



Hamilton

NOTICE OF DECISION
Consent/Land Severance

APPLICATION NO.:	AN/B-22:59	SUBJECT PROPERTY:	382 SOUTHCOTE ROAD, ANCASTER
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APPLICANTS: 1376412 ONTARIO LTD. - ZENIA HOMES
URBANSOLUTIONS - MATT JOHNSTON

PURPOSE & EFFECT: To permit the conveyance of a parcel of land and to retain two (2) parcels of land for residential purposes.

	Frontage	Depth	Area
SEVERED LANDS:	13.7 m [±]	38.13 m [±]	522.55 m ² ±
RETAINED LANDS:	12.16 m [±]	38.13 m [±]	448.66 m ² ±
RETAINED LANDS:	13.7 m [±]	38.16 m [±]	521.74 m ² ±

Associated Planning Act File(s): This file is heard in conjunction with Application Number: AN/A-22:191.

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out above, Approved 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

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- 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. That the applicant obtains approval of an Urban Hamilton Official Plan Amendment application to the satisfaction of the Manager of Development Planning.
 5. That the applicant obtains approval of a Zoning By-law Amendment application to the satisfaction of the Manager of Development Planning.
 6. A Permit to injure or remove municipal trees is a requirement of this application. Therefore, 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.
 7. That the Owner 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, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time) all to the satisfaction of the Manager of the Engineering Approvals Section. Cash payments mentioned above are subject to change.
 8. That the Owner provide a cash payment to the City representing the cost recoveries associated with the municipal sanitary sewer on Southcote Road that was completed as part of the 'Meadowlands of Ancaster – Phase 5 subdivision. The cost shall be determined based on the frontage of the subject lands and the cost of construction of these works updated by the Canada Construction Cost Index, as applicable, at the time of final application approval, all to the satisfaction of the City's Manager of Development Approvals.
 9. That, the Owner submits a cash payment to the City for the future urbanization of South Service Road based on the "New Roads Servicing Rates" and the frontage of the severed portion of the lands to the satisfaction of the Manager of the Engineering Approvals Section.
 10. 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 (Planning Division – Zoning Examination Section).
 11. 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

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(Planning Division – Zoning Examination Section). May be subject to a demolition permit issued in the normal manner.

12. 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 the lands to be retained, including the lot width, lot area, 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 (Planning Division – Zoning Examination Section).
13. The owner shall apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
14. That the owner submit Municipal Act charges for 382 Southcote Road under Bylaw 11-051. The total payable is \$13,192.40, to the satisfaction of Corporate Services.
15. To the satisfaction and approval of the Manager, Transportation Planning:
 - a. The existing right-of-way at the subject property is approximately 29 metres. Approximately 3 (+/-) metres are to be dedicated to the right-of-way on Southcote Road, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Southcote Road is to be 32.004 metres from Golf Links Road to Garner Road East.
 - b. 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. The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the required right-of-way dedications.

Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212- 8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

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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 A – 448.88 m²±) will remain as 382 Southcote Road (Ancaster) and the lands to be conveyed (Lot B – 522.55 m²±) will be assigned the address of 386 Southcote Road (Ancaster) and the lands to be retained (Lot C – 521.74 m²±) will be assigned the address of 390 Southcote Road (Ancaster).

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.

DATED AT HAMILTON, September 22, 2022.

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M. Dudzic (Acting Chairman)	B. Charters
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N. Mleczko	M. Smith

The date of the giving of this Notice of Decision is **September 29, 2022**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (September 29, 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 **October 19, 2022**
2. **This decision is not final and binding unless otherwise noted.**



Hamilton

APPEAL INFORMATION – CONSENTS/SEVERANCES

THE LAST DATE OF APPEAL IS:

October 19, 2022

THIS DECISION IS NOT FINAL AND BINDING AND MUST NOT BE ACTED UPON UNTIL THE PERIOD OF APPEAL HAS EXPIRED

THE DECISION DOES NOT RELEASE ANY PERSONS FROM THE NECESSITY OF OBSERVING THE REQUIREMENTS OF BUILDING REGULATIONS, THE LICENSE BY-LAW, OR ANY OTHER BY-LAW OF THE CITY OF HAMILTON.

Appeal

53(19) Any person or public body may, not later than 20 days after the giving of notice under subsection (17) is completed, appeal the decision or any condition imposed by the council or the Minister or appeal both the decision and any condition to the Tribunal by filing with the clerk of the municipality or the Minister a notice of appeal setting out the reasons for the appeal, accompanied by the fee charged by the Tribunal. 1994, c. 23, s. 32; 1996, c. 4, s. 29 (6); 2017, c. 23, Sched. 5, ss. 80, 81; 2021, c. 4, Sched. 6, s. 80 (1).

No appeal

53(21) If no appeal is filed under subsection (19) or (27), subject to subsection (23), the decision of the council or the Minister, as the case may be, to give or refuse to give a provisional consent is final. Planning Act, R.S.O. 1990

Where delegation

53(44) If a land division committee or a committee of adjustment has had delegated to it the authority for the giving of consents, any reference in this section to the clerk of the municipality shall be deemed to be a reference to the secretary-treasurer of the land division committee or committee of adjustment. Planning Act, R.S.O. 1990.

APPEALS MAY BE FILED:

1. BY MAIL/COURIER ONLY

- 1.1 Appeal package delivered to City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5.
- MUST BE RECEIVED BY THE END OF BUSINESS ON THE LAST DAY OF APPEAL AS NOTED ABOVE
- 1.2 Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of second-hand mailing will be time barred and of no effect.

- 1.3 Appeal package must include all of the following:
 - Notice of appeal, setting out the objection to the decision and the reasons in support of the objection;
 - Ontario Land Tribunal (OLT) appeal form, this can be found by contacting Committee of Adjustment staff at cofa@hamilton.ca or at the OLT website <https://olt.gov.on.ca/tribunals/lpat/forms/appellant-applicant-forms/>;
 - Filing fee, the fee is currently \$400 (subject to change) and must be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance;
 - All other information as required by the Appeal Form.
2. BY EMAIL AND MAIL/COURIER
 - 2.1 Electronic appeal package must be delivered by email to cofa@hamilton.ca.
 - MUST BE RECEIVED BY THE END OF BUSINESS ON THE LAST DAY OF APPEAL AS NOTED ABOVE
 - 2.2 Physical appeal package must be delivered by mail to City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5.
 - 2.3 Electronic appeal package must contain:
 - a copy of the notice of appeal;
 - a copy of the OLT appeal form;
 - a copy of the certified cheque or money order.
 - 2.4 Physical appeal package must contain all information as noted in Section 1.3

Questions or Information:

Contact Committee of Adjustment Staff (cofa@hamilton.ca)