



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance

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/B-22:133	SUBJECT PROPERTY:	14 BELVIDERE AVENUE, HAMILTON
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APPLICANTS: Owners B., A., A., & L. Colalillo
Agent A.J. Clarke & Associates Ltd. – F. Kloibhofer

PURPOSE & EFFECT: To permit the conveyance of two (2) parcels of land for future residential development and to retain two (2) parcels of land for future residential development.

	Frontage	Depth	Area
SEVERED LANDS: (Part 1)	9.43 m [±]	irregular m [±]	883 m ^{2±}
SEVERED LANDS: (Part 3)	9.43 m [±]	irregular m [±]	1044 m ^{2±}
RETAINED LANDS: (Part 2)	9.43 m [±]	irregular m [±]	917 m ^{2±}
RETAINED LANDS: (Part 4)	9.43 m [±]	irregular m [±]	431 m ^{2±}

Associated Planning Act File(s): N/A

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, February 16, 2023
TIME:	1:20 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

HM/B-22:133

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

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

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.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/B-22:133, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



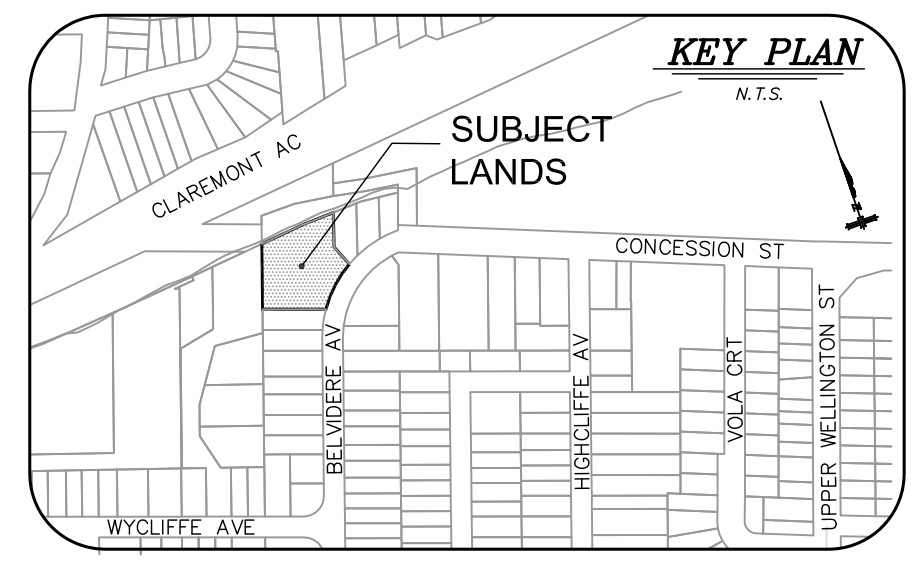
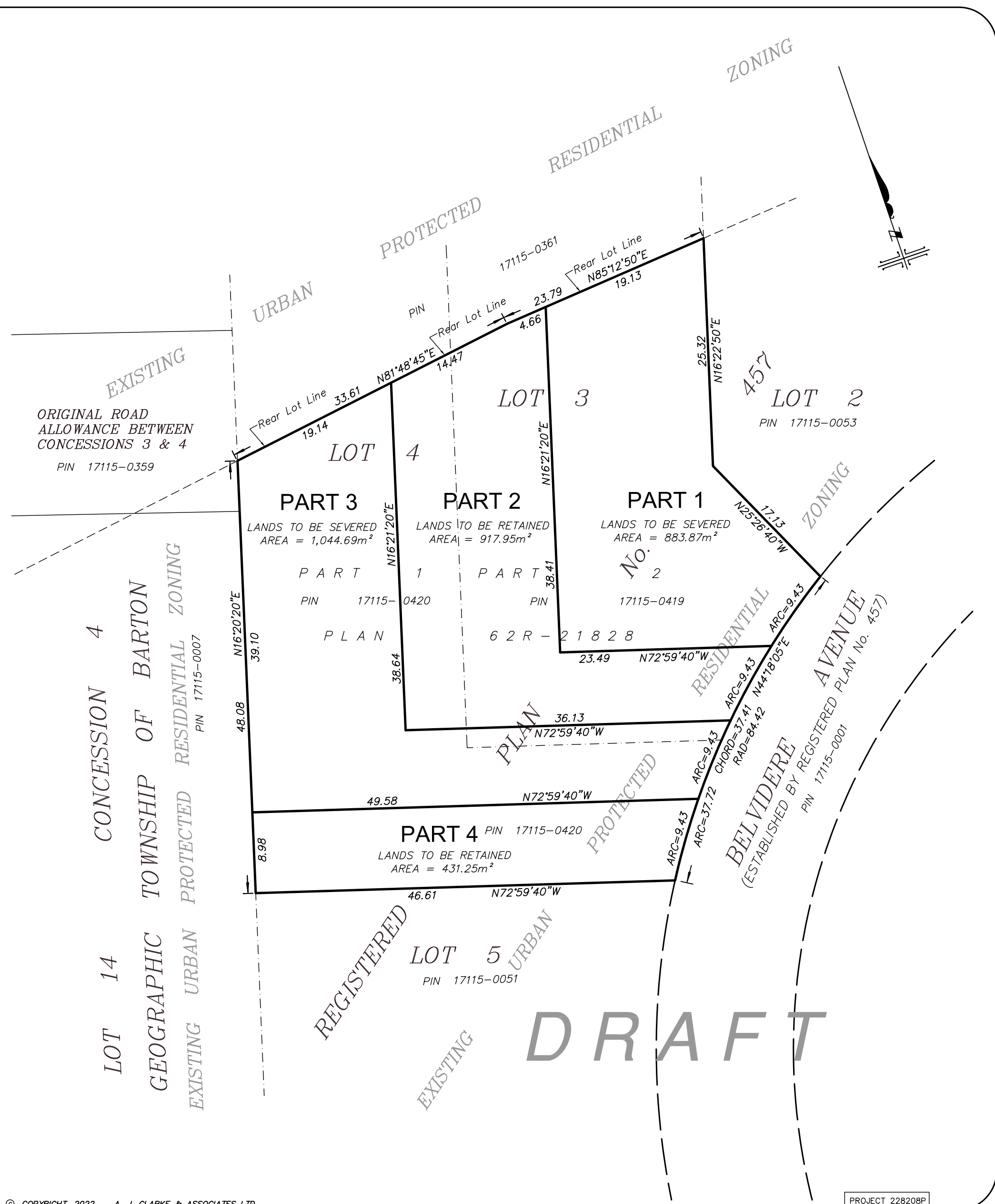
 Subject Lands

DATED: January 31, 2023

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.

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.



SKETCH FOR CONSENT TO SEVER
14 BELVIDERE AVENUE
CITY OF HAMILTON

SCALE 1:400

THE ABOVE NOTED LANDS ARE LEGALLY DESCRIBED AS:
PART OF LOTS 3 & 4
REGISTERED PLAN No. 457

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

NOTE:
THE BOUNDARIES AND MEASUREMENTS SHOWN ON THIS SKETCH ARE APPROXIMATE - COMPILED FROM PLANS ON FILE IN OUR OFFICE AND IS NOT BASED ON A FIELD SURVEY.

THIS SKETCH IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY OR CERTIFIED DIGITAL COPY ISSUED BY THE SURVEYOR

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.

CONSENT SCHEDULE:

PART 1 (LANDS TO BE RETAINED)	AREA=883.87m ²
PART 2 (LANDS TO BE SEVERED)	AREA=917.95m ²
PART 3 (LANDS TO BE RETAINED)	AREA=1,044.69m ²
PART 4 (LANDS TO BE SEVERED)	AREA=431.25m ²

CAUTION:
THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.

DECEMBER 21, 2022
DATE

NICHOLAS P. MUTH
ONTARIO LAND SURVEYOR

A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: ajc@ajclarke.com

SURVEYOR'S REAL PROPERTY REPORT

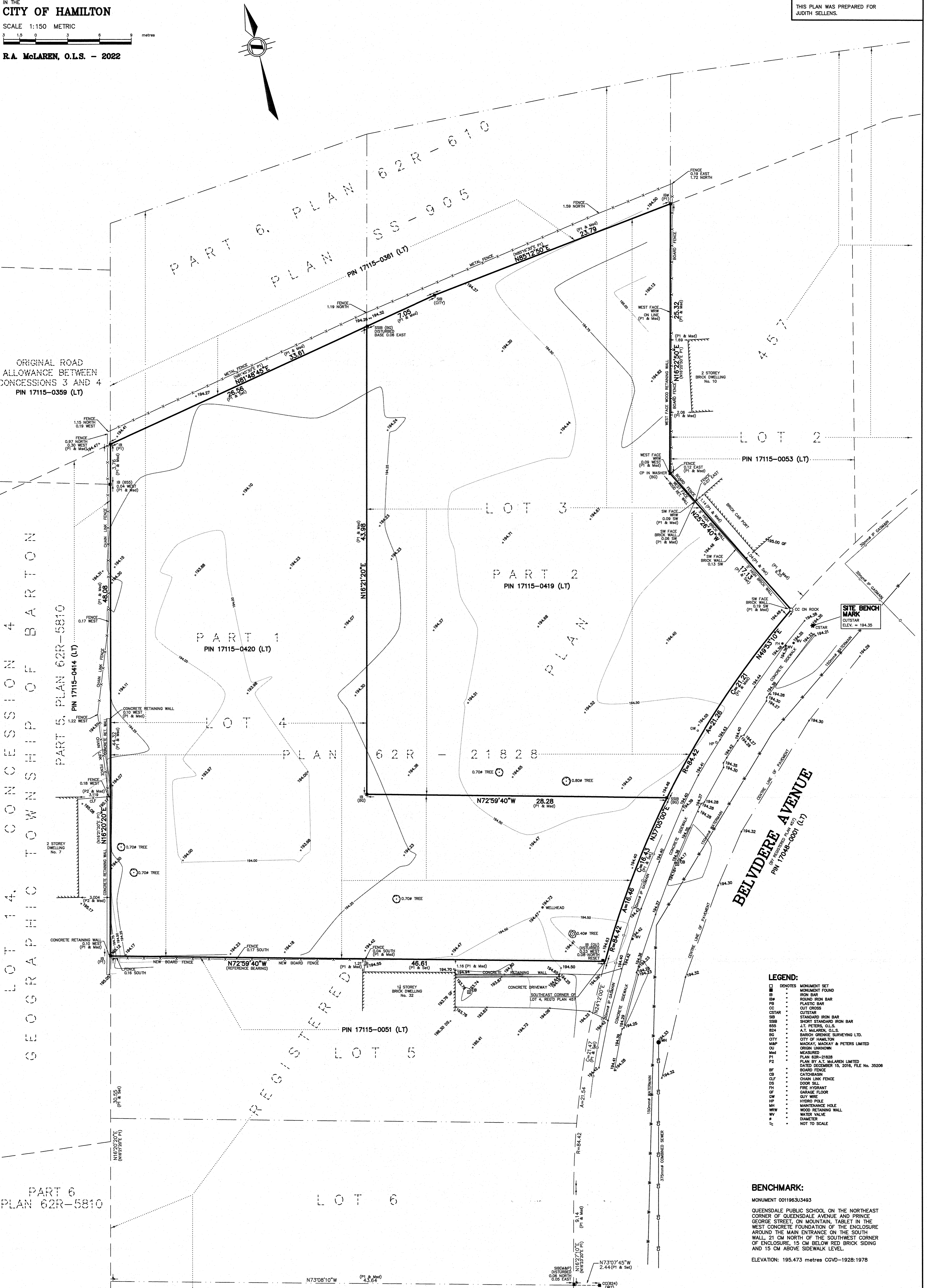
PART 1, PLAN OF PART OF
LOTS 3 & 4
REGISTERED PLAN 457
IN THE
CITY OF HAMILTON

SCALE 1:150 METRIC

R.A. McLAREN, O.L.S. - 2022

SURVEYOR'S REAL PROPERTY REPORT

(PART 2)
PART OF LOTS 3 & 4, REGISTERED PLAN 457,
IS NOT SUBJECT TO ANY EASEMENTS.
THIS PLAN DOES NOT CERTIFY COMPLIANCE
WITH ZONING BY-LAWS.
THIS PLAN WAS PREPARED FOR
JUDITH SELLENS.



LOT 1, 4, CONCESSION 4
GEOGRAPHIC TOWNSHIP OF BARTON

PART 6
PLAN 62R-5810

NOTE:
UNDERGROUND SERVICES WERE DERIVED FROM DRAWING BY CITY OF HAMILTON, DATED JUNE 2011 (DRAWING No. 11-H-09, SHEET 1 OF 4) AND DRAWING BY CITY OF HAMILTON, DATED JANUARY 13, 1984 (DRAWING No. 82-H-99, SHEET 1 OF 2).
UNDERGROUND SERVICE AND UTILITY LOCATIONS MUST BE VERIFIED PRIOR TO CONSTRUCTION
INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION

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

BEARING NOTE:
BEARINGS ARE GRID AND ARE REFERRED TO THE SOUTHERLY LIMIT OF PART 1, PLAN 62R-21828 AS SHOWN BEING N72°59'40"W

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT, THE SURVEYORS REGULATIONS AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 19th DAY OF DECEMBER, 2022
A.T. McLaren
DATE: 12/19/22
A.T. McLaren, O.L.S.

LEGEND:
□ DENOTES MONUMENT SET
IB IRON BAR
IB# IRON BAR
PE PLASTIC BAR
CC CUT CROSS
CUTSTAR CUTSTAR
SB STANDARD IRON BAR
SBS SHORT STANDARD IRON BAR
SSS S.S. PETERS, O.L.S.
B24 A.T. McLaren, O.L.S.
B24 BARRON GREENE SURVEYING LTD.
MAB CITY OF HAMILTON
OU ORIGIN UNKNOWN
Msd MEASURED
P1 PLAN 62R-21828
P2 PLAN BY A.T. McLaren LIMITED, DATED DECEMBER 15, 2016, FILE No. 38206
BF BOARD FENCE
CB CATCHBUSH
CLF CHAIN LINK FENCE
DS DOOR SILL
PH FIRE HYDRANT
GF GARAGE FLOOR
CW CURB WIRE
HP HYDRO POLE
MH MAINTENANCE HOLE
WW WOOD RETAINING WALL
WV WATER VALVE
D DIAMETER
// NOT TO SCALE

BENCHMARK:
MONUMENT 0011963U3493
QUEENSDALE PUBLIC SCHOOL ON THE NORTHEAST CORNER OF QUEENSDALE AVENUE AND PRINCE GEORGE STREET, ON MOUNTAIN, TABLET IN THE WEST CONCRETE FOUNDATION OF THE ENCLOSURE AROUND THE MAIN ENTRANCE ON THE SOUTH WALL, 21 CM NORTH OF THE SOUTHWEST CORNER OF ENCLOSURE, 15 CM BELOW RED BRICK SIDING AND 15 CM ABOVE SIDEWALK LEVEL.
ELEVATION: 195.473 metres CGVD-1928:1978

REPRODUCED, DISTRIBUTED OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF R.A. McLAREN, O.L.S.

A.T. McLaren
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn: JC
Checked: RBM
Cred: ZM
Scale: 1:150
Dwg. No. 37224



City of Hamilton
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

December 21, 2022

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment (email: Jamila.Sheffield@hamilton.ca)

**Re: 14 Belvidere Avenue, Hamilton
Severance Application Submission**

Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by Beni, Angelina, Adam, and Lucas Colalillo (owners) for the purposes of submitting the enclosed Severance (Consent) Application for the subject lands, municipally known as 14 Belvidere Avenue, in the City of Hamilton. Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the required filled and executed Application for Consent to Sever Land Form;
- One (1) electronic copy of a cheque in the amount of \$2,985.00 representing the required application fee;
- One (1) electronic copy of the Survey, prepared by Barich Grenkie Surveying Ltd., dated January 2022;
- One (1) electronic copy of the Sketch for Consent to Sever, prepared by A.J Clarke & Associates Ltd., dated December 2022.

This analysis is in support of the Severance (Consent) Application for the subject lands. The proposed development is to facilitate a severance to create four (4) separate residential lots. Following the proposed severance, four (4) new, single-detached dwellings will be built (one on each new lot).

The subject lands are located on the curved north side of Belvidere Avenue, just prior to becoming Concession Street. The subject lands back onto the Niagara Escarpment Natural Area and are currently vacant. The lands are designated “Neighbourhoods” as per Schedule E-1 of the Urban Hamilton Official Plan and are zoned C/S-1822 in the Former City of Hamilton Zoning By-law 6593.

The below table details the various lot frontages, depths, and areas, following the proposed severance.

	PART 1	PART 2	PART3	PART 4
Lot Frontage	Arc = ±9.43 m	Arc = ±9.43 m	Arc = ±9.43 m	Arc = ±9.43 m
Lot Depth	irregular	irregular	irregular	irregular
Lot Area	±883.87m ²	±917.95m ²	±1,044.69m ²	±431.25m ²



The surrounding area is predominately residential, with various institutional uses. The residential uses are concentrated around the subject site, consisting mainly of single detached dwellings on lots of various widths and sizes. The subject lands are in proximity to Sam Lawrence Park, approximately ± 770 metres from the Concession Street Shopping Area and approximately ± 450 metres from the Upper Wellington shopping area. The lands are approximately ± 400 m from Queensdale Elementary School. Several bus lines run within 500 metres of the subject lands.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

Franz Kloibhofer, BES (Hons.), MCIP, RPP

Principal Planner

A. J. Clarke and Associates Ltd.

Encl.

