



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
 - Applicant/agent on file, or
 - Person likely to be interested in this application
-

APPLICATION NO.: AN/A-20:131

APPLICANTS: Owner: Montour Enterprises Inc. c/o Leonard Montour
Agent: Urban Solutions c/o Matt Johnston

SUBJECT PROPERTY: Municipal address **657 Mohawk Rd., Ancaster**

ZONING BY-LAW: Zoning By-law 87-57, as Amended by By-law 18-105

ZONING: ER (Existing Residential) district

PROPOSAL: To facilitate the creation of two (2) lots in conjunction with Severance Application AN/B-20:37, notwithstanding that:

1. A minimum lot frontage of 15.24 metres shall be provided instead of the minimum required lot frontage of 18.0 metres, for both the portion of the lands to be retained and the portion of the lands to be severed.

NOTE:

1. No details for the proposed development for the portion of the lands to be retained/severed have been shown on the submitted survey; therefore, this Division cannot confirm zoning compliance. Further variances may be required if compliance with Ancaster Zoning By-law No. 87-57 cannot be achieved.
2. Please note this application is to be heard in conjunction with Severance Application AN/B-20:37.

This application will be heard by the Committee as shown below:

DATE: Thursday, August 6th, 2020

TIME: 3:35 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at www.hamilton.ca/committeeofadjustment for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

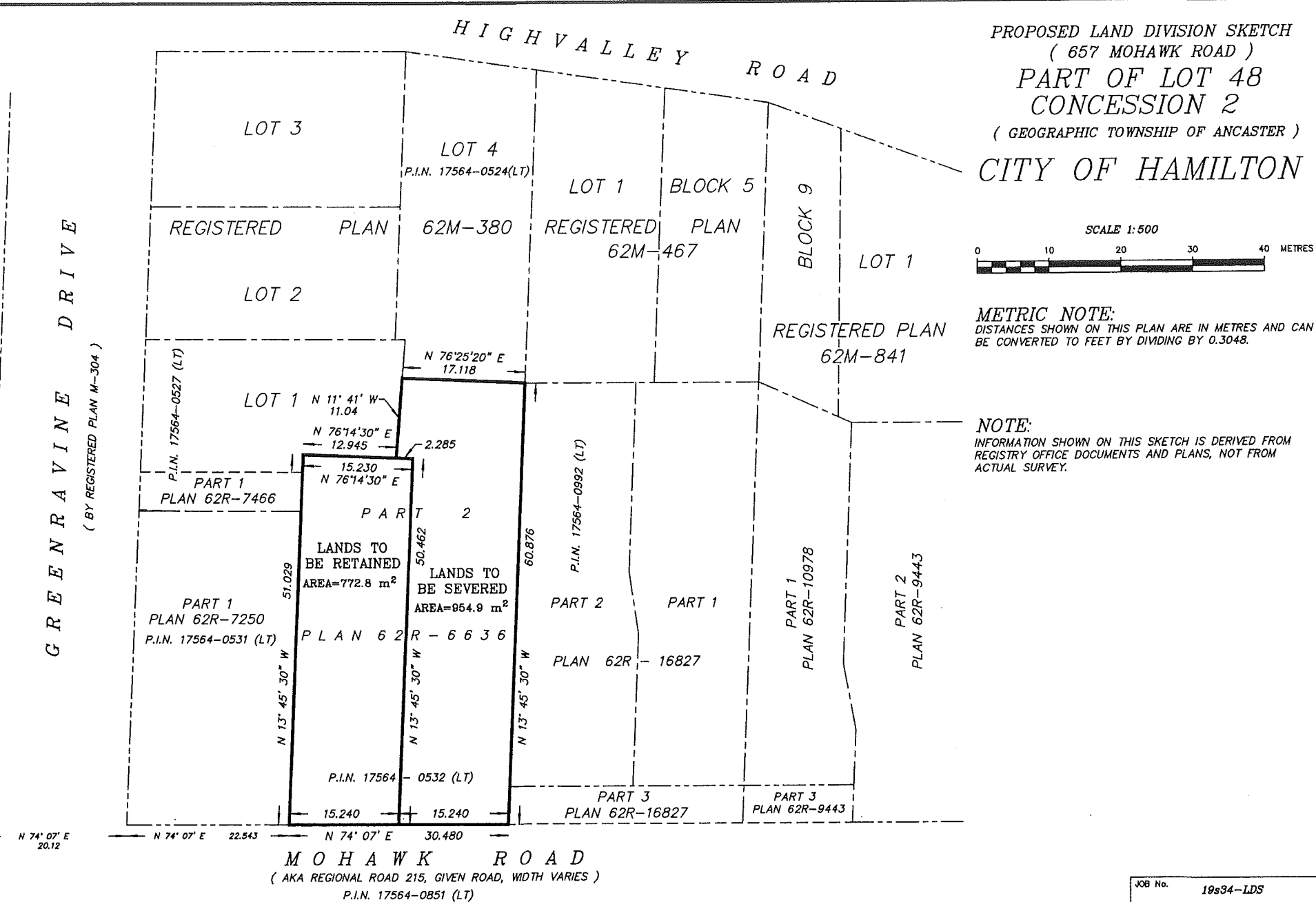
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

