



Hamilton

COMMITTEE OF ADJUSTMENT

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

E-mail: cofa@hamilton.ca

NOTICE OF DECISION
Consent/Land Severance

APPLICATION NO.:	FL/B-24:06	SUBJECT PROPERTY:	151 Highway 8, Flamborough
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APPLICANTS: Owner: Charles Webster
Applicant: Thushari & Priyankara Dayananda
Agent: Jessica Sanges

PURPOSE & EFFECT: To permit the conveyance of a parcel of land to be added to property known municipally as Part Lot 7, Concession 1, Geographical Township of West Flamborough, Part 2 on 62R20562 (Property known as 9 Herbert Place).

	Frontage	Depth	Area
SEVERED LANDS:	53.894 m [±]	5.007 m [±]	284.38 m ² [±]
RETAINED LANDS:	59.077 m [±]	124.932 m [±]	6431.11 m ² [±]

Associated Planning Act File(s): FL/B-11:81

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. Highway 8 is to be 36.576 metres from Peters Corners to Woodleys Lane, as per the Council Approved Rural Official Plan: Schedule C-1 - Future Right-of-Way Dedications.

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- a. 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.
 - b. The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the right-of way dedication requirements.
 - c. Subject to the satisfaction and approval of the Manager, Transportation Planning.
2. Herbert Place is to be 20.213 metres. The Applicant is to dedicate the right-of-way on Ann Street, as per the Council Approved Rural Official Plan: Chapter C – City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2 Local Roads.
- a. 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.
 - b. The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the right-of way dedication requirements.
 - c. Subject to the satisfaction and approval of the Manager, Transportation Planning.
3. 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)
4. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
5. That the owner submits and receives approval of a Tree Protection Plan including the review fee as per the Schedule of Rates and Fees, prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester or landscape architect) to the satisfaction of the Manager of Heritage and Urban Design.
6. That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Manager of Heritage and Urban Design Proposed Notes:
7. The owner/applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the S2 Exception 79 or alternatively apply for and receive final approval of the appropriate Planning Act application in order to permit the intended use (Planning Division – Zoning Review Section).
8. The owner/applicant shall submit survey evidence that the lands to be retained, including the location of any existing structure in the rear yard conform to the requirements of the Zoning By-Law or alternatively apply for and 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).

DATED AT HAMILTON, April 9, 2024.

M. Switzer (Acting Chairman)

R. Reid

D. Lord

S. Rybarczyk

The date of the giving of this Notice of Decision is **April 12, 2024**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (April 12, 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 **May 2, 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.



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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. 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 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 5th 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)