



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>AN/A-22:170</b>	<b>SUBJECT PROPERTY:</b>	653 & 657 MOHAWK RD., ANCASTER
<b>ZONE:</b>	"ER" (Existing Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law 87-57, as Amended

**APPLICANTS:** Agent Muhammad Saddique Khan  
**Owner Muhammad Wasiq Khan**

The following variances are requested:

**653 Mohawk Road:**

1. A lot area of 693.0 square metres shall be provided instead of the minimum required lot area of 695 square metres.
2. A minimum front yard setback of 11.4m shall be provided instead of the minimum required front yard setback of 13.6m
3. A building height of 10.5m shall be provided instead of the maximum permitted building height of 9.5m
4. A balcony and open stairway may project 4.0m into a required rear yard setback whereas the by-law permits a balcony or open stairway to project a maximum of 1.5m into a required rear yard.

**657 Mohawk Road:**

1. A lot area of 683.0 square metres shall be provided instead of the minimum required lot area of 695 square metres.
2. A building height of 10.5m shall be provided instead of the maximum permitted building height of 9.5m

3. A balcony and open stairway may project 4.0m into a required rear yard setback whereas the by-law permits a balcony or open stairway to project a maximum of 1.5m into a required rear yard.

**PURPOSE & EFFECT:** So as to permit the construction of two (2) new single detached dwellings on the lands known as 653 and 657 Mohawk Road, Ancaster.

**Notes:**

1. Please be advised that the lot lines shown on the submitted site plan do not seem to reflect the lots as approved under land severance application AN/B-21:92. As such, the variances pertaining to the lot area(s) have been written as requested by the applicant. A further land severance application may be required to convey the northerly portion of these lands.
2. A 1.0m wide unobstructed area, comprised only of grass/sod is required to be provided along the extent of the side and rear lot lines. Details have not been provided confirming if this sodded area will be provided, however there appears to be sufficient space in order to accommodate this unobstructed area. Further variances may be required if compliance with this provision cannot be achieved.
3. These variances are necessary to facilitate Site Plan Control application DAER-22-006.
4. Be advised that the front yard setback within an ER zone is based on the average front yard setbacks of the abutting lots. A variance for a reduced front yard setback was also requested for the lands known as 657 Mohawk Road, however our calculation has determined that a minimum 10.1m front yard setback is required for this lot and therefore a front yard setback variance for this lot is not required.

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

<b>DATE:</b>	<b>Thursday, June 23, 2022</b>
<b>TIME:</b>	<b>1:25 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

**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.



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, and may include posting electronic versions.

## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comments can also be placed in the drop box which is located at the back of the 1st Floor of City Hall, 71 Main Street West. All comments received by noon two business days before the meeting will be forwarded to the Committee members.

Comments are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions During the Virtual Meeting

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before the hearing.**

To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via phone or video, and if applicable the phone number they will be using to call in. A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

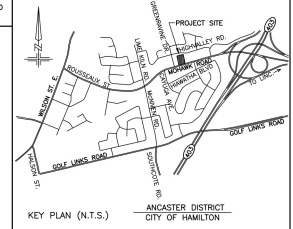
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



# ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 48 & 49

CLOSED BY BY-LAW 1138, NOV. 5, 1946  
REGISTERED AS INST. 1184 BY-LAW JUNE 2, 1947

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



- NOTES**
- BENCHMARK: GEODETIC B.M. NO. 741135, ROUSSEAU SCHOOL, ALONG MONYEN ROAD, 0.08KM SOUTH OF MONYEN ROAD, THEORETICALLY IN WEST CONCRETE FOUNDATION, 4.65M FROM NORTHEAST CORNER, BOM BELOW BENCHMARK.
  - BOUNDARIES AS PER REGISTERED PLAN 62R-21682.
  - EXISTING GROUND ELEVATIONS ARE AS SURVEYED BY L.G. WOODS SURVEYING INC. (FILE NO. 20-1129-TOPO) DURING NOVEMBER 2020.
- LEGEND**
- (226.00) DENOTES PROPOSED FINISHED GROUND ELEVATION
  - (226.00) DENOTES EXISTING GROUND ELEVATION AS SURVEYED BY L.G. WOODS SURVEYING INC. DURING NOV. 2020.
  - (226.00) DENOTES EXISTING GROUND CONTOUR
  - (226.00) DENOTES PROPOSED FINISHED GROUND ELEVATION AT FRONTYARD AREA OF DWELLING
  - (5-226.00) DENOTES PROPOSED SWALE ELEVATION
  - 1/4"=216.20 DENOTES PROPOSED TOP OF FOUNDATION ELEVATION
  - W/O DENOTES PROPOSED BASEMENT WALKOUT
  - W/O DENOTES EXISTING WATER SERVICE SHUTOFF VALVE
  - U.P. DENOTES EXISTING UTILITY POLE
  - DENOTES PROPOSED SWALE
  - DENOTES PROPOSED DIRECTION OF SURFACE DRAINAGE
  - DENOTES EXISTING OVERHEAD WIRES
  - DENOTES EXIST. CHAINLINK FENCE
  - DENOTES EXIST. TIMBER FENCE
  - DENOTES EXISTING STREET LIGHT STANDARD
  - DENOTES EXISTING DECIDUOUS TREE
  - DENOTES EXIST. CONIFEROUS TREE
  - DENOTES PROPOSED RAINWATER LEADER DOWN PIPE
  - DENOTES EXISTING FIRE HYDRANT
  - DENOTES PROPOSED 3H:1(V) MAX. SLOPE
  - DENOTES TOP OF EXISTING SLOPE
  - DENOTES PROPOSED ASPHALT DRIVEWAY
  - W.B.E.=(223.33) DENOTES LOWEST ALLOWABLE DWELLING BASEMENT ELEVATION PERMITTING GRAVITY SANITARY SEWER SERVICE, SEE NOTE
  - DENOTES PROPOSED TIERED RETAINING WALL OR EQUAL, WITH 1:1 MAXIMUM HIGH SAFETY RAILING WHERE WALL HEIGHT EXCEEDS 0.6M
  - DENOTES PROPOSED PARKING SPACE

NO.	DATE	BY	REVISION
4.	MAY24 2021	D.J.	ADD GRADE CALCULATIONS FOR PROP DWELLINGS ON PARTS 2 & 3
3.	APR.30 2021	D.J.	ADJUST MIRE ELEVATIONS & ADD SANITARY SERVICE LATERAL INVERT PER CITY COMMENTS
2.	MAR.28 2021	D.J.	TERMINATE PROP RET. WALLS AT WIDENED LIMIT OF PER CITY ADJUSTMENT, SEE SECTION 2-2 & 3-3
1.	FEB.19 2021	D.J.	ADD X-SECTIONS 1-1, 2-2, 3-3, 4-4, & 5-5, ROAD WIDENING DIMENSION, CULVERT INVERT, PER CITY COMMENTS

SCALE	DATE
1:125	DECEMBER 2020
	REF.

