



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

**APPLICATION FOR CONSENT/LAND SEVERANCE**

**APPLICATION NO. HMB-18:118**  
**SUBMISSION NO. B-118/18**

**APPLICATION NUMBER:** HM/B-18:118  
**SUBJECT PROPERTY:** 865 West 5<sup>th</sup> Street, Hamilton  
**APPLICANT(S):** Agent WEBB Planning Consultants on behalf of the owner William Prior

**PURPOSE OF APPLICATION:** To sever a parcel of rear land to add to the adjoining parcel known as Block 29 (shown on the attached sketch) to create a new residential building lot.

**Severed lands:**  
 Area of 98.0m<sup>2</sup>\*

**Retained lands:**  
 28.8m<sup>2</sup> x 45.73m<sup>2</sup> and an area of 1,316.5m<sup>2</sup>\*

**NOTE:** This application is scheduled to be heard in conjunction with severance application HM/B-18:117

**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 merged in title with the lands to which they are to be added.

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3. 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 Division – Plan Examination Section).
4. The applicant shall 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 owner shall submit survey evidence that the lands to be retained, including the location of any existing structures, parking and landscaping, 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).
6. That the Owner dedicate to the City of Hamilton by deed a strip of land from the lands to be retained for road allowance widening purposes to establish the west property line of the subject lands adjacent to West 5<sup>th</sup> Street.
7. The owner make a cash payment to the City of Hamilton in the amount of \$7,540.00 plus adjustment based on Canadata Index for the cost recoveries associated with Block 29 Plan 62M-1066 for the outstanding costs for removal of the North Temporary Turning Circle under West Bloom Estates Subdivision.
8. That the Owner enters into and register on the title of the severed portion of the lands a Consent Agreement with the City to the satisfaction of the Manager of Engineering Approvals Section
9. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

DATED AT HAMILTON this 15th day of November, 2018.

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M. Dudzic (Chairman)

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D. Serwatak

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D. Smith

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

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

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P. Mallard

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N. Mleczo

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M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS November 22nd, 2018.  
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (November 22nd, 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 LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS December 12th, 2018.

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

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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 be added to Block 29, known as 166 Fortissimo Drive.
2. **"Caution:** Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property 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)."