



Hamilton

**STAFF COMMENTS**

**HEARING DATE: September 25, 2025**

A-25:180 — 786 Stone Church Road West, Ancaster

**Recommendation:**

Deny — Development Planning

**Proposed Conditions:**

**Proposed Notes:**

Building Permit # 24T-5646-01, issued on August 28, 2025, to construct a 807 m<sup>2</sup> single family dwelling, remains not finalized. (Building Engineering)

Building Permit # 24T-6324, issued on September 24, 2025 to install a new “Waterloo Biofilter” sewage system to serve the single family dwelling, remains not finalized. (Building Engineering)

Order to Comply 25-200831, dated May 2, 2025 remains outstanding. (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 (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)



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## **Development Planning:**

### **Background**

The purpose of Minor Variance application A-25:180 is to permit an increased building height for a proposed single detached dwelling. Staff note that the proposed single detached dwelling is currently under construction.

### **Urban Hamilton Official Plan**

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and are designated “Open Space” on Schedule E – 1 Urban Land Use Designations of the Urban Hamilton Official Plan. Policy C.3.3.4 and E.2.9.1, amongst others, are applicable and do not permit the proposed single detached dwelling.

Based upon Schedule B – Natural Heritage Systems of the Urban Hamilton Official Plan, “Core Areas” have been identified within and adjacent to the subject lands. These “Core Areas” are Significant Woodland, the Tiffany Creek Environmentally Significant Area, the Tiffany Creek Provincially Significant Wetland and Tiffany Creek.

Policy C.3.3.4 permits the following on lands designated “Open Space”:

- a) Parks for both active and passive recreational activities;
- b) Publicly owned and operated recreation/community centres or historic sites;
- c) Pedestrian pathways, trails, bikeways and walkways;
- d) Marinas;
- e) Forest, fish and wildlife management areas; and,
- f) Cemeteries.

The proposed single detached dwelling is not a permitted use within the “Open Space” designation.

### **Meadowlands Neighbourhood IV Secondary Plan**

The subject lands are designated “Natural Open Space” on Map B.2.6-1 – Land Use Plan of the Meadowlands Neighbourhood IV Secondary Plan. Policy B.2.6.2.1, amongst others, is applicable and does not permit the proposed single detached dwelling.

## **Natural Heritage**



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The subject property is located within the boundaries of the Urban Hamilton Official Plan. Based on Schedule B (Natural Heritage System), Core Areas have been identified within and adjacent to the subject property. In this case, the Core Areas have been identified as Significant Woodland, Tiffany Creek Environmentally Significant Area (ESA), Tiffany Creek Provincially Significant Wetland (PSW) and Tiffany Creek. Additional Core Areas may be found within the subject property (i.e., significant habitat for threatened and endangered species, significant wildlife habitat, significant valleylands and fish habitat). The wetland and watercourse are also regulated by the Hamilton Conservation Authority (HCA).

Based on the policies within the Urban Hamilton Official Plan, Core Areas are to be preserved and enhanced. Any development or site alteration within or adjacent to Core Areas shall not negatively impact their natural features or ecological functions (policy C.2.3). There is concern that the development will negatively impact the features and their functions, however, due to policy changes through Bill 23 (More Homes Built Faster Act), this development was not subject to Site Plan. Since detailed elevation and grading plans have not been submitted, it is recommended that this application be tabled.

It is important to note that the development (as it relates to the alteration of grades) is currently subject to a Site Alteration permit (2025 187228 000 00 PF). Through this process, Natural Heritage Planning staff has required that an Environmental Impact Statement (EIS) and Tree Protection Plan (TPP) be provided to ensure that further impacts to the Core Areas are reduced/mitigated. To date, this information has not yet been provided.

**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 an area of sandy soil in areas of clay or stone; and,
- 4) Along historic transportation corridors.

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



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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.

Based upon the above analysis, staff are of the opinion that the requested variance does not maintain the intent of the Urban Hamilton Official Plan and the Meadowlands Neighbourhood IV Secondary Plan as residential uses are not permitted within the "Open Space" or "Natural Open Space" designations.

**Town of Ancaster Zoning By-law No. 87-57**

The subject lands are zoned Agriculture "A" Zone in Town of Ancaster Zoning By-law No. 87-57. The proposed single detached dwelling is a permitted use.

**Variance 1**

1. A maximum height of 11.78 metres shall be permitted instead of the maximum height of 10.5 metres required.

The intent of this provision is to limit the maximum height of buildings to preserve a low density residential character, and to prevent or mitigate potential privacy and overlook impacts on neighbouring properties.

