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**From:** Mikiya Hobbs <mhobbs@conservationhamilton.ca>  
**Sent:** Friday, September 19, 2025 4:38 PM  
**To:** Committee of adjustment  
**Cc:** Jeff Tweedle; Saddique Khan  
**Subject:** HCA Comments for A-25:180 - 786 Stone Church Road West  
**Attachments:** A-25-180\_786 Stone Church Rd W.pdf

**External Email:** Use caution with links and attachments

Hello,

Thank you for circulating the Hamilton Conservation Authority (HCA) with the Minor Variance application for the proposed development of the lands at 786 Stone Church Road West, Ancaster. Please find attached comments from HCA staff.

HCA staff (including Jeff Tweedle, copied on this email, and myself) would like to virtually attend the hearing for this Minor Variance application to be available to answer any questions regarding HCA's comments.

There is no fee for HCA review of this application. If there are any questions regarding the above, please let me know.

Thank you,

**Mikiya Hobbs**

Planner, Watershed Management Services  
Hamilton Conservation Authority  
838 Mineral Springs Road, P.O. Box 81067  
Ancaster, ON L9G 4X1  
**Phone:** 905-525-2181 Ext. 148  
**Email:** [mhobbs@conservationhamilton.ca](mailto:mhobbs@conservationhamilton.ca)  
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**A Healthy Watershed for Everyone**

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A Healthy Watershed for Everyone

**BY EMAIL**

**File no. A-25:180**

September 19, 2025

Justin Leung, Secretary Treasurer  
Planning and Economic Development  
City of Hamilton  
71 Main St. West,  
Hamilton, ON L8P 4Y5

Dear Mr. Leung,

**Re: Application for Minor Variance, File No. A-25:180, by Muhammad Saddique Khan for the lands located at 786 Stone Church Road West, Ancaster**

Thank you for circulating the Hamilton Conservation Authority (HCA) with the Minor Variance application for the proposed development of the lands at 786 Stone Church Road West, Ancaster. HCA staff have reviewed the information provided in accordance with HCA's plan review and regulatory responsibilities under the *Conservation Authorities Act* and provide the following comments.

### **Proposal**

HCA staff understand that the following variance is requested to permit an increase in building height for a proposed Single Detached Dwelling:

1. A maximum Height of 11.78 metres shall be permitted instead of the maximum Height of 10.5 metres required.

### **Site Description**

The subject property is approximately 3.71 hectares in size and located within the Tiffany Creek subwatershed. Wetlands are located within the north-west and south-east portions of the subject property. A tributary of Tiffany Creek traverses the south-east portion of the property within the south-east wetland.

### **Plan Review Comments**

The subject property is affected by flooding and erosion hazards associated with the wetland and tributary of Tiffany Creek present on the property.

Based on the Site Plan prepared by Metropolitan Consulting Inc., dated March 2024, the proposed dwelling is located outside the flooding and erosion hazards associated with these features.

HCA staff are currently reviewing a permit application for grading and fill placement activities associated with the proposed development at the subject property. Through the permitting process, HCA staff have reviewed and provided comments on a Grading Plan prepared by Metropolitan Consulting Inc. Based on a review of the most recently submitted Grading Plan, revised August 8, 2025, HCA staff are satisfied that natural hazards concerns have been addressed.

The Provincial Planning Statement (PPS) generally directs development to areas outside of hazardous lands. Based on review of the materials submitted, HCA is satisfied that the submitted minor variance application is consistent with the natural hazard policies of the PPS.

### **Regulatory Comments**

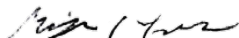
Portions of the subject property are regulated by HCA pursuant to the *Conservation Authorities Act* and *Ontario Regulation 41/24 (Prohibited Activities, Exemptions, and Permits)*. The regulated area is associated with the presence of wetlands and a tributary of Tiffany Creek, and the associated potential for flooding and erosion hazards. Based on a review of the Site Plan provided, the location of the proposed dwelling is outside the HCA regulated area. HCA staff are currently reviewing a permit application related to works associated with the proposed development, including grading activities and fill placement, within the HCA regulated area at the subject property.

### **Summary**

Based on the above comments, HCA staff have no objections to the municipality granting the requested minor variance.

Please contact the undersigned at (905) 525-2181 (ext. 148) should you have questions or if any clarification regarding these comments is required.

Sincerely,



Mikiya Hobbs  
Planner, Watershed Management Services  
Hamilton Conservation Authority

Cc: Saddique Khan (Owner)

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**From:** Yvonne Hunter [REDACTED]  
**Sent:** Saturday, September 20, 2025 4:41 PM  
**To:** Committee of adjustment  
**Cc:** Ward 12 Office; Yvonne Hunter  
**Subject:** 786 Stone Church Road, Ancaster

**Categories:** Public Comment

**External Email:** Use caution with links and attachments

Hello,

I would like to register my opposition to the proposed height variance for 786 Stone Church West. I've read through the upcoming meeting agenda and the staff's recommendation to deny, and I agree. This property deliberately and significantly diverged from approved height limits. I see no mitigating factors weighing in the developer's favor.

