



City of Hamilton Report for Consideration

To: Chair and Members
Planning Committee

Date: March 24, 2026

Report No: PED26065

Subject/Title: Application for Draft Plan of Condominium (Vacant Land) for Lands Located at 140 and 164 Sulphur Springs Road, Ancaster

Ward(s) Affected: Ward 12

Recommendations

- 1) That **Draft Plan of Condominium (Vacant Land) Application 25CDM-202503, by Fothergill Planning & Development Inc. (c/o Ed Fothergill) on behalf of Ahmed Bilal, Owner**, to establish a Draft Plan of Condominium (Vacant Land), on lands located at 140 and 164 Sulphur Springs Road, Ancaster, as shown in Appendix “A” to Report PED26065, **BE APPROVED** subject to the following:
 - a) That this approval apply to the Draft Plan of Condominium (Vacant Land) application 25CDM-202503, prepared by Fothergill Planning & Development Inc., and certified by R.A. McLaren, O.L.S., dated September 23, 2025, consisting of four vacant land units for single detached dwellings, and a private condominium road, as shown in Appendix “B” to Report PED26065;
 - b) That the owner enter into a Standard Form Condominium Agreement as approved by City Council and with the Special Conditions as shown in Appendix “C” to Report PED26065;
 - c) That the Special Conditions of Draft Plan of Condominium Approval 25CDM-202503, as shown in Appendix “C” to Report PED26065, be received and endorsed by City Council;
 - d) That Payment of Cash-in-Lieu or dedication of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-laws, as approved by Council; and,

- e) In accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2019) there will be no cost sharing for this development.

Key Facts

- The proposed Draft Plan of Condominium (Vacant Land) application is to establish four vacant land units for single detached dwellings on a private condominium road.
- The subject lands are designated "Neighbourhoods" in the Urban Hamilton Official Plan, and zoned Deferred Development "D" Zone in the Town of Ancaster Zoning By-law No. 87-57.
- 140 and 164 Sulphur Springs Road were the subject of Zoning By-law Amendment application ZAC-21-027, which was settled before the Ontario Land Tribunal under Case No. OLT-23-000678, where the limits of the Low Density Residential – Large Lot (R2, 941) Zone and Conservation/Hazard Land (P5) Zone were established. The By-law is not yet finalized and requires approval by the Ontario Land Tribunal. The finalized settlement will permit single detached dwellings and restricts development within the Core Area.
- Staff recommends approval of the application for Draft Plan of Condominium (Vacant Land) with conditions as shown in Appendix "C" to Report PED26065.

Financial Considerations

Not applicable.

Background

A Vacant Land Condominium is one in which the units need not be constructed upon at the time the condominium is registered. A vacant land condominium can consist only of vacant land and at least one unit must have no buildings or structures on it.

Zoning By-law Amendment application ZAC-21-027 to establish four vacant land units and a private road on the subject lands was settled before the Ontario Land Tribunal under Case No. OLT-23-000678. The Zoning By-law agreed upon in the settlement established the limits of the Low Density Residential – Large Lot (R2, 941) Zone and the limits of the Conservation/Hazard Land (P5) Zone. The By-law was submitted to the Ontario Land Tribunal for final approval and an Order of Decision is forthcoming. Condition No. 8 in Appendix "C" to Report PED26065 requires the By-law to be in force and effect before the Plan of Condominium (Vacant Land) is approved.

The proposed Draft Plan of Condominium (Vacant Land) includes a portion of the lands at 164 Sulphur Spring Road. The balance of the lands will not be included in the proposed Draft Plan of Condominium (Vacant Land) and will be separated by way of an application for Consent to Sever (B-25:091). Consent to Sever application B-25:091 was

heard by the Committee of Adjustment on February 12, 2026, and was approved subject to conditions. All conditions associated with application B-25:091 will need to be cleared and the severance finalized before the Draft Plan of Condominium (Vacant Land) can be finalized and is included as Condition No. 10 in Appendix “C” to Report PED26065.

Analysis

The subject lands are located on the south side of Sulphur Springs Road, west of Wilson Street East and are 3.76 hectares in size and irregular in shape, (Appendix “A” to Report PED26065). The site is surrounded by low density residential and is within a designated Core Area, as identified in Appendix “A1” to Report PED26065.

A full review of the applicable Provincial Planning Statement (2024) and Urban Hamilton Official Plan is provided in Appendix “E” to Report PED26065.

Provincial Planning Statement (2024)

The provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Planning Statement (2024). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Planning Statement (2024).

The proposal supports the development of healthy, liveable, and complete communities and implements the targets for housing by intensifying underutilized lands. The proposal has been reviewed against policies 2.3.1.3, 2.3.1.4, 4.1.1, 4.1.2, and 4.1.8, among others. The proposed development is within a settlement area, efficiently uses land and resources, and optimizes existing and planned infrastructure and public service facilities. The proposal for four single detached dwellings on a private condominium road achieves appropriate residential densities within a planned settlement area while balancing protection of natural heritage features and areas.

Based on the foregoing, the proposal is consistent with the Provincial Planning Statement (2024).

Urban Hamilton Official Plan

The subject lands are designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. A full policy analysis of the applicable Urban Hamilton Official Plan policies is provided in Appendix “E” to Report PED26065.