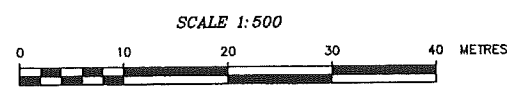
DATED: July 21st, 2020

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



PROPOSED LAND DIVISION SKETCH
 (657 MOHAWK ROAD)
PART OF LOT 48
CONCESSION 2
 (GEOGRAPHIC TOWNSHIP OF ANCASTER)
CITY OF HAMILTON



METRIC NOTE:
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN
 BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTE:
 INFORMATION SHOWN ON THIS SKETCH IS DERIVED FROM
 REGISTRY OFFICE DOCUMENTS AND PLANS, NOT FROM
 ACTUAL SURVEY.

GREENRAVINE DRIVE
 (BY REGISTERED PLAN M-304)

N 74° 07' E
20.12

N 74° 07' E 22.543

N 74° 07' E 30.480

MOHAWK ROAD
 (AKA REGIONAL ROAD 215, GIVEN ROAD, WIDTH VARIES)
 P.I.N. 17564-0851 (LT)

JOB No. 19s34-LDS



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th floor 71 Main Street West
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

- Name of Owner Montour Enterprises Inc.
c/o Leonard Montour Telephone No.
-
- Name of Agent UrbanSolutions c/o Matt Johnston Telephone No.
-

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:
N/A

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:
To permit the lot frontage of 15 metres where the 18.0 metres is re required minimum. Please
refer to cover letter for additional information.

7. Why it is not possible to comply with the provisions of the By-law?
Please refer to cover letter.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
Lot 48 Concession 2 Former Township of Ancaster
657 Mohawk Road

9. PREVIOUS USE OF PROPERTY
- Residential Industrial _____ Commercial _____
- Agricultural _____ Vacant _____
- Other _____
- 9.1 If Industrial or Commercial, specify use
N/A
- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
 Yes _____ No _____ Unknown
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes _____ No Unknown _____
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes _____ No Unknown _____
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes _____ No Unknown _____
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
 Yes _____ No Unknown _____
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
 Yes _____ No Unknown _____
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes _____ No Unknown _____

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Consultation with the client.

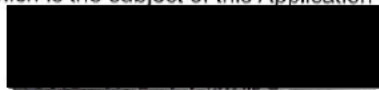
9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed. N/A

Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

June 19, 2020
Date



Signature Property Owner

Leonard Montau
Print Name of Owner

10. Dimensions of lands affected:

Frontage 30.48m
Depth 60.88m
Area 1,727.7 square metres
Width of street +/- 22.8m

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: One single detached residential dwelling to be demolished

Proposed: Two detached residential dwellings to be constructed.

