



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance

CHANGE OF CONDITIONS

You are receiving this notice because you are either:

- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.:	GL/B-22:39	SUBJECT PROPERTY:	91 STRATHEARNE PLACE GLANBROOK
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APPLICANTS: Agent Urban in Mind – J. Dickie and Applicant B. Wieske
Owners A. & K. Elgersma

PURPOSE & EFFECT: To request a CHANGE OF CONDITIONS for a previously conditional granted consent for conveyance of a parcel of lands.

	Frontage	Depth	Area
SEVERED LANDS:	40.34 m [±]	55.82 m [±]	2,196.41 m ^{2±}
RETAINED LANDS:	1,276.488 m [±]	55.81 m [±]	1,276.448 m ^{2±}

Associated Planning Act File(s): ZAR-22-033

This application will be heard by the Committee as shown below:

DATE:	Thursday, February 16, 2023
TIME:	1:35 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit www.hamilton.ca/committeeofadjustment
- Email Committee of Adjustment staff at cofa@hamilton.ca
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

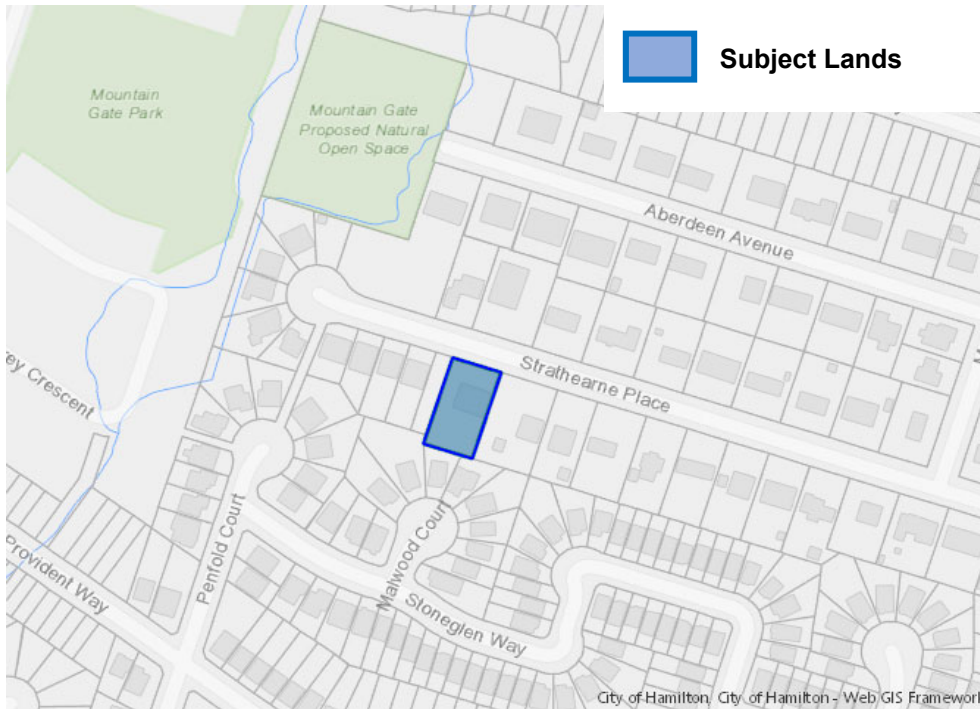
FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding GL/B-22:39, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

DATED: January 31, 2023



Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



Hamilton

Waste Management Division

Memorandum

To: Jamila Sheffield, Secretary Treasurer, Committee of Adjustment
From: E. Tim Vrooman, Senior Project Manager
Development Planning – Suburban Team, 905-546-2424 x 5277
Date: January 18, 2023
File: **GL/B-22:39**
Subject: **Consent Application by Andrew Elgersma and Kayla Elgersma for Lands Located at 91 Strathearne Place, Glanbrook (Ward 11)**

The subject lands are designated “Low Density Residential 2” on Map B.5.4-1, Mount Hope Secondary Plan – Land Use Plan. The following policies, amongst others, apply to the proposal.

