

**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

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.

GL/B-22:39

DATED AT HAMILTON, June 23, 2022.

D. Smith (Chairman)

B. Charters

M. Dudzic

M. Switzer

T. Lofchik

N. Mleczko

D. Serwatuk

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).