



Hamilton

**STAFF COMMENTS**

**HEARING DATE: February 13, 2024**

AN/A-23:344 – 1-1261 Mohawk Road, Ancaster

**Recommendation:**

Development Planning - Approve

**Proposed Conditions:**

N/A

**Proposed Notes:**

N/A



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## **Development Planning:**

### **Background**

To permit the construction of a new deck attached to the existing single detached dwelling.

### **Analysis**

#### **Greenbelt Plan**

The subject lands are identified as “Urban Area” under the Greenbelt Plan. Per Section 2.2 of the Greenbelt Plan, lands within the Niagara Escarpment Plan Area are subject to the requirements of the Niagara Escarpment Plan and the Protected Countryside policies do not apply.

#### **Niagara Escarpment Plan**

The subject lands are designated “Urban Area” under the Niagara Escarpment Plan. Per Sections 1.7.4 and 2.2, accessory uses of a single detached dwelling are permitted uses.

#### **Urban Hamilton Official Plan**

The subject lands are designated as “Neighbourhoods” in Schedule E-1 - Urban Land Use Designations under the Urban Hamilton Official Plan and are identified as “Neighbourhoods” in Schedule E – Urban Structure of the Urban Hamilton Official Plan. Policies found in Section E.3.2.4, amongst others, are applicable. Decks are permitted within the Neighbourhoods designation.

#### **Archeology**

No comment.

#### **Cultural Heritage**

No comment.

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

The subject lands are zoned Residential “R4-666” Zone, Modified in Former Town of Ancaster Zoning By-law No. 87-57. The proposed deck is permitted.

#### **Variance 1**



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1. A minimum rear yard setback of 5.0 metres to a deck over 1.2 metres in height and over 15 square metres in size shall be permitted whereas the By-law requires a minimum rear yard setback of 6.0 metres.

The intent of this provision is to ensure privacy issues do not arise from overlook into neighbouring properties. Staff note that there is a drop in grade on the subject property towards the northwest corner of the property.

Potential privacy concerns arising from the reduced rear yard setback are mitigated by the presence of a mature trees between the subject property and the abutting rear yard of 22 Honeysuckle Crescent, located to the west of the property. Therefore, staff are of the opinion that the requested variance maintains the intent of the Official Plan and Zoning By-law, is desirable for the proposed development and is minor in nature.

Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, **staff support the variance.**

### Zoning:

Recommendation:	Comments & Conditions / Notes
Comments:	Please be advised that a portion of this property is under Conservation Management. Please contact the Hamilton Conservation Authority at 905-525-2181 for further information.

### Development Engineering:

Recommendation:	Approve
Proposed Conditions:	N/A
Comments:	The proposed 5.0 m rear yard setback for construction of a deck within the useable rear yard amenity space poses no concern to Development Engineering staff. Therefore, we have no objection to the proposed minor variance.

### Transportation Planning:

Recommendation:	Approve
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### Building Engineering:

Recommendation:	Comments Only
Notes:	A building permit is required for the construction of the proposed rear deck.  Order to Comply 21 114144, dated March 19, 2021 remains outstanding.