Staff note that the average grade on the subject property increases by approximately 5 metres towards the northeastern corner of the property. Further, there are no dwellings on the abutting properties. The nearest neighbouring dwellings are located on the northern, opposing side of Stone Church Road West. Staff have no concerns regarding privacy or overlook.



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However, the entirety of the subject property is located within the Tiffany Creek Headwaters Environmentally Significant Area, and staff are concerned that the proposed development will negatively impact this and other Core Areas and their functions.

Therefore, it is staff’s opinion that the requested variance does not maintain the general intent of the Urban Hamilton Official Plan or Meadowlands Neighbourhood IV Secondary Plan. Staff do not support the variance.

Staff note that a minor variance application must satisfy all four tests of a minor variance as prescribed in Section 45(1) of the *Planning Act*. These tests are: does the requested variance maintain the general intent of the Official Plan, does it maintain the general intent of the Zoning By-law, is the requested variance desirable for the appropriate development or use of the land, building or structure and is the requested variance minor in nature. If an application does not meet all of these prescribed tests, the application must be denied.

Based on the foregoing, staff are of the opinion that the requested variance does not meet all four tests of a minor variance. **Staff recommend denial.**

**Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>1. Be advised, the variances have been provided as requested by the applicant. Note, insufficient information has been provided within the application submission to determine the Building Height of the proposed Single Detached Dwelling; Elevation or Grading Plans have been submitted. The following comment is provided as it relates to the proposed Building Height:</p> <p>As per Building Permit application 24T-5646-01, the proposed Grade of the Single Detached Dwelling is indicated to be 233.44 metres above sea level, based on a total of 66 elevation points. As such, the proposed Building Height shall be permitted to be 245.22 metres above sea level and 11.78 metres in height.</p> <p>Furthermore, as per original “North and South Elevations”, submitted under application 24T-5645, the maximum proposed Building Height has been indicated from “Front Level 233.44” to “Roof Peak” at a building height of 11.61 metres (36’ - 3 ½”). As per the previously submitted Elevation and Grading Plans, the proposed Height of 11.61 metres complies with the requested Minor Variance of a Maximum Building Height of 11.78 metres. Be advised, should the</p>



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	<p>proposed Building Height not be consistent with Building Elevations as provided, the applicant shall ensure the Maximum Building Height of the proposed Single Detached Dwelling does not exceed the requested Maximum of 11.78 metres, or additional variances may be required.</p> <p>2. The lands are located within or adjacent to an Environmentally Sensitive Area (Tiffany Creek Headwaters) and are subject to Site Plan Control. For further information, please contact Development Planning at (905) 546-2424 extension 1355 or email <a href="mailto:pd.generalinquiry@hamilton.ca">pd.generalinquiry@hamilton.ca</a>.</p> <p>3. Please be advised that a portion of this property is within an area regulated by <b>Hamilton Conservation Authority</b>. Please contact <b>(905) 525-2181</b> or <a href="mailto:nature@conservationhamilton.ca">nature@conservationhamilton.ca</a> prior to any development.</p>
Notes:	

**Development Engineering:**

Recommendation:	No Comments
Proposed Conditions:	N/A
Comments:	N/A
Notes:	N/A

**Building Engineering:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	<p>Building Permit # 24T-5646-01, issued on August 28, 2025, to construct a 807 m<sup>2</sup> single family dwelling, remains not finalized.</p> <p>Building Permit # 24T-6324, issued on September 24, 2025 to install a new “Waterloo Biofilter” sewage system to serve the single family dwelling, remains not finalized.</p> <p>Order to Comply 25-200831, dated May 2, 2025 remains outstanding.</p>

