

Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
 - Applicant/agent on file, or
 - Person likely to be interested in this application
-

APPLICATION NO.: HM/A-20:217

APPLICANTS: Ed. Fothergill on behalf of the owners A. & L. Colalillo

SUBJECT PROPERTY: Municipal address **322 Mt. Albion Rd., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 90-102

ZONING: "C/S-1162" (Urban Protected Residential) district

PROPOSAL: To permit the creation of four new lots (Parts 2 – 5 inclusive) and maintain an existing two-family dwelling on Part 1 as per Consent Applications HM/B-20:68, HM/B-20:69 and HM/B-20:79, notwithstanding that;

Part 1 (containing exiting two-family dwelling):

1. A maximum height of 2.5 storeys shall be permitted instead of the maximum 2.5 storeys and 11.0m is permitted.
2. A minimum 1.2m rear yard shall be permitted instead of the minimum 7.5m rear yard required.

Part 3, 4 and 5 (new single-family dwelling lots):

3. A minimum lot area of 310.0m² shall be permitted for Part 3, Part 4 and Part 5 instead of the minimum 360.0m² lot area required.

Notes for proposed lot containing an existing two-family dwelling:

The applicant shall ensure that a minimum parking space size of 2.7m x 6.0m and a minimum 2.8m access driveway is maintained for each of the two parking spaces proposed in the front yard; otherwise, further variances shall be required.

The applicant shall ensure that a minimum of 50.0% of the front yard shall be maintained as landscaping; otherwise, further variances shall be required.

The applicant shall ensure that any proposed encroachments conform to the zoning By-law; otherwise, further variances shall be required.

This application will be heard by the Committee as shown below:

DATE: Thursday, November 19th, 2020
TIME: 2:20 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at www.hamilton.ca/committeeofadjustment for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.


Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

For more information on this matter, including access to drawings illustrating this request:

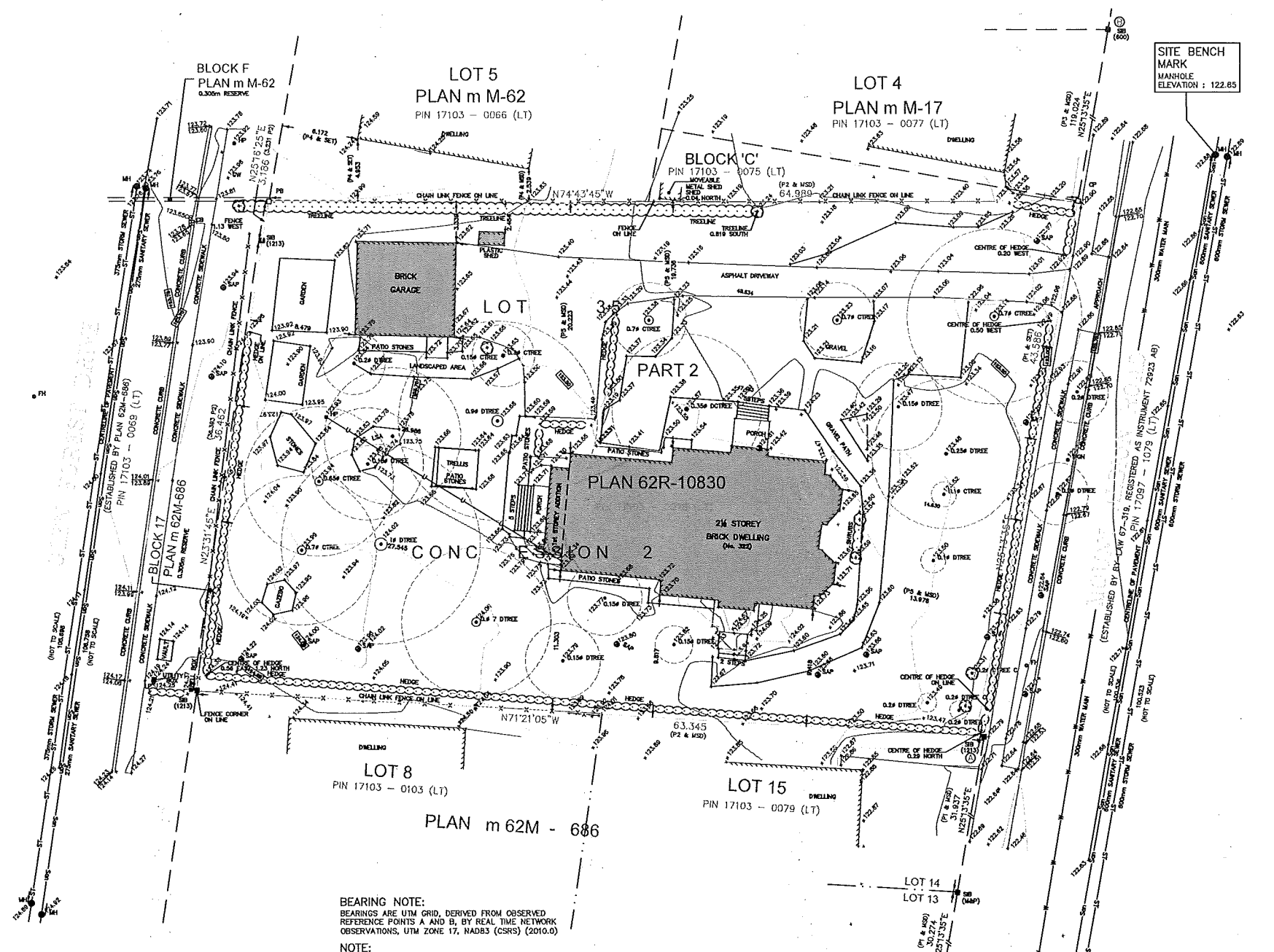
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: November 3rd, 2020.



Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



SITE BENCH MARK
MANHOLE
ELEVATION : 122.65

LTP: 02
Hm/A 20.2.17

BEARING NOTE:
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0).

NOTE:
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9997035599

INTEGRATION DATA

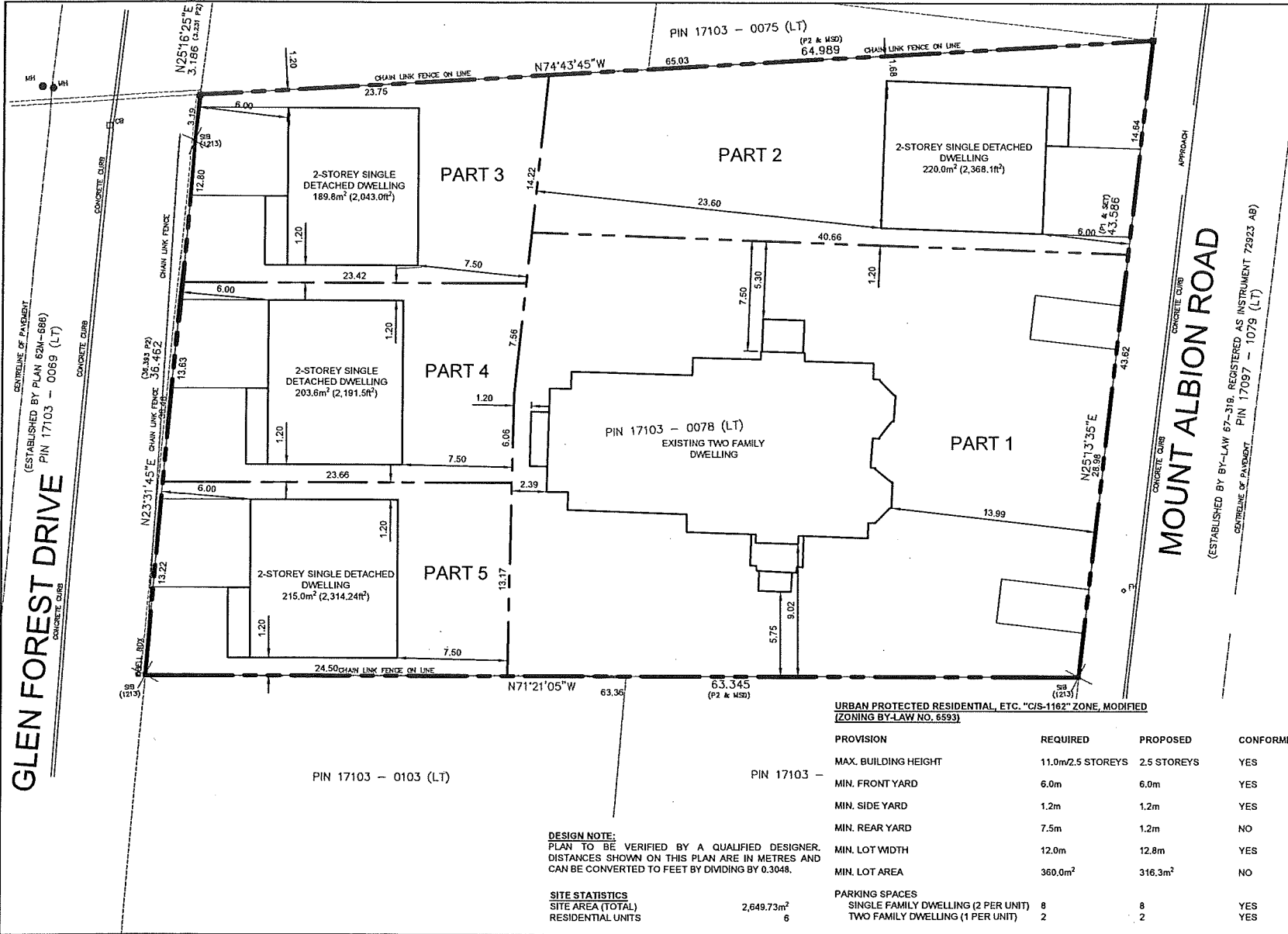
OBSERVED REFERENCE POINTS (ORP'S), UTM ZONE 17, NAD83 (CSRS) (2010.0). COORDINATES TO UTM ACCURACY FOR SEC. 14(2) OF SURV. 218/12

POINT ID	NORTHING	EASTING
ORP A	4780193.650	507497.007
ORP B	4785340.817	507788.309

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

BENCH MARK NOTE:
STATION: 0011965U143

CONCRETE BRIDGE ON HIGHWAY NO. 20 OVER TH. & B.R.Y., 0.6 KM SOUTH OF KING STREET, 61.0 M NORTH OF A SIDE ROAD TO WEST. TABLET IN WEST