



Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5<sup>th</sup> floor  
Hamilton, ON L8P 4Y5  
Telephone (905) 646-2424, ext. 4221  
Fax (905) 646-4202

**COMMITTEE OF ADJUSTMENT**  
**NOTICE OF DECISION**

**APPLICATION FOR CONSENT/LAND SEVERANCE**

**APPLICATION NO. HM/B-15:18**  
**SUBMISSION NO. B-18/15**

**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 221 Genoa Drive in the City of Hamilton;

**AND IN THE MATTER OF AN APPLICATION** by the agent WEBB Planning Consultants, on behalf of the owner DiCenzo Construction Company Ltd., for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a vacant parcel of land with an area of 9m<sup>2</sup> being Part 8 on the submitted sketch to be merged in title with Block 97 on Plan 2M-1209 for residential purposes and to retain a parcel of land being Part 7 on the submitted sketch to be merged in title with Block 98 on Plan 62M-1209 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. The lands to be conveyed shall be registered in the same name and title as the lands to which they are to be added.
3. The lands to be retained shall be registered in the same name and title as the lands to which they are to be added.
4. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), 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 Division – Zoning Section).
5. The applicant shall make the necessary arrangements to lift 0.3 m reserve on Aquasanta Crescent in front of the property, to the satisfaction of the Development Engineering (West) Division.
6. The applicant shall provide proof that private services have been installed in accordance with the approved drawings for the subdivision, to the satisfaction of the Development Engineering (West) Division.

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7. The owner shall submit revised grading plans c/w revision fees for each lot/block, to the satisfaction of the Development Engineering (Vest) Division.
8. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

DATED AT HAMILTON this 2nd day of April, 2015.

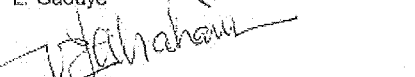
  
M. Dudzic, Chairman

  
I. Dunlop

  
D. Smith

  
L. Gaddy

  
W. Pearce

  
V. Abraham

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS April 9th, 2015.  
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS  
NOTICE OF DECISION (April 9th, 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 April 29th, 2015.

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 shown as Part 7 will be part of 48 Aquasanta Crescent  
and Part 8 will be part of 54 Aquasanta Crescent.