



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

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. HM/B-14:05
SUBMISSION NO. B-05/14

IN THE MATTER OF The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

AND IN THE MATTER OF the Premises known as Municipal number 30 Eleanor Avenue in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent A.J. Lakatos Planning Consultant on behalf of the owners Sheila Land, Barry Buckley & Margaret Buckley, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of an irregular vacant parcel of land measuring 20.0m (65.61') x 60.96m (200.0') and having an area of 0.193ha (1940m²) shown as Part 2 on the attached Draft Reference Plan for future residential purposes and to retain a parcel of land measuring 30.47m (99.96') x 42.57m (139.66') and having an area of 1297.10m² (0.129ha) shown as Part 1 on the attached Draft Reference Plan containing an existing dwelling for residential purposes

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 hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. That the applicant/owner apply for a change in zoning to place a Holding provision on the "L" shaped conveyed lands identified as Part 2. The Holding provision will not be lifted until such time that the applicant has received Draft Plan approval for those same lands identified as Part 2. The approved Draft Plan must include the extension of Eaglewood Drive over Part 2.
3. That the owner/applicant agree to include the following warning clause in the consent/development agreement and in all purchase and sale and/or lease/rental agreements:

.../2

HM/B-14:05
Page 2


"Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and the Ministry of Environment's noise criteria."

4. That the lands to be severed include sufficient additional lands to provide for a future 4.57 m X 4.57 m daylight triangle at the north west corner of the future Eaglewood Drive extension and Eleanor Avenue.
5. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
6. The owner submit to the Committee of Adjustment office an administration fee of \$16.30 payable to the City of Hamilton to cover the costs of setting up a new tax account for the newly created lot.

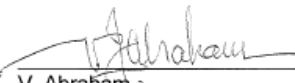
DATED AT HAMILTON this 17th day of April, 2014.



I. Dunlop, Acting Chairman



W. Pearce



V. Abraham



D. Serwatak



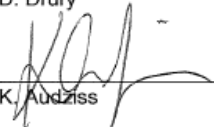
D. Smith



D. Drury



L. Gaddy



K. Audziss

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS April 24th, 2014.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (April 24th, 2015) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS May 14th, 2014.

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

Growth Management:

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be Retained (Part 1) will remain as 30 Eleanor Avenue, and the lands to be conveyed (Part 2) will be assigned the municipal address of 153 Eaglewood Drive.