The Draft Plan of Condominium (Vacant Land) application will facilitate the development of four lots for single detached dwellings fronting onto a private condominium road (units one to four), which is permitted in the “Neighbourhoods” designation.

The subject lands are within a Core Area, significant woodland, locally significant wetland, significant wildlife habitat, habitat for threatened and endangered species and steep slopes. Through the Ontario Land Tribunal settlement hearing regarding Zoning By-law Amendment application ZAC-21-027, the limits of the Conservation/Hazard Land (P5) Zone were settled and will apply to the majority of the subject lands. As outlined in the policy review provided in Appendix “E” to Report PED26065, an Environmental Impact Study was prepared and it has been demonstrated that the proposal will comply with the natural heritage policies of the Urban Hamilton Official Plan subject to the mitigation measures included as Condition Nos. 13, 14, 15, 17, 18 and 19 in Appendix “C” to Report PED26065.

A Tree Protection Plan and Landscape Plan were submitted however, they have not yet been approved. The applicant has identified that some of the existing trees will need to be removed to facilitate the proposal. To mitigate impacts, Condition Nos. 12, 16 and 19 in Appendix “C” to Report PED26065 have been included and require the submission and approval of an updated Tree Protection Plan and Landscape Plan.

There is no watermain or storm sewer on Sulphur Springs Road and an External Works Agreement is required to be entered into for the extension of those services. A condition has been included to ensure the agreement is completed. To ensure appropriate stormwater management and drainage, an updated Functional Servicing Report, Stormwater Management Report and Grading Plan will be required to be submitted and approved. The respective engineering conditions are included as Condition Nos. 1 to 7 in Appendix “C” to Report PED26065.

Based on the foregoing, the proposal complies with the Urban Hamilton Official Plan.

Town of Ancaster Zoning By-law No. 87-57 and City of Hamilton Zoning By-law No. 05-200

The subject lands are zoned “D” Deferred Development Zone, in Town of Ancaster Zoning By-law No. 87-57. Zoning By-law Amendment application ZAC-21-027 was settled before the Ontario Land Tribunal under Case No. OLT-23000678 and established the limits of the Low Density Residential – Large Lot (R2, 941) Zone and the Conservation/Hazard Land (P5) Zone in Zoning By-law No. 05-200. Single detached dwellings are a permitted use for lands zoned Low Density Residential – Large Lot (R2, 941) Zone and they are not permitted within the Conservation/Hazard Land (P5) Zone. At the time of writing this Report, the Order of Decision has not been issued by the Ontario Land Tribunal. Condition No. 8 in Appendix “C” to Report PED26065 will ensure the By-law implementing the Decision/Order of the Ontario Land Tribunal for OLT-23-000678 is brought into full force and effect prior to the registration of the Draft Plan of Condominium (Vacant Land).

To ensure that Final Plan of Condominium (Vacant Land) will comply with the provisions of the Zoning By-law in all respects, Condition No. 9 in Appendix “C” requires the applicant to demonstrate compliance with the Zoning By-law.

Any building which straddles the proposed lot lines, or which will not comply with the Zoning By-law will be required to be either demolished or relocated. Condition No. 11 in Appendix “C” to Report PED26065 has been included to address this.

Rationale For Recommendation

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Planning Statement (2024);
 - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan; and,
 - (iii) It is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units contributing to a complete community through the establishment of housing forms that are in keeping with existing and planned development in the surrounding area, protecting natural heritage features, and making efficient use of existing infrastructure within the urban boundary.

2. The proposed Draft Plan of Condominium (Vacant Land) is for four vacant land units for single detached dwellings and common elements for a private road, as shown in Appendix “B” to Report PED26065. The private condominium road will provide access to Sulphur Springs Road and all four lots will be accessed from this road. Staff are supportive of the Draft Plan of Condominium (Vacant Land) and recommend its approval, subject to the conditions attached as Appendix “C” to Report PED26065.

Relationship to Council Strategic Priorities

Priority 1: Sustainable Economic & Ecological Development

- 1.2: Facilitate the growth of key sectors.

Priority 2: Safe & Thriving Neighbourhoods

- Increase the supply of affordable and supportive housing and reduce chronic homelessness.

Consultation

In addition to the requirements of the *Planning Act*, the applicant engaged with the community as part of the previous Zoning By-law Amendment application ZAC-21-027 by way of a notice to 72 properties surrounding the subject lands on September 19, 2020.

As part of the application for Draft Plan of Condominium (Vacant Land) notice of complete application was sent to 175 property owners within 240 metres of the subject lands. Notice was also provided through the Hamilton Spectator on November 19, 2025, and through a Public Notice Sign which was posted on site on November 20, 2025. At the time of writing this report two comments were received from the public regarding the proposed development and a summary is included in Appendix "G" to Report PED26065. Residents noted concerns regarding drainage impacts to the surrounding area and proximity of the proposed cul-de-sac to adjacent properties.

Appendices and Schedules Attached

Appendix A: Location Map
Appendix A1: Existing Land Use, Surrounding Lands and Zoning Chart
Appendix B: Proposed Concept Plan and Draft Plan of Condominium
Appendix C: Draft Plan of Condominium Special Conditions
Appendix D: Historical Background Report Fact Sheet
Appendix E: Policy Review
Appendix F: Department and Agency Comments
Appendix G: Public Comments

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