



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

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

|                         |                |                          |                                     |
|-------------------------|----------------|--------------------------|-------------------------------------|
| <b>APPLICATION NO.:</b> | <b>B-24:75</b> | <b>SUBJECT PROPERTY:</b> | 479 Springbrook Avenue,<br>Ancaster |
|-------------------------|----------------|--------------------------|-------------------------------------|

**APPLICANTS:** Purchaser / Owner: Muhammad Wasiq Khan  
Applicant: Saddique Khan  
Agent: Metropolitan Consulting Inc.- Peter De Iulio

**PURPOSE & EFFECT:** To sever the existing residential lot into 6 new parcels and one retained parcel, the severed lands will be a vacant residential building lots and the retained lands will be a vacant residential building lot, The existing dwelling and structures which are intended to be demolished.

|                                 | <b>Frontage</b>      | <b>Depth</b>         | <b>Area</b>                        |
|---------------------------------|----------------------|----------------------|------------------------------------|
| <b>SEVERED LANDS (Part 1):</b>  | 10.34 m <sup>±</sup> | 31.66 m <sup>±</sup> | 327.73 m <sup>2</sup> <sup>±</sup> |
| <b>SEVERED LANDS (Part 3):</b>  | 10.59 m <sup>±</sup> | 38.03 m <sup>±</sup> | 526.6 m <sup>2</sup> <sup>±</sup>  |
| <b>SEVERED LANDS (Part 4):</b>  | 9.41 m <sup>±</sup>  | 38.7 m <sup>±</sup>  | 606.6 m <sup>2</sup> <sup>±</sup>  |
| <b>SEVERED LANDS (Part 5):</b>  | 10.9 m <sup>±</sup>  | 28.27 m <sup>±</sup> | 515.82 m <sup>2</sup> <sup>±</sup> |
| <b>SEVERED LANDS (Part 6):</b>  | 11.63 m <sup>±</sup> | 30.91 m <sup>±</sup> | 366.83 m <sup>2</sup> <sup>±</sup> |
| <b>SEVERED LANDS (Part 7):</b>  | 15.56 m <sup>±</sup> | 42.1 m <sup>±</sup>  | 418.07 m <sup>2</sup> <sup>±</sup> |
| <b>RETAINED LANDS (Part 2):</b> | 10.34 m <sup>±</sup> | 31.66 m <sup>±</sup> | 330.46 m <sup>2</sup> <sup>±</sup> |

Associated Planning Act File(s): B-24:72

#### **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 with conditions.

**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 takes the necessary steps to lift the reserve block that currently runs along the frontage of Fair Street, described as Block 18, Registered Plan 62M-1161, that any and all costs associated with lifting the reserve block shall be borne by the owner, and that the reserve block is lifted, in order to provide adequate frontage on a public road for the severed lands, to the satisfaction of the Director of Development Planning.
5. 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.
6. That the owner shall investigate the noise levels on the severed lands and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Development Planning.
7. That the owner submits and receives approval of a Tree Protection Plan including the review fee as per the Schedule of Rates and Fees, to the satisfaction of the Manager of Heritage and Urban Design. The Tree Protection Plan is to be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester or landscape architect) in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010).
8. 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 if required.

9. The owner/applicant shall apply for a demolition permit to demolish all or an appropriate portion of any buildings straddling the proposed property line(s), 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). NOTE: The demolition permit shall have a status of either “Review”, “Issued”, or “Closed” in order for this condition to be cleared by the Zoning Review Section.
10. 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).
11. That the Owner must enter into with the City of Hamilton and register on the title of the lands, a Combined Consent and External Works Agreement, having an administrative fee of \$5,945.00 (includes grading plan review) to address issues including but not limited to: extension of the storm and sanitary sewer on Springbrook Avenue and Fair Street, extension of the existing watermain, removal of the existing temporary turning circle and installation of a permanent turning circle to the City specification, lot 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 any outstanding servicing cost for the existing municipal services adjacent to the property, street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer services inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time), to the satisfaction of the City’s Director of Development Engineering.
12. A Functional Servicing Report must be provided demonstrating that the downstream sanitary sewer has the capacity to account for the newly created lots to the satisfaction of the Director of Development Engineering.
13. The Owner / Applicant shall obtain and satisfy the requirements of any applicable MECP approval or requirements for municipal sewer extension and Form 1 Watermain Approval by the City, all to the satisfaction of the Director of Development Engineering.
14. The applicant shall submit a Stormwater Brief prepared by a qualified professional to demonstrate that the change in stormwater runoff due to an increased impervious area will be handled on the site for all storm events to the satisfaction of the Director of Development Engineering.
15. That the Owner pay to the City of Hamilton for the future urbanization costs of Springbrook Avenue based on the New Road Servicing Rate for the year that final approval is obtained, to the satisfaction of the City’s Director of Development Engineering.
16. The Owner/ Applicant shall pay any outstanding charges or best efforts, all to the satisfaction of the Director of Development Engineering.

**B-24:75**

17. 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 –Plan Examination Section).

DATED AT HAMILTON, November 26, 2024.

---

M. Switzer (Acting Chairman)

N. Lauwers

---

D. Lord

R. Reid

---

S. Rybarczyk

The date of the giving of this Notice of Decision is **November 29, 2024**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (November 29, 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 **December 19, 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 conveyed (Part 1) will be assigned the address of 481 Springbrook Avenue (Ancaster)  
The lands to be retained (Part 2) will remain as 479 Springbrook Avenue (Ancaster).  
The lands to be conveyed (Part 3) will be assigned the address of 273 Fair Street (Ancaster).  
The lands to be conveyed (Part 4) will be assigned the address of 277 Fair Street (Ancaster).  
The lands to be conveyed (Part 5) will be assigned the address of 281 Fair Street (Ancaster).  
The lands to be conveyed (Part 6) will be assigned the address of 280 Fair Street (Ancaster).  
The lands to be conveyed (Part 7) will be assigned the address of 276 Fair Street (Ancaster).  
The lands to be retained (Part 10) will remain as 246 Fair Street (Ancaster).  
The lands to be retained (Part 1 B-24:72) will remain as 485 Springbrook Avenue (Ancaster).



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

### 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 and time.

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

Planning Act Section 53(19) appeals must be received in one of the following formats:

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.

E-file Portal: By filing an appeal through the OLT E-file Portal at <https://olt.gov.on.ca/e-file-service/> to Hamilton (City) – Committee of Adjustment and Consent Authority (select appropriate approval body as outlined on the Notice of Decision). Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of incorrectly chosen approval authority will be time barred and of no effect.

Please note only one of the above options needs to be completed. If your preferred method of appeal is not available at the time of appeal, the appeal must be filed with one of the other two

options. Appeals received after the date of appeal as a result of one of the methods being unavailable will be time barred and of no effect.

**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 or OLT E-file Portal;
- All other information as required by the Appeal Form.

Questions or Information:

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