**Transportation Planning:**

Recommendation:	No Comments
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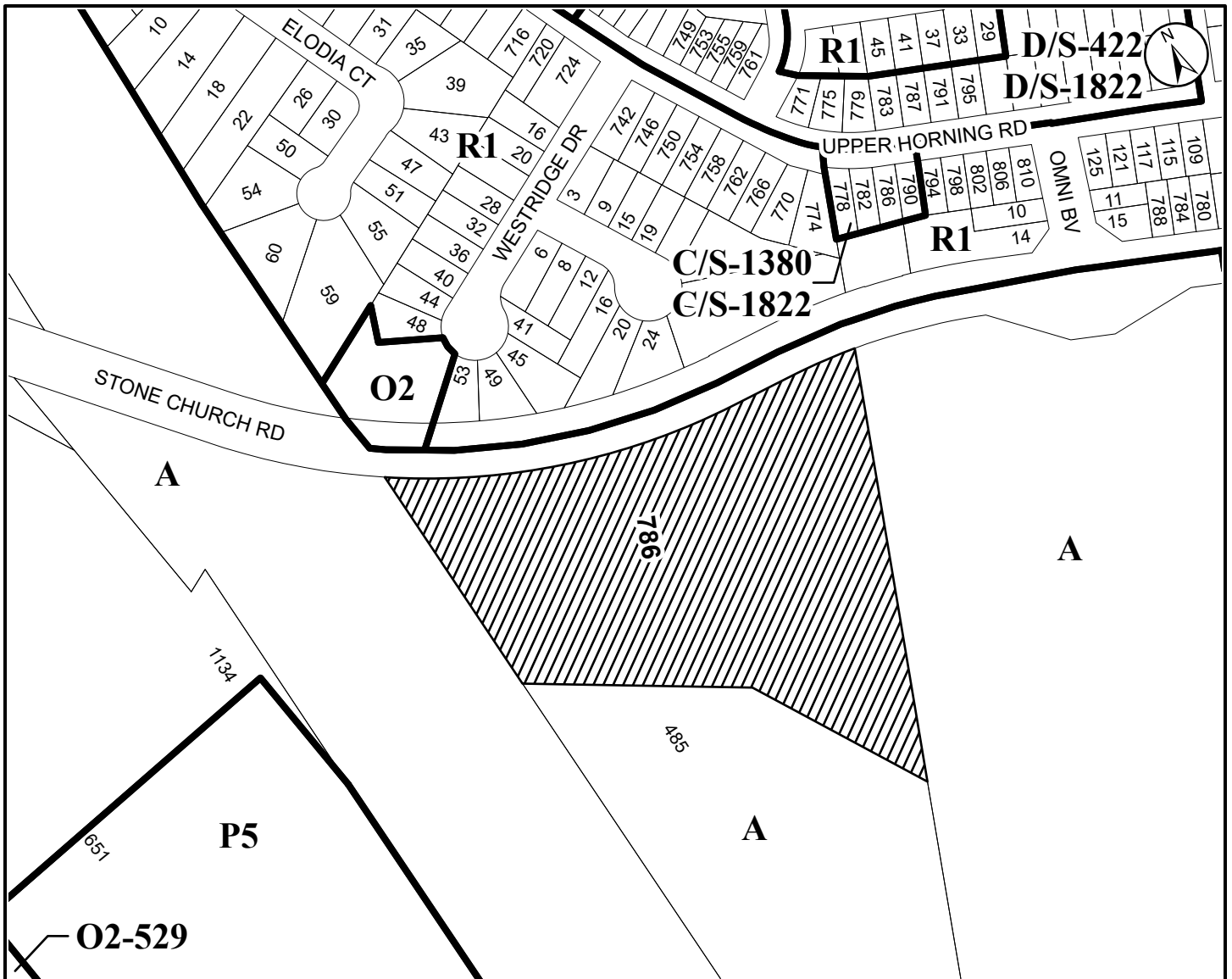
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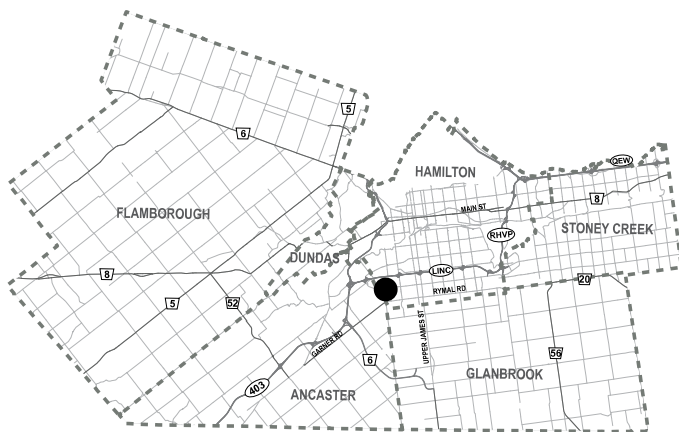
**HEARING DATE: September 25, 2025**

Proposed Conditions:	
Comments:	
Notes:	

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



● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property



786 Stone Church Road West,  
Ancaster (Ward 12)

File Name/Number:  
A-25:180

Date:  
September 15, 2025

Technician:  
AL

Scale:  
N.T.S.

Appendix "A"



**Hamilton**

Planning and Economic Development Department