Noise and Other Airport Impacts

“B.5.4.9.1 Mount Hope Secondary Plan area is in the vicinity of John C. Munro International Airport, Highway 6, and the Airport Employment Growth District. All of these uses have the potential to cause negative impacts on nearby sensitive land uses. To ensure that negative impacts on sensitive land uses are minimised and the operations of John C. Munro International Airport, Highway 6, and the Airport Employment Growth District are not compromised: (OPA 142)

- c) future residents of residential development shall be advised of the potential for noise nuisance through appropriate warning clauses included in lease or rental agreements, agreements of purchase and sale, and within required development agreements.”

To ensure that future residents of residential development shall be advised of the potential for noise nuisance, staff request that the following condition be added to the conditions of approval under section 53(23) of the *Planning Act*:

“The Owner shall agree to include in all Purchase and Sale Agreements and Rental or Lease Agreements, the following noise warning clause, to the satisfaction of the Director of Development Planning:

Warning Clause Type C

'This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment.'

Yours truly,

E. Tim Vrooman
Senior Project Manager
Development Planning – Suburban Team

TV:mm



Hamilton

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APPLICATION NO.:	GL/B-22:39	SUBJECT PROPERTY:	91 STRATHEARNE PLACE GLANBROOK
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APPLICANTS: KAYLA/ANDREW ELGERSMA

PURPOSE & EFFECT: To permit the conveyance of a parcel of land and to retain a parcel of land for residential purposes.

	Frontage	Depth	Area
SEVERED LANDS:	17.48 m [±]	50.04 m [±]	919.965 m ^{2±}
RETAINED LANDS:	22.86 m [±]	55.81 m [±]	1,276.448 m ^{2±}

Associated Planning Act File(s): N/A

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out above, Approved as Amended with Conditions, for the following reasons:

1. The proposal does not conflict with the intent of the Urban/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)

GL/B-22:39

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 – Plan Examination Section).
5. Final approval of the Zoning By-law Amendment shall be received (Planning Division – Zoning Examination Section).
6. The owner shall submit survey evidence that the lands to be severed, including the location of any existing structure(s), yard encroachments, lot coverage, 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 (Planning Division – Zoning Examination Section).
7. If a Condition for a road widening and/or daylight triangle dedication is required, the owner/applicant shall submit survey evidence that the lands to be severed and/or the lands to be retained, including the lot width, lot area, the location of any existing structure(s), yard encroachments, lot coverage, 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 (Planning Division – Zoning Examination Section).
8. The Owner will be required to enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,500.00 (2022 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), sidewalk, driveway approaches, and any damage during construction (unknown costs at this time) all to the satisfaction of the Manager of Development Engineering Approvals. Cash payments mentioned above are subject to change.
9. That the owner provides cash payment to the City for any outstanding servicing cost associated with the existing 0.3m reserve, described as Block 179 on 62M-992, to the satisfaction of the Manager of Development Engineering Approvals.
10. That, the owner submits a cash payment to the City for the future urbanization of Strathearn Place based on the “New Roads Servicing Rates” and frontage of the severed portion of the property to the satisfaction of the Manager of Development Engineering Approvals.

DATED AT HAMILTON, June 23, 2022.

D. Smith (Chairman)

B. Charters

M. Dudzic

M. Switzer

T. Lofchik

N. Mleczko

D. Serwatak

M. Smith

The date of the giving of this Notice of Decision is **June 30, 2022**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (June 30, 2024) or the application shall be deemed to be REFUSED (Planning Act, 53(41)).

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **July 20, 2022**
2. **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 retained (Lot 'B') will remain as 91 Strathearne Place (Glanbrook) and the lands to be conveyed (Lot 'A') will be assigned the address of 95 Strathearne Place (Glanbrook).