



Hamilton

**STAFF COMMENTS**

**HEARING DATE: April 23, 2024**

**A-24:58 – 941 Old Mohawk Road, Ancaster**

Recommendation:

Approve

Proposed Conditions:

Proposed Notes:

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 Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MCM.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-0036) In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416- 212-7499).



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Development Planning:

**Background**

The purpose of this application is to facilitate the construction of a Single Detached Dwelling.

The following variance is requested:

1. To permit a maximum building height of 12.0 metres instead of the maximum required building height of 10.5 metres.

Archaeology:

The subject property meets the criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential. These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. If this variance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as follows:

“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 Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MCM.

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Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations in



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Volume 1 of the Urban Hamilton Official Plan (UHOP). Single detached dwellings are permitted within this designation.

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

The subject lands are zoned Residential 3 “R3-699” Zone, Modified, which permits a single detached dwelling and accessory structures.

### Analysis

The applicant is proposing a maximum building height of 12.0 metres for the proposed single detached dwelling instead of the maximum required building height of 10.5 metres. The definition of building height is based on the calculation of average finished grade in Zoning By-law No. 87-57. The variance is required due to the change in grade from the front to the rear of the property (back walk-out). The front façade of the dwelling that faces the street and is visible from the public realm appears to have a building height of approximately 9.7 metres. The P5 Zoning located to the rear of the subject lands does not permit the construction of dwelling on the neighboring lands to the rear. Accordingly, the increase in building height at the rear of the property is not anticipated to generate any adverse impacts in terms of privacy and overlook.

Staff are satisfied that the maximum building height of 12.0 metres will not negatively impact the abutting neighbours and the existing streetscape. Staff support this variance.

Based on the foregoing, the requested variance maintains the general intent and purpose of the Urban Hamilton Official Plan and the Former Town of Ancaster Zoning By-law No. 87-57. The variance is considered to be minor in nature and desirable for the appropriate use of the property.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	No comment.
Proposed Notes:	

Development Engineering:

Recommendation:	No comments.
Proposed Conditions:	
Comments:	
Proposed Notes:	

Building Engineering:



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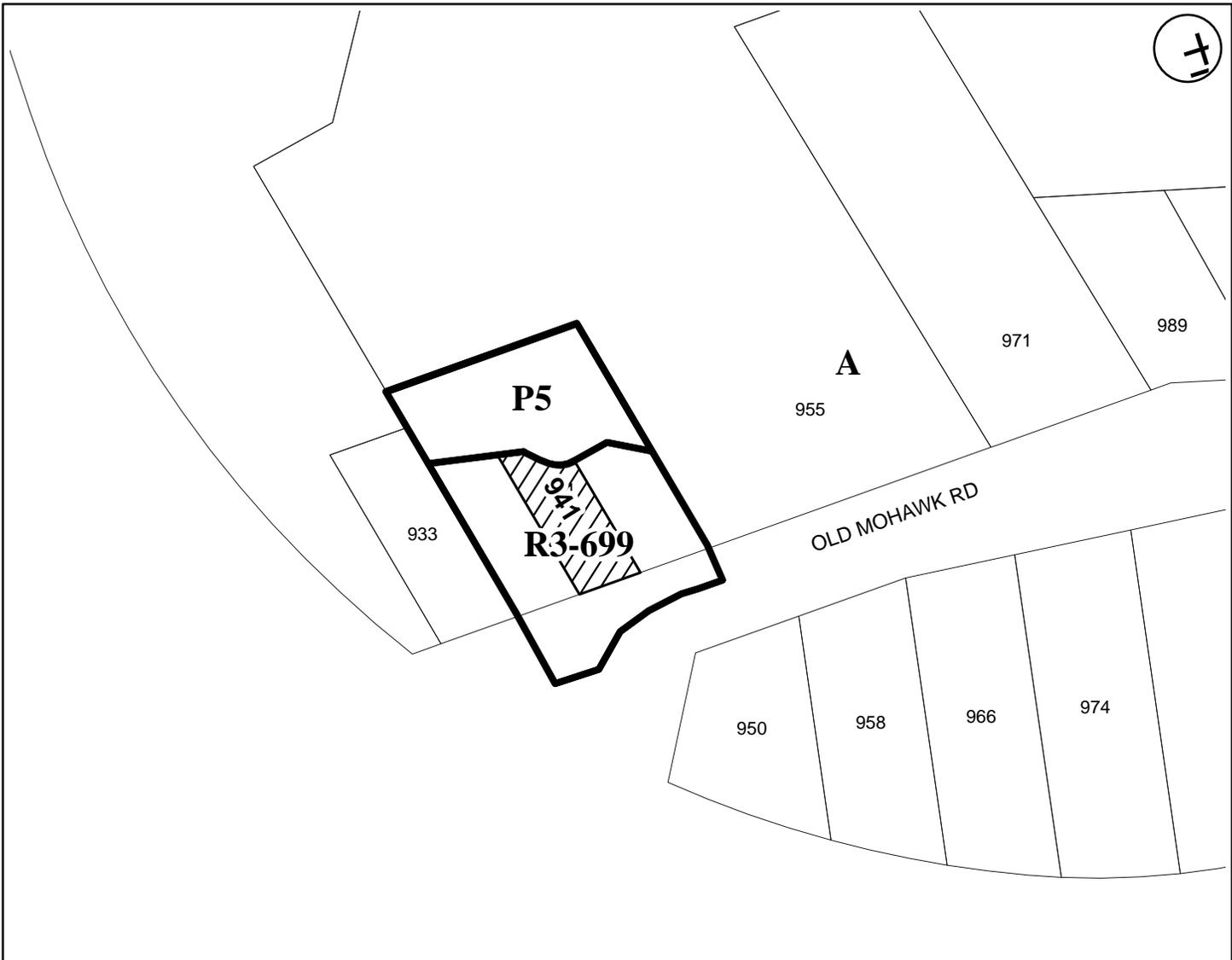
**STAFF COMMENTS**

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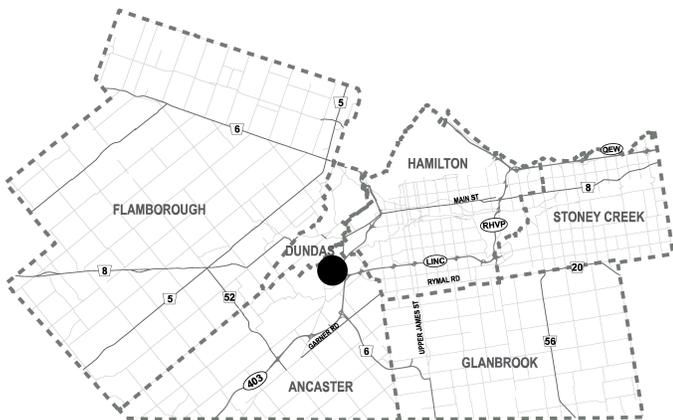
Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the construction of the proposed single detached dwelling.  Be advised that Ontario Building Code regulations may require specific setback and construction types.

Transportation Planning:

Recommendation:	No comments
Proposed Conditions:	
Comments:	
Proposed Notes:	



● Site Location



**City of Hamilton**

# Committee of Adjustments

**Subject Property**



941 Old Mohawk Road, Ancaster  
(Ward 14)

**File Name/Number:**

A-24:58

**Date:**

April 12, 2024

**Technician:**

AL

**Scale:**

N.T.S.

**Appendix "A"**



**Hamilton**