



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. GL/B-18:57
SUBMISSION NO. B-57/18

SUBJECT PROPERTY: 2040 Hall Rd. (Glanbrook), City of Hamilton

APPLICANT(S): Agent Benedict & Ferguson on behalf of the owner
Jeffery Albert Barlow

PURPOSE OF APPLICATION: To permit the creation of a new non-farm parcel
containing an existing farm house dwelling (to remain)
for residential purposes

Severed lands:
55.0m[±] x 189m[±] and an area of 1.04m² ha[±]

Retained lands:
425m[±] x 915m[±] and an area of 47.26m² ha[±]

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out 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. That the applicant/proponent receive final and binding approval of a Zoning By-law Amendment Application to prohibit the development of any future single detached dwellings on the retained 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).

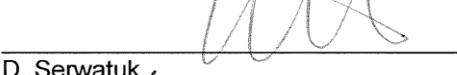
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4. The owner shall submit survey evidence that the lands to be retained and the lands to be severed, including the location of any existing structures, conform to the requirements of the Zoning By-law or alternatively apply for and receive final approval 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 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 conveyed to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
6. That the Owner dedicate to the City of Hamilton by deed, sufficient land along the frontage of both the lands to be severed and remnant farm parcel fronting on Hall Road in order to establish the property line 18.576m (60 feet) from the original centreline of this roadway;
7. That the Owner dedicate to the City of Hamilton by deed, sufficient land along the flankage of the remnant farm parcel on Trimble Road in order to establish the property line 18.576m (60 feet) from the original centreline of this roadway; and,
8. That the Owner dedicate to the City of Hamilton by deed, sufficient land at the intersection of Hall Road and Trimble Road to establish a 9.14m x 9.14m daylighting triangle at this intersection.
9. The applicant shall delineate a reserve area bed on a site plan drawing as per Rural Hamilton Official Plan requirements, to the satisfaction of Director, Hamilton Water.
10. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
11. The owner shall demolish buildings, as required, to remove agricultural buildings from the residential farm house property, to the satisfaction of the Manager, Development Planning Heritage & Design.

DATED AT HAMILTON this 19th day of July, 2018.



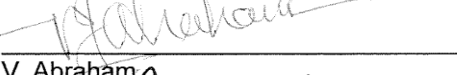
M. Dudzic (Chairman)



D. Serwatak



D. Smith



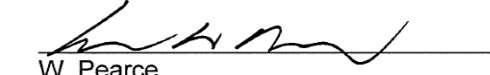
V. Abraham



N. Mleczko



L. Gaddy



W. Pearce



P. Mallard



M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 26, 2018.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (July 26, 2019) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

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NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **August 15, 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 2040 Hall Road and that the lands to be retained will be assigned the address of 2110 Hall Road. This is based on the location of an existing access to the property, to the west of the lands to be retained. If at a future date it is discovered that a building is to be constructed on the retained lands with access to Trimble Road, the address will be required to be changed by contacting Paul Toffoletti at 905-546-2424 Ext. 4348 or paul.toffoletti@hamilton.ca.