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: Single detached residential dwelling located +/- 21.8m from front lot line, +/- 30.01m setback from rear lot line, +/- 5.21m from side lot line, +/- 15m from side lot line. Existing building to be demolished.

Proposed: Two detached residential dwellings to be constructed.

13. Date of acquisition of subject lands:
Unknown
14. Date of construction of all buildings and structures on subject lands:
Unknown
15. Existing uses of the subject property: Residential
16. Existing uses of abutting properties: Residential
17. Length of time the existing uses of the subject property have continued:
Unknown
18. Municipal services available: (check the appropriate space or spaces)
Water _____ Connected X
Sanitary Sewer _____ Connected X
Storm Sewers X
19. Present Official Plan/Secondary Plan provisions applying to the land:
Neighbourhoods
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Existing Residential "ER" in the former Town of Ancaster Zoning By-law 87-57
21. Has the owner previously applied for relief in respect of the subject property?
Yes No
If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
Yes No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps



June 24, 2020

331-19

Via Courier

Ms. Jamila Sheffield
Secretary Treasurer

Committee of Adjustment
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON, L8P 4Y5

Dear Ms. Sheffield,

**Re: 657 Mohawk Road, Ancaster
Consent to Sever and Minor Variance Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of Montour Enterprises Inc. c/o Leonard Montour, for the lands municipally known as 657 Mohawk Road, in the City of Hamilton. Please accept the enclosed Applications for Consent to Sever and Minor Variance to facilitate the severance of the subject property on their behalf.

The subject property is located on the northern side of Mohawk Road and is currently designated as "Neighbourhoods" in the Urban Hamilton Official Plan. The subject lands are located in the Existing Residential "ER" Zone of the Former Town of Ancaster Zoning By-law 87-57.

Purpose of the Application

The purpose of the Consent Application is to sever an existing +/- 1,727.7 m² parcel with lot frontage of 30.48 m into two (2) lots. The retained lot is proposed to have a lot area of 772.8 m² and a frontage of 15.24m. The severed lot will have a lot area of 954.9 m² with 15.24m of frontage. The proposed severance is illustrated on the enclosed Severance Sketch.

A Minor Variance Application is required to bring the severed and retained parcels into conformity with the Zoning By-law. The purpose of the Minor Variance Application is to facilitate the Consent to Sever Application with the only proposed variance being:

- To reduce the Minimum Lot Frontage from 18m to 15m for each of the proposed severed lots.

Analysis

To assist in the evaluation of the applications, please refer to the enclosed Severance sketch and Minor Variance sketch.

The Consent Application is in keeping with Section 53(1) of the *Planning Act*, R.S.O, 1990, as amended, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands.

Section 45(1) of the *Planning Act*, R.S.O, 1990, as amended, requires a Minor Variance to satisfy the following four tests:

Test #1 – Is the proposed minor variance in keeping with the general intent of the Official Plan?

The subject lands are designated as “Neighbourhoods” in the Urban Hamilton Official Plan with this designation permitting the proposed use of the lands. As outlined in Chapter E, Section 3.3.2 of the Official Plan, development and redevelopment shall ensure the height, massing and arrangement of buildings and structures are compatible with existing and future uses of the surrounding area. Chapter B, Section 2.4.1.3(c) indicates that lands designated Neighbourhoods are to accommodate 40% of the City’s growth. The intent of these policies is to encourage and accommodate compatible forms of development which is exemplified in the subject application. The proposed severance is in keeping with the neighbourhood’s residential land use and will continue to be used as such. It is our opinion the proposed application meets the general intent of the Urban Hamilton Official plan.

Test #2 – Is the proposed minor variance in keeping with the general purpose and intent of the Zoning By-law?