FACE OF ABUTMENT AT WEST SIDE OF ROAD, 30 CM SOUTH END, 76 CM BELOW TOP OF CURB AND ROAD LEVEL, 1.5 M SOUTH OF POWER POLE.
ELEVATION : CGVD 28 : 78 - 135.037 metres



LEGAL DESCRIPTION

322 MOUNT ALBION ROAD
HAMILTON, ONTARIO

DRAWING TITLE
CUMULATIVE SKETCH PLAN

DRAWN BY JB **DESIGNED BY** JB
PRINT DATE 01-OCT-2020 **PROJECT NUMBER** 19701
REVISION B **DRAWING NUMBER** CSP1-1
SCALE 1:400

REVISIONS

REV.	DESCRIPTION	DATE	BY
B	SUBMISSION	1-OCT-2020	JB
A	REVIEW	30-JULY-2020	JB
REV.	DESCRIPTION	DATE	BY

PROVISION

PROVISION	REQUIRED	PROPOSED	CONFORMITY
MAX. BUILDING HEIGHT	11.0m/2.5 STOREYS	2.5 STOREYS	YES
MIN. FRONT YARD	6.0m	6.0m	YES
MIN. SIDE YARD	1.2m	1.2m	YES
MIN. REAR YARD	7.5m	1.2m	NO
MIN. LOT WIDTH	12.0m	12.8m	YES
MIN. LOT AREA	360.0m ²	316.3m ²	NO

