



Hamilton

**COMMITTEE OF ADJUSTMENT**

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

Telephone (905) 546-2424, ext. 4221

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

**NOTICE OF 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

<b>APPLICATION NO.:</b>	<b>HM/B-23:94</b>	<b>SUBJECT PROPERTY:</b>	78 ONTARIO AVENUE, HAMILTON
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**APPLICANTS:** Owner: 78 ONTARIO AVE INC.(ADAM COLALILLO)  
Agent: A.J CLARKE & ASSOCIATES LTD. C/O FRANZ KLOIBHOFER

**PURPOSE & EFFECT:** To sever the existing residential lot into two parcels, the severed lands will be a residential lot with a single detached garage to be removed and the retained lands will contain the existing dwelling which is intended to remain with the removal of a shed.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	7.5 m <sup>±</sup>	29.7 m <sup>±</sup>	222.6 m <sup>2±</sup>
<b>RETAINED LANDS:</b>	8.4 m <sup>±</sup>	29.7 m <sup>±</sup>	251.7 m <sup>2±</sup>

Associated Planning Act File(s): HM/A-23:340

**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:

<b>DATE:</b>	<b>Tuesday, February 13, 2024</b>
<b>TIME:</b>	<b>1:35 p.m.</b>
<b>PLACE:</b>	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

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

## HM/B-23:94

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

## PUBLIC INPUT

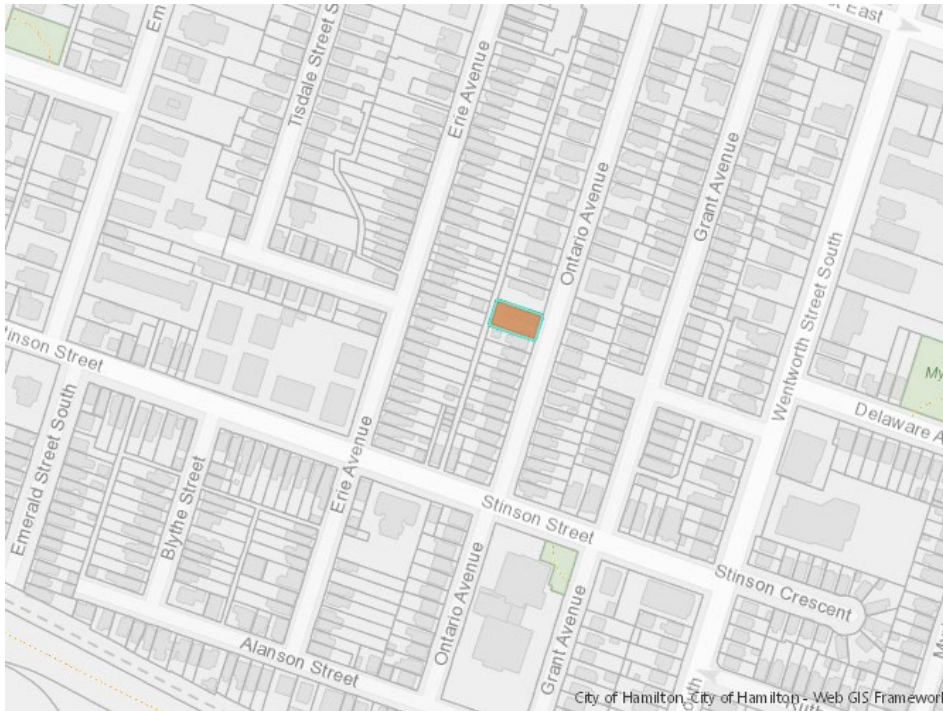
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than **February 9, 2024**

**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than **February 12, 2024**

## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/B-23:94, you must submit a written request to [cofa@hamilton.ca](mailto: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 the Notice of Decision of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



 Subject Lands

DATED: January 25, 2024

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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.

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.



