



Committee of Adjustment
Hamilton City Hall
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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. AN/B-16:64
SUBMISSION NO. B-64/16

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 88 Valleyview Drive, formerly in the Town of Ancaster, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the owners Vincent and Maria Commisso, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the severance of a vacant lot with the following approximate measurements: a frontage of 17.6m, a depth of 58.8m and an area of 1039m² for residential purposes (the erection of a single detached dwelling) and to retain a parcel of land with the following approximate measurements: a frontage of 17.6m, a depth of 58.8m and an area of 1039m², to be used for residential purposes (the erection of a single detached dwelling). The existing dwelling and accessory garage are to be demolished as part of this application.

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.
4. The submissions made regarding this matter did not affect the decision.

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 proponent shall carry out an archaeological assessment of the entire 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 confirming that all archaeological resource concerns have met 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.

Should deeply buried archaeological materials 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 (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392)."

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3. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section) and to the satisfaction of the Manager of Development Planning, Heritage and Design.
4. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line and also demolish the accessory building, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
5. The applicant must enter into and the City of Hamilton register on title, a consent agreement, with an administrative fee of \$3,940.00 (2016 fee) to deal with and address issues including but not limited to: grading and drainage (detailed grading plan required), erosion and sediment control measures (to be included on grading plan); cash payment requirements for items such as the future road urbanization of Valleyview Drive at a rate of \$766.63/m frontage, street-trees (1 street-tree/lot @ \$590.00 + HST), inspection of grading and securities for items such as: lot grading (\$10,000.00 grading security), driveway approaches and minimum 450mmØ culverts (approximately \$2,000.00/lot), relocation of existing infrastructure and any damage during construction (unknown costs at this time). A stormwater-management-report must be provided that identifies a suitable storm drainage outlet and details the increased post-development storm flow volumes and peak storm flow rates, all to the satisfaction of the Manager of Development Approvals.
6. The owner shall submit to the Committee of Adjustment Office an administration fee of \$17.00, payable to the City of Hamilton, to cover the cost of setting up a new tax account for the newly created lot.
7. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

DATED AT HAMILTON this 22nd day of September, 2016.

V. Abraham (Acting Chairman)

W. Pearce

D. Serwatuk

L. Gaddy

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS September 29th, 2016.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (September 29th, 2017) 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 October 19th, 2016.

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 Retained will remain as 88 Valleyview Drive, and the lands to be conveyed will be assigned the municipal address of 86 Valleyview Drive.