1, amongst others, are applicable and permit the proposed single detached dwellings.

Policy B.3.6.3.7 a) requires a noise feasibility study, detailed noise study or both for residential developments within 100 metres of a minor arterial road, as identified on Schedule C – Functional Road Classification. The subject lands front onto Jerseyville Road East, which is identified as a minor arterial road on Schedule C – Functional Road Classification of the Urban Hamilton Official Plan. Therefore, staff are recommending a condition requiring a noise study be provided to confirm conformity with the policies regarding sensitive land use developments.

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.

Policy B.3.3.2.5 g) states “designing streets and promoting development that provides real and perceived safety for all users of the road network” as one of multiple design objectives to promote the development of safe, accessible and connected places.

Further, Policy C.4.2.14 states that the road network shall be planned and designed to:

- a) *Be shared by all modes of transportation;*



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- b) *Maximize road safety for all uses; and,*
- c) *Minimise lifecycle environmental impacts in accordance with Section C.4.5 – Road Network.*

Similarly, Policy C.4.5.8 states, “The efficiency, safety and traffic carrying capacity of parkways, major arterial and minor arterial roads shall be protected by minimising the number and spacing of intersecting streets and access points.” Based upon comments provided by Transportation Planning staff, the proposed access onto Jerseyville Road East is considered unsafe due to the number of factors, including but not limited to: proximity to the intersection of two arterial roads, Wilson Street East and Jerseyville Road East; the access being too close to the intersection, interrupting its function; potential sight line and visibility issues; complications arising from the existing retaining wall, trees and vegetation on the subject property. Therefore, it is Development Planning staff’s opinion that the proposed access for the severed lands conflicts with Policy C.4.5.8 due to these safety issues.

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;*
- 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 subject lands are fully serviced by municipal water and wastewater services and are generally reflective of the scale, built form and character of the area. The retained lot will meet the minimum required lot area and width of the Zoning By-law, but the severed lot will not. Minor Variance application A-25:132 was concurrently submitted to address these non-conformities and another non-conformity, which is further discussed below.

The retained lands will have frontage on along Jerseyville Road East and Wilson Street East, with an existing access at the intersection of Jerseyville Road East and Wilson Street East. However, while the severed lands will have frontage on Jerseyville Road East, it is not functional as there is an



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existing retaining wall along that portion of the property. The proposed access onto Jerseyville Road East is not considered safe access based upon Transportation Planning staff's review.

It is Development Planning staff's opinion that the proposed new access on Jerseyville Road East conflicts with the Urban Hamilton Official Plan's policies regarding road design in terms of safety, efficiency and limiting access on arterial roads.

Development Planning staff note that Zoning staff will require confirmation that the proposed lots comply with the Zoning By-law.

Ancaster Wilson Street Secondary Plan

The subject lands are designated "Low Density Residential 1" on Map B.2.8-1 - Land Use Plan of the Ancaster Wilson Street Secondary Plan. Policies B.1.5 and B.2.8.13.2, amongst others, are applicable and permit the proposed and existing single detached 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 designated 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. The proposed single detached dwelling and existing single detached dwelling are permitted by Policy E.3.4.3.

Policy B.2.8.13.2 a) identifies Jerseyville Road East from Lovers Lane to Wilson Street East as a Special Character Road. The existing road cross-section, including mature vegetation and trees, is to be protected. Similarly, the character of these streets shall be protected by minimizing changes to the existing right-of-way and ensuring that development or redevelopment is compatible with the existing streetscape.

Staff are concerned that the proposed access for the severed land may impact multiple mature trees and vegetation, as well potential modifications required to the right-of-way, will negatively impact the



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character of Jerseyville Road East. It is staff's opinion that the proposed severance does not comply with this policy.

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) In an area of sandy soil in areas of clay or stone; 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 severance is granted, Staff require that the Committee of Adjustment attach the following condition to the application:

“Condition: That the proponent shall carry out an archaeological assessment of the portion of the property to be conveyed and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. 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).”

Cultural Heritage

The subject property, located at 91 Jerseyville Road East, Ancaster, is comprised of a circa 1900 two-storey dwelling, and is 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 (Urban Hamilton Official Plan, Volume 1, Section B.3.4.2.6 and B.3.4.2.7).



