



Hamilton

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**NOTICE OF DECISION**  
**Consent/Land Severance**

<b>APPLICATION NO.:</b>	<b>FL/B-20:01</b>	<b>SUBJECT PROPERTY:</b>	177 HIGHWAY 8, FLAMBOROUGH
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**APPLICANTS:** Owner: 330113 ONTARIO INCORPORATED  
Agent: FRANZ KLOIBHOFER-AJ CLARKE AND ASSOCIATES

**PURPOSE & EFFECT:** To permit the conveyance of an irregular shaped parcel of land and to retain a parcel of land for residential development purposes.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	20 m <sup>±</sup>	Irregularly shaped lot m <sup>±</sup>	8.0 ha <sup>±</sup>
<b>RETAINED LANDS:</b>	111 m <sup>±</sup> (Highway 8) & 24 m <sup>±</sup> (Oak Avenue)	Irregularly shaped lot m <sup>±</sup>	10.4 ha <sup>±</sup>

Associated Planning Act File(s): FL/A-20:04

**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, with amendments.

**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

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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 receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
5. 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 \$4,850.00 (2023 fee) to address issues including but not limited to: 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), driveway approaches, and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change (To the Director of development Engineering and City's Source Protection Section).
6. That the owner shall receive final and binding approval of minor variance application FL/A-20:04 (To the satisfaction of the Director of Heritage and Urban Design).
7. The Owner is to convey to the City an approximate  $\pm 5.0$  metre Right-of-Way dedication on Highway 8, for a total Right-of-Way of approximately 25.3 metres. The exact dimension of Right-of-Way to be dedicated is to be confirmed by staff with Geomatics & Corridor Management (corrplan@hamilton.ca) and the condition cleared by Transportation Planning (tplanning@hamilton.ca) subject to the satisfaction and approval of the Manager, Transportation Planning.

## Note:

Should deeply buried archaeological materials be found on the property during any of the above development activities, the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.314.7143). 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 Small Business and Consumer Services (416.326.8392).

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DATED AT HAMILTON, November 16, 2023.

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D. Smith (Chairman)

M. Dudzic

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B. Charters

M. Switzer

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N. Mleczko

M. Smith

The date of the giving of this Notice of Decision is **November 23, 2023**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (November 23, 2025) 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 **December 13, 2023**. A Notice of Appeal must be filed with the Secretary-treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information Consents/Severances for more information.
2. **This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**
3. 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.



Hamilton

## APPEAL INFORMATION – CONSENTS/SEVERANCES

### 1. Who may file an appeal of the Decision of the Committee of Adjustment or Consent Authority?

Please note neighbours and other interested parties not defined are no longer eligible to file Planning Act Section 53(19) appeals. See [Bill 23, More Homes Built Faster Act, 2022](#) for more information.

Planning Act Section 53(19) appeals may be filed by the applicant, the Minister of Municipal Affairs and Housing, a “specified person” (as defined by Planning Act 1(1)), and any “public body” (as defined by Planning Act 1(1)).

### 2. When must an appeal be received to be considered?

Planning Act Section 53(19) appeals must be received no later than the end of business on the last date of appeal listed on the Notice of Decision. The last date of appeal is 20 days from the date of the giving of Notice of the Decision. Please see Notice of Decision for exact date.

### 3. Where must the appeal be filed to be considered?

Planning Act Section 53(19) appeals must be received either by hardcopy or electronic copy. Please see below for more information:

Hardcopy: at 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. 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.

Electronic copy: by email delivered to [cofa@hamilton.ca](mailto:cofa@hamilton.ca). 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 incorrectly addressed emails will be time barred and of no effect. If the information submitted will include large file sizes not able to be sent in one email, please contact [cofa@hamilton.ca](mailto:cofa@hamilton.ca) in advance to request a file sharing link.

### 4. What information must be submitted for the appeal to be considered?

Planning Act Section 53(19) appeals must include:

- Notice of appeal, the Ontario Land Tribunal (OLT) Appeal Form, this can be found by contacting Committee of Adjustment staff at the 5<sup>th</sup> floor of City Hall or at the OLT website <https://olt.gov.on.ca/appeals-process/forms/>, a cover letter, etc. may also be submitted if there is not sufficient room in the form;

- Filing fee, the fee is currently \$400 (subject to change) and must be paid as outlined on the OLT Appeal Form;
- All other information as required by the Appeal Form.

Questions or Information:

Contact Committee of Adjustment Staff ([cofa@hamilton.ca](mailto:cofa@hamilton.ca))