The subject lands are located in an Existing Residential “ER” Zone of the Former Town of Ancaster Zoning By-law 87-57. The variance being requested is to provide a decreased minimum frontage for the severed and retained lots. The intent of the zoning provision is to ensure that the built form and lot fabric are compatible with the surrounding neighbourhood. The requested variance will meet this intent as it will allow the subject lands to have frontages more similar to the properties located directly adjacent to the subject lands. The two severed lots will have lot areas greater than the minimum requirement of 695 m² where the retained lot will have an area of +/- 772.9 m² and the severed lands will have an area of +/- 954.9 m². In addition, the proposed severance will maintain the existing and permitted use of Single Detached Dwellings and the proposal complies to all other zoning provisions. It is therefore our opinion that the proposed application meets the general purpose and intent of the Town of Ancaster Zoning By-law 87-57.

Test #3 – Is the proposed minor variance desirable for the appropriate development of use of the land?

The creation of the additional lots represents an appropriate and modest form of intensification which is encouraged by the provincial and local land use policy framework. The requested variance will facilitate the Consent to Sever Application and is in keeping with the existing built form and massing of the surrounding neighbourhood.

Moreover, the requested variance will provide for a built form that is more compatible with the surrounding neighbourhood with respect to the parent by-law. In the surrounding neighbourhood of the subject lands, there have been exceptions made in terms of lot frontages and the proposed new minimum frontage for the subject site is in keeping with the surrounding neighbourhoods. In addition, the subject lands are adjacent to 663, 667, and 671 Mohawk Road which have similar frontages of 17.3 m, 16.0 m, and 15.1 m respectively.

Test #4 – Is the proposed minor variance minor in nature?

The requested variance is minor in nature as it is necessary to facilitate the Consent to Sever Application, will not result in any adverse impacts on the surrounding neighbourhood, represents an appropriate form of development, and conforms to all other zone provisions.

In addition to the commentary regarding Section 45(1) and 53(1) of the Planning Act, By-law No. 18-105 was approved to further regulate the construction of new dwellings in the ER Zone and By-law No. 18-104 was approved to require Site Plan Approval for new homes. These two By-laws provide added hard controls to ensure the new lots and dwellings are compatible. Further, these two By-laws provide the necessary controls to address City of Hamilton Public Works Report No. PW16100 in relation to the Pilot Study Assessment of Rurally Serviced Roadways in Ancaster.

Based on the above analysis, UrbanSolutions believes that the applications represent good land use planning and satisfy Sections 45(1) and 53(1) of the *Planning Act*.

In support of this application, please find enclosed the following:

- Two (2) copies of the completed Consent Application form;
- Two (2) copies of the completed Minor Variance Application form;
- One (1) full size copy and two (2) reduced 11" x 17" copies of the Committee of Adjustment Sketch, prepared by UrbanSolutions;
- One (1) cheque in the amount of **\$3,302.00** made payable to the City of Hamilton for the Minor Variance Application; and,
- One (1) cheque in the amount of **\$2,845.00** made payable to the City of Hamilton for the Consent to Sever Application.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal

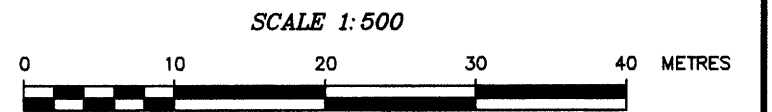


Scott Beedie, BURPI
Planner

cc: Montour Enterprises Inc. c/o Leonard Montour
Councillor Lloyd Ferguson



PROPOSED LAND DIVISION SKETCH
 (657 MOHAWK ROAD)
PART OF LOT 48
CONCESSION 2
 (GEOGRAPHIC TOWNSHIP OF ANCASTER)
CITY OF HAMILTON

