



Hamilton

# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 16, 2018
<b>SUBJECT/REPORT NO:</b>	Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Town of Ancaster Zoning By-law No. 87-57, for Lands Located at 941 Old Mohawk Road (Ancaster) (Ward 12) (PED18010)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Michael Fiorino (905) 546-2424 Ext. 4424
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## Council Direction:

In accordance with subsection 34(11) of the *Planning Act*, a Zoning By-law Amendment Application may be appealed to the Ontario Municipal Board (OMB) after 120 days (Zoning By-law Amendment Application) if Council has not made a decision on the application.

A motion to direct staff to advise the Planning Committee on matters relating to appeals regarding lack of decision by Council, pursuant to the *Planning Act* was passed by City Council on May 18, 2010. This Information Report was prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the OMB.

The following information is provided for Planning Committee's information with regards to Zoning By-law Amendment Application ZAC-17-014, which has been appealed to the OMB for lack of decision.

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*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

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**Information:**

The subject lands, municipally known as 941 Old Mohawk Road, Ancaster, are located at the west end of Old Mohawk Road, north of the Lincoln M. Alexander Parkway and east of Highway 403 (see location map attached as Appendix "A" to Report PED18010).

The subject lands are rectangular in shape, with a frontage of 56.4 metres and a depth of 71.5 m. metres, and an area of 0.39 hectares. The lands are currently developed with a one and a half storey single detached dwelling with a detached barn, above-ground swimming pool, and deck.

**Zoning By-law Amendment Application:**

The purpose of the Zoning By-law Amendment Application (ZAC-17-014) is for a change in zoning from the Agricultural "A" Zone to a modified Multiple Residential "R3" Zone, in the Town of Ancaster Zoning By-law No. 87-57, in order to permit the development of four lots for single detached dwellings. Two future Consent applications will be required to establish three (3) new lots, and one (1) retained lot shown as Lot 1 on Appendix "B" to Report PED18010. The natural heritage features and environmental constraints on site will be contained within the retained lot, and a vegetation protection zone (VPZ) is proposed to protect these features.

The application for a Zoning By-law Amendment was submitted on December 23, 2016 and deemed complete on January 19, 2017. Staff and the applicant have met several times throughout the Zoning By-law Amendment Application review process to discuss outstanding issues and options on how to best address these issues.

The outstanding issues that require additional studies and / or revisions to reports and Plans include the following:

- Further justification of how the proposed Zoning By-law Amendment will ensure compatibility with the surrounding development by respecting and maintaining or enhancing the streetscape patterns, including setbacks and building separations as per policy B.2.4 Residential Intensification;
- A Record of Site Condition has not been submitted to date as the property was identified to formerly be used for the manufacturing of lead shot shells;
- A revised Environment Impact Statement (EIS) is required but has not been submitted to date. A revised EIS is required prior to the application being reviewed by the Environmentally Significant Areas Impact Evaluation Group (ESAIEG);

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- A Hamilton Conservation Authority permit is required. The Hamilton Conservation Authority requested the deferral of the application until the lot boundary encroachment within the Vegetative Protection Zone (VPZ) is rectified to provide a continuous 15 metre VPZ from the watercourse and significant woodland and adequate erosion access is provided to address the quantity and quality of water runoff. To date, these two issues have not been resolved; and,
- Revised mapping indicating the Zoning boundary line to delineate the Conservation / Hazard Land – Rural (P5) Zone has not been submitted to date.

The appeals to the OMB were received by the City Clerk's Office on November 14, 2017, 335 days after the receipt of the initial applications.

**Appendices and Schedules Attached**

- Appendix "A": Location Map
- Appendix "B": Site Plan Concept
- Appendix "C": Appeal Letter

MF:jp