



Committee of Adjustment
Hamilton City Hall
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Hamilton, ON L8P 4Y5
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COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. GL/B-18:144
SUBMISSION NO. B-144/18

APPLICATION NUMBER: GL/B-18:144

SUBJECT PROPERTY: 6266 Chippewa Rd. E. (Glanbrook) City of Hamilton

APPLICANT(S): Owner Shirimar Farms Inc. c/o Mark Comley

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land containing an existing dwelling for residential purposes and to retain a parcel of land for agricultural purposes.

Severed lands (Part 1 on attached sketch):
13.716m[±] x 216.5m[±] and an area of 1ha[±]

Retained lands:
1143m[±] x 1334m[±] and an area of 36.9 ha[±]

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 / proponent shall confirm that the existing garage and barn have been demolished in accordance with the submitted site plan "Detail A" to the satisfaction of the Manager, Development Planning, Heritage & Design.
4. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the

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Planning and Economic Development Department (Building Division – Plan Examination Section).

5. The applicant 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).
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 submit survey evidence that the lands to be conveyed and the lands to be retained, including the location of any existing structures on the lands to be retained and parking for the single detached dwelling on the lands to be conveyed, 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).
8. 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 retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section), if required.
9. That the Owner dedicate to the City of Hamilton by deed, sufficient land adjacent to Chippewa Road East in order to establish the property line 18.576m (60 feet) from the original centreline of this roadway, if required.
10. That the Owner dedicate to the City of Hamilton by deed, sufficient land adjacent to Tyneside Road in order to establish the property line 13.1m (43 feet) from the original centreline of this roadway, if required.
11. That the Owner dedicate to the City of Hamilton by deed, sufficient land at the intersection of Chippewa Road East and Tyneside Road in order to establish a 15m x 15m daylight triangle from the widened limits of these 2 roadways, if required.
12. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
13. 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.
14. To satisfy the requirements of Source Water to the satisfaction of the Director, Hamilton Water.


DATED AT HAMILTON this 7th day of February, 2019.



M. Dudzic (Chairman)

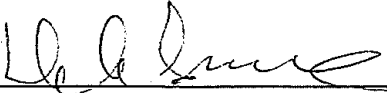


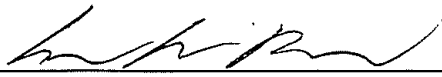
D. Serwatak




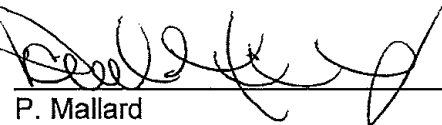
L. Gaddy

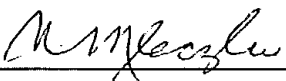
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D. Smith


W. Pearce


V. Abraham


P. Mallard


N. Mleczko


M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS February 14th, 2019.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (February 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 March 6th 2019.

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

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 (Part 1) will remain as **6266 Chippewa Road East** and the lands to be retained will be assigned the address of **6330 Chippewa Road East** based on a location to the West of the existing dwelling. Please note that a new address will be required if a building is to be constructed on the East side of the property by contacting the Growth Management section.
2. **"Advisory Note:** Any further approvals under the *Planning Act*, the property owner may have carry out an archaeological assessment of the entire development 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)."