



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

APPLICATION FOR CONSENTLAND SEVERANCE

APPLICATION NO. FL/B-20:86
SUBMISSION NO. B-86/20

APPLICATION NUMBER: FL/B-20:86

SUBJECT PROPERTY: 173 Highway 52, Flamborough

APPLICANT(S): Owners: Jacob and Cassidy DeJong
Agent: Don Robertson

PURPOSE OF APPLICATION: To sever agricultural lands to be added to adjacent agricultural lands (1372 Concession 2 W.) and to retain lands containing an existing single family dwelling.

Severed lands:
62m[±] x 811m[±] and an area of 19.22 ha[±]

Retained lands:
140m[±] x 117m[±] and an area of 1.15 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.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

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 pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)

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3. 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.
4. 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).
5. The owner shall submit survey evidence that the lands to be severed and retained, including the location of any existing structure, lot coverage 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).
6. 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 severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Building Engineering Section).
7. The owner shall demolish the existing farm buildings on the retained residential lot, to the satisfaction of the Planning and Economic Development Department.
8. The applicant shall submit and receive final and binding approval of a Zoning By-law Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.
9. The applicant shall submit and receive final and binding approval of an Official Plan Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.
10. The owner must merge the severed agricultural lot (19.22 ha) with the vacant agricultural lot at 1372 Concession 2 W., to the satisfaction of the Manager, Development Planning Heritage & Design.

DATED AT HAMILTON this 21st day of January, 2021.

M. Dudzic (Chairman)

N. Mleczko

D. Serwatak

L. Gaddye

D. Smith

B. Charters

M. Switzer

T. Lofchik

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS January 28th, 2021.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (January 28th, 2022) 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 **February 17th, 2021**

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