SEAL  
REGISTERED PROFESSIONAL ENGINEER  
D.P. JOYCE  
JAN. 12 2019  
PROVINCE OF ONTARIO

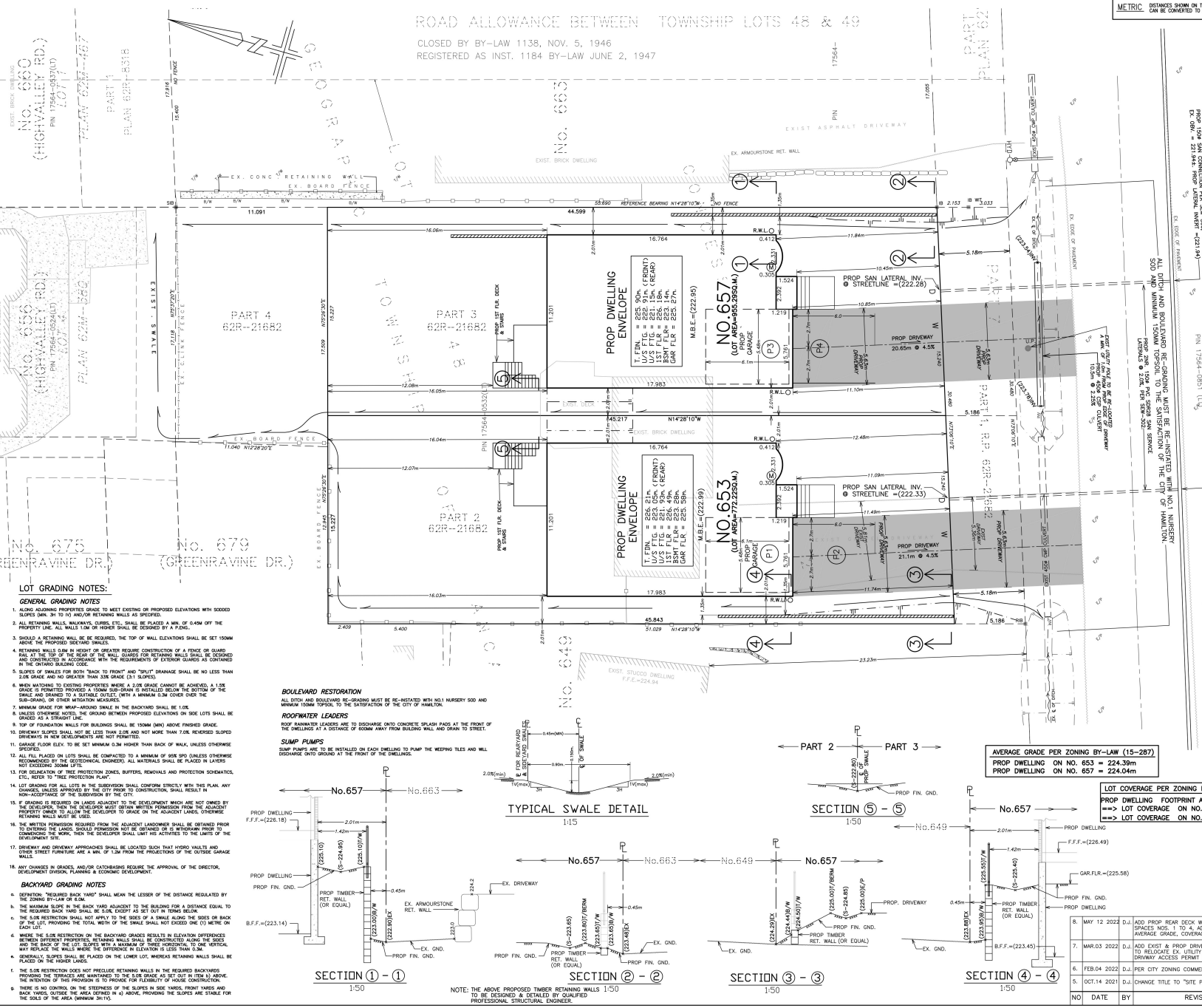
CONSULTANT  
**SIDNEY W. WOODS ENGINEERING (2011) INC.**  
334 HATT ST., DUNDAS, ON L9H 2H9 (905)627-0775  
MUNICIPALITY

CITY OF HAMILTON  
**SPRINGBROOK HOMES**  
(C/O MR. SAOUD KHAIR, PRESIDENT, SPRINGBROOK ASSOCIATES LIMITED, 856 HIGHVALLEY ROAD, ANCASTER, ON L9G 4A8, 647-886-7233)

TITLE  
**SITE PLAN & GRADING PLAN**  
(SPA APPLICATION NO. DAER-22-006)

PROJECT  
**653 & 657 MOHAWK ROAD  
ANCASTER**  
(PARTS NOS. 1,2,3 & 4 OF R.P. 62R-21682)  
**PROPOSED 2NR SINGLE-FAMILY DWELLINGS**

©2020, ALL RIGHTS RESERVED SHEET 1  
SIDNEY W. WOODS ENGINEERING (2011) INC. INDEX NO. E-1340



**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE****FOR OFFICE USE ONLY.**

APPLICATION NO. \_\_\_\_\_ DATE APPLICATION RECEIVED \_\_\_\_\_

PAID \_\_\_\_\_ DATE APPLICATION DEEMED COMPLETE \_\_\_\_\_

SECRETARY'S  
SIGNATURE \_\_\_\_\_

**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.

1, 2	<b>NAME</b>	<b>MAILING ADDRESS</b>	
<b>Registered Owners(s)</b>	Muhammad Wasiq Khan		
<b>Applicant(s)*</b>	Muhammad Saddique Khan		
<b>Agent or Solicitor</b>			<b>Phone:</b>
			<b>E-mail:</b>

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

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

N/A

**Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled**

4. Nature and extent of relief applied for:

See additional sheet for details for 653 Mohawk Rd Ancaster and 657 Mohawk Rd Ancaster Minor Variance required for Site Plan approval

