

NOTICE OF DECISION
Consent/Land Severance

APPLICATION NO.:	FL/B-23:82	SUBJECT PROPERTY:	764 Valens Road, Flamborough
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APPLICANTS: Owner: Theresa Slemko & William Slemko
Agent: Arcadis c/o Mike Crough

PURPOSE & EFFECT: To permit the conveyance of a parcel of land containing an existing dwelling and to retain a parcel of land containing an existing farm.

	Frontage	Depth	Area
SEVERED LANDS:	50.3 m [±]	50.3 m [±]	0.25 ha [±]
RETAINED LANDS:	468.1 m [±]	410.2 m [±]	26.2 ha [±]

Associated Planning Act File(s): FL/A-23:312

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out above, Approved as Amended, 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.

DATED AT HAMILTON, January 18, 2024.

D. Smith (Chairman)

B. Charters

M. Dudzic

M. Switzer

T. Lofchik

N. Mleczko

D. Serwatuk

The date of the giving of this Notice of Decision is **January 25, 2024**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (January 25, 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 **February 14, 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.

NOTICE OF DECISION
Minor Variance

APPLICATION NO.:	FL/A-23:312	SUBJECT PROPERTY:	764 Valens Road, Flamborough
ZONE:	"A2" (Rural)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended 15-173

APPLICANTS: Owner: Theresa Slemko & William Slemko
Agent: Arcadis c/o Mike Crough

The following variances are **GRANTED**:

Lot to be Retained (Farm Lot; Part 1, 2 and 3 as indicated on Site Sketch)

1. A minimum Lot Area of 26 hectares shall be provided instead of the minimum required Lot Area of 40.4 hectares;
2. A minimum Side Yard Setback of 13.0 metres shall be provided instead of the minimum required Side Yard Setback of 15.0 metres.

Lot to be Conveyed (Single Detached Dwelling; Part 4 as indicated on Site Sketch)

1. A minimum Lot Area of 0.24 hectares shall be provided instead of the minimum required Lot Area of 0.4 hectares.

Notes:

- i. This application shall be heard in conjunction with Consent application FL/B-23:82
- ii. Be advised, the plans provided do not include a Survey and the Site Sketch provided cannot be determined for accuracy regarding lot area. Variances have been provide exactly as written by the applicant. Please note that due to insufficient details provided regarding the area of the proposed lots a complete review could not be conducted for Zoning By-law Compliance.

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.

2. The relief granted is desirable for the appropriate development of the land and building and is consistent with the general intent and purpose of the By-laws and the Official Plans as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

DATED AT HAMILTON, January 18, 2024.

D. Smith (Chairman)

B. Charters

M. Dudzic

M. Switzer

T. Lofchik

N. Mleczko

D. Serwatuk

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **February 7, 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 – Minor Variances 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.