Hamilton

## COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

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

## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon on the date listed on the Notice of Public Hearing.**

Comments are available the Friday prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### 1. Virtual Oral Submissions

Interested members of the public, agents, and owners **must register by noon on the day listed on the Notice of Public Hearing** to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

#### 2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **no less than 10 minutes** before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

**SURVEYOR'S REAL PROPERTY REPORT**

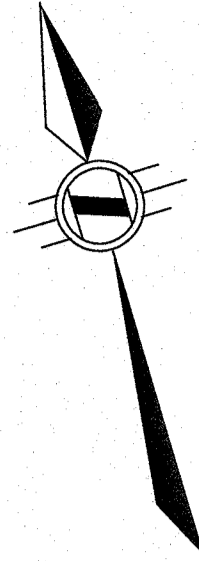
PART 1, PLAN OF

**LOT 12**  
**REGISTERED PLAN 117**

IN THE  
**CITY OF HAMILTON**

SCALE 1:100 METRIC

**R.A. McLAREN, O.L.S. - 2023**



**SURVEYOR'S REAL PROPERTY REPORT**

LOT 12, PLAN 117 IS NOT SUBJECT TO ANY EASEMENTS.

THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.

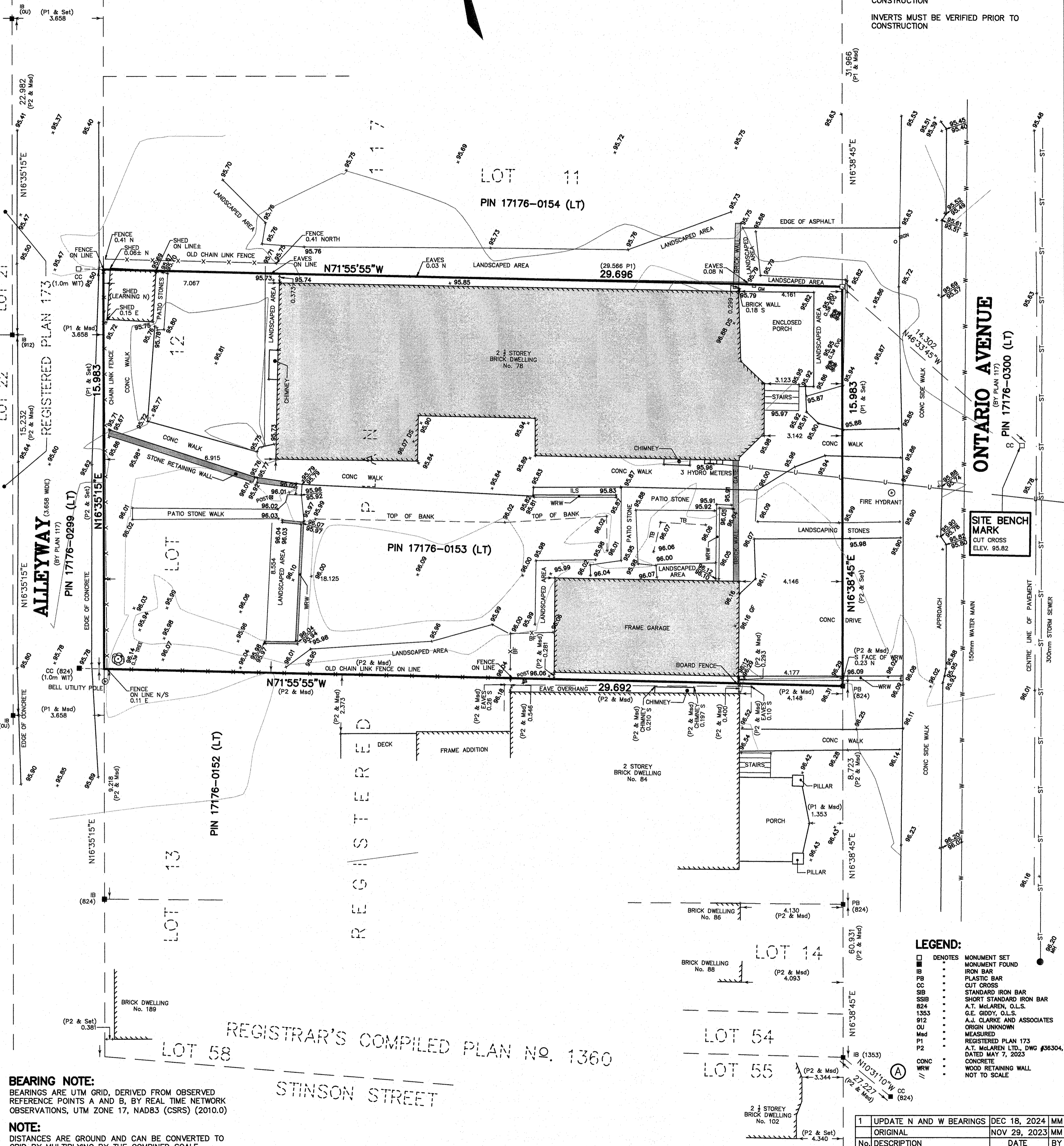
THIS PLAN WAS PREPARED FOR ADAM COLALILLO

**NOTE:**

UNDERGROUND SERVICE AND UTILITY LOCATIONS WERE DERIVED FROM DRAWINGS BY DUFFERIN CONSTRUCTION, FILE NO. IRO7229 AND FILE NO. IRO7230.

UNDERGROUND SERVICE AND UTILITY LOCATIONS MUST BE VERIFIED PRIOR TO CONSTRUCTION

INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION



**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 0.999697025

**INTEGRATION DATA**

OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (2010.0). COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
ORP (A)	4788956.310	593133.935
ORP (B)	4789095.747	593162.607

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

**BENCHMARK:**

MONUMENT 07720100047

NORTH WEST CORNER OF CORKTOWN PARK, ~22m EAST OF CENTRE LINE OF FERGUSON AVENUE SOUTH AND ~22m SOUTH OF THE CENTRE LINE OF YOUNG STREET  
ELEVATION: 99.836 metres CGVD-1928:1978

**METRIC NOTE:**

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

**SURVEYOR'S CERTIFICATE:**

I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM  
2. THE SURVEY WAS COMPLETED ON THE 28th DAY OF NOVEMBER, 2023

29 NOV 2023  
DATE  
ROBERT A. McLAREN, O.L.S.

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER 66215

**LEGEND:**

- DENOTES MONUMENT SET
- DENOTES MONUMENT FOUND
- IB IRON BAR
- PB PLASTIC BAR
- CC CUT CROSS
- SIS STANDARD IRON BAR
- SSB SHORT STANDARD IRON BAR
- 824 A.T. McLAREN, O.L.S.
- 1353 G.E. GIDDY, O.L.S.
- 912 A.J. CLARKE AND ASSOCIATES
- OJ ORIGIN UNKNOWN
- Med MEASURED
- P1 REGISTERED PLAN 173
- P2 A.T. McLAREN LTD., DWG #36304, DATED MAY 7, 2023
- CONC CONCRETE
- WRW WOOD RETAINING WALL
- NOT TO SCALE

No.	DESCRIPTION	DATE	BY
1	UPDATE N AND W BEARINGS	DEC 18, 2024	MM
	ORIGINAL	NOV 29, 2023	MM

**REVISIONS**

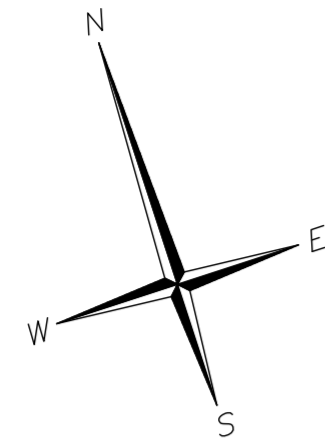
© R.A. McLAREN, O.L.S. - 2023. NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF R.A. McLAREN, O.L.S.

**A.T. McLaren Limited**  
LEGAL AND ENGINEERING SURVEYS  
69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-8599 FAX (905) 527-0032

Drawn	Checked	Crew Chief	Scale	Dwg. No.
MM	RBM	MWR	1:100	37552

R-4877

R-4877



117 LOT 11 ZONE

No. 78

PART 1  
LANDS TO BE RETAINED  
AREA = 251.91m<sup>2</sup>

PART 2  
LANDS TO BE SEVERED  
AREA = 222.65m<sup>2</sup>

RESIDENTIAL DENSITY LOW

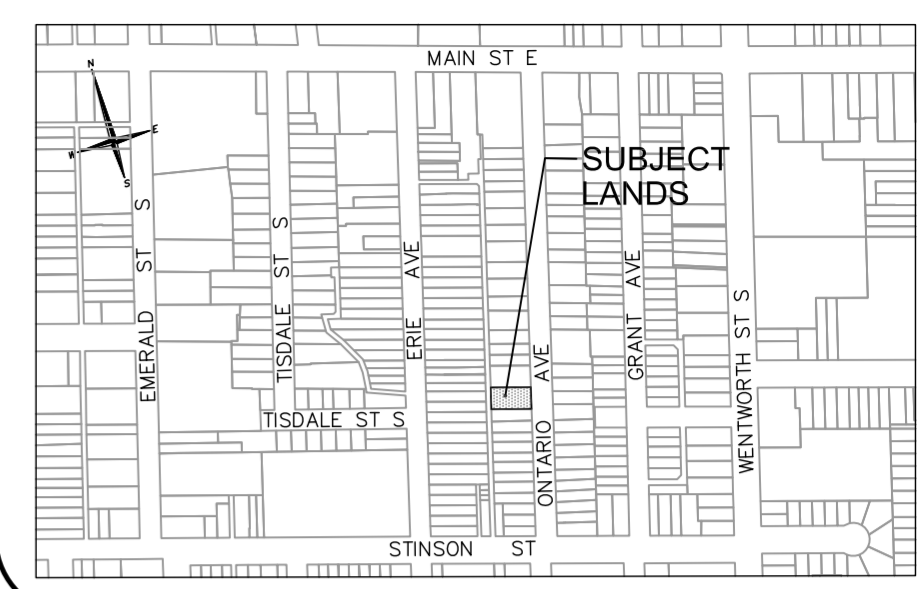
REGISTERED LOT 13

EXISTING 2 STOREY BRICK DWELLING No. 84

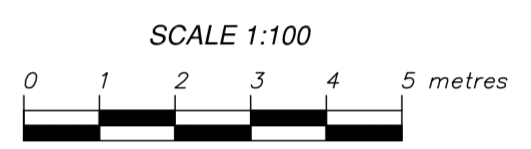
AVENUE ONTARIO

EXISTING URBAN PROTECTED RESIDENTIAL 'D/S-1822' ZONE

KEY PLAN



SKETCH FOR CONSENT TO SEVER  
78 ONTARIO AVENUE  
CITY OF HAMILTON



THE ABOVE NOTED LANDS ARE LEGALLY DESCRIBED AS:  
LOT 12, REGISTERED PLAN No. 117  
CITY OF HAMILTON

METRIC:  
DISTANCES SHOWN ON THIS SKETCH 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=251.91m <sup>2</sup>
PART 2 (LANDS TO BE SEVERED)	AREA=222.65m <sup>2</sup>

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

DEC. 19, 2023  
DATE

NICHOLAS P. MUTH  
ONTARIO LAND SURVEYOR

LEGEND

--- DENOTES ZONING LIMITS



*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

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

December 20, 2023

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

**Re: 78 Ontario Avenue, Hamilton: Severance and Minor Variance Application Submissions**

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Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by the owners of the subject lands, municipally known as 78 Ontario Avenue, for the purposes of submitting the enclosed Severance and Minor Variance Applications. Below is a summary of the materials submitted to your attention:

- One (1) digital copy of the required filled and signed Severance Application Form;
- One (1) digital copy of the required filled and signed Minor Variance Application Form;
- One (1) digital copy of the Surveyor's Real Property Report of the existing conditions, prepared by A. T. McLaren Ltd, dated November 29<sup>th</sup>, 2023;
- One digital copy of the Severance Sketch illustrating proposed lots, parking, and maximum building envelope, prepared by A.J. Clarke & Associates Ltd, dated December 2023;
- One (1) cheque in the amount of \$6,955.00 representing the required joint Severance and Minor Variance Application fees;

This analysis is in support of concurrently submitted Severance and Minor Variance Applications for the subject lands. The development will create one new residential lot while retaining the existing dwelling; parking for the existing will be provided in the rear yard, accessed by municipal alleyway. The severed lands will facilitate a single detached dwelling with sufficient on-site parking.

The subject lands are located on the western side of Ontario Avenue between Main Street East, to the north, and Stinson Street, to the south. The subject lands are currently occupied by one (1) single-detached dwelling with one (1) detached garage with access provided from Ontario Avenue. On-street parking is permitted on the western side of Ontario Avenue.

The surrounding area is primarily low density residential in the form of single- and semi-detached and converted dwellings within the historic Stinson neighbourhood. The neighbourhood is dotted with several multiple dwellings along Stinson Street, Emerald Street South, Wentworth Street South, and Main Street East. Main Street East has been zoned as Transit-Oriented Corridor (TOC1) and Mixed Use Medium Density (C5) Zones, with multiple existing commercial uses.

The subject lands are in proximity to multiple places of worship, 500 metres from Myrtle Park and the Wentworth Stairs with adjoining Rail Trail, 600 metres from Lifesavers Park, 660 metres from the Central Memorial Recreation Centre and Carter Park, 700m to St. Patrick Elementary School, 700 metres to Cathedral High School, 1.3km to Queen Victoria Elementary School, and 450 metres to a grocery store.



The immediate surrounding land uses include:

<b>North</b>	Single-Detached Dwelling, 2.5-storeys (72 Ontario Ave)
<b>South</b>	Single-Detached Dwelling, 2.5-storeys (84 Ontario Ave)
<b>West</b>	Single- and Semi-Detached Dwellings, 2.5-storeys (77-81 Erie Ave)
<b>East</b>	Single-Detached Dwellings, 2.5-storeys (73-75 Ontario Ave)

A review of the applicable planning policies has been included below.

## **Planning Policy Overview**

### **Planning Act**

The proposed severance and associated minor variances will not result in any unreasonable impact to the surrounding neighbourhood and conforms to the Planning Act. The proposed development has sufficient regard for the matters of provincial interest outlined in subsection 2 of the Planning Act, particularly subsections (b), (d), (f), (g), (h), (j), (l), (p), (q), and (r).

The proposed development is an example of gentle intensification that will sever the lands into two lots that will facilitate the infill development of a single-detached dwelling on the severed lands, where a detached garage currently exists. This infill development is an efficient use of land in the built-up urban area and the existing infrastructure, that continues the orderly development of a safe and healthy community, while providing additional housing. The development is transit-supportive in a pedestrian-friendly neighbourhood. The proposed development will maintain the character of the streetscape with consistent height, form, and proposed building materials. The existing building will be retained thereby conserving the cultural heritage of the structure and neighbourhood while reducing waste associated with redevelopment.

### **Provincial Policy Statement (PPS), 2020**

The proposed consent and development of the lands is consistent with the Provincial Policy Statement (PPS) through numerous applicable policies.

Policy 1.1.1 outlines how healthy, liveable and safe communities are sustained. The proposed development is specifically consistent with subsections a), b), c), d), e). The proposed consent and development are an efficient use of land that contributes to the housing stock while satisfying the growth management projections for the area through gentle intensification that is transit-supportive and economically efficient by utilizing existing infrastructure.

Policy 1.1.3.1 further details that settlement areas shall be the focus of growth and development. As discussed, the proposed development is within the built-up, urban boundary of the City of Hamilton. It is further exemplary in its consistency with policy 1.1.3.2 in that it efficiently uses the existing land, resources, infrastructure, and public service facilities while supporting active transportation in a transit-supportive neighbourhood.

Policy 1.1.3.3 states that planning authorities shall identify appropriate locations and opportunities for transit-supportive development, accommodating a significant supply and range of housing options





through intensification where feasible. Policy 1.1.3.4 states that *“development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.”*

Section 1.4 regards policy affecting housing and once again reiterates the importance of providing a sufficient supply of housing while promoting intensification, wise use of resources and infrastructure, and transit-supportive development.

Section 1.6 of the PPS relates to infrastructure and public service facilities. Policy 1.6.3 states that prior to developing new infrastructure and public service facilities, the existing ones should be optimized. The proposed development will utilize the public infrastructure and service facilities that surround it including the water and wastewater systems, roads, parks, and schools.

In accordance with the criteria described above, the proposed development is consistent with the policies of the Provincial Policy Statement, 2020.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (P2G), 2020**

The P2G Plan continues to direct planning, keeping in line with the PPS. Of significance to the proposed development is Section 2: Where and How to Grow; this section directs planning policy in the same manner as the PPS as to where development shall occur.

Policy 2.2.1.2.a) states that *“the majority of growth will be directed in settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems and can support the achievement of complete communities.”* As previously described, the proposed development is fully in line with this policy; the development exists within the built-up, urban boundary with existing infrastructure and will add to the complete community goals and objectives.

Policy 2.2.6.1.a) states that municipalities will support housing choice through achievement of minimum intensification and density targets by identifying a diverse range and mix of housing options and densities to meet projected needs. The proposed development is consistent with this policy as it creates additional housing through gentle intensification that falls within the densities permitted in the Official Plan.

The proposed development is consistent with the policies set forth in the Growth Plan for the Greater Golden Horseshoe, 2020.

### **Urban Hamilton Official Plan, 2022**

The subject lands are designated ‘Neighbourhoods’ on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The ‘Neighbourhoods’ designation permits uses including those proposed by this application.

Policy B.2.4.1.3.c) states that *“30% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure. The City will review and update its Zoning By-law to facilitate the planned housing units to be developed within the Neighbourhoods through intensification.”*

Policy E.2.2.6 also states that *“Intensification, redevelopment and compact form will be encouraged generally throughout the built-up area in accordance with appropriate development standards.”*



Policies B.2.4.1.4 and B.2.4.2.2 of the Official Plan list numerous criteria with which residential intensification developments within the built-up area shall be evaluated. The proposed development is in conformity with these policies as described in the paragraphs below.

The proposed severance and construction of an additional single-detached dwelling will have a density of ±42.5 units per hectare (UPH); this is below the 60 UPH maximum for low-density residential areas. The lot pattern and frontage are consistent within the existing neighbourhood. Lot widths along Ontario Avenue vary in size, however 18 of the 29 lots are below the 9-metre requirement; of those 18, 5 are at or below the 7.5 metres proposed for the severed parcel. The retained parcel is proposed at 8.48 metres in width; 16 lots on the western side of Ontario Avenue are smaller. The current lot size of the subject lands is uncharacteristically large compared to the majority of lots along Ontario Avenue.

The lot fabric, building height and massing will be consistent with the neighbourhood. The parcel will be served by municipal water, wastewater, and transportation systems. The lands are located in proximity to existing mass transit lines, future high-order transit services, and cycling network. As described above, the lands are in proximity to multiple public community facilities and services. No existing trees are proposed to be removed and the cultural heritage of the existing dwelling will be conserved. No impacts from shadowing, overlook, noise, lighting, traffic, or other nuisances are expected.

The subject lands are located within the Stinson Historical Neighbourhood. In conformity with Policy B.4.3.6, the proposed development will be sympathetic and complementary to existing cultural heritage attributes of the neighbourhood. The proposed lot size and pattern is consistent with the streetscape and overall neighbourhood. The mass and height allowable within the zoning and proposed maximum building envelope will lead to a structure of compatible size and massing to the neighbourhood. The proposal will also retain the existing dwelling located on the proposed retained lot. Appropriate setbacks are proposed that will allow for a compatible built form. Dwellings along Ontario Avenue are typically closer to side lot lines than by-law permits and the existing lot with a very large side yard is out of character for the street and neighbourhood with only the parcel to the north also having a similar lot size and coverage. These same qualities described above also show the development to be in conformity with Chapter F, Section 1.14.3 regarding lot creation in the urban area.

Upon review of the applicable policies, the proposed development conforms to and maintains the intent of the Urban Hamilton Official Plan.

**City of Hamilton Zoning By-law 05-200**

The subject lands are zoned “Low Density Residential – Small Lot (R1a) within the City of Hamilton Zoning By-law 05-200. The R1a Zone permits residential uses such as single- and semi-detached dwellings, and street townhouses. The zone provisions within Section 15 shall apply to the proposed development. A review of the applicable zone provisions is included below:

Regulation	Requirement (Single-detached)	Part 1: existing building	Part 2: severed lands
Min Lot Frontage	9 metres	±8.48m	±7.5m
Min Lot Area	270 m <sup>2</sup>	±251.4m <sup>2</sup>	±222.17 m <sup>2</sup>
Min Front Yard	3 metres	3 metres	3 metres



Min Side Yard	1.2 metres	0.3m (existing), <b>1.06 m (south)</b>	<b>0.9m (north)/</b> 1.2 m (south)
Min Rear Yard	7.5 metres	6.9m (existing)	7.5 m
Max Building Height	14 metres	2.5 storeys (existing)	Future building to comply

### Minor Variances

Variances are required for each lot to facilitate the proposed development. The variances are as follows:

#### Part 1 (Retained)

1. To permit a Minimum Lot Width of 8.4 metres, whereas 9 metres is required.
2. To permit a Minimum Lot Area of 250 m<sup>2</sup>, whereas 270m<sup>2</sup> is required.
3. To permit a Minimum Setback from a Side Lot Line of 1.06 metres, whereas 1.2 metres is required.

#### Part 2 (Severed)

1. To permit a Minimum Lot Width of 7.5 metres, whereas 9 metres is required.
2. To permit a Minimum Lot Area of 220 m<sup>2</sup>, whereas 270m<sup>2</sup> is required.
3. To permit a Minimum Setback from a Side Lot Line of 0.9 metres, whereas 1.2 metres is required.

This Minor Variance application is made under the authority of Section 45(1) of the Planning Act. Accordingly, a Minor Variance must meet the requisite four tests as described in Section 45 (1) of the Planning Act. An analysis of these tests, and our professional planning opinion is provided below:

#### **1. Do the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan?**

As discussed in greater detail above, the proposed lot severance and residential land use maintains the intent and purpose of the Urban Hamilton Official Plan. The application is an excellent example of infill development within the built-up urban area of Hamilton in a built form compatible with the existing historical neighbourhood. The existing dwelling, along with trees in the municipal right-of-way, will be retained, conserving the cultural heritage of the street and neighbourhood.

It is my professional opinion that the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

#### **2. Do the proposed variances maintain the intent and purpose of the City of Hamilton Zoning By-law 05-200?**

The required variances to City of Hamilton Zoning Bylaw are intended to facilitate a desirable built form which is compatible with the existing neighbourhood. The proposed lot fabric will require variances to address both the retained and severed dimensions for width and area, but they are comparable to, and in several instances larger than, the width and area of lots along the street.

The requested side yard setbacks of 1.06 for the retained lands and 0.9 metres for the severed should not only be sufficient for stormwater management but is highly comparable to the existing setbacks along the street. Further, the proposed building envelope line will be located 1.96 metres from the existing dwelling, buildings which is sufficient for access and maintenance. It should be noted that this is only required for the existing dwelling's rear addition of 5.68 metres. The rest of the existing structure will be located at a minimum of 2.33 metres from the proposed building envelope.



As noted above, the proposed variances are consistent with the established character of the neighbourhood, and it is my professional opinion that the requested variances maintain the intent and purpose of the City of Hamilton Zoning By-law 05-200.

**3. Are the proposed variances appropriate for the development of the subject lands?**

As noted above, the variances are intended to facilitate a desirable built form within an urban neighbourhood, on full municipal services. Proposed is a built form and use that is consistent with the Planning Act, Provincial Policy Statement, and Growth Plan and conforms to the UHOP and general intent of the zoning by-law. It facilitates gentle intensification in a core residential neighbourhood in an attractive form. As noted above, the proposed variances are consistent with the established character of the neighbourhood and are therefore appropriate for the development of the subject lands.

**4. Are the proposed variances minor in nature?**

The proposed variances reflect the scale and character of this neighbourhood. There are no perceived impacts stemming from the variances to the lot width, lot area, and side yard setback. Accordingly, it is my professional planning opinion that the variances are minor in nature.

In accordance with the above criteria, variances to permit a reduced lot width, lot area, and side yard setback will be required to facilitate the creation of the lots and the desired and compatible built form. The proposed minor variances will provide relief from these zoning deficiencies and requirements, which are minor in nature.

As such, the subject land is appropriate for the redevelopment of the subject lands and has sufficient