☐ Second Dwelling Unit ☒ Reconstruction of Existing Dwelling

5. Why it is not possible to comply with the provisions of the By-law?

Please see additional sheet

6. Legal description and Address 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 Rd Ancaster  
653 Mohawk Rd Ancaster

7. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐

Agricultural ☐ Vacant ☐

Other \_\_\_\_\_

- 8.1 If Industrial or Commercial, specify use N/A
- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?  
Yes ☐ No ☐ Unknown ☒
- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?  
Yes ☐ No ☒ Unknown ☐
- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
Yes ☐ No ☒ Unknown ☐
- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?  
Yes ☐ No ☒ Unknown ☐
- 8.6 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 ☐
- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?  
Yes ☐ No ☒ Unknown ☐
- 8.8 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 ☐
- 8.9 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 ☐

8.10 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 ☐

8.11 What information did you use to determine the answers to 8.1 to 8.10 above?

Consultation with the Client

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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 ☐

## 9. 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.

May 13, 2022  
Date

[Signature]  
Signature Property Owner(s)

Muhammad Wasir Khan

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage See Additional Sheet

Depth \_\_\_\_\_

Area \_\_\_\_\_

Width of street \_\_\_\_\_

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 dwelling 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:

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

Proposed:

See Additional Sheet

13. Date of acquisition of subject lands:  
2022
14. Date of construction of all buildings and structures on subject lands:  
Unknown
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Single Family
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Single Family
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  
Sanitary Sewer ☒ Connected  
Storm Sewers ☒
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Neighbourhood
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? (Zoning By-law Amendment or Minor Variance)  
☒ Yes ☐ No  
If yes, please provide the file number:  
AN/A- 2:131
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?  
☒ Yes ☐ No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?  
☒ Yes ☐ No
23. Additional Information (please include separate sheet if needed)  
See additional Sheet
24. 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.

## ADDITIONAL SHEET

### MINOR VARIANCES REQUIRED

The Additional sheet is to assist you and your staff when preparing the conditions of approval for a Minor Variances comments for the SITE PLAN APPROVAL REQUIRED FOR 653 Mohawk Road Ancaster and 657 Mohawk Rd Ancaster.

In the Summer of 2020, the previous owner got approval for Minor Variances Application No. AN/A- 20:131 and severance Application No. AN/B-20:37, The August 06, 2020, decision is attached. The severance approval was denied after ONE YEAR as all the conditions were not MET IN TIME. The New Owner applied again for severance ONLY and got approved. Decision of November 25<sup>th</sup>, 2021 attached.

The owner applied for SITE PLAN APPROVAL for both Retained and Newly created Lots on October 10<sup>th</sup>, 2021.

	<u>Required by By-Law</u>	<u>MINOR VARIANCES APPLIED FOR</u>	
		<u>NO. 653 Mohawk Rd.</u>	<u>NO. 657 Mohawk Rd.</u>
Minimum Lot Area	695sq.m.	693.25sq.m. Per Part 2 of 62R-21682	683.84sq.m. Per Part 3 of 62R-21682
		Note: Approval required for Lot Line Adjustment to add Part 4 of 62R-21682 to adjacent lands of 656 Highvalley Road, Ancaster	
Front Yard Set Back	14.0m to 23.23	11.4m	10.8m
Maximum Height (2 Storeys)	9.5m	10.5m	10.5m
		See accompanying detailed building height calculation. The building height exceeds 9.5m because of rear basement walk-out.	
Projection of rear balcony decks & stairways into minimum rear yard.	1.5m	4.0m	3.81m

**PROPOSED BUILDING HEIGHT CALCULATION  
NOS. 653 & 657 MOHAWK ROAD  
ANCASTER**

PER REVISED GRADING PLAN: REV8 (DATED MAY 12'22)

**A.) PROP BUILDING ON PART 2 (Prop No. 653)**

	<u>WALL LENGTH (m)</u>		<u>AVERAGE FIN GND. ELEVATION AT EXTERIOR OF BUILDING (m)</u>
FRONT OF BUILDING			
	5.761	@	225.58
	2.392	@	225.58
	3.048	@	225.58
	<u>11.201</u>		<u>225.58</u>
REAR OF BUILDING			
	5.000		223.13
	6.201	@	223.30
	<u>11.201</u>		<u>223.22</u>
SOUTH SIDE OF BUILDING			
	5.541	@	224.67
	8.662	@	223.575
	3.78	@	223.325
	<u>17.983</u>		<u>223.86</u>
NORTH SIDE OF BUILDING			
	6.27	@	224.185
	10.494	@	225.41
	<u>16.764</u>		<u>224.95</u>
<b>TOTAL BUILDING WALL =</b>	<b>57.149</b>	<b>@</b>	<b>224.393</b>
<hr/>			
<b>==&gt; PART 2</b>			
<b>AVERAGE GRADE =</b>			<b>224.39</b>
ROOF PEAK ELEVATION =			234.81
LESS AVERAGE GRADE			224.39
<b>==&gt; BUILDING HEIGHT =</b>			<b>10.42</b>



