



Hamilton

COMMITTEE OF ADJUSTMENT

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

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NOTICE OF DECISION
Consent/Land Severance

APPLICATION NO.:	B-24:53	SUBJECT PROPERTY:	167 Locke Street South, Hamilton
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APPLICANTS: Owner: 1219788 Ontario Inc.
Agent: A.J. Clarke & Associates, Liam Doherty RPP

PURPOSE & EFFECT: To sever the existing residential lot into three parcels, the severed lands will contain part of the existing mixed-use townhouse, and the retained lands will contain part of the existing mixed townhouse which are intended to remain. To permit the creation of an easement over a portion of land for access and maintenance purposes.

	Frontage	Depth	Area
SEVERED LANDS (Part 1):	5.174 m [±]	30.785 m [±]	155.50 m ² ±
SEVERED LANDS (Part 2):	4.984 m [±]	30.785 m [±]	147.43 m ² ±
SEVERED LANDS (Access Easement (Part 4)):	3.5 m [±]	4.967 m [±]	17.38 m ² ±
SEVERED LANDS (Access Easement (Part 5)):	0 m [±]	4.741 m [±]	16.59 m ² ±
RETAINED LANDS (Part 3):	6.874 m [±]	30.785 m [±]	222.60 m ² ±

Associated Planning Act File(s): A-24:198

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.

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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 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 Owner demonstrate or provide proof of separate and independent sewer and water services to the severed and retained parcels, to the satisfaction of the City's Director of Development Engineering.
5. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division- Building Engineering Section).
6. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-law or alternately 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).
7. The owner/applicant 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).
8. That at the time of registration the appropriate easements for access and maintenance be registered on Parts 4 and 5 identified on the submitted Sketch for Consent to Sever, dated August 15th, 2024, prepared by A.J. Clarke and Associates Ltd (To the satisfaction of the Manager of Development Planning).

DATED AT HAMILTON, October 8, 2024.

D. Smith (Chairman)

N. Lauwers

D. Lord

R. Reid

S. Rybarczyk

L. Gaddy

The date of the giving of this Notice of Decision is **October 11, 2024**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (October 11, 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 **October 31, 2024 at 4:30pm**. 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.
4. The lands to be retained (Part 3) will remain as 167 Locke Street South (Hamilton).
The lands to be retained (Part 2) will remain as 165 Locke Street South (Hamilton).
The lands to be retained (Part 1) will remain as 163 Locke Street South (Hamilton).

We ask 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.

5. Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Citizenship and Multiculturalism (MCM) should be notified immediately (416-212-8886). In the

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event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).