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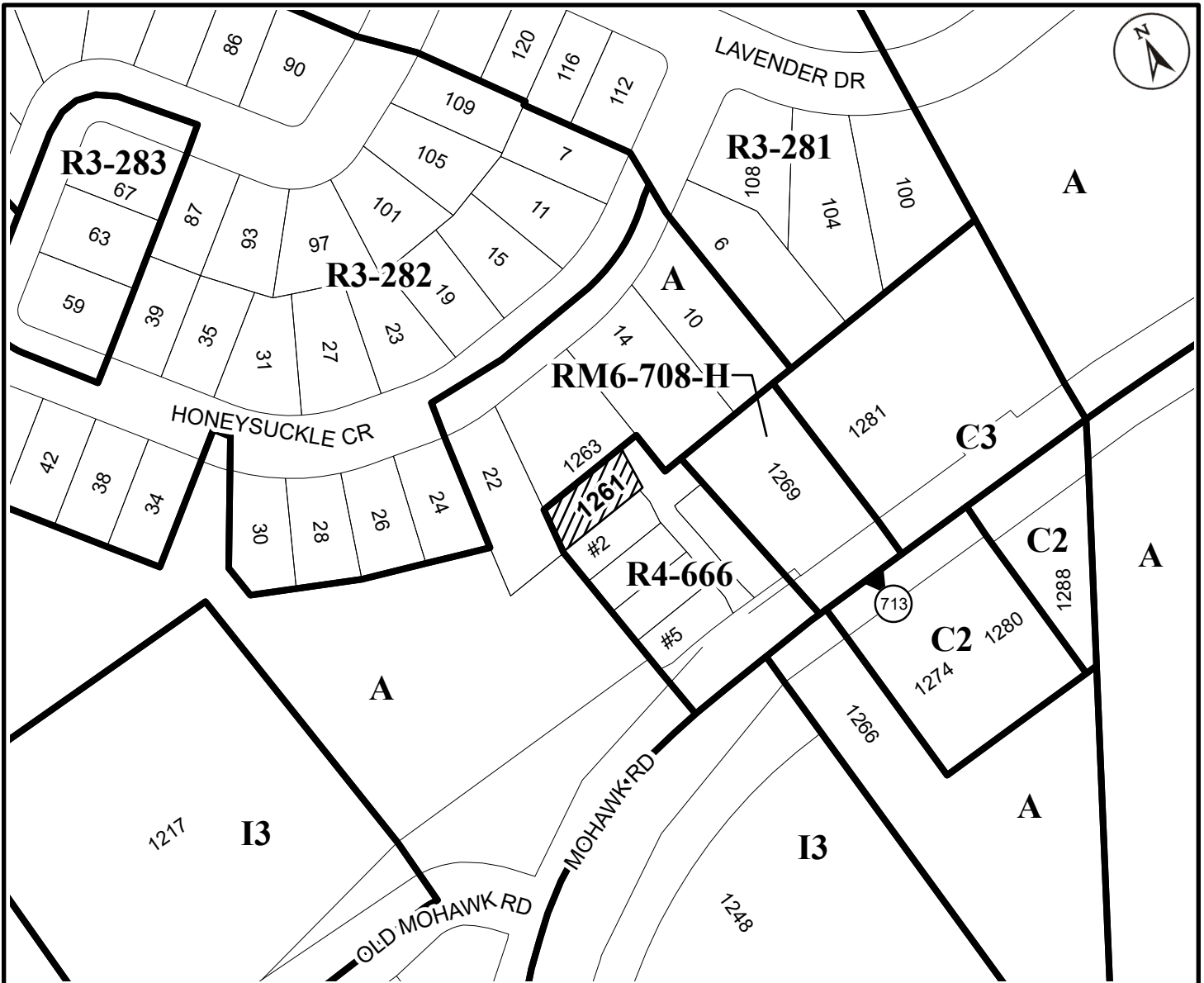
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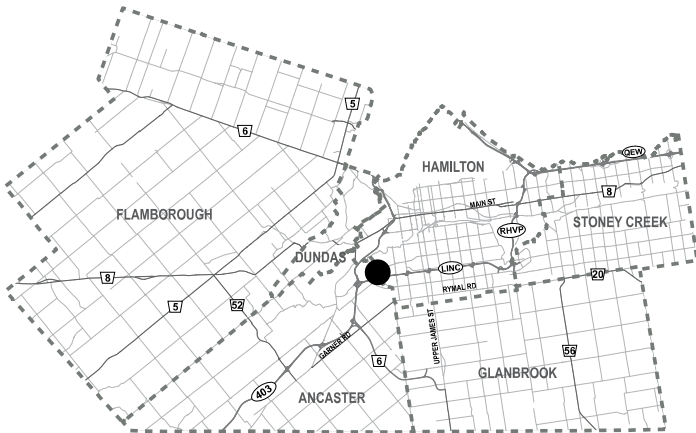
**Legislative Approvals:**

Recommendation:	No comments.
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Please Note: Public comment will be posted separately, if applicable.



● Site Location



**City of Hamilton**

## Committee of Adjustment

### Subject Property



1 - 1261 Mohawk Road, Ancaster  
(Ward 14)

File Name/Number:

ANA-23:344

Date:

January 29, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT