

## **NOTICE OF PUBLIC HEARING** **Minor Variance**

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**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.:** SC/A-20:248

**APPLICANTS:** Jim Colalillo on behalf of the owner Kennedy Colalillo

**SUBJECT PROPERTY:** Municipal address **32 Trillium Ave., Stoney Creek**

**ZONING BY-LAW:** Zoning By-law 3692-92, as Amended by By-law 15-173

**ZONING:** “RR” (Rural Residential) district

**PROPOSAL:** To permit the development of a two-storey addition to an existing single detached dwelling located on a residential parcel of land, notwithstanding that;

1. A minimum front yard of 0.46 metres shall be permitted, instead of the minimum required front yard of 7.5 metres.
2. A minimum easterly side yard of 0.60 metres shall be permitted, instead of the minimum side yard of 1.25 metres.
3. An eave/gutter shall be permitted to project a maximum of 1.25 metres into the required easterly side yard and may be as close as 0.0 m to the easterly lot line instead of the maximum 0.5 m projection permitted.
4. An eave/gutter shall be permitted to project a maximum of 7.5 metres into the required front yard and may be as close as 0.0 m to the front lot line instead of the maximum 0.5 m projection permitted.
5. An unenclosed porch/balcony shall be permitted to project a maximum of 7.04 metres into the required front yard and may be as close to 0.46 metres to the front lot line instead of the maximum 1.5 metre projection.
6. A driveway, lane or aisle, having a minimum width of 0.46 m shall be permitted instead of the minimum 6.0 metres driveway, lane or aisle width required.

**NOTE:**

1. Detailed elevation drawings were not included as part of this application to confirm the height of the proposed building addition. Please note that as per Section 5.4.3(f), the maximum permitted building height is 11.0 metres. Further variances may be required if compliance with Section 5.4.3(f) is not possible.
2. Specific details regarding lot coverage were not included as part of this application. Please note that as per Section 5.4.3(c) of Stoney Creek Zoning By-law No. 3692-92, the maximum permitted lot coverage is 40 percent. Additional variances may be required if compliance with Section 5.4.3(c) is not possible.

3. A detailed site plan indicating the specific projection of the proposed eaves/gutters was not included as part of this application. The variances to Section 4.19.1(b) pertaining to the projection of the eaves/gutters into the required side and front yards, has been written as requested by the applicant.
4. Please note this application is to be heard in conjunction with Severance Application SC/B-20:78.
5. Construction of the proposed addition is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

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

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**DATE:** Thursday, February 4<sup>th</sup>, 2021

**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](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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#### **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](http://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](mailto:cofa@hamilton.ca)

DATED: January 19<sup>th</sup>, 2021.

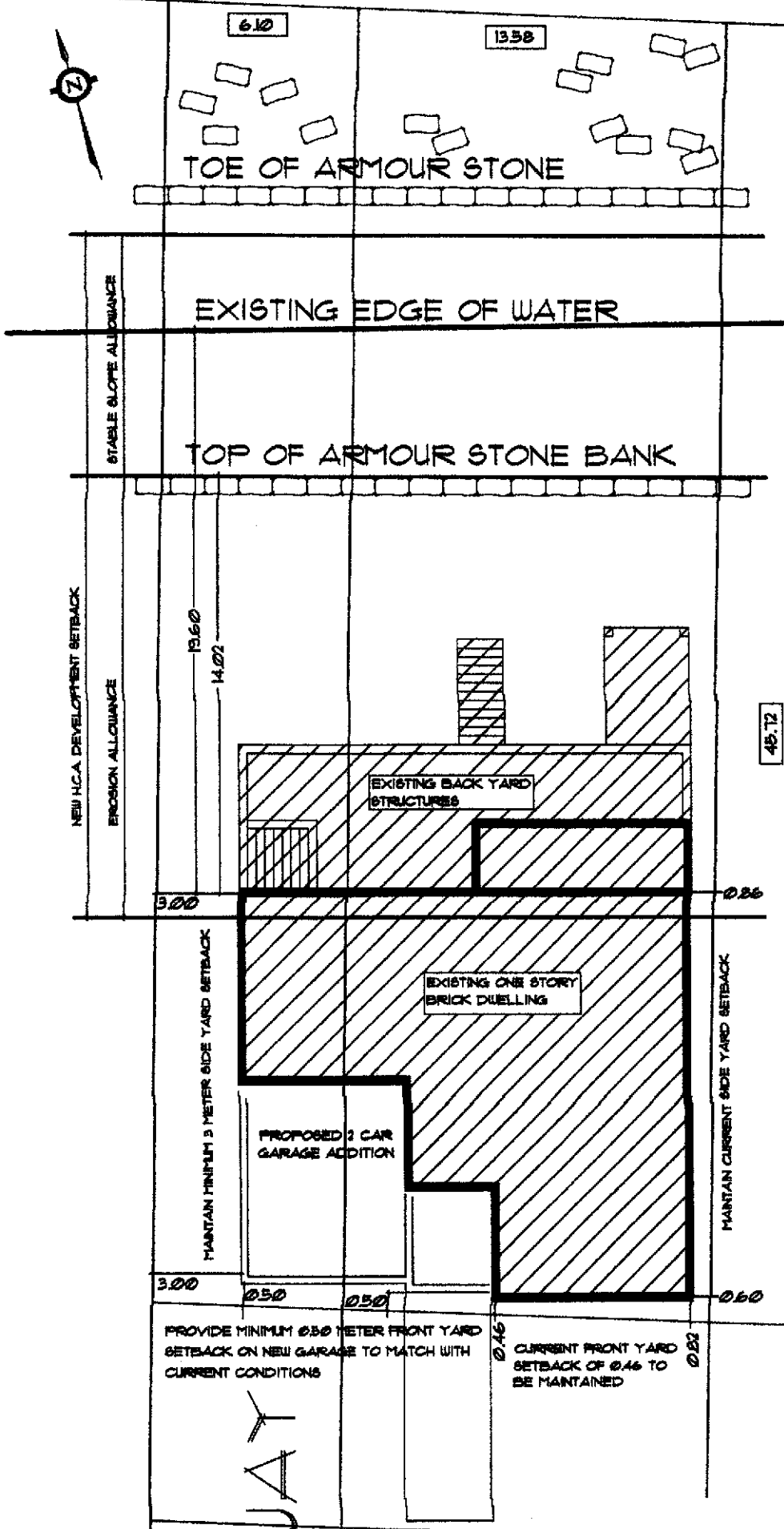
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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***

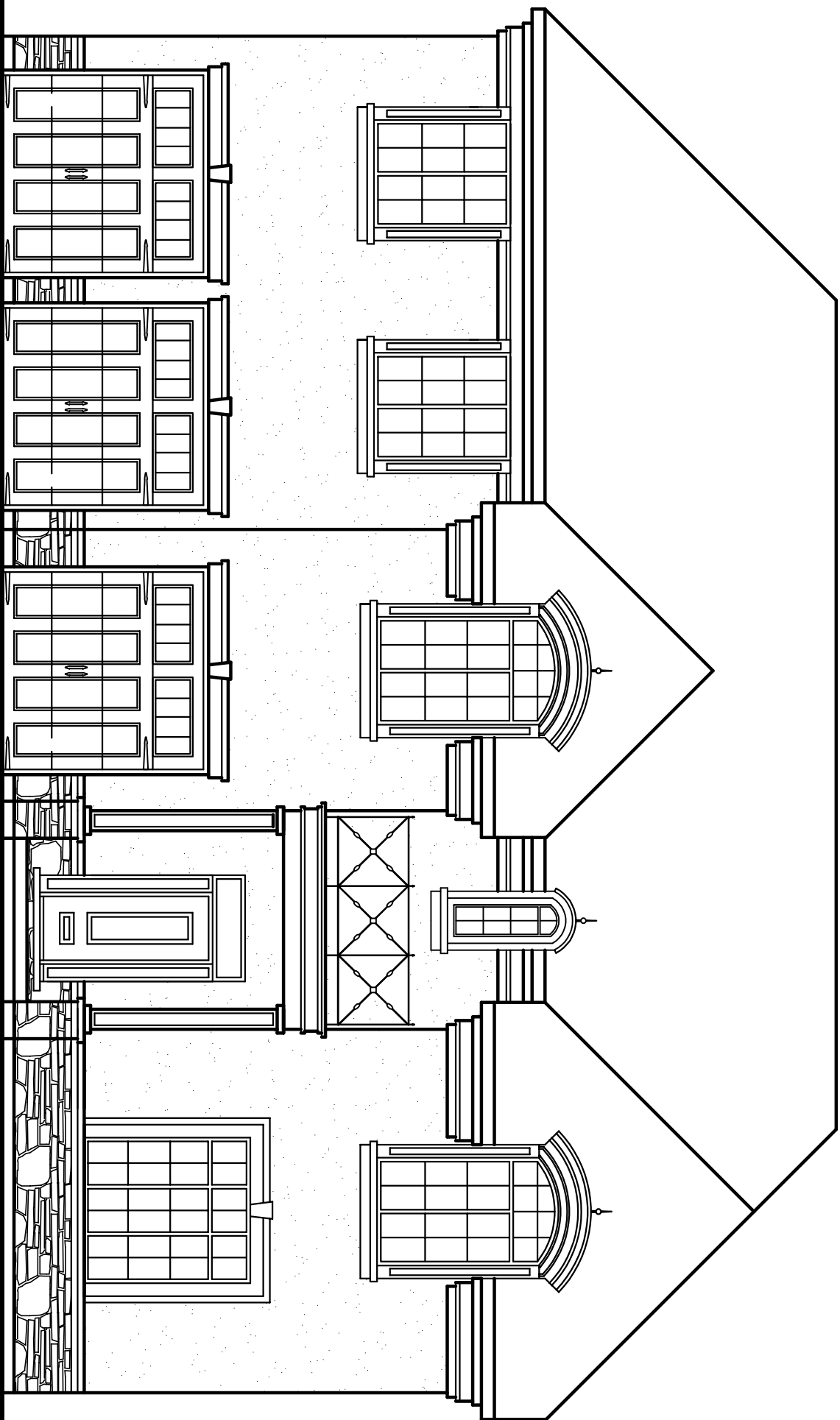
LAKE ONTARIO

SCHEDULE "B"



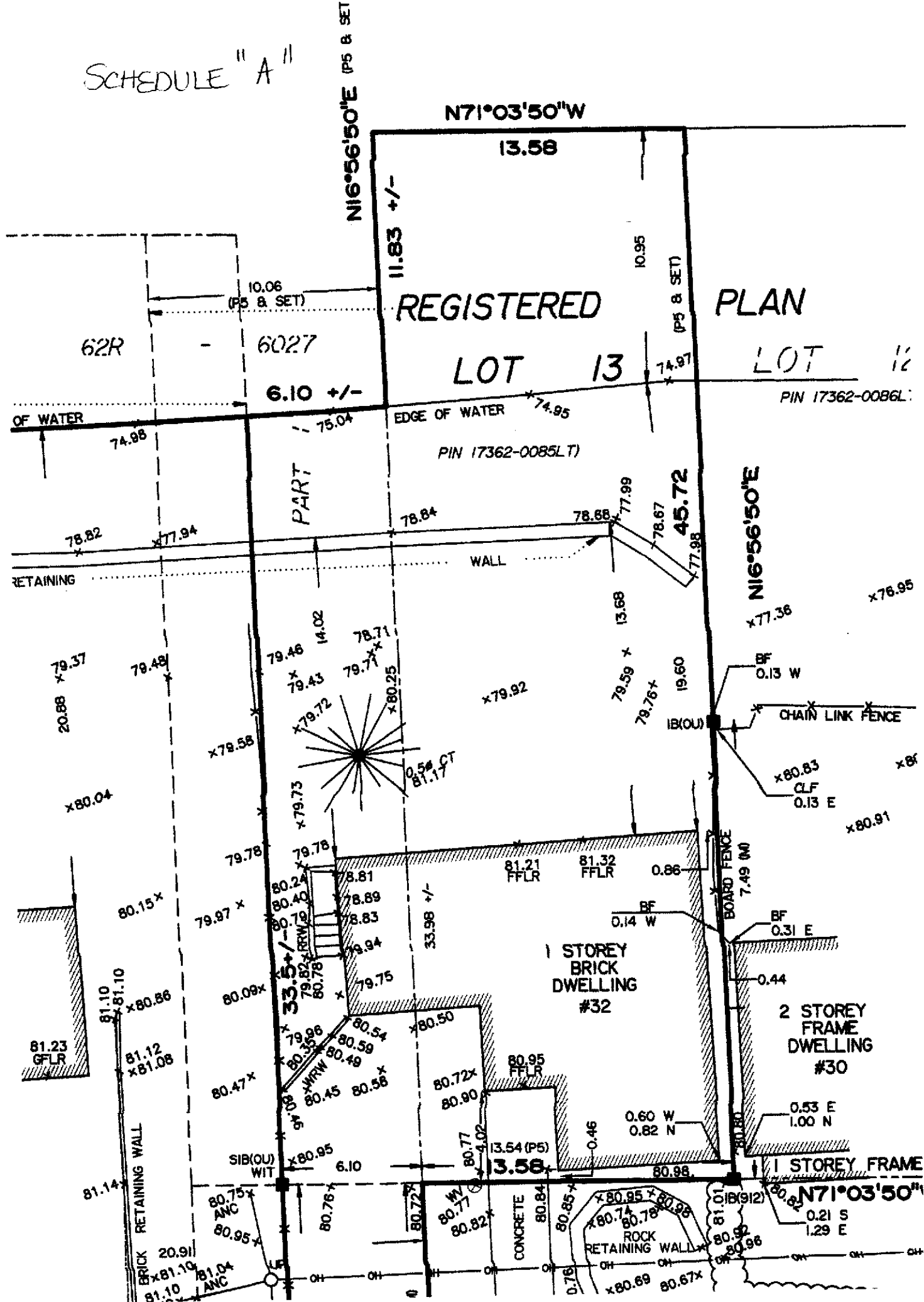
PRIVATE  
RIGHT OF WAY

TRILLIUM AVE.



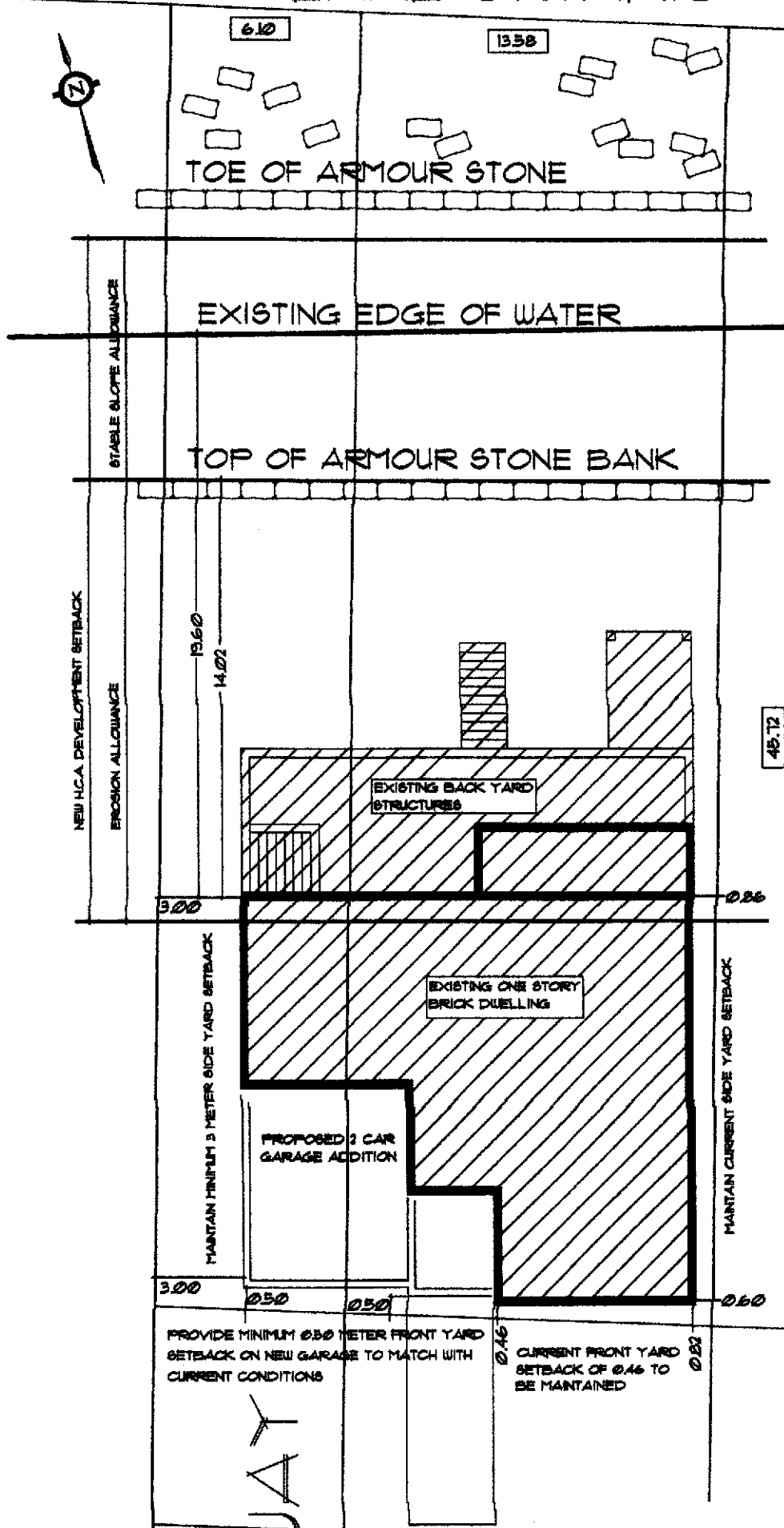


SCHEDULE "A"



# LAKE ONTARIO

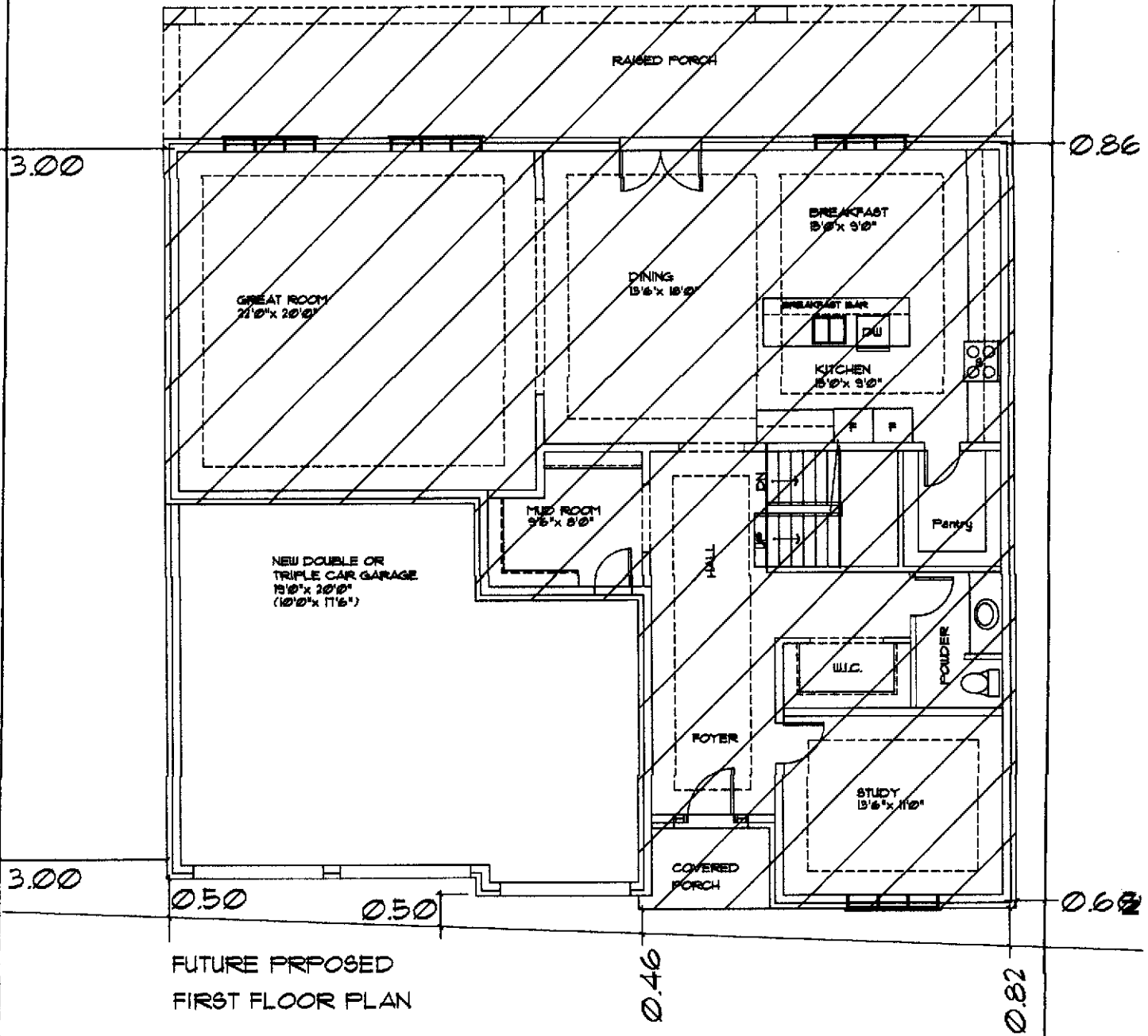
SCHEDULE "B"



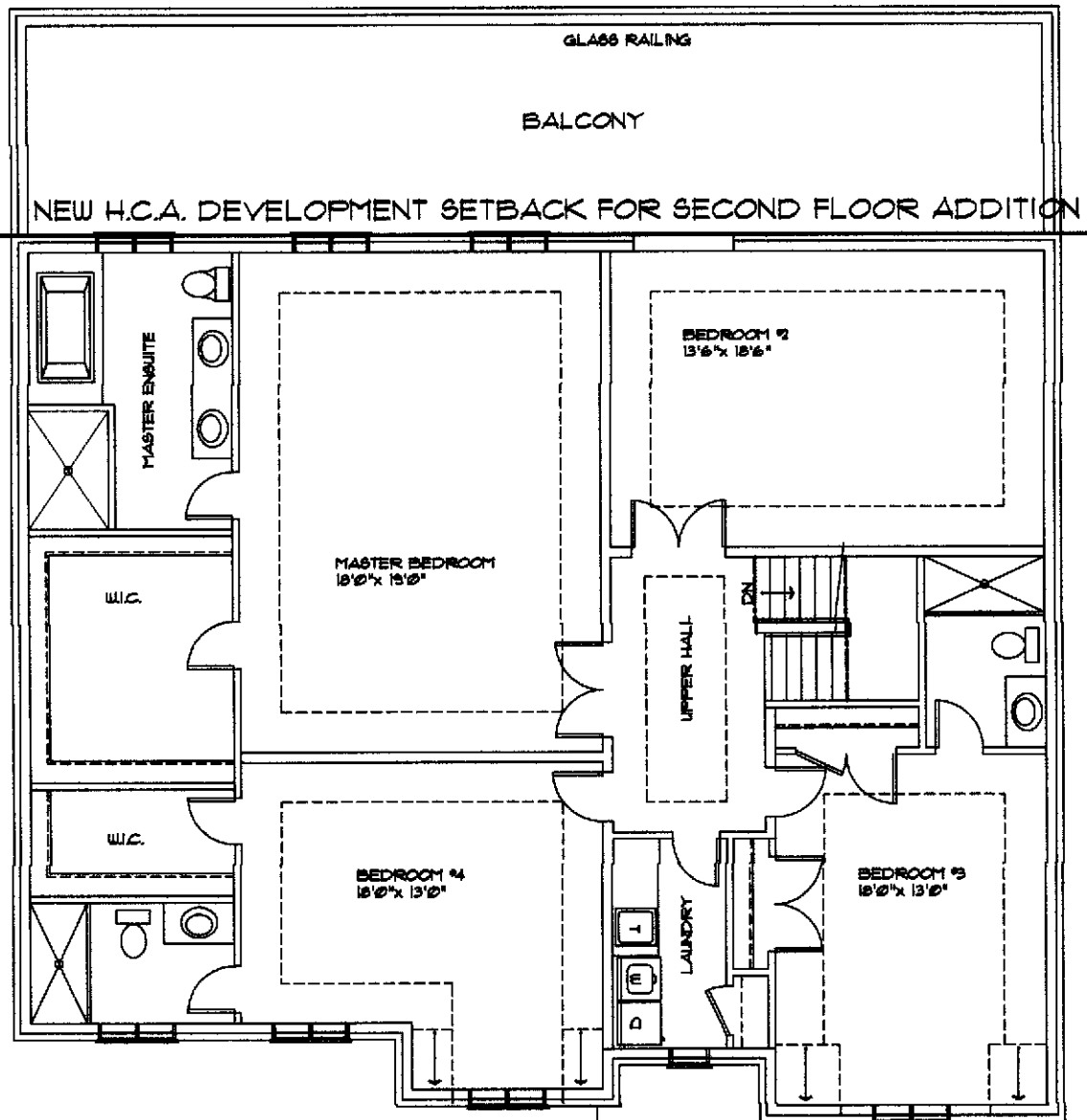
PRIVATE  
RIGHT OF WAY

TRILLIUM AVE.

# SCHEDULE "C"







FUTURE PROPOSED  
SECOND FLOOR PLAN

# SCHEDULE "D"

Survey for the use of the  
this day of July A.D. 1922  
A Public - H. T. Drapery

I hereby certify that this plan was made in the  
manner in which the lands enclosed within  
lines has been surveyed and submitted by me  
that this plan has been prepared in accordance  
the provisions of the Registry Act of the Survey.

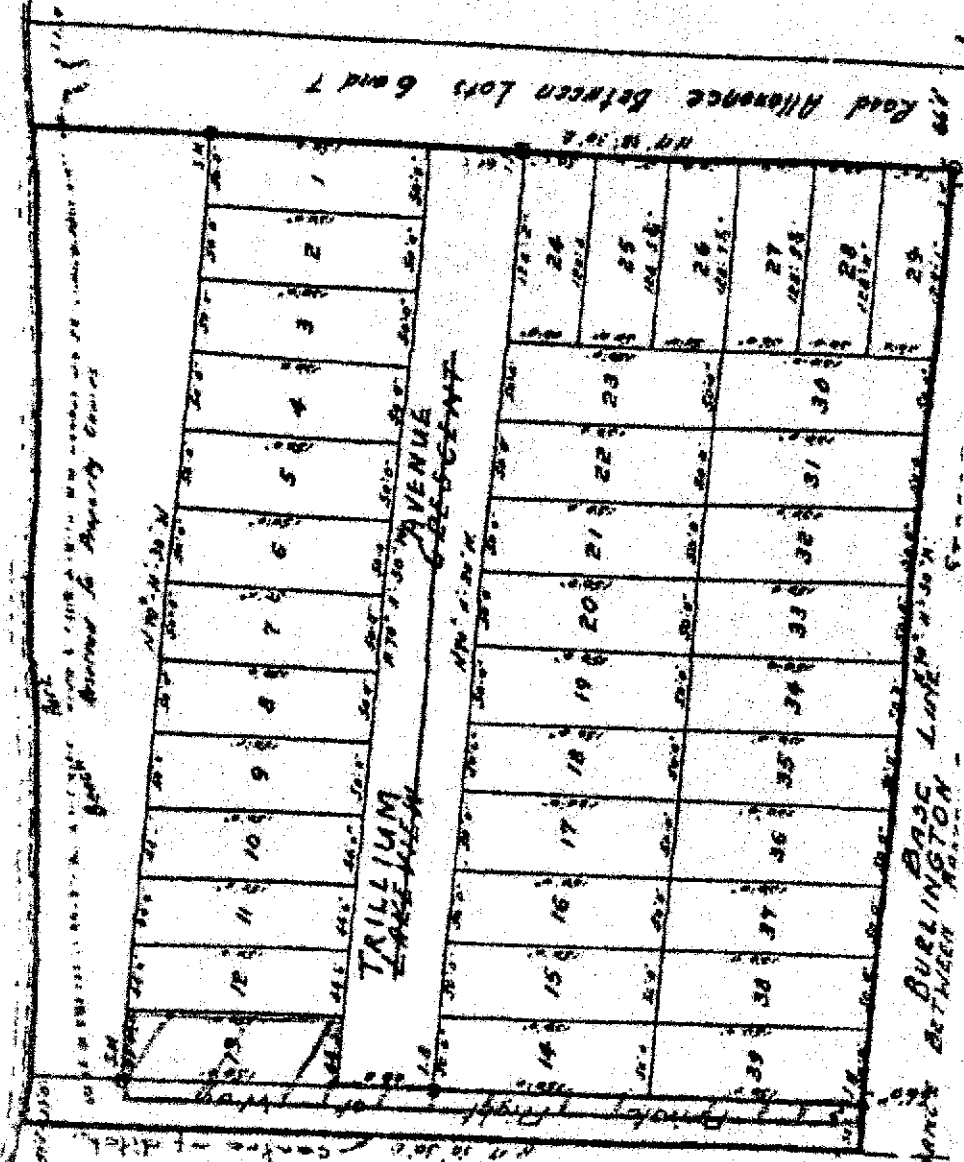
PL 2 Dated 1st day of July A.D. 1922  
Ontario Land Surveyor

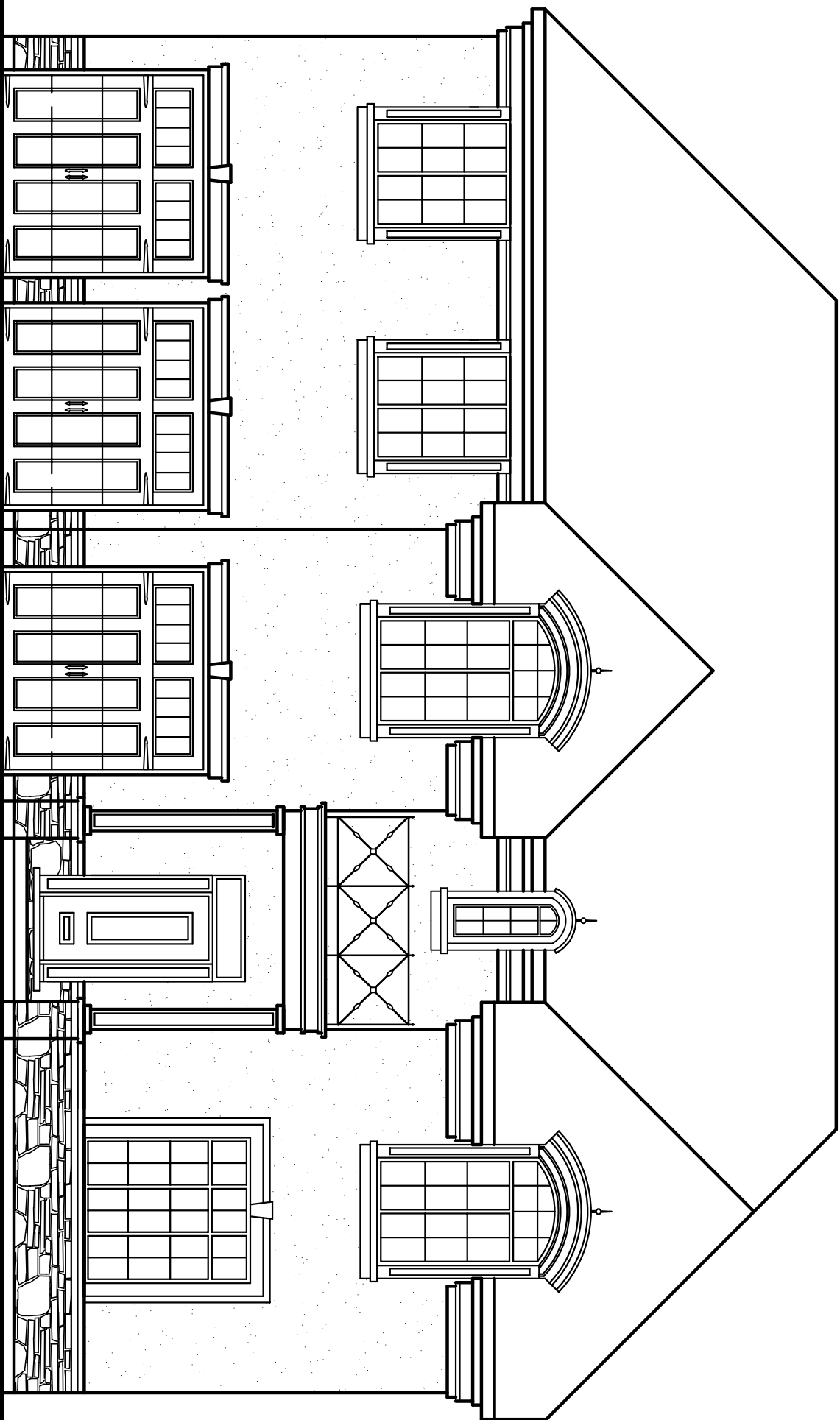
Received from T. Reginald Clear  
and registered this day of  
H. T. Drapery plan No. 1075

Registration No.

This plan has been prepared under our main  
and with our approval for registration

Ontario Land Surveyor, Witness H. T. Drapery







6. Nature and extent of relief applied for:

Front yard setback to match pre-existing conditions to allow for addition to be built  
Maintain existing sideyard setbacks

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

The location of the pre-existing dwelling is non-conforming to the existing by-law. We are requesting approval to match the new garage addition and 2nd floor to the existing front yard and right side yard setbacks.

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

32 TRILLIUM AVE  
LT 13, PL 675; PT PRIVATE RDW, PL 675, PART 1, 2, 3  
62R6027

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?

Pre-existing home in existing residential area.  
This residential area has been in existence  
since atleast 1924 - see Schedule "D"

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.

October 30, 2020  
Date

  
Signature Property Owner

Kennedy Colabillo  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 19.68 m  
Depth 45.72 m  
Area 899.77 sm  
Width of street 20.16 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: 1 storey 1800 sq. ft brick dwelling  
- see attached Schedule "A" and  
Schedule "B"

Proposed: 2 car garage addition plus 2nd floor  
addition for a total gross floor area  
of 3900 sq. ft  
- see attached proposed Schedule "B" and Schedule "C"

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 attached Schedule "A" and  
Schedule "B"

Proposed: - see attached Schedule "B"  
and Schedule "C"

13. Date of acquisition of subject lands:  
November 8, 2019
14. Date of construction of all buildings and structures on subject lands:  
Unknown - approximately 1970's
15. Existing uses of the subject property:  
Residential Single Family Dwelling
16. Existing uses of abutting properties:  
Residential Single Family Dwelling
17. Length of time the existing uses of the subject property have continued:  
Prior to 1924
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:  
N/A
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
N/A
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



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, 3935 Fax (905) 546-4202  
E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

# NOTICE OF PUBLIC HEARING

## Application for Consent/Land Severance

APPLICATION NUMBER: SC/B-20:78

SUBJECT PROPERTY: 32 Trillium Ave., Stoney Creek

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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
- 

APPLICANT(S): Jim Colalillo on behalf of the owner Kennedy Colalillo

PURPOSE OF APPLICATION: This application is for purposes of a lot line addition for lands to be added to 1097 North Service Rd.

**Severed lands:**

48.74m<sup>±</sup> x 93.71m<sup>±</sup> and an area of 5016.70m<sup>2±</sup>

**Retained lands:**

19.68m<sup>±</sup> x 45.72m<sup>±</sup> and an area of 899.77m<sup>2±</sup>

**This application will be heard in conjunction with  
Minor Variance Application SC/A-20:248**

The Committee of Adjustment will hear this application on:

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**DATE:** Thursday, February 4<sup>th</sup>, 2021

**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](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: January 19<sup>th</sup>, 2021

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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# SCHEDULE "A" ENLARGED

LAKE ONTARIO

TOPOGRAPHIC SURVEY OF  
LOT 13 AND  
PRIVATE OF RIGHT-OF-WAY  
REGISTERED PLAN 675  
AND  
PART OF LOT 7  
BROKEN FRONT CONCESSION AND  
GEOGRAPHIC TOWNSHIP OF SALT FLEET  
IN THE  
CITY OF HAMILTON

SCALE 1 : 250  
5 25 50 100 METRES

ASHENHURST NOUWENS & ASSOCIATES INC.  
COPYRIGHT 2020 ©

METRIC NOTE  
DISTANCES AND ELEVATIONS SHOWN ON THIS PLAN ARE IN METRES AND  
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

REGISTERED EASEMENTS AND/OR RIGHT-OF-WAY.  
NONE

THIS SURVEY WAS PREPARED FOR PARK WARD HOMES AND THE UNDERSIGNED  
ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

BENCHMARK  
CITY OF HAMILTON BENCHMARK No. 001197/0229

HAMILTON-WENTWORTH CONCRETE BOX CULVERT ALONG SOUTH SERVICE ROAD  
FOR QUEEN ELIZABETH WAY AT INTERSECTION WITH LEWIS ROAD, 1.0 KM NORTH  
OF INTERSECTION WITH BARTON STREET, TABLE IN TOP OF SOUTH END OF  
CULVERT, 38.1 M EAST OF CENTER LINE OF LEWIS ROAD, 46CM NORTH AND  
15CM EAST OF SOUTHWEST CORNER OF CULVERT, 1M BELOW ROAD LEVEL  
ELEVATION 80.871 (DATA:000026.78)

NOTE  
NOTE THE LOCATION OF THE OVERHEAD WIRES

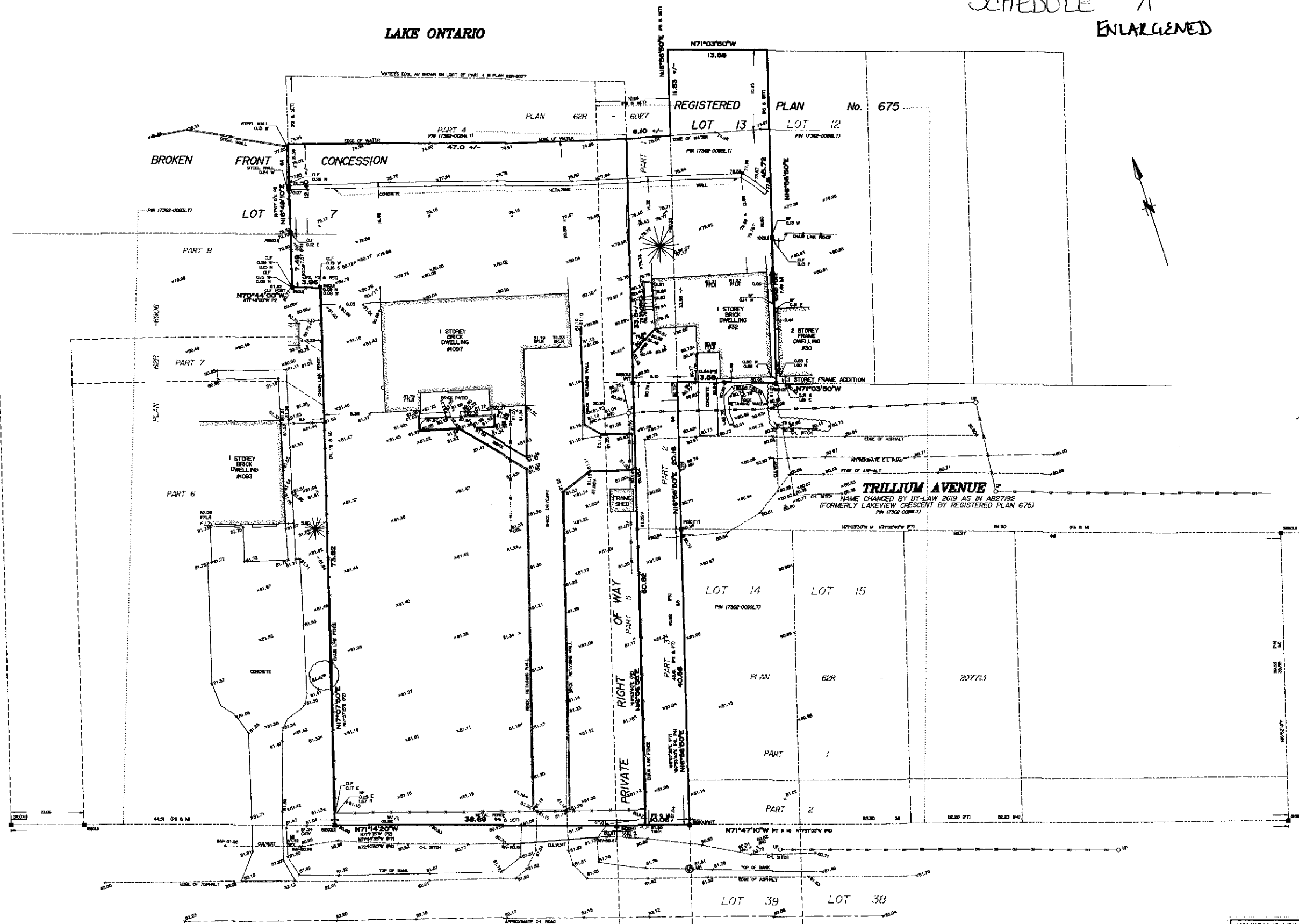
NOTE THE LOCATION OF THE FENCES ALONG THE EAST, WEST AND SOUTH LIMITS  
OF THE PROPERTY

NOTE THE LOCATION OF THE STEEL WALL ALONG THE WEST LIMIT OF THE  
PROPERTY

BEARING NOTE  
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTH LIMIT OF TRILLIUM  
AVENUE AS SHOWN ON REGISTERED PLAN 675 HAVING A BEARING OF N71°03'30"W

BEARING ROTATION NOTES  
BEARINGS ON PLAN P6 HAVE BEEN ROTATED BY 1°10'10" COUNTER  
CLOCKWISE FOR COMPARISON

BEARINGS ON PLAN P7 HAVE BEEN ROTATED BY 0°50'25" COUNTER  
CLOCKWISE FOR COMPARISON

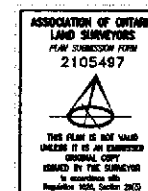


LEGEND	FOUND
13	DENOTES PLANTED
14	DENOTES RORY BAR
15	DENOTES STANDARD IRON BAR
16	DENOTES ROUND IRON BAR
17	DENOTES MEASURED
18	DENOTES ORIGIN UNKNOWN
19	DENOTES WITNESS
20	DENOTES PLAN 62R-5806
21	DENOTES PLAN 62R-5027
22	DENOTES PLAN 62R-4446
23	DENOTES PLAN 62R-4225
24	DENOTES REGISTERED PLAN 675
25	DENOTES PLAN 62R-18997 (GRID)
26	DENOTES PLAN 62R-20713 (GRID)
27	DENOTES BOARD FENCE
28	DENOTES CHAIN LINK FENCE
29	DENOTES METAL FENCE
30	DENOTES ROCK RETAINING WALL
31	DENOTES WOOD RETAINING WALL
32	DENOTES CONIFEROUS TREE
33	DENOTES DECIDUOUS TREE
34	DENOTES FIRST FLOOR ELEVATION
35	DENOTES GARAGE FLOOR ELEVATION
36	DENOTES MANHOLE
37	DENOTES OVERHEAD UTILITY
38	DENOTES TOP HAT OF FIRE HYDRANT
39	DENOTES WATER VALVE
40	DENOTES CATCH BASIN
41	DENOTES UTILITY POLE
42	DENOTES A. T. WOLFE, O.L.S.
43	DENOTES J. G. PETERS, O.L.S.
44	DENOTES CITY OF HAMILTON
45	DENOTES INSTRUMENT No. 00194975

SURVEYOR'S CERTIFICATE  
I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT,  
THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 21ST DAY OF AUGUST, 2020.

DATE HARRY KALANTZAKOS  
ONTARIO LAND SURVEYOR



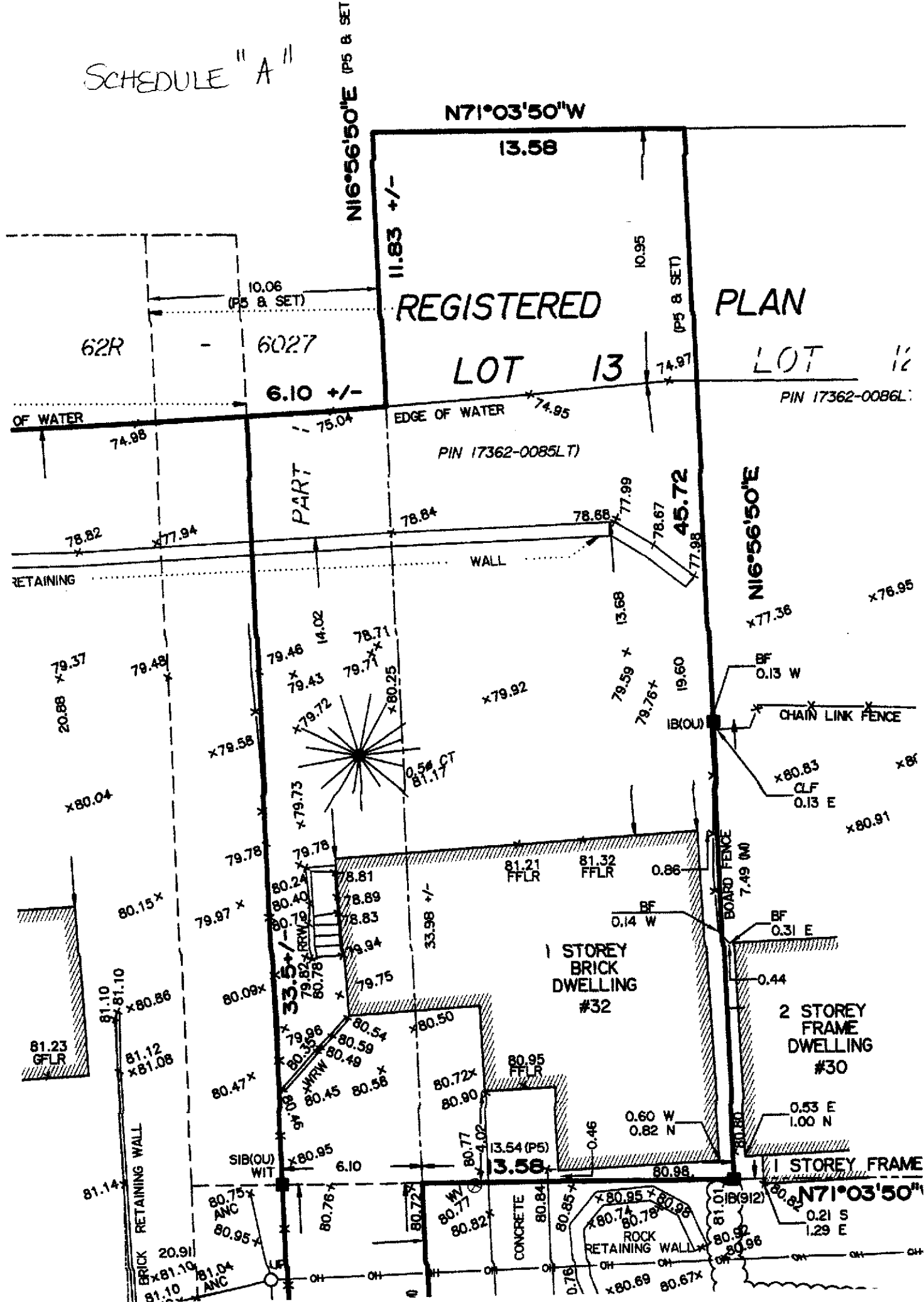
ASHENHURST NOUWENS & ASSOCIATES INC.  
PROFESSIONAL ENGINEERS & ONTARIO LAND SURVEYORS  
225 KING WILLIAM STREET, SUITE 204, HAMILTON, ONTARIO L8R 1B1  
TELEPHONE: (905) 529-6316  
(905) 529-4314  
FAX: (905) 529-6651  
e-mail: [an@AshenhurstNouwens.ca](mailto:an@AshenhurstNouwens.ca)  
SINCE 1956

DRAWN BY W.S./M.S. CALLED BY H.K. CHECKED BY H.K. FILE NO. 19164 TOPO

NORTH SERVICE ROAD  
PLAN 17382-0098.7  
BY ORDER-IN-COUNCIL OC 481/2016 AS IN INST No WE1110663  
PART 1, PLAN 62R-18967 (P-2113-728)



SCHEDULE "A"







SCHEDULE "C"

128942 C.D.

THIS INDENTURE made this 24th day of November, 1978.

BETWEEN:

NORMAN ROSS McLEOD,  
hereinafter called the .....

"GRANTOR".....OF THE FIRST PART

- and -

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH  
hereinafter called the .....

"GRANTEE".....OF THE SECOND PART

MARGARET McLEOD  
hereinafter called the

"PARTY"

OF THE THIRD PART

THIS INDENTURE WITNESSETH that in consideration of the sum  
of ONE DOLLAR (\$1.00) now paid by the Grantee to the Grantor, the receipt  
whereof is hereby acknowledged, the Grantor hereby grants to the Grantee, its  
successors and assigns, the free, uninterrupted and unobstructed right and  
easement:

1. (a) To enter and lay down, install, construct, maintain, open,  
inspect, add to, alter, repair and keep in good condition,  
remove, replace, reconstruct, supplement and operate water-  
main, storm and sanitary sewer systems, including all  
appurtenances necessary or incidental thereto, on, in,  
across, under and through the lands described in Schedule  
"A" hereto and hereinafter referred to as the "said lands"  
and shown on Schedule "B" attached hereto;
- (b) To keep the "said lands" clear of all obstructions so as to  
permit the exercise and enjoyment of the rights and easement  
granted as aforesaid;
- (c) For the servants, agents, contractors and workmen and other  
persons duly authorized by the Grantee at all reasonable  
times and from time to time to pass and repass with all  
plant, machinery, material, vehicles, and equipment as may  
be necessary on the "said lands" for all purposes necessary  
or incidental to the exercise and enjoyment of the rights  
and easement granted as aforesaid.

REFERENCE PLAN SHOWING

PART OF A PRIVATE RD. WAY ON REG'D PLAN No. 675 - WINONA BEACH

FORMERLY IN THE

TOWNSHIP OF SALT FLEET

NOW IN THE

TOWN OF STONEY CREEK

REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

SCALE: 1:600

M. A. CHIDLEY - O.L.S.

1978



RECEIVED AND DEPOSITED

PLAN 62R-4446

DATE Oct 6 1978

09

M. A. CHIDLEY  
LAND REGISTRAR FOR THE REGISTRY  
DIVISION OF THE WENTWORTH (62)

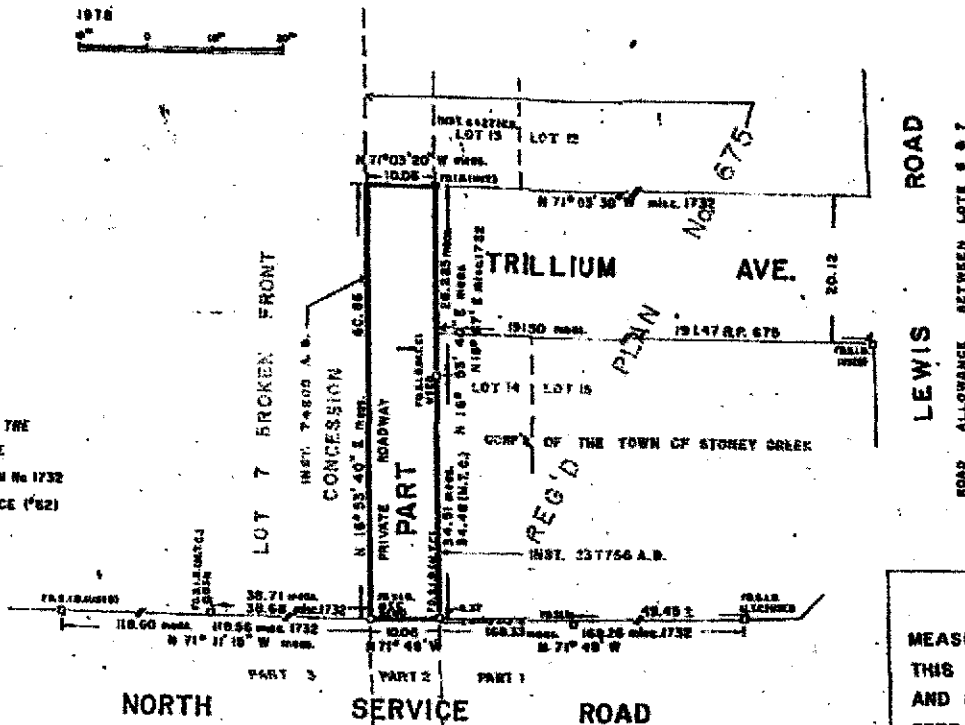
I REQUIRE THIS PLAN TO BE  
DEPOSITED UNDER PART II  
OF THE REGISTRY ACT

DATE Oct 5 1978

M. A. CHIDLEY  
REGIONAL SURVEYOR

**CAUTION** THIS PLAN IS NOT  
A PLAN OF SUBDIVISION WITHIN THE  
MEANING OF SECTION 29, 32 OR 33  
OF THE PLANNING ACT.

HEREON ARE REFERRED TO THE  
T OF PART 2 ON A COURSE  
S W AS SHOWN ON MISC. PLAN No. 1732  
IN THE LAND REGISTRY OFFICE (62)



YOR'S CERTIFICATE

THAT  
Y AND PLAN ARE CORRECT AND IN  
WITH THE SURVEYS ACT AND THE  
ACT AND THE REGULATIONS MADE  
I WAS COMPLETED ON THE 6th DAY  
OCT 1978

**LEGEND**

Q S.T.B. DENOTES A STANDARD IRON BAR  
M I.S. AS IRON BAR

M. A. Chidley  
M. A. CHIDLEY  
ONTARIO LAND SURVEYOR

**METRIC**  
MEASUREMENT SHOWN ON  
THIS PLAN ARE IN METRES  
AND MAY BE CONVERTED TO  
FEET BY DIVIDING BY  
0.3048


SCHEDULE				
PT.	INSTRUMENT	OWNER	LOT	CON
1	149856 A.D.	NORMAN R. MCLEOD	PLAN No. 675	612.5 m <sup>2</sup>

THE REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH			
DEPARTMENT OF ENGINEERING			
SURVEY BY M. A.	FIELD BOOK	FILE No.	DATE
DRAWN BY T. RO	REF. COPIES 1732 MISC.		CHECKED BY M. CHIDLEY
APPROVED <i>M. A. Chidley</i>		REGIONAL SURVEYOR <i>M. A. Chidley</i>	
COMMISSIONER OF ENGINEERING		PLAN No. RA-S-145 SURVEY	



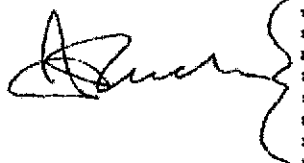
SCHEDULE "A"

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Stoney Creek in the Regional Municipality of Hamilton-Wentworth and Province of Ontario being formerly in the Township of Saltfleet in the County of Wentworth, and being composed of part of a private roadway as shown on Winona Beach, Registered Plan No. 675, and being part of Lot 7 in the Broken Front Concession of the said Township and being more particularly described as all of Part I according to a reference plan received and deposited in the Land Registry Office for the Registry Division of Wentworth as Plan No. 62R-4446.



and the Party of  
IN WITNESS WHEREOF the Party of the First Part has hereunto  
the Third Part have hereunto affixed their respective hands and seals  
affixed its Corporate Seal under the hands of its proper officers duly authorized in that  
behalf and the Party of the Second Part has hereunto affixed its  
Corporate Seal under the hands of its proper officers duly authorized in that  
behalf.

SIGNED, SEALED & DELIVERED




  
NORMAN ROSS McLEOD

  
MARGARET McLEOD

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

  
Clerk

  
Clerk - Jack McQuilly

  
Treasurer - Jack McQuilly

APPROVED BY COUNCIL

DATE MAY 21 1978

REPORT May 21 1978

INITIALS J

Approved  
in Form  
Affixed  
  
Regional  
Solicitor

APPROVED FOR EXECUTION BY THE COUNCIL	Council Approved
Initials	Date

2. The aforesaid rights and easement shall be granted on the following terms and conditions which are hereby mutually agreed upon:

- (i) The Grantor will not excavate, drill, install, erect or build on, in or over the "said lands" and will not construct any pit, well, pavement, building or structure without the prior written consent of the Commissioner of Engineering but otherwise the Grantor shall have the right fully to use and enjoy the "said lands" subject always to the rights and easement granted to the Grantee as aforesaid.
- (ii) Any sewer pipe or water pipe and all other equipment and materials brought on to the "said lands" by the Grantee shall at all times remain the property of the Grantee notwithstanding the same may be annexed or affixed to the freehold and shall at any time and from time to time be removable in whole or in part by the Grantee.
- (iii) The Grantee covenants and agrees with the Grantor that it will be responsible for any damage caused by its agents or employees to the "said lands" and to the property of the Grantor and shall as far as possible replace, at its own expense, any soil, turf or ground coverings removed in connection with any of the work above referred to and shall repair any damage caused by the Grantee, its agents or employees, in the exercise of its rights pursuant to this Agreement, to any property of the Grantor and any lands of the Grantor lying adjacent to the "said lands".
- (iv) It is understood and agreed that the Grantee will replace the paved access to the property of the Grantor from Trillium Avenue.

This Easement and everything herein contained shall extend to and include the parties hereto and their respective successors and assigns.

The Easement herein is declared to be appurtenant to and for the benefit of the lands and hereditaments of the Grantee more particularly described in Schedule "C" attached hereto.

The Party of the Third Part hereby releases all her right, title and interest in and to the said lands.

128942 C.D.

THIS INDENTURE made this 24th day of November, 1978.

BETWEEN:

NORMAN ROSS McLEOD,  
hereinafter called the .....

"GRANTOR".....OF THE FIRST PART

- and -

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH  
hereinafter called the .....

"GRANTEE".....OF THE SECOND PART

MARGARET McLEOD  
hereinafter called the

"PARTY" OF THE THIRD PART

THIS INDENTURE WITNESSETH that in consideration of the sum of ONE DOLLAR (\$1.00) now paid by the Grantee to the Grantor, the receipt whereof is hereby acknowledged, the Grantor hereby grants to the Grantee, its successors and assigns, the free, uninterrupted and unobstructed right and easement:

1. (a) To enter and lay down, install, construct, maintain, open, inspect, add to, alter, repair and keep in good condition, remove, replace, reconstruct, supplement and operate water-main, storm and sanitary sewer systems, including all appurtenances necessary or incidental thereto, on, in, across, under and through the lands described in Schedule "A" hereto and hereinafter referred to as the "said lands" and shown on Schedule "B" attached hereto;
- (b) To keep the "said lands" clear of all obstructions so as to permit the exercise and enjoyment of the rights and easement granted as aforesaid;
- (c) For the servants, agents, contractors and workmen and other persons duly authorized by the Grantee at all reasonable times and from time to time to pass and repass with all plant, machinery, material, vehicles, and equipment as may be necessary on the "said lands" for all purposes necessary or incidental to the exercise and enjoyment of the rights and easement granted as aforesaid.

# SCHEDULE "D"

Survey for the use of the  
this day of July A.D. 1922  
A. Henry Public - H. T. Drapery

I hereby certify that this plan was made in the  
manner in which the lands enclosed within  
lines has been surveyed and submitted by me  
that this plan has been prepared in accordance  
the provisions of the Registry Act of the Survey.

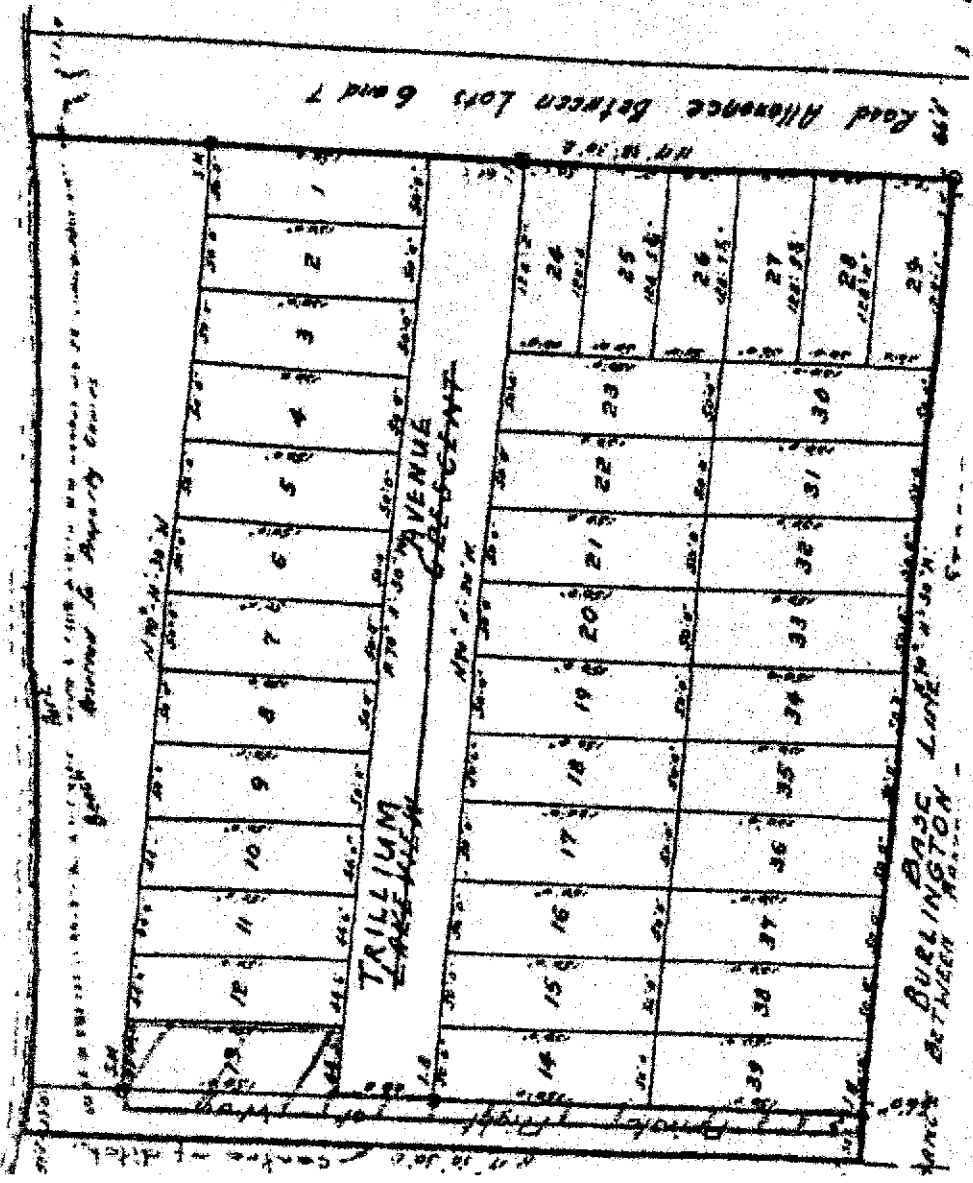
S. L. D. Dated 1st day of July A.D. 1922  
Ontario Land Surveyor

Received from T. Reginald Clear  
and registered this day of  
H. T. Drapery plan No. 1075

Registration No.

This plan has been prepared under our main  
and with our approval for registration

Ontario Gen. Sec. 11/10/22, Witness H. T. Drapery





**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

**APPLICATION FOR CONSENT TO SEVER LAND  
UNDER SECTION 53 OF THE PLANNING ACT**

**Office Use Only**

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
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**1 APPLICANT INFORMATION**

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	Kennedy Colalillo	[REDACTED]	Business ( ) Fax: ( ) E-mail: [REDACTED]
Applicant(s)*	Jim Colalillo	[REDACTED]	Business [REDACTED] Fax: ( ) E-mail: [REDACTED]
Agent or Solicitor	Arthur Compore Compore, Sullivan Brennan	[REDACTED]	Business [REDACTED] Fax: ( ) E-mail: [REDACTED]

\* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to ☐ Owner ☐ Applicant ☐ Agent/Solicitor

**2 LOCATION OF SUBJECT LAND** Complete the applicable lines

2.1 Area Municipality Stoney Creek	Lot 13	Concession	Former Township
Registered Plan N°. 675	Lot(s)	Reference Plan N°.	Part(s) 1, 2, 3
Municipal Address 32 TRILLIUM AVE			Assessment Roll N°. 003020140000000

2.2 Are there any easements or restrictive covenants affecting the subject land?

☒ Yes ☐ No

If YES, describe the easement or covenant and its effect:

CD 128942 Private Right of Way with a City of Hamilton indenture allowing for City Services over private lands

**3 PURPOSE OF THE APPLICATION**

3.1 Type and purpose of proposed transaction: (check appropriate box)

a) Urban Area Transfer (do not complete Section 10):

- ☐ creation of a new lot  
☒ addition to a lot  
☐ an easement

- Other: ☐ a charge  
☐ a lease  
☐ a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):

- ☐ creation of a new lot  
☐ creation of a new non-farm parcel  
(i.e. a lot containing a surplus farm dwelling resulting from a farm consolidation)  
☐ addition to a lot
- Other: ☐ a charge  
☐ a lease  
☐ a correction of title  
☐ an easement

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

Jim and Denise Colalillo

3.3 If a lot addition, identify the lands to which the parcel will be added:

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be Severed:

Frontage (m) <u>48.74 m</u>	Depth (m) <u>93.71 m</u>	Area (m <sup>2</sup> or ha) <u>5016.70 m<sup>2</sup></u>
--------------------------------	-----------------------------	---

48.74 x 93.71  
396 x 19.89  
6.10 x 60.74

Existing Use of Property to be severed:

- ☒ Residential (including ROR)  
☐ Agriculture (includes a farm dwelling)  
☐ Other (specify) \_\_\_\_\_
- ☐ Industrial  
☐ Agricultural-Related  
☐ Commercial  
☐ Vacant

Proposed Use of Property to be severed:

- ☒ Residential  
☐ Agriculture (includes a farm dwelling)  
☐ Other (specify) \_\_\_\_\_
- ☐ Industrial  
☐ Agricultural-Related  
☐ Commercial  
☐ Vacant

Building(s) or Structure(s):

Existing: Single Family Dwelling

Proposed: Single Family Dwelling

Type of access: (check appropriate box)

- ☐ provincial highway  
☐ municipal road, seasonally maintained  
☒ municipal road, maintained all year
- ☐ right of way  
☐ other public road

Type of water supply proposed: (check appropriate box)

- ☒ publicly owned and operated piped water system  
☐ privately owned and operated individual well
- ☐ lake or other water body  
☐ other means (specify) \_\_\_\_\_

Type of sewage disposal proposed: (check appropriate box)

- ☒ publicly owned and operated sanitary sewage system  
☐ privately owned and operated individual septic system  
☐ other means (specify) \_\_\_\_\_

4.2 Description of land intended to be Retained:

Frontage (m) <u>19.68</u>	Depth (m) <u>45.72 m</u>	Area (m <sup>2</sup> or ha) <u>899.77 m<sup>2</sup></u>
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Existing Use of Property to be retained:

- ☒ Residential  
☐ Agriculture (includes a farm dwelling)  
☐ Other (specify) \_\_\_\_\_
- ☐ Industrial  
☐ Agricultural-Related  
☐ Commercial  
☐ Vacant

Proposed Use of Property to be retained:

- ☒ Residential ☐ Industrial ☐ Commercial  
☐ Agriculture (includes a farm dwelling) ☐ Agricultural-Related ☐ Vacant  
☐ Other (specify) \_\_\_\_\_

Building(s) or Structure(s):

Existing: Single Family Dwelling

Proposed: Single Family Dwelling

Type of access: (check appropriate box)

- ☐ provincial highway ☐ right of way  
☐ municipal road, seasonally maintained ☐ other public road  
☒ municipal road, maintained all year

Type of water supply proposed: (check appropriate box)

- ☒ publicly owned and operated piped water system ☐ lake or other water body  
☐ privately owned and operated individual well ☐ other means (specify) \_\_\_\_\_

Type of sewage disposal proposed: (check appropriate box)

- ☒ publicly owned and operated sanitary sewage system  
☐ privately owned and operated individual septic system  
☐ other means (specify) \_\_\_\_\_

4.3 Other Services: (check if the service is available)

- ☒ electricity ☐ telephone ☒ school bussing ☒ garbage collection

## 5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): Rural Residential

Urban Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

This application is for a lot line adjustment  
where all conditions are pre-existing so  
everything conforms to the City of Hamilton  
Official Plan.

5.2 What is the existing zoning of the subject land? Rural Residential

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? \_\_\_\_\_

5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (Indicate approximate distance)
An agricultural operation, including livestock facility or stockyard	<input type="checkbox"/>	No



A land fill	<input type="checkbox"/>	No
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	No
A provincially significant wetland	<input type="checkbox"/>	No
A provincially significant wetland within 120 metres	<input type="checkbox"/>	No
A flood plain	<input type="checkbox"/>	No
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	No
An active railway line	<input type="checkbox"/>	No
A municipal or federal airport	<input type="checkbox"/>	No

## 6 PREVIOUS USE OF PROPERTY

- ☒ Residential      ☐ Industrial      ☐ Commercial  
☐ Agriculture      ☐ Vacant      ☐ Other (specify)

- 6.1 If Industrial or Commercial, specify use \_\_\_\_\_
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?  
☐ Yes      ☒ No      ☐ Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?  
☐ Yes      ☒ No      ☐ Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
☐ Yes      ☒ No      ☐ Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?  
☐ Yes      ☒ No      ☐ Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?  
☐ Yes      ☒ No      ☐ Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?  
☐ Yes      ☒ No      ☐ Unknown
- 6.8 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
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?  
☐ Yes      ☒ No      ☐ Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?  
☐ Yes      ☒ No      ☐ Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?  
Pre-existing single family residential area dating back to 1924
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed. - see Schedule "D"  
 Is the previous use inventory attached?  
☐ Yes      ☒ No

## 7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)

☒ Yes      ☐ No

b) Is this application consistent with the Provincial Policy Statement (PPS)?

☒ Yes ☐ No (Provide explanation)

c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

☒ Yes ☐ No (Provide explanation)

d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)

☐ Yes ☒ No

e) Are the subject lands subject to the Niagara Escarpment Plan?

☐ Yes ☒ No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

☐ Yes ☐ No

(Provide Explanation)

f) Are the subject lands subject to the Parkway Belt West Plan?

☐ Yes ☒ No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

☐ Yes ☐ No (Provide Explanation)

g) Are the subject lands subject to the Greenbelt Plan?

☐ Yes ☒ No

If yes, does this application conform with the Greenbelt Plan?

☐ Yes ☐ No (Provide Explanation)

## 8 HISTORY OF THE SUBJECT LAND

- 8.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?

☐ Yes ☒ No ☐ Unknown

If YES, and known, indicate the appropriate application file number and the decision made on the application.

- 8.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

- 8.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land? ☐ Yes ☒ No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

- 8.4 How long has the applicant owned the subject land?

1 year

- 8.5 Does the applicant own any other land in the City? ☐ Yes ☒ No

If YES, describe the lands in "11 - Other Information" or attach a separate page.

## 9 OTHER APPLICATIONS

- 9.1 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval? ☐ Yes ☒ No ☐ Unknown

If YES, and if known, specify file number and status of the application.

- 9.2 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?

☐ Yes ☒ No ☐ Unknown

If YES, and if known, specify file number and status of the application(s).

File number \_\_\_\_\_ Status \_\_\_\_\_

## 10 RURAL APPLICATIONS

- 10.1 Rural Hamilton Official Plan Designation(s)

☐ Agricultural ☐ Rural ☐ Specialty Crop  
☐ Mineral Aggregate Resource Extraction ☐ Open Space ☐ Utilities  
☐ Rural Settlement Area (specify) \_\_\_\_\_

Settlement Area

Designation

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm operation.

- 10.2 Type of Application (select type and complete appropriate sections)

☐ Agricultural Severance or Lot Addition  
☐ Agricultural Related Severance or Lot Addition  
☐ Rural Resource-based Commercial Severance or Lot Addition  
☐ Rural Institutional Severance or Lot Addition

(Complete Section 10.3)

☐ Rural Settlement Area Severance or Lot Addition

☐ Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)

☐ Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

**10.3 Description of Lands**

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from in Section 4.1)
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m <sup>2</sup> or ha): (from Section 4.2)
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

**10.4 Description of Lands (Abutting Farm Consolidation)**

a) Location of abutting farm:

\_\_\_\_\_  
(Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m <sup>2</sup> or ha):
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Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

c) Description of consolidated farm (excluding lands intended to be severed for the surplus dwelling):

Frontage (m):	Area (m <sup>2</sup> or ha):
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

d) Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: \_\_\_\_\_

e) Surplus farm dwelling date of construction:

☐ Prior to December 16, 2004 ☐ After December 16, 2004

f) Condition of surplus farm dwelling:

☐ Habitable ☐ Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m <sup>2</sup> or ha): (from Section 4.2)
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

**10.5 Description of Lands (Non-Abutting Farm Consolidation)**

a) Location of non-abutting farm

\_\_\_\_\_  
(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m2 or ha):
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Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m2 or ha): (from Section 4.1)
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Front yard set back: \_\_\_\_\_

d) Surplus farm dwelling date of construction:

☐ Prior to December 16, 2004 ☐ After December 16, 2004

e) Condition of surplus farm dwelling:

☐ Habitable ☐ Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)
----------------------------------	-------------------------------------

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

**11 OTHER INFORMATION**

*Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.*

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**12 SKETCH (Use the attached Sketch Sheet as a guide)**

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
  - i) are located on the subject land and on land that is adjacent to it, and
  - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private