Copy via email: Adam Colalillo adam@thinklegacy.ca



Hamilton

Committee of Adjustment
City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
Email: cofa@hamilton.ca

**APPLICATION FOR CONSENT TO SEVER LAND
and VALIDATION OF TITLE
UNDER SECTION 53 & 57 OF THE *PLANNING ACT***

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)	Beni, Angelina, Adam, and Lucas Colalillo (under agreement of purchase and sale, to be provided upon request)		
Applicant(s)**	Same as owners		
Agent or Solicitor	A.J. Clarke & Associates Ltd. c/o Franz Kloibhofer		

*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application.

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

1.2 All correspondence should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes* No

If YES, provide email address where sign is to be sent _____

1.5 All correspondence may be sent by email Yes* No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	14 Belvidere Avenue		
Assessment Roll Number	08090408550		
Former Municipality	Barton		
Lot	13	Concession	4
Registered Plan Number	PL 457	Lot(s)	3 & 4
Reference Plan Number (s)	62R21828	Part(s)	1 & 2

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:

3 PURPOSE OF THE APPLICATION

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

- | | |
|---|---|
| <input type="checkbox"/> creation of a new lot(s) | <input checked="" type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8) | <input type="checkbox"/> a charge |
| <input type="checkbox"/> cancellation (must also complete section 9) | |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | |

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

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

3.4 Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1 (Retained)	Parcel 2	Parcel 3*	Parcel 4*
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Identified on Sketch as:	Part 2	Part 4	Part 1	Part 3	
Type of Transfer	N/A	N/A			
Frontage	Arc ±9.43 m	Arc ±9.43 m	Arc ±9.43 m	Arc ±9.43 m	
Depth	irregular	irregular	irregular	irregular	
Area	±917.95m ²	±431.25m ²	±883.87m ²	±1,044.69m ²	
Existing Use	vacant residential	vacant residential	vacant residential	vacant residential	
Proposed Use	residential	residential	residential	residential	
Existing Buildings/ Structures	none	none	none	none	none
Proposed Buildings/ Structures	single-detached dwelling	single-detached dwelling	single-detached dwelling	single-detached dwelling	
Buildings/ Structures to be Removed	n/a	n/a	n/a	n/a	n/a

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

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

b) 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) _____

c) 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 Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

Gentle intensification of lands by creating four new residential lots to build four single-detached dwellings in an established neighbourhood.

- 5.2 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 known, provide the appropriate file number and status of the application.

- 5.3 What is the existing zoning of the subject land? C/S-1822

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

- 5.4 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 known, provide the appropriate file number and status of the application.

- 5.5 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 * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	±450 m (retail)
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 HISTORY OF THE SUBJECT LAND

- 6.1 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, provide the appropriate application file number and the decision made on the application.

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

- 6.3 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.

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

Currently under Agreement of Purchase and Sale

- 6.5 Does the applicant own any other land in the City? Yes No
If YES, describe the lands below or attach a separate page.

unknown

7 PROVINCIAL POLICY

- 7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?

Yes No (Provide explanation)

Consistent with policy statements and provincial plans.

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

Yes No (Provide explanation)

Wise use of available resources and infrastructure to facilitate additional housing stock through gentle intensification in established neighbourhood.

- 7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

Yes No (Provide explanation)

Gentle intensification within the built-up area of the Hamilton Urban Boundary. Better utilization of infrastructure.

- 7.4 Are the subject lands subject to the Niagara Escarpment Plan?

Yes No (Provide explanation)

'Urban Area' designation in NEP. Backs on to Natural Escarpment Area.

7.5 Are the subject lands subject to the Parkway Belt West Plan?

Yes No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

Urban Area of NEP.

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

Yes No (Provide explanation)

8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

8.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

9.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

10 ADDITIONAL INFORMATION - FARM CONSOLIDATION

10.1 Purpose of the Application (Farm Consolidation)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

10.2 Location of farm consolidation property:

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

10.3 Rural Hamilton Official Plan Designation(s)

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 consolidation property.

10.4 Description of farm consolidation property:

Frontage (m):	Area (m ² or ha):
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Existing Land Use(s): _____ Proposed Land Use(s): _____

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

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use: _____ Proposed Land Use: _____

10.7 Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
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Front yard set back: _____

a) Date of construction:

- Prior to December 16, 2004
- After December 16, 2004

b) Condition:

- Habitable
- Non-Habitable