



Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424
ext. 4221, 3935
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. GL/B-20:61
SUBMISSION NO. B-61/20

APPLICATION NUMBER: GL/B-20:61

SUBJECT PROPERTY: 5020 Tyneside Rd., (Glanbrook)

APPLICANT(S): Sullivan Planning Services Inc. on behalf of the owner Thomsen-Jung Farms Ltd.

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

Severed lands:
65m[±] x 280m[±] and an area of 1.96ha[±]

Retained lands:
646m[±] x 1,000m[±] and an area of 63.29ha[±]

**This application will be heard in conjunction with
Minor Variance Application GL/A-20:199**

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 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 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

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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 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).
5. The owner shall receive final and binding approval of minor variance application GL/A-20:199.
6. The owner shall submit survey evidence that the lands to be conveyed and retained, including any existing structure(s), and parking 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 demolish the existing “farm buildings” on the lands to be retained to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section) or alternatively, the owner shall demonstrate that the existing farm buildings conform to the requirements of Hamilton Zoning By-law 05-200 in relation to their location to the proposed property lines. (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
8. 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 – Plan Examination Section).
9. The owner shall demolish the existing barn (accessory structure) on the lands to be conveyed to the satisfaction of the Planning and Economic Development Department.
10. 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.
11. That the Owner dedicate to the City of Hamilton by deed, sufficient land along the frontage of the remnant parcel fronting on Miles Road in order to establish the property line 18.28mm (60 feet) from the original centreline of this roadway to the satisfaction of Manager Engineering Approvals Section.

DATED AT HAMILTON this 21st day of January 2021.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

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D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mieczko

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.



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COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. GL/A-20:199
SUBMISSION NO. A-199/20

APPLICATION NO.: GL/A-20:199

APPLICANTS: Mike Sullivan on behalf of the owner Thomsen-Jung Farms Ltd.

SUBJECT PROPERTY: Municipal address **5020 Tyneside Rd., Glanbrook**

ZONING BY-LAW: Zoning By-law 05-200, as Amended

ZONING: "A1", "P7" & "P8" (Agricultural and Conservation/Hazard Land - Rural) district

PROPOSAL: To permit the conveyance of land containing an existing single detached dwelling in accordance with GL/B:20-61 notwithstanding that:

1. A lot width of 0.0m shall be provided (on the lands to be severed) instead of the minimum required lot width of 30.0m.
2. No lot frontage shall be provided (on the lands to be severed) whereas the by-law requires a lot to abut a street for a minimum of 4.5m.
3. The use of a Single Detached Dwelling shall be permitted on the lands to be severed.

NOTES:

- i. These variances are necessary to facilitate consent application GL/B-20:61.
- ii. The current 'P7' zone of the lands being severed permits the use of 'existing' Single Detached Dwellings. As a result of the proposed severance, the existing status of this dwelling is effectively lost as it is located on a newly created lot. Variance #3 is necessary in order to permit the continued use of the Single Detached Dwelling.
- iii. A single detached dwelling requires a minimum of one (1) parking space to be provided on site. Such parking shall be provided in accordance with Section 5 of Hamilton Zoning By-law 05-200. Insufficient information has been provided in order to determine zoning compliance. As such, further variances may be required.
- iv. The existing farm buildings on the lands to be retained shall be setback a minimum 15.0m from the proposed new lot line. Insufficient information has been provided in order to determine zoning compliance. Further variances may be required if compliance with this provision cannot be achieved.

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out in paragraph three above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.

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- 2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
- 3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
- 4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

That the said application is GRANTED subject to the following conditions:

- 1. The owner shall demolish the existing barn (accessory structure) on the lands to be conveyed to the satisfaction of the Planning and Economic Development Department.
- 2. 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.

DATED AT HAMILTON this 21st day of January 2021.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **February 10th, 2021.**

NOTE: This decision is not final and binding unless otherwise noted.