



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 CONSENTLAND SEVERANCE

APPLICATION NO. AN/B-17:75
SUBMISSION NO. B-75/17

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 240 Butter Road West, formerly in the Town of Ancaster, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Urban Solutions *c/o* Katie Rauscher on behalf of the owner A.B. Ventures Inc. *c/o* Marc Ripa, 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 40.0m± x 210.13m± and having an area of 1.29 ha± containing an existing single detached dwelling, existing remains of an old barn and a shed (single detached dwelling and shed is proposed to remain) and to retain a parcel of land measuring 512.41m± x 682.60m± and having an area of 40.10ha± for a 2,000m² marijuana growing and harvesting facility.

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. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
3. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-Law as determine necessary by the Planning and Economic Development Department (Building division – Zoning Section).

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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 determine necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

5. 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 clearances 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 Division – Plan Examination Section).
6. The applicant / proponent shall receive final and binding approval of a zoning by-law amendment in order to restrict the development of a single detached dwelling on the retained farm parcel to the satisfaction of the Manager, Development Planning, Heritage & Design.
7. That the applicant / proponent apply for and receive a demolition permit for the existing barn on the lands to be severed to the satisfaction of the Manager, Development Planning, Heritage & Design.
8. The applicant must enter into and the City of Hamilton register on title, a consent agreement, having an administrative fee of \$4,005.00 (2017 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the severed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on grading plan); cash payment requirements for items such as trees (each street-tree/lot @ \$601.80 + HST), inspection of grading and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing municipal infrastructure and any damage during construction (unknown costs at this time).
9. That the Owner provide separate independent wastewater and water services to the lands to be severed and retained or provide proof thereof if they already exist.
10. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
11. The owner submit to the Committee of Adjustment office an administration fee of \$17.35 payable to the City of Hamilton to cover the costs of setting up a new tax account for the newly created lot.

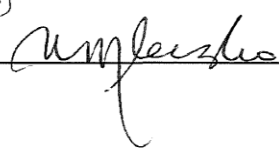
DATED AT HAMILTON this 5th day of October, 2017.


M. Dudzic (Chairman)

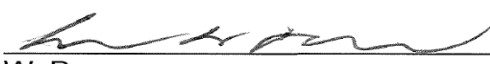

D. Serwatak



D. Smith

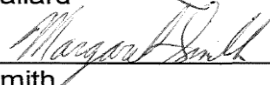

V. Abraham


N. Mleczko


L. Gaddy


W. Pearce


P. Mallard


M. Smith

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THE DATE OF GIVING OF THIS NOTICE OF DECISION IS October 12th, 2017.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (October 12th, 2018) 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 **November 1st, 2017.**

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

NOTES:

1. 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 240 Butter Road West and the lands to be retained will be assigned the address of 280 Butter Road West
2. As part of previous application FC-17-135, Staff required an archaeological assessment be conducted for the subject lands. Staff do not have an archaeological assessment for the property on file and will be requiring that an archaeological assessment be completed and submitted prior to site plan approval for the subject property. Staff do not require that the assessment be completed as a condition of severance.