SITE STATISTICS

SITE AREA (TOTAL)	2,649.73m ²
RESIDENTIAL UNITS	6

URBAN PROTECTED RESIDENTIAL, ETC. "C/S-1162" ZONE, MODIFIED (ZONING BY-LAW NO. 5593)

PARKING SPACES

SINGLE FAMILY DWELLING (2 PER UNIT)	8	8	YES
TWO FAMILY DWELLING (1 PER UNIT)	2	2	YES

DESIGN NOTE:
PLAN TO BE VERIFIED BY A QUALIFIED DESIGNER. DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SITE STATISTICS

SITE AREA (TOTAL)	2,649.73m ²
RESIDENTIAL UNITS	6

Hm/A
20:2017

FPD

FOTHERGILL PLANNING & DEVELOPMENT INC.

62 DAFFODIL CRES. • HAMILTON, ON L9K 1E1 • PHONE: (905) 577-1077 • FAX: (905) 546-0545 • E-MAIL: edf@nas.net

October 7, 2020

City of Hamilton
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5
ATTENTION: Ms. Jamila Sheffield, Secretary-Treasurer

Dear Ms. Sheffield:

RE: 322 Mount Albion Road, Hamilton
Application for Consent and Minor Variance

Fothergill Planning & Development Inc. has been retained by Adam Colalillo and Lucas Colalillo, the owners of the above referenced lands, and respectfully submits the enclosed three (3) Consent applications to create four new lots and retain the existing dwelling as well as an application for minor variances to implement the severance applications.

The subject lands, municipally known as 322 Mount Albion Road are currently occupied by a two family dwelling and single detached garage. 322 Mount Albion Road is designated Neighbourhoods per the Urban Hamilton Official Plan (UHOP). The subject lands are zoned under the former City of Hamilton Zoning By-law 6593, Urban Protected Residential, Etc. (C/S-1162) District, Modified. The site specific by-law 90-102 permits the two-family dwelling existing on the date of the passing of the by-law as an additional residential use.

The requested Consents will facilitate a residential intensification initiative through the creation of four (4) lots for single detached dwellings in a logical and orderly residential lotting pattern. The proposed development is compatible and consistent with the lot pattern along Mount Albion Road and Glen Forest Drive.

The three (3) requested Consents are:

1. To sever Parts 3, 4 and 5 as one block and retain Parts 1 and 2 per the Cumulative Sketch Plan and associated severance sketch;
2. To sever Part 4 and retain Parts 3 and 5 per the Cumulative Sketch Plan and associated severance sketch; and
3. To sever Part 2 and retain Part 1 per the Cumulative Sketch Plan and associated severance sketch.

The proposal is aligned with the Urban Hamilton Official Plan Neighbourhood Policies. Other than a request for a small reduction in the lot area, the lots comply with the provisions of the existing "C" zone. In addition, as shown with the applications, appropriate building envelopes can be established on each of the proposed lots in accordance with existing zoning regulations. In my opinion, the proposal meets the requirements of Section 51(24) of the Planning Act dealing with subdivision and consents.

A Minor Variance application is required to allow for modifications to the "C/S-11622" District under Zoning By-law No. 6593 including reducing the rear yard setback, recognizing the height of the existing dwelling and reducing the minimum required lot area. It is my opinion that the proposal meets the four tests for a minor variance as outlined in Section 45(1) of the Planning Act.

In support of this application, please find enclosed:

- One (1) copy of a Planning Report, dated October 7, prepared by Fothergill Planning and Development Inc.
- One (1) copy of the completed Consent Application for each severance identified above;
- One (1) copy of the Survey Plan;
- One (2) copy of the Severance Plan for each identified Consent;
- One (1) copy of the Cumulative Sketch Plan;
- One (1) copy of the cheque in the amount of **\$8,535.00** made payable to the City of Hamilton to satisfy the application fees of all three (3) applications.
- Cheque for **\$3302.00** for minor variance application.

I look forward to these applications being brought forward to the Committee.

Should you have any questions or require additional information, please do not hesitate to my office at 905-577-1077.

Sincerely,

FOTHERGILL PLANNING & DEVELOPMENT INC.