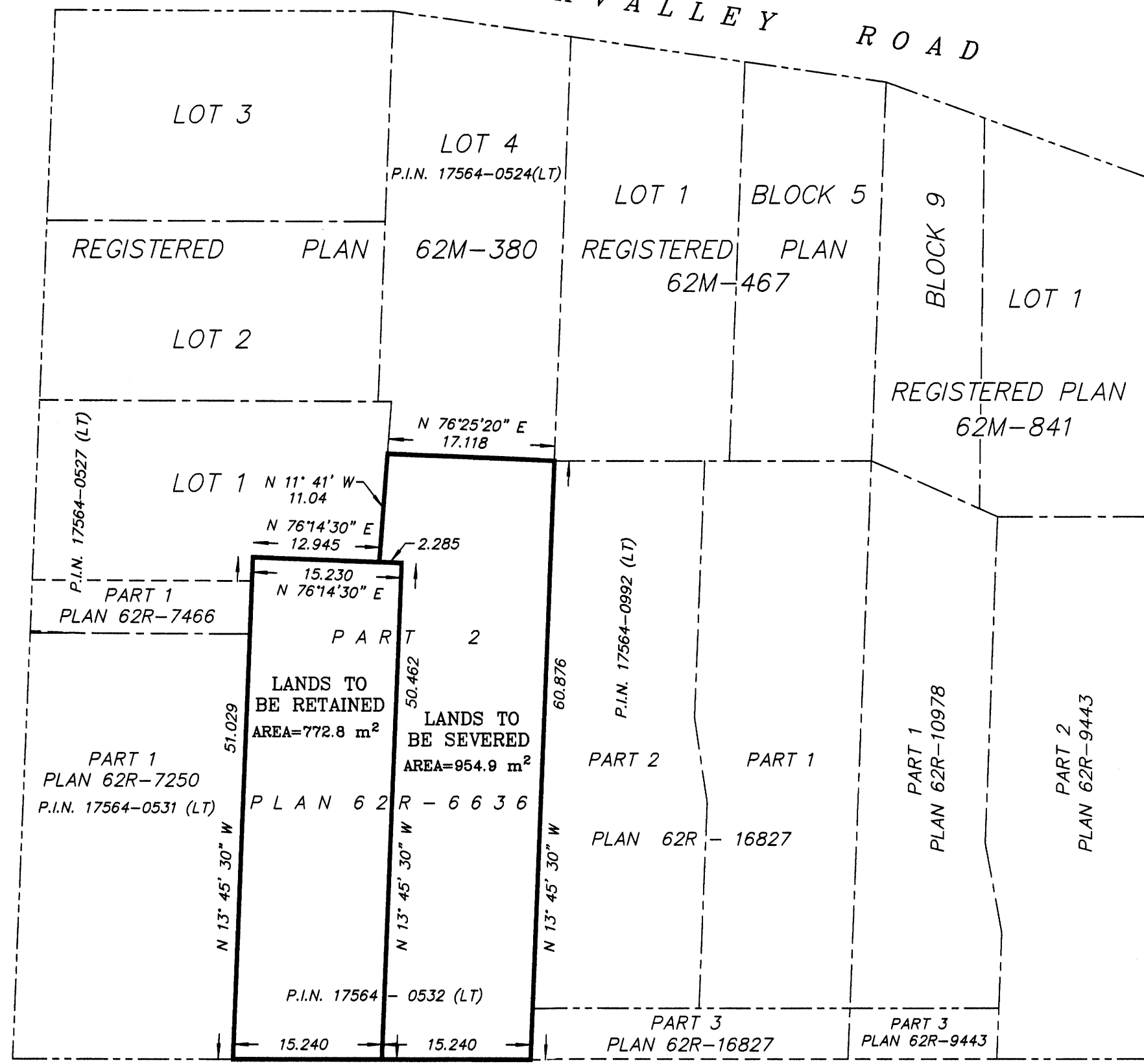


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 (BY REGISTERED PLAN M-304)

HIGH VALLEY ROAD



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 (AKA REGIONAL ROAD 215, GIVEN ROAD, WIDTH VARIES)
 P.I.N. 17564-0851 (LT)