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Although not formally recognized under the *Ontario Heritage Act* through registration or designation, the subject 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(g) of the Urban Hamilton Official Plan, Volume 1, apply.

The proponent proposes the conveyance of a parcel of land to create a new residential building lot. The severed lands will be a vacant residential building lot and the retained lands will contain the existing dwelling and detached garage which are intended to remain.

Notwithstanding that the on-site property is 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 on-site cultural heritage resource will be conserved. Staff have no further comments on the application as circulated.

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 Urban Hamilton Official Plan (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.

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



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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.

Based on the above analysis, staff are of the opinion the proposed severance does not conform to the Urban Hamilton Official Plan. **Therefore, staff recommend the proposed severance be denied.**

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. Single detached dwellings are a permitted use.

The Zoning By-law requires a minimum lot area of 630 square metres and a minimum lot width of 18 metres for single detached dwellings. As proposed, the severed lands would not meet the required minimum lot width. Minor Variance application A-25:132 was submitted to address this and another zoning non-conformity, discussed below.

Variances for Severed Lands

1. A minimum lot area of 604.1 square metres shall be permitted instead of the minimum required lot area of 630.0 square metres.
2. A minimum lot width of 14.2 metres shall be permitted instead of the minimum required lot width of 18.0 metres.

The intent of these provisions is to ensure lots are large enough to be viable building lots, to ensure a consistent lot fabric and development pattern and to maintain sufficient separation between buildings.

Staff are of the opinion that the proposed lot creation is generally compatible and reflective of the scale, character and lot fabric of the area. However, the proposed severance does not conform with the Urban Hamilton Official Plan's policies regarding safe design and operation of road networks for all road users. Therefore, it is staff's opinion that the variances do not maintain the intent of the Urban Hamilton Official Plan, are not desirable for the appropriate use or development of the land and are not minor in nature as the proposed severance poses potential public safety risk.

In conclusion, staff are of the opinion the requested variances do not meet the four tests of a minor variance. **Therefore, staff recommend the minor variance application be denied.**

Zoning:



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STAFF COMMENTS

HEARING DATE: August 14, 2025

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>1. Please note, this application shall be heard in conjunction with Consent application B/25:041.</p> <p>2. Please note, insufficient information has been provided to determine Zoning requirements as it pertains to the proposed Single Detached Dwelling located on the lands to be severed. Should the proposed development not comply with the requirements under Hamilton Zoning By-law 05-200, additional variances may be required.</p> <p>3. Further to the above, it is noted that Landscape requirements have not been confirmed for the existing Single Detached Dwelling. Be advised, should the proposed Severance result in a reduction in Landscaped area that is not in compliance with Sections 4.35 and 15.3.2.1 i), additional variances may be required.</p> <p>4. This property is listed in the City of Hamilton's Inventory Heritage Buildings as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner at culturalheritageplanning@hamilton.ca, or visit www.hamilton.ca/heritageplanning for further information.</p>
Notes:	Comments Only

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 construction of the proposed single detached dwelling.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

Transportation Planning:



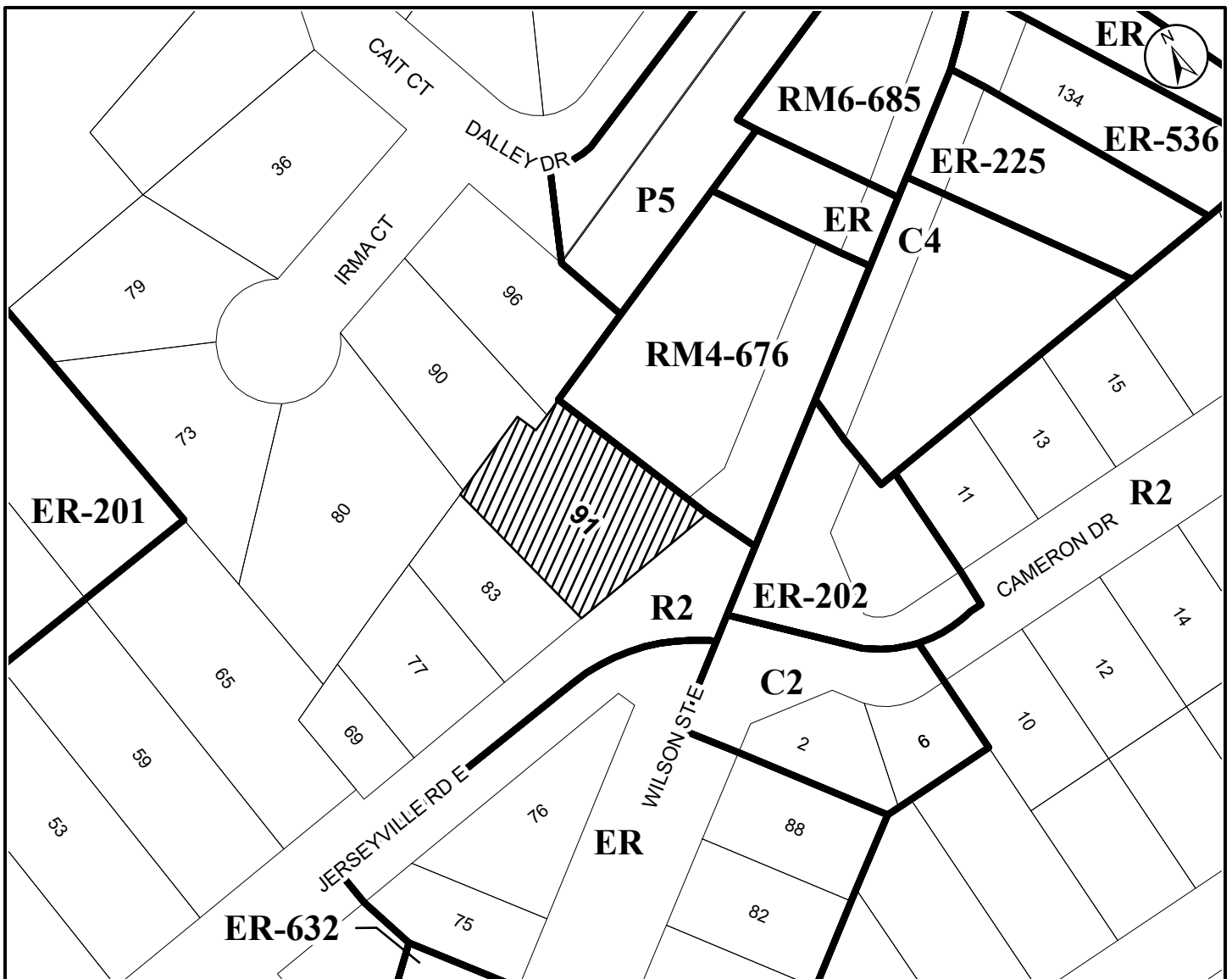
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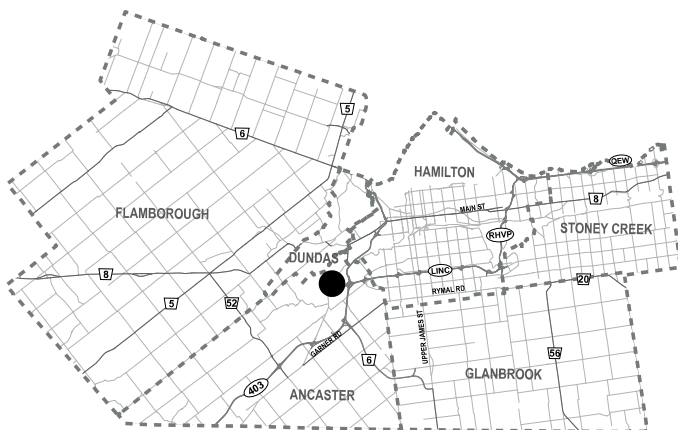
HEARING DATE: August 14, 2025

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	No objection if B-25:041 is approved.
Notes:	

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



91 Jerseyville Road East, Ancaster
(Ward 12)

File Name/Number:

A-25:132

Date:

July 31, 2025

Technician:

RS

Scale:

N.T.S.

Appendix "A"



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Planning and Economic Development Department