E.J. Fothergill, MCIP, RPP
President

Fothergill Planning & Development Inc.

PLANNING REPORT

Application for Consents and Minor Variance
322 Mount Albion Road
City of Hamilton



Date: October 7, 2020

Prepared for: Adam Colalillo
Lucas Colalillo

TABLE OF CONTENTS

	Page Number
1.0 Introduction	1
2.0 Description of Subject Lands	1
3.0 Proposed Development	1
4.0 Application for Consent	2
5.0 Application for Minor Variance	4
5.1 Nature and extent of relief applied for	4
5.2 Planning Rationale to support the variances	5
6.0 Conclusion	9

Figure 1 - Site Location

1.0 Introduction

This report provides planning review and support for three applications for consent as well as an application for minor variance to allow for redevelopment of an existing property at 322 Mount Albion Road in the City of Hamilton.

2.0 Description of Subject Lands

The subject lands are located in the Red Hill Neighbourhood; south of King Street East and east of the Red Hill Valley Parkway. The subject lands are rectangular in shape, with an approximate site area of 0.26 ha (0.65 ac). The lot is a through lot with a recognized frontage of approximately 43.62m along Mount Albion Road and additional frontage along Glenn Forest Drive of approximately 39.61m. The lands are generally flat with mature vegetation in the rear yard and along the side yard lot lines. The site is occupied by one (1) two and a half storey two-family dwelling and one (1) detached garage (Refer to Figure 1 - Site Location).

The existing building on the subject lands is identified as an Inventoried Heritage Building in Hamilton's Heritage Volume 2: Inventory of Buildings of Architectural and/or Historical Interest and as a Single Dwelling in Volume 3: Canadian Inventory of Historic Building (CIHB).

The subject lands are designated Neighbourhoods per the Urban Hamilton Official Plan ("UHOP") and are zoned Urban Protected Residential, Etc. "C/S-1162" District, Modified in the former City of Hamilton Zoning By-law No. 6593.

3.0 Proposed Development

To facilitate the proposed development of 322 Mount Albion Road, the following applications are required:

Fothergill Planning and Development Inc.

- Three (3) Consent to Sever applications; and
- A Minor Variance application to recognize the existing height of the retained building, to reduce the minimum rear yard of the retained building and to reduce the minimum lot area for three (3) of the proposed lots;

The intent of the above applications is to facilitate the creation of five (5) "C/S-1162" District lots. The redevelopment proposes to retain the existing two-family dwelling and create an additional four (4) single detached dwellings. Three (3) of the proposed single detached dwellings will have frontage along Glen Forest Drive, and one (1) of the single detached dwellings and the existing dwelling will retain frontage along Mount Albion Road.

The site has been designed based on the limits of development imposed by the existing two-family dwelling. The existing two-family dwelling is listed in Hamilton's Heritage Volume 2 and Volume 3 as a single residential dwelling. As such, the dwelling is to be retained and the proposed lots are designed with setbacks which maintain the functionality of the existing dwelling (refer to attached Cumulative Sketch).

The proposed redevelopment of 322 Mount Albion Road requires relief from the Zoning By-law No. 6593 "C/S-1162" (Urban Protected Residential Etc.) District, Modified, to permit a reduction in the rear yard setback of the retained dwelling, allow for a reduction of the lot area for the three (3) lots fronting Glen Forest Drive, and to recognize the existing height of the 2 ½ storey building.

4.0 Application for Consent

The creation of the four lots as proposed is consistent with intensification policies in the Provincial Policy Statement, Growth Plan and Urban Hamilton Official Plan which permit intensification generally throughout the built up Urban Area.

The criteria to assess the appropriate level of intensification suitable for each site is based on policies in the UHOP including policies in Section B.2.4 and E.3.0.

Fothergill Planning and Development Inc.

Policy B.2.4 recognize that intensification will bring change and achieves a number of public policy objectives. The UHOP includes a number of criteria to consider when evaluating intensification proposals, including Policies in Section B.2.1.4 and B.2.4.2.

Intensification initiatives are evaluated in part on the basis to which they are compatible with surrounding area developments in terms of use, scale, form and character (B.2.4.1.4(d)). In considering what is deemed compatible, the Official Plan provides the following definition:

Compatibility/Compatible: means land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. Compatibility or compatible should not be narrowly interpreted to mean "same as" or even as "being similar to".

From my review of the proposal and consideration of the lot pattern in the neighbourhood area, it is my opinion that the proposal meets the compatibility criteria and the intensification criteria in the Official Plan.

Compatibility with the UHOP is further illustrated by the extent to which the lot pattern conforms with zoning regulations which implement official plan policies and are deemed to comply with the UHOP.

The UHOP designates the subject lands Neighbourhoods (Schedule E-1). Mount Albion Road is a collector road and Glen Forest Avenue is a local road (Schedule C).

UHOP Policy E.3.1.1 encourages compact development in transit-supportive and active transportation friendly neighbourhoods. Mount Albion Road is identified as having a planned bike lane in the Hamilton Transportation Master Plan (Map 1A). The subject lands are located along a local HSR bus route, with a bus stop less than a one-minute walk away. As such, the subject lands are within proximity to alternative transportation methods including bikes lanes and transit to support the proposed development.

UHOP Policy E.3.1.3 encourages a range of housing types and densities. The proposed redevelopment will provide appropriate intensification on the subject lands while contributing to Hamilton's housing stock. Policy E.3.1.4 and Policy E.3.1.5 promotes design which enhances and respects the character of existing neighbourhoods, and promotes residential intensification of appropriate scale in suitable locations. The proposed redevelopment is aligned with existing lotting patterns in the established neighbourhood by proposing lot widths and yard setbacks that maintain the general character of the streetscape, while respecting the culturally significant existing dwelling to be retained on the lands.

The Neighbourhoods designation in UHOP Chapter E permits low density residential development within the interior of neighbourhoods. Low density residential in the form of single-detached and semi-detached dwellings are permitted uses within Neighbourhoods (E.3.4.3). The proposed development provides low density residential development in a low density built form with appropriate scale and setbacks to the existing residential character.

The proposed redevelopment for four (4) additional single detached lots within the Red Hill Neighbourhood is aligned with the City's Community and Neighbourhoods policies found within UHOP's Chapter B and Chapter E, respectively.

5.0 Application for Minor Variance

5.1 Nature and extent of relief applied for:

Three (3) Minor Variances are being sought from the former City of Hamilton Zoning By-law No. 6593 to facilitate the proposed infill residential development uses to provide appropriate residential intensification within Hamilton's urban boundary. The requested minor variances are as follows:

	<u>Zoning By-law No. 6593</u> <u>Section</u>	<u>Purpose</u>
1	9.(2)	To allow a maximum height of 2 ½ storeys for the existing two-family dwelling, whereas a maximum height of 2 ½ storeys and 11.0 metres is required.
2	9.(3)(iii)	To allow a minimum rear yard depth of 1.2m for the existing two-family dwelling, whereas a minimum depth of 7.5m is required.
3	9.(4)	To allow a minimum lot area of 310.0m ² , whereas a minimum lot area of 360.0m ² is required.

5.2 Planning Rationale to Support the Variances:

VARIANCE 1. To allow a maximum height of 2 ½ storeys for the existing Two-Family Dwelling, whereas a maximum height of 2 ½ storeys and 11.0 metres is required.

The variance to allow a maximum height of 2 ½ storeys for the two-family dwelling is required to recognize the existing condition of the building. The proposed redevelopment recognizes the cultural significance of the existing dwelling, and as such proposes it be retained. The intent of the Zoning By-law maximum height provision is to ensure appropriate scale in the established neighbourhood and privacy for the surrounding properties. The variance is minor as the two-family dwelling is existing and as such, recognizing the existing height will not impact the neighbouring properties. The variance is desirable for the development of the property as it facilitates appropriate low density residential infill within the urban boundary while retaining the existing culturally significant two-family dwelling.

VARIANCE 2. To allow a minimum rear yard depth of 1.2m for the existing Two-Family Dwelling, whereas a minimum depth of 7.5m is required.

Why is it not possible to comply with the provision of the by-law?

UHOP Policy B.2.4 identifies residential intensification as a key component to Hamilton's growth strategy and an essential way to meet the City's growth targets. UHOP Policy E.3.2.4 encourages residential intensification within established Neighbourhoods that is compatible with the scale and character of the existing residential neighbourhood. UHOP Policy B.3.4.1.3 requires that all new development be appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources.

The proposed redevelopment provides appropriate residential intensification on underutilized lands by providing lots that can accommodate single detached dwellings that respect the neighbourhood character while retaining the existing culturally significant two-family dwelling. The existing dwelling has a semi-detached built form, and each unit's primary entrance is accessed from the side yard. As such, the side yards are proposed to function as rear yards and private amenity space for each unit. A reduction in the rear yard depth of 1.2 metres is requested to recognize the rear yard as a functional side yard.

1. Conformity to the Intent of the Zoning By-law

The intent of the Zoning By-law rear yard provision is to provide the private amenity space for the dwelling unit. The proposed four (4) additional lots have sufficient depth to allow future dwellings to meet the required rear yard setbacks for the purpose of providing private amenity area. The layout of the existing two-family dwelling logically allows for the side yards to function as private amenity space for each unit which would typically be in the rear yard. The proposed 1.2m for the rear yard is intended to function as a side yard. The proposed lot layout proposes a minimum side yard setback of 7.5 metres for the existing units. This is consistent with the standard rear yard setback requirements for a "C" zone.

2. Is the Variance Minor?

The requested variance to reduce the rear yard setback from 7.5 metres to 1.2 metres is minor as it will continue to provide appropriate setbacks to the existing dwelling and the proposed new lot area and configuration can accommodate private amenity space elsewhere. The 1.2 metre rear yard functions as the side yard for the existing dwelling, provides appropriate setbacks for access and maintenance, and is consistent with side yard setbacks in the "C" District. The existing dwelling is two and a half storeys in height and has no windows to a habitable room along the rear wall. As such, there will be little impact on the proposed single detached dwellings and the reduced rear yard setback will have no impact on the existing neighbouring properties. The proposed redevelopment will facilitate appropriate residential intensification to provide more safe residential dwelling units in Hamilton's Red Hill Neighbourhood.

3. Is the Variance Desirable for the development of the property?

The reduced rear yard setback is desirable as it facilitates the creation of four (4) additional single detached lots in a stable neighbourhood with a proposed lot pattern that maintains the fabric of the street and broader neighbourhood context as well as the retention of a listed significant building. The proposed variance facilitates appropriate low density residential infill within the urban boundary.

VARIANCE 3. To allow a minimum lot area of 310.0m², whereas a minimum lot area of 360.0m² is required.

Why is it not possible to comply with the provision of the by-law?

Zoning By-law No. 6593 establishes minimum lot areas to ensure appropriate densities and yard setbacks are provided. The proposed lot area is required to permit the Consent to Sever to create four (4) new lots and facilitate the construction of single family dwellings, while retaining the existing two-family dwelling. Due to the location of the existing dwelling, the lot depth of the proposed lots fronting Glen Forest Drive is impacted however, a minimum 7.5 metre rear yard setback can be provided. The three (3) proposed lots along Glen Forest Drive provide lot widths that exceed the requirements of the "C/S-1162" District, however, a reduction in lot area of 310.0m² is required to facilitate the development.

1. Conformity to the Intent of the Zoning By-law

The "C/S-1162" District permits two-family dwellings existing the day the by-law passed and single-family dwellings. The intent of the lot area requirement is to ensure a parcel of land is functional and maintain a general uniformity of lot sizes within a neighbourhood. The proposed lot area of 310.0m² is required to accommodate the retention of the existing two-family dwelling.

The proposed single detached lots along Glen Forest Avenue provide frontages that exceed the required lot widths per the ZBL and provide a lotting pattern that is consistent with the surrounding residential neighbourhood. The proposed lots provide front, side and rear yard setbacks that meet the ZBL requirements, and are able to accommodate a dwelling footprint that can reflect the character of the surrounding dwellings.