To grant developers forgiveness rather than requiring them to ask permission is a harmful practice that encourages future violations of permits. The fact that the structure is already built should have no bearing on the decision. To use completed construction as a rationale for granting variances encourages developers to simply go ahead and build with the confidence that variances will be granted.

Separately from the height variance issue, I have two concerns around the city's previous approvals for this property. First, this property is obviously in an environmentally sensitive conservation area and should never have been zoned for development in the first place. I do not understand why the city allowed this.

Secondly, this building meets the technical definition of a single-unit dwelling, but the breezeway design with two self-contained units on each side suggests it is intended to function as a multi-unit dwelling, with conversion to be requested later. These sorts of loopholes must be addressed to prevent evasion of our development regulations.

The failings around the city's approach to this project are disappointing.

Best wishes,

Yvonne

Yvonne Hunter (she/her)  
Ph.D., OCT

[REDACTED]

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**From:** Fletcher, Kathleen [REDACTED]  
**Sent:** Saturday, September 20, 2025 8:39 PM  
**To:** Committee of adjustment  
**Subject:** Re: 786 Stonechurch Road, Ancaster

**Categories:** Public Comment

**External Email:** Use caution with links and attachments

Kathleen Fletcher  
[REDACTED]

I support the staff recommendation to deny the variance.

Kathleen

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**From:** Fletcher, Kathleen [REDACTED]  
**Sent:** Saturday, September 20, 2025 8:16 PM  
**To:** Committee of adjustment  
**Subject:** 786 Stonechurch Road, Ancaster

**External Email:** Use caution with links and attachments

The variance after the building is already under construction and roof already on and violating height restrictions is a no go! If they are a competent builder, they knew this before they put a hole in the ground. I support the staff recommendation.

It appears to me that the building permit has not been issued either. Shouldn't this be in place before building starts?

Is not this property designated as Open Area? Why are they able to build at all?

From progress so far, this does not look as though it is a single residence but built to accommodate two residences at least.

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**From:** K B [REDACTED]  
**Sent:** Monday, September 22, 2025 12:45 PM  
**To:** Committee of adjustment  
**Subject:** RE 786 Stone Church Rd. Ancaster

**Categories:** Public Comment

**External Email:** Use caution with links and attachments

To whom it may concern,

I am a resident of Susan Drive (off Omni) and live in close proximity to the new structure currently being built adjacent to the roundabout at Stone Church and Omni. I recently learned that this development is a single-family home.

This construction raises several pressing concerns:

Firstly, the home's height and scale cause it to tower awkwardly above the surrounding residences, disrupting the harmony of the neighbourhood's built environment. Such out-of-place development diminishes the character of our community and erodes the balance between homes and the greenspace that makes this area livable.

Secondly, the land being developed was widely understood by residents to be protected greenspace. Allowing construction on such land undermines community trust and sets a troubling precedent for the future protection of Hamilton's green areas.

Thirdly, the placement of a home directly beside a busy roundabout will further intensify congestion in an area that is already heavily trafficked and difficult to navigate. The positioning of this home, which is right before vehicles enter the roundabout, creates a dangerous bottleneck that jeopardizes both drivers, pedestrians and cyclists.

Approving this project not only contradicts the city's stated commitments to preserving greenspace and responsible development but also risks opening the door to further encroachment on protected areas. Once such a precedent is set, it will be increasingly difficult to safeguard other vulnerable spaces in our city.

For these reasons, I urge council to take immediate action to review this development and ensure that it complies with city by-laws, traffic safety standards, and environmental protections. This issue is not just about one home, rather it is about the city's responsibility to uphold its own rules, protect our neighbourhoods, and preserve green spaces for future generations.

Respectfully,

--

Khaoula Bengenzi

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**From:** Luciana Spadafora [REDACTED]  
**Sent:** Monday, September 22, 2025 1:56 PM  
**To:** Committee of adjustment  
**Subject:** A-25:180 786 Stone Church Road West, Ancaster - public hearing Minor Variance

**Categories:** Public Comment

**External Email:** Use caution with links and attachments

Dear Committee of Adjustment,

I am writing as the owner of [REDACTED], to express my opposition to the minor variance application for 786 Stone Church Road West, Ancaster.

The application seeks to increase the maximum permitted building height from 10.5 m to 11.78 m. I ask the Committee to refuse this request for the following reasons:

1. Not Minor in Nature

- The proposed increase of more than one metre is significant and not a small adjustment.
- The added height makes the house visually intrusive and negatively impacts the enjoyment of my property which I have enjoyed and lived in for the past 27 years.
- When I purchased my home, the land behind was designated agricultural, and I did so with the understanding that no residential buildings would be permitted there. Allowing oversized development on this land changes the fundamental character of the area, which was meant to remain forested and agricultural. The proposed variance heightens this impact by making the house even more dominant, intrusive, and out of place.

2. Traffic Safety Concerns

- This property fronts onto a busy two-way street with guardrails for safety. Since construction began, I have repeatedly observed cars screeching and stopping suddenly to allow access, creating a dangerous situation for both drivers and pedestrians.

