



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 DECISION
CONSENT

APPLICATION NO.:	HM/B-24:09	SUBJECT PROPERTY:	246 JACKSON ST. W., HAMILTON
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APPLICANTS: Owner: 235 MAIN HOLDINGS INC. (DAVID KEMPER)
 Agent: BOUSFIELDS INC. (ASHLEY PATON)
 Applicant: COLETARA DEVELOPMENT (MICHAEL KRASIC)

PURPOSE & EFFECT: To permit the creation of an easement for access purposes in favour of 250 Jackson St. W., existing easement will be abandoned.

	Frontage	Depth	Area
EASEMENT LANDS (Parts 2, 4, 6, 7 & 8):	1.4 m [±]	30.5 m [±]	42.7 m ^{2±}
RETAINED LANDS:	6.7 m [±]	30.5 m [±]	203.4 m ^{2±}

Associated Planning Act File(s): N/A

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

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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)

DATED AT HAMILTON, March 13, 2024.



Steve Robichaud,
Director of Planning and Chief Planner
Consent Authority

The date of the giving of this Notice of Decision is **March 14, 2024**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (March 14, 2026) 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 **April 4, 2024**. 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.