**B.) PROP BUILDING ON PART 3 (Prop No. 657)**

	<u>WALL LENGTH (m)</u>		<u>AVERAGE FIN GND. ELEVATION AT EXTERIOR OF BUILDING (m)</u>
FRONT OF BUILDING			
	5.761	@	225.27
	2.392	@	225.13
	3.048	@	225.1
	<u>11.201</u>		<u>225.19</u>
REAR OF BUILDING			
	<u>11.201</u>	@	<u>223.00</u>
	11.201		223.00
SOUTH SIDE OF BUILDING			
	1.789	@	225.285
	9.924	@	225.27
	6.27		224.12
	<u>17.983</u>		<u>224.87</u>
NORTH SIDE OF BUILDING			
	7.664	@	223.825
	9.1		222.45
	<u>16.764</u>		<u>223.08</u>
<b>TOTAL BUILDING WALL =</b>	<b>57.149</b>	<b>@</b>	<b>224.04</b>
<b>=====</b>			
<b>==&gt; PART 3</b>			
<b>AVERAGE GRADE =</b>			<b>224.04</b>
ROOF PEAK ELEVATION =			234.50
LESS AVERAGE GRADE			224.04
<b>==&gt; BUILDING HEIGHT =</b>			<b>10.46</b>



Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5<sup>th</sup> floor  
Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424  
ext. 4221, 3935  
Fax (905) 546-4202

**COMMITTEE OF ADJUSTMENT**  
**DECISION OF THE COMMITTEE**

**APPLICATION NO. AN/A-20:131**  
**SUBMISSION NO. A-131/20**

**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.

**THE DECISION OF THE COMMITTEE IS:**

That the variances, as set out in paragraph three above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.

**DATED AT HAMILTON** this 6th day of August, 2020.

\_\_\_\_\_  
M. Dudzic (Chairman)

**CERTIFIED A TRUE COPY**  
*[Signature]* .../2  
SECRETARY, TOWN OF ANCASTER

\_\_\_\_\_  
D. Serwatuk

\_\_\_\_\_  
L. Gaddy

\_\_\_\_\_  
D. Smith

\_\_\_\_\_  
B. Charters

\_\_\_\_\_  
M. Switzer

\_\_\_\_\_  
T. Lofchik

\_\_\_\_\_  
N. Mleczko

\_\_\_\_\_  
M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **August 26, 2020.**

**NOTE: This decision is not final and binding unless otherwise noted.**

**NOTE:**

**"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 Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

The lands to be retained will be assigned the address of 653 Mohawk Road, Hamilton (Ancaster).

The lands to be conveyed will remain as 657 Mohawk Road, Hamilton (Ancaster).

# IMPORTANT INFORMATION FOR CONSENTS

THE LAST DATE OF APPEAL IS:

**September 2, 2020**

THIS DECISION IS NOT FINAL AND BINDING AND MUST NOT BE ACTED UPON UNTIL THE PERIOD OF APPEAL HAS EXPIRED.

THE DECISION DOES NOT RELEASE ANY PERSONS FROM THE NECESSITY OF OBSERVING THE REQUIREMENTS OF BUILDING REGULATIONS, THE LICENSE BY-LAW, OR ANY OTHER BY-LAW OF THE CITY OF HAMILTON.

Appeal to L.P.A.T.

53(19) Any person or public body may, not later than 20 days after the giving of notice under subsection (17) is completed, appeal the decision or any condition imposed by the council or the Minister or appeal both the decision and any condition to the Tribunal by filing with the clerk of the municipality or the Minister a notice of appeal setting out the reasons for the appeal, accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017. *Planning Act, R.S.O. 1990*

Where no appeal

53(21) If no appeal is filed under subsection (19) or (27), subject to subsection (23), the decision of the council or the Minister, as the case may be, to give or refuse to give a provisional consent is final. *Planning Act, R.S.O. 1990*

Where delegation

53(44) If a land division committee or a committee of adjustment has had delegated to it the authority for the giving of consents, any reference in this section to the clerk of the municipality shall be deemed to be a reference to the secretary-treasurer of the land division committee or committee of adjustment. *Planning Act, R.S.O. 1990*

APPEALS MAY BE FILED:

1. BY MAIL/COURIER ONLY

- 1.1 Appeal package delivered to City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5.