- Even though there is a roundabout intended to manage traffic flow, it no longer alleviates the congestion or sudden stops caused by vehicles entering this site. This demonstrates that the development has already created unsafe traffic conditions.
- Increasing the scale of the building may result in more vehicles and worsen these safety risks.

### 3. Not in Keeping with Zoning Intent

- The dwelling is described as a “single detached dwelling,” yet its scale and design do not resemble the other single detached homes in the area. It clearly appears more consistent with a multi-unit or oversized structure, which is not compatible with the zoning designation.

### 4. Negative Impact on Neighbourhood Character

- The surrounding lands include forest and agricultural uses. Allowing a building of this scale sets a precedent for over-sized homes that do not fit the established character of the area.

For these reasons, the proposed variance does not meet the four tests of the Planning Act. It is not minor, it is not desirable for the appropriate development of the land, and it does not maintain the intent of the zoning bylaw or the official plan.

I respectfully request that the Committee refuse this application.

Sincerely,

Ms. Spadafora (Liberale)

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**From:** Liane Carruthers [REDACTED]  
**Sent:** Monday, September 22, 2025 8:08 PM  
**To:** Committee of adjustment  
**Subject:** 786 Stonechurch Rd West

**Categories:** Public Comment

External Email: Use caution with links and attachments

Hello,

I am writing to express my concern for the eye sore of a property being built behind me (I'm at [REDACTED]) at 786 Stonechurch Road West.

Despite the size and closeness to the road, there is no garage or parking for the house. This concerns me as the road is already busy and there is no street parking nearby. Where will they park? In the bushes or will they build another 9,000 square feet their cars? Who builds a home(s) that size with no garage???

Don't get me started on the shattered green space, the eco system disruption and the fact that this developer has made it clear they have no respect for rules as they initially cut the steel guardrail on a Saturday to get the roadway in started back in the winter months - we know as we witnessed it!

Many in the area are now convinced that someone in the planning department obviously messed this build up with the permits and possibly received a kickback for it. Prove us wrong and make sure the builder does not get a slap on the wrist but actually faces consequences!

Regards,  
Liane Carruthers

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**From:** Margarita Stumpo [REDACTED]  
**Sent:** Tuesday, September 23, 2025 12:04 AM  
**To:** Committee of adjustment  
**Subject:** 786 Stone Church Rd. W. Application no. A-25:180  
**Attachments:** IMG\_2665.HEIC; IMG\_2689.heic; IMG\_2679.jpg  
  
**Categories:** Public Comment

**External Email:** Use caution with links and attachments

To whom it may concern, committee of adjustment;

In regards to the Minor Variance for the building height of 786 Stone Church Rd. W. ancaster; I am writing as a longtime resident of this area since 1994. Originally built the home at [REDACTED] Preceded and currently residing [REDACTED]. I chose these properties specifically for its unobstructed, natural views, wildlife, and the protected wetlands that make our community unique. This neighboring property that has been developed at 786 Stone Church Rd. to my knowledge and understanding at the time of my purchases was never intended for residential construction. Let alone a monster home. Furthermore, this new house appears to exceed the city of Hamilton's established height restrictions. The construction has already resulted in the loss of scenic views and wildlife habitat that were fundamental to the character and value of this neighborhood.

**Concern regarding minor variance;**

I understand the property owner or builder is seeking a minor variance to retroactively permit construction that exceeds the height limit. I strongly urge the city to deny any such variance for the following reasons.

**1. Intent of the zoning by law.**

The purpose of the existing height restrictions is to preserve the character of the area, protect views and safeguard the surrounding wetlands and wildlife granting a variance would directly undermine the planning principles. The city has long upheld.

**2. Not a "Minor" impact.**

The negative consequences of this over height construction, loss of natural views, diminish property enjoyment, and disruption of wildlife habitat, are significant and long lasting. These impacts are far from "minor" and therefore do not meet the intent of a minor variance

**3. Precedent for future noncompliance.**

Allowing this variance would set a troubling precedent that encourages other developers to disregard zoning bylaws with the exception of later approval this erodes public confidence in the cities planning process and invites further noncompliance

**4. Environmental and community integrity.**

The land was historically understood to be unsuitable for development because of its ecological sensitivity. Allowing a variance effectively rewards development that disrupts the delicate wet lands, ecosystem, and wildlife it supports.

**5. Impact on Established Property Rights**

Homeowners like myself rely on city, zoning rules, and environmental protections when investing in our properties changing those standards after the fact, unfairly diminishes the value and enjoyment of long standing homes in the community.

I am in shock that we are now talking about height restrictions, and have allowed this build to come this far.

Attached are photos from my views . A 1994 photo, a more recent view in 2024 and a current photo taken on September 22, 2025 of shingles being placed on the roof before we speak about the height restriction at 786 Stone Church Rd. West. with committee.

For these reasons, I respectfully request the city of Hamilton investigate the approval process for this development, and ensure that no minor variance is granted to legitimize a clear violation of zoning regulations

Sincerely  
Margarita Stumpo