2. Is the Variance Minor?

The requested variance to permit a reduction in the minimum lot area per dwelling is minor as the impacts of the residential infill will be mitigated with appropriate setbacks. The proposed single-detached dwellings will have a maximum height of 11.0m and a building footprint that generally conforms with the existing dwellings on the block. The proposed development provides infill residential development with a low density built form. Since the frontage of the lots are consistent with those in the neighbourhood, the slight reduction in lot area will not be noticeable from a public perspective.

3. Is the Variance Desirable for the Development of the Property?

The request is desirable as it will facilitate the construction of purpose-built family-sized dwelling units to contribute to the City of Hamilton's housing supply. Further, the proposed density will support the future ridership on existing transit infrastructure and planned active-transit infrastructure. It will allow for the construction of a residence on each site in accordance with by-law requirements, while at the same time allowing for an appropriately sized rear yard to maintain the functionality of the existing dwelling.

Fothergill Planning and Development Inc.

6.0 Conclusion

The proposed redevelopment of 322 Mount Albion will help achieve general intensification targets in a way which will enhance the existing built form of the residential neighbourhood by continuing to define the streetscape with low density residential development. The proposed redevelopment continues the established lot pattern of the neighbourhood, in a manner which is consistent with existing zoning.

In my opinion, the severance applications are consistent with the Provincial Policy Statement, help to implement the Growth Plan and the Urban Hamilton Official Plan, and achieve a redevelopment form which is compatible with the neighbourhood and meets the tests of the Planning Act while conserving the existing two-family dwelling.

The requested variances maintain the intent of the UHOP and Zoning By-law No. 6593, are minor in nature and are desirable for the appropriate development of the site. The proposed development represents good land use planning.

Respectfully Submitted,

FOTHERGILL PLANNING & DEVELOPMENT INC.



E.J. Fothergill, MCIP, RPP
President

Figure 1 - Site Location





Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th floor 71 Main Street West
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

- Name of Owner Adam Colalillo and Lucas Colalillo Telephone No. ██████████
FAX NO. _____ E-mail address. ██
- Address ██
Postal Code ██████████
- Name of Agent Fothergill Planning & Development Telephone No. ██████████
c/o Ed Fothergill
FAX NO. _____ E-mail address. ██████████
- Address ██
Postal Code ██████████

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:
Scotiabank - 4 King Street West, 2nd Floor, Toronto, ON
Postal Code M5H 1B6

Postal Code _____

6. Nature and extent of relief applied for:

Please see justification report.

7. Why it is not possible to comply with the provisions of the By-law?

Please see justification report.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

Part of Lot 35, Concession 2, Part 2 Plan 62R-10830, Township of Saltfleet in the City of Hamilton

9. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

9.1 If Industrial or Commercial, specify use

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes ___ No Unknown ___

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes ___ No Unknown ___

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Owner's knowledge

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes ___ No ___

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

9/30/2020

Date


Signature of Property Owner

Adam Colalillo and Lucas Colalillo
Print Name of Owner

10. Dimensions of lands affected:

Frontage Mount Albion Road: +43.62 m, Glen Forest Drive: +36.462 m
Depth +64.989 m
Area +2,649.73 m²
Width of street Mount Albion Road: +30.6m, Glen Forest Drive: +20.0 m

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: See concept plan.

Proposed: See concept plan.

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: See concept plan.

Proposed: See concept plan.

13. Date of acquisition of subject lands:

May 1st, 2020

14. Date of construction of all buildings and structures on subject lands:

1891

15. Existing uses of the subject property: Residential

16. Existing uses of abutting properties: Low Destiny Residential

17. Length of time the existing uses of the subject property have continued:

>1891

18. Municipal services available: (check the appropriate space or spaces)

Water

Connected

Sanitary Sewer

Connected

Storm Sewers

19. Present Official Plan/Secondary Plan provisions applying to the land:

Please see justification report.

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

Please see justification report.

21. Has the owner previously applied for relief in respect of the subject property?

Yes

No

If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes

No

23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps