



Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5<sup>th</sup> floor  
Hamilton, ON L8P 4Y5  
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## COMMITTEE OF ADJUSTMENT

### NOTICE OF DECISION

#### APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO. GL/B-17:114

SUBMISSION NO. B-114/17

**APPLICATION NUMBER:** GL/B-17:114

**SUBJECT PROPERTY:** 3600 Guyatt Road (Glanbrook) City of Hamilton

**APPLICANT(S):** IBI Group c/o Tracy Tucker on behalf of the owner  
Larry Freeman

**PURPOSE OF APPLICATION:** To permit the conveyance the conveyance of a parcel of land containing a surplus farm dwelling known municipally as 3600 Guyatt Road and to retain a parcel of land for agricultural purposes as part of a non-abutting farm consolidation.

**Severed lands:**  
63.30m<sup>±</sup> x 71.93m<sup>±</sup> and an area of 0.4ha<sup>±</sup>

**Retained lands:**  
350.17m<sup>±</sup> x 846.46m<sup>±</sup> and an area of 21ha<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 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).

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4. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping etc., 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 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 retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
6. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
7. 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 – Building Engineering Section).
8. Approximately 8.0 metres are to be dedicated to the right-of-way on Guyatt Road and approximately 5.35 metres are to be dedicated to the right-of-way on Fletcher Road, as per the Council Approved Rural Official Plan: Chapter C – City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2. Collector Roads (Guyatt Road and Fletcher Road) are to be 36 metres. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of- way widening(s).
9. That the Owner dedicate to the City of Hamilton by deed, sufficient land at the intersection of Guyatt Road and Fletcher Road to establish a 7.0 m x 7.0 m daylighting triangle at this intersection.
10. That the owner/applicant de-convert the farm building from animal occupancy to the satisfaction of the Planning and Economic Development Department Building & Planning Divisions
11. The owner submits to the Committee of Adjustment office an administration fee of \$18.00 payable to the City of Hamilton to cover the costs of setting up a new tax account for the newly created lot.
12. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

DATED AT HAMILTON this 30th day of May 2019.

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V. Abraham (Acting Chairman)

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N. Mleczko

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D. Serwatak

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

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS June 6th, 2019.  
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (June 6th, 2020) 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 ONTARIO MUNICIPAL BOARD MAY BE FILED IS June 26<sup>th</sup> 2019.

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

**Growth Management:**

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed will remain as **3600 Guyatt Road**, and the lands to be retained will be assigned the address of **3590 Guyatt Road**.