



Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5<sup>th</sup> floor  
Hamilton, ON L8P 4Y5  
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ext. 4221, 3935  
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**COMMITTEE OF ADJUSTMENT**  
**NOTICE OF DECISION**

**APPLICATION FOR CONSENTLAND SEVERANCE**

**APPLICATION NO. GL/B-21:19**  
**SUBMISSION NO. B-19/21**

**APPLICATION NUMBER: GL/B-21:19**

**SUBJECT PROPERTY: 1640 Trinity Church Rd., Glanbrook**

**APPLICANT(S):** Owner Harvinder Wallace

**PURPOSE OF APPLICATION:** To convey a parcel of land containing an existing farm dwelling, being declared surplus as a result of farm consolidation and to retain a parcel of land for agricultural purposes and to become part of the farming operation contained on the non-abutting farm property known as 1511 Nebo Rd.

Re-application of previous severance GL/B-19:35.

**Severed lands:**  
75.7m<sup>±</sup> x 132.1m<sup>±</sup> and an area of 1ha<sup>±</sup>

**Retained lands:**  
382.61m<sup>±</sup> x 562.35m<sup>±</sup> and an area of 35.8ha<sup>±</sup>

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 proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application, with amendments.

**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 condition(s):**

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)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Building Engineering Section).
5. 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).
6. The owner shall submit survey evidence that the lands to be retained, including the location of any existing structure(s), 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).
7. 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).
8. The applicant shall submit and receive final and binding approval of a Zoning By-law Amendment Application for the subject lands, in order to prevent any future residential development on the retained farm lot, to the satisfaction of the Manager, Development Planning Heritage & Design.
9. To the satisfaction of Director, Hamilton Water, the applicant shall provide a revised site plan that includes the delineation of a reserve leaching bed area to conform to Rural Hamilton Official Plan requirements. A reserve leaching bed is simply a duplication of the proposed leaching bed area placed elsewhere on the property in case it needs to be relocated in the future.
10. The existing right-of-way at the subject property is approximately 20.0 metres. Approximately 4.5 metres are to be dedicated to the right-of-way on Trinity Church Road, as per the Council Approved Rural Official Plan: Schedule C-1 -Future Right-of-Way Dedications. Trinity Church Road (Golf Club Road to White Church Road/ Binbrook Road East) is to be 30.480 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). Should you require any further information, please contact [tplanning@hamilton.ca](mailto:tplanning@hamilton.ca). (Transportation Planning)
11. The Owner shall submit a survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine any easements on the property. All easements shall be registered on title.

DATED AT HAMILTON this 22 day of July, 2021.

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D. Smith (Chairman)

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D. Serwatak

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N. Mleczo

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M. Dudzic

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M. Smith

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M. Switzer

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T. Lofchik

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B. Charters

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 22, 2021.  
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE  
OF THIS NOTICE OF DECISION (July 22, 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 **August 18 , 2021**

**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 (existing  
residential dwelling) will remain as 1640 Trinity Church Road (Glanbrook), and the lands  
to be retained (farm land) will be assigned the address of 1800 Trinity Church Road  
(Glanbrook).

That the Owner agrees to physically affix the municipal numbers or full addresses to either  
the buildings or on signs in accordance with the City's Sign By-law, in a manner that is  
clearly visible from the road.