



Committee of Adjustment
Hamilton City Hall
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Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENTLAND SEVERANCE

APPLICATION NO. GL/B-14:114
SUBMISSION NO. B-114/14

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 345 Bell Road, formerly in the Township of Glanbrook, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Benedict & Ferguson (Ralph Benedict) on behalf of the owner David Earl Barlow, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a parcel of land measuring 68m± x 268m± and having an area of 1.8 ha± containing an existing farm house for residential purposes and to retain a parcel of land measuring 798m± x 1800m± and having an area of 74 ha± containing an existing shed (to be removed) for agricultural 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 Rural 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 and receive final approval of a Zoning By-law Amendment application to prohibit the development of a dwelling on the lands to be retained to the satisfaction of the Manager of Development Planning, Heritage and Design.
3. That the Owner dedicate to the City of Hamilton by deed, sufficient land along the north limit of Bell Road along the entire frontage of both the lands to be severed and the retained lands in order to establish the property line 10.05m (33 feet) from the original centreline of this roadway.
4. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Services Division).

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5. 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 Services Division). May be subject to a demolition permit issued in the normal manner.
6. The owner shall submit survey evidence that the existing structures located on both the lands to be conveyed and the lands to be retained (if the existing buildings are not demolished) conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Services Division).
7. The owner/applicant shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed to the satisfaction of the Planning and Economic Development Department (Building Services Division).
8. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
9. The owner submit to the Committee of Adjustment office an administration fee of \$16.60 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 29th day of January, 2015.



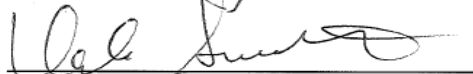
 I. Dunlop, Acting Chairman



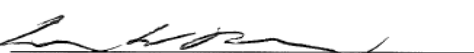
 L. Gaddy



 D. Serwatak



 D. Smith



 W. Pearce

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS February 5th, 2015. HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (February 5th, 2016) 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 **February 25th, 2015.**

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

Note: Based on this application being approved and all conditions being met, the owner/applicant should be made aware that the lands to be conveyed will remain as 345 Bell Road, and the lands to be retained will be assigned the municipal address of 350 Hall Road, based on the location of the existing access and culvert.

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NOTE (If Approved):

1. Prior to any further approvals under the Planning Act involving site alteration or any construction requiring a building permit issued by the City of Hamilton, the property owner shall carry out an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Tourism, Culture and Sport confirming that all archaeological resource concerns have met licensing and conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism, Culture and Sport.

The subject lands are considered to be of archeological potential, and should deeply buried archaeological remains be found on the property during any of the above development activities the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (519.675.7742). In the event that human remains are encountered during construction, the applicant/landowner should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government Services (416.326.8392).