



Committee of Adjustment
Hamilton City Hall
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COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO. AN/B-18:131
SUBMISSION NO. B-131/18

APPLICATION NUMBER: AN/B-18:131

SUBJECT PROPERTY: 2274 Powerline Road West (Ancaster), Hamilton

APPLICANT(S): Agent Don Robertson on behalf of the owners Tom & Sue Traver

PURPOSE OF APPLICATION: Non-abutting farm consolidation which results in a surplus farm dwelling being severed.

Severed lands:
88.4m[±] (290'±) and an area of 28.3ha± (70ac±)

Retained lands:
76.2m[±] (250'±) x 106.6m[±] (350'±)

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 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).
3. 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).

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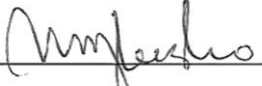
4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
5. The applicant / proponent shall apply for and receive final and binding approval of a Zoning By-law Amendment for the purposes of prohibiting a single detached dwelling and residential care facility on the lands to be severed to the satisfaction of the Manager, Development Planning, Heritage & Design.
6. As a condition of severance, to the satisfaction of Building Division, the applicant shall demonstrate that all septic system components meet the minimum clearance distances set out by Part 8 of the Ontario Building Code. It is noted that many of these clearance distances have been provided in the sketch associated with the application.
7. As a condition of severance, to the satisfaction of Director, Hamilton Water, the applicant shall delineate a reserve area bed on a site plan drawing as per Rural Hamilton Official Plan requirements.
8. Transfer land to new owner and provide evidence to Committee of Adjustment office.
9. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
10. The owner submits 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 7th day of February 2019.


M. Dudzic (Chairman)


D. Serwatak


D. Smith


N. Mleczko


L. Gaddy


V. Abraham


M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS March 14th, 2019.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (March 14th, 2020) 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 **April 3, 2019.**

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

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Growth Management:

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **2274 Powerline Road West, Hamilton (Ancaster)**, and the lands to be conveyed will be assigned the address of **2250 Powerline Road West, Hamilton (Ancaster)**.

NOTE:

"Advisory Note: Although an archaeological assessment is not required at this time, prior to any further approvals under the Planning Act or any construction requiring a building permit issued by the City of Hamilton, the property owner shall carry out an archaeological assessment of the property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Tourism, Culture and Sport confirming that all archaeological resource concerns have met licensing and conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism, Culture and Sport. The subject lands are considered to be of archeological potential, and should deeply buried archaeological remains be found on the property during any of the above development activities the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (519.675.7742). In the event that human remains are encountered during construction, the applicant/landowner should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government Services (416.326.8392),"