



Committee of Adjustment
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COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO. GL/B-21:107
SUBMISSION NO. B-107/21

APPLICATION NUMBER: GL/B-21:107

SUBJECT PROPERTY: 9270 Haldibrook Rd., Glanbrook

APPLICANT(S): Agent Fothergill Planning & Development
Owner Schiedel Ranch Holdings Inc.

PURPOSE OF APPLICATION: To permit the creation of a new non-farm parcel of land for residential purposes.

Severed lands:
123.6m[±] x 82m[±] and an area of 1.01ha[±]

Retained lands:
745m[±] x 404m[±] and an area of 33ha[±]

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.

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)

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4. The existing right-of-way at the subject property is approximately 20 metres. Approximately 8 metres are to be dedicated to the right-of-way on Haldibrook Road (this will allow for existing utility poles to be within the City's right-of-way), as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (Haldibrook Road) are to be 36.0 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.
5. Given the proposed lot size meets the minimum requirements, as a condition of approval Hamilton Water requires a Scoped Hydrogeological Report completed by a qualified professional. This report would include but not necessarily be limited to:
 - a. the applicant shall forward the Ministry of Environment Water Well Record for the existing well to Source Protection Planning for our review. If the Water Well Record can not be located OR if the well is more than 10 years old, it shall be inspected by a licensed water well contractor for its condition and its sustainable pumping rate verified to demonstrate that the existing well can continue to support the dwelling. Any improvements to the condition of the well suggested by the water well contractor shall be implemented and associated documentation shall be forwarded to Source Protection Planning for review. Find licensed water well contractors here: <https://www.ontario.ca/page/find-licenced-well-contractors>
 - b. The water well contractor or other qualified professional (P.Eng, P.Geo) shall obtain water quality samples from the onsite well. Parameters to be analyzed shall be at minimum, e. coli, total coliforms, general chemistry, major ions, nutrients, and metals. Find licensed laboratories here: <https://www.ontario.ca/page/listlicensed-laboratories>.
 - c. A revised site/local area plan shall indicate the location of the well and septic system components (tank(s) and leaching bed) and demonstrate that the locations conform with minimum clearance distances within Part 8 of the Ontario Building Code. A reserve area bed shall also be delineated to conform to Rural Hamilton Official Plan requirements.
6. 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).
7. The owner shall submit survey evidence that the lands to conveyed/retained, including the location of any existing structure(s) and permitted yard encroachments 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 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.
9. 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).
10. The applicant shall submit and receive final and binding approval of a Zoning Bylaw 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.

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- 11. The owner shall demolish the existing barn and two Quonset huts (accessory structure) on the lands to be conveyed to the satisfaction of the Planning and Economic Development Department.
- 12. That a Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.

DATED AT HAMILTON this 9 day of December, 2021.

D. Smith (Chairman)

D. Serwatuk

L. Gaddye

M. Dudzic

B. Charters

M. Switzer

M. Smith

N. Mleczko

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS December 16, 2021.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (December 16, 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 ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS January 5 , 2022

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

Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed will remain as **9270 Haldibrook Road (Glanbrook)** and the lands to be retained will be assigned the address of **9350 Haldibrook Road (Glanbrook)**.

We ask that the following be noted to the applicants:
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.