- MUST BE RECEIVED BY THE END OF BUSINESS ON THE LAST DAY OF APPEAL AS NOTED ABOVE

- 1.2 Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of second-hand mailing will be time barred and of no effect.

- 1.3 Appeal package must include all of the following:

- Notice of appeal, setting out the objection to the decision and the reasons in support of the objection;

- LPAT appeal form, this can be found by contacting Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or at the LPAT website

<https://elto.gov.on.ca/tribunals/lpat/forms/appellant-applicant-forms/>;

- Filing fee, the fee is currently \$400 (subject to change) and must be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance;

- All other information as required by the Appeal Form.

2. BY EMAIL AND MAIL/COURIER

- 2.1 Electronic appeal package must be delivered by email to [cofa@hamilton.ca](mailto:cofa@hamilton.ca).

- MUST BE RECEIVED BY THE END OF BUSINESS ON THE LAST DAY OF APPEAL AS NOTED ABOVE

- 2.2 Physical appeal package must be delivered by mail to City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5.

- 2.3 Electronic appeal package must contain:

- a copy of the notice of appeal;

- a copy of the LPAT appeal form;

- a copy of the certified cheque or money order.

- 2.4 Physical appeal package must contain all information as noted in Section 1.3

Questions or Information:

Contact Committee of Adjustment Staff ([cofa@hamilton.ca](mailto:cofa@hamilton.ca))



Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5<sup>th</sup> floor  
Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424  
ext. 4221, 3935  
Fax (905) 546-4202

**COMMITTEE OF ADJUSTMENT**  
**NOTICE OF DECISION**

**APPLICATION FOR CONSENT\LAND SEVERANCE**

**APPLICATION NO. AN/B-20:37**  
**SUBMISSION NO. B-37/20**

**APPLICATION NUMBER:** AN/B-20:37

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

**APPLICANT(S):** Owner: Montour Enterprises Inc. c/o Leonard Montour

Agent: Urban Solutions c/o Matt Johnston

**PURPOSE OF APPLICATION:** To permit the conveyance of a parcel of land to create a new residential building lot. The existing dwelling will be demolished to facilitate this application.

To be heard in conjunction with AN/A-20:131.

**Severed lands:**

15.24m<sup>±</sup> x 60.87m<sup>±</sup> and an area of 954.9m<sup>2</sup>±

**Retained lands:**

15.24m<sup>±</sup> x 51.02m<sup>±</sup> and an area of 772.8m<sup>2</sup>±

**THE DECISION OF THE COMMITTEE IS:**

That the said application, as set out in paragraph three above, **IS APPROVED** for the following reasons:

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
2. The Committee considers the proposal to be in keeping with development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

**Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions:**

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall receive final and binding approval of minor variance application AN/A-20:131
3. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.

**CERTIFIED A TRUE COPY**

SECRETARY - TREASURER

4. Approximately, 5.0 metres are to be dedicated to the right-of-way on Mohawk Road, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Mohawk Road (Hwy 403 to McNiven Road) is to be 30.480 metres. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).
5. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure, urbanization, and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change.
6. That the Owner dedicate to the City of Hamilton by deed, sufficient land adjacent in order to establish the property line 15.24m from the original centreline of Mohawk Road.
7. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
8. The owner submits to the Committee of Adjustment office an administration fee, of \$20.00 payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.

DATED AT HAMILTON this 6th day of August, 2020.

\_\_\_\_\_  
M. Dudzic (Chairman)

\_\_\_\_\_  
D. Serwatuk

\_\_\_\_\_  
D. Smith

\_\_\_\_\_  
M. Switzer

\_\_\_\_\_  
N. Mieczko

\_\_\_\_\_  
L. Gaddy

\_\_\_\_\_  
B. Charters

\_\_\_\_\_  
T. Lofchik

\_\_\_\_\_  
M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS August 13, 2020.  
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (August 13, 2021) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS September 2 2020.

**NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.**