



Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5<sup>th</sup> 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. FL/B-18:29**  
**SUBMISSION NO. B-29/18**

**SUBJECT PROPERTY:** 167 Highway #5 West, Flamborough

**APPLICANT(S):** Agent IBI Group (c/o Tracy Tucker) on behalf of the owner Paul Kenel (c/o Michael Kenel).

**PURPOSE OF APPLICATION:** To sever an irregular shaped rear parcel of land to be added to the adjoining parcel known municipally as 163 Highway #5 West.

**Severed lands:**  
Area 391m<sup>2±</sup>

**Retained lands:**  
91.5m<sup>±</sup> frontage and an area of 48ha<sup>±</sup>

**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 lands to be conveyed shall be registered in the same name and title as the lands known municipally as 163 Highway #5 West.
3. The applicant / proponent shall receive final and binding approval of Zoning By-law Amendment Application ZAR-18-019, to the satisfaction of the Manager, Development Planning, Heritage and Design.
4. That the owner apply for a Change of Address application by contacting Paul Toffoletti at [paul.toffoletti@hamilton.ca](mailto:paul.toffoletti@hamilton.ca), to the satisfaction of the Senior Director of Growth Management. Timing of the change will be discussed when the application is submitted.

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5. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

DATED AT HAMILTON this 26th day of April, 2018.

\_\_\_\_\_  
M. Dudzic (Chairman)

\_\_\_\_\_  
L. Gaddy

\_\_\_\_\_  
D. Smith

\_\_\_\_\_  
W. Pearce

\_\_\_\_\_  
V. Abraham

\_\_\_\_\_  
P. Mallard

\_\_\_\_\_  
N. Mleczko

\_\_\_\_\_  
M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS May 3rd, 2018.  
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (May 3rd, 2019) 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 23rd, 2018.

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

The period of appeal has expired and no such appeal has been filed.  
THIS DECISION IS NOW FINAL AND BINDING (s. 53 of The Planning Act).  
CERTIFIED A TRUE COPY. *May 24/18*

*m mger*  
Secretary-Treasurer



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

**APPLICATION FOR CONSENT\LAND SEVERANCE**

**APPLICATION NO. FL/B-18:30**  
**SUBMISSION NO. B-30/18**

**SUBJECT PROPERTY:** 167 Highway #5 West, Flamborough

**APPLICANT(S):** Agent IBI Group (c/o Tracy Tucker) on behalf of the owner Paul Kenel (c/o Michael Kenel).

**PURPOSE OF APPLICATION:** To sever an irregular shaped rear parcel of land to be added to the adjoining parcel known municipally as 163 Highway #5 West.

**Severed lands:**  
Area 40.9m<sup>2</sup>±

**Retained lands:**  
91.5m<sup>±</sup> frontage and an area of 48ha<sup>±</sup>

**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 lands to be conveyed shall be registered in the same name and title as the lands known municipally as 163 Highway #5 West.
3. The applicant / proponent shall receive final and binding approval of Zoning By-law Amendment Application ZAR-18-019, to the satisfaction of the Manager, Development Planning, Heritage and Design.
4. That the owner apply for a Change of Address application by contacting Paul Toffoletti at [paul.toffoletti@hamilton.ca](mailto:paul.toffoletti@hamilton.ca), to the satisfaction of the Senior Director of Growth Management. Timing of the change will be discussed when the application is submitted.

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Page 2

5. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

DATED AT HAMILTON this 26th day of April, 2018.

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M. Dudzic (Chairman)

\_\_\_\_\_  
L. Gaddye

\_\_\_\_\_  
D. Smith

\_\_\_\_\_  
W. Pearce

\_\_\_\_\_  
V. Abraham

\_\_\_\_\_  
P. Mallard

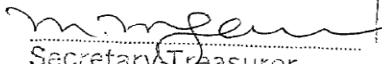
\_\_\_\_\_  
N. Mieczko

\_\_\_\_\_  
M. Smith

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Secretary-Treasurer



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

**APPLICATION FOR CONSENT\LAND SEVERANCE**

**APPLICATION NO. FL/B-18:31**  
**SUBMISSION NO. B-31/18**

**SUBJECT PROPERTY:** 167 Highway #5 West, Flamborough

**APPLICANT(S):** Agent IBI Group (c/o Tracy Tucker) on behalf of the owner Paul Kenel (c/o Michael Kenel).

**PURPOSE OF APPLICATION:** To sever a parcel of land to be added to the adjoining parcel known municipally as 163 Highway #5 West.

**Severed lands:**  
7.0m $\pm$  frontage and an area 479.5m<sup>2</sup> $\pm$

**Retained lands:**  
84.5m $\pm$  frontage and an area of 48ha $\pm$

**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 lands to be conveyed shall be registered in the same name and title as the lands known municipally as 163 Highway #5 West.
3. The applicant / proponent shall receive final and binding approval of Zoning By-law Amendment Application ZAR-18-019, to the satisfaction of the Manager, Development Planning, Heritage and Design.
4. That the owner apply for a Change of Address application by contacting Paul Toffoletti at [paul.toffoletti@hamilton.ca](mailto:paul.toffoletti@hamilton.ca), to the satisfaction of the Senior Director of Growth Management. Timing of the change will be discussed when the application is submitted.

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Decision  
Page 2

5. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

DATED AT HAMILTON this 26th day of April, 2018.

\_\_\_\_\_  
M. Dudzic (Chairman)

\_\_\_\_\_  
L. Gaddy

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D. Smith

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W. Pearce

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N. Mleczko

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M. Smith

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NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS **May 23rd, 2018.**

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

The period of appeal has expired and no such appeal has been filed.  
THIS DECISION IS NOW FINAL AND BINDING (s. 53 of The Planning Act).  
CERTIFIED A TRUE COPY. *May 24/18*

*[Signature]*  
Secretary-Treasurer



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

**APPLICATION FOR CONSENT\LAND SEVERANCE**

**APPLICATION NO. FL/B-18:32**  
**SUBMISSION NO. B-32/18**

**SUBJECT PROPERTY:** 163 Highway #5 West, Flamborough

**APPLICANT(S):** Agent IBI Group (c/o Tracy Tucker) on behalf of the owner Albert Kenel (c/o Michael Kenel).

**PURPOSE OF APPLICATION:** To sever an irregular shaped rear parcel of land to be added to the adjoining parcel known municipally as 167 Highway #5 West.

**Severed lands:**  
203m<sup>2</sup>±

**Retained lands:**  
91.7m<sup>±</sup> frontage and an area of 9,431m<sup>2</sup>±

**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 lands to be conveyed shall be registered in the same name and title as the lands known municipally as 167 Highway #5 West.
3. The applicant / proponent shall receive final and binding approval of Zoning By-law Amendment Application ZAR-18-019, to the satisfaction of the Manager, Development Planning, Heritage and Design.
4. That the owner apply for a Change of Address application by contacting Paul Toffoletti at [paul.toffoletti@hamilton.ca](mailto:paul.toffoletti@hamilton.ca), to the satisfaction of the Senior Director of Growth Management. Timing of the change will be discussed when the application is submitted.

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Page 2

5. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
6. 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).

DATED AT HAMILTON this 26th day of April, 2018.

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M. Dudzic (Chairman)

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L. Gaddy

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D. Smith

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W. Pearce

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M. Smith

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THIS DECISION IS NOW FINAL AND BINDING (s. 53 of The Planning Act).  
CERTIFIED A TRUE COPY. *May 24/18*

*[Signature]*  
Secretary-Treasurer