



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-18:33**  
**SUBMISSION NO. B-33/18**

**APPLICATION NUMBER:** FL/B-18:33

**SUBJECT PROPERTY:** 1557 2<sup>nd</sup> Con. Rd. W. (Flamborough), City of Hamilton

**APPLICANT(S):** Agent Chris Van Berkel on behalf of the owner Neil Vanderkruk Holdings Inc.

**PURPOSE OF APPLICATION:** Non-abutting farm consolidation.

**Severed lands (surplus farm dwelling):**  
45.65m<sup>±</sup> x 151.13m<sup>±</sup> and an area of 6,881.5m<sup>2±</sup>

**Retained lands (to be merged with 1168 Sodom Rd.):**  
131.57m<sup>±</sup> x 1,341.73m<sup>±</sup> and an area of 53.197 ha<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 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.
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).


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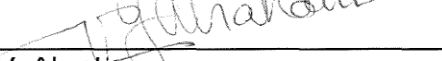
4. The owner shall submit survey evidence that the lands to be severed and/or the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
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 clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
6. Transportation Planning has no objection to the conveyance and retention of lands relating to this Committee of Adjustment Application provided a road allowance widening is conveyed to the City as per the Rural Official Plan; Chapter C - City Wide Systems and Designations where the maximum basic right-of-way widths for collector roads in rural areas shall be 36 metres to the satisfaction of Public Works [Sandra.Lucas@hamilton.ca](mailto:Sandra.Lucas@hamilton.ca)
7. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
8. The owner submit to the Committee of Adjustment office an administration fee of \$17.70 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 10th day of May, 2018.

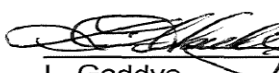
  
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 M. Dudzic (Chairman)

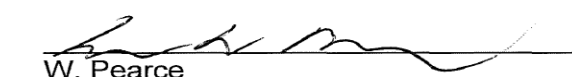
  
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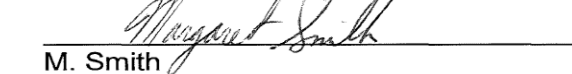
  
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THE DATE OF GIVING OF THIS NOTICE OF DECISION IS May 17th, 2018.  
 HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (May 17th, 2019) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS **June 6th, 2018.**

**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 conveyed will remain as 1557 Concession 2 West and the lands to be retained will be assigned the address of 320 Orkney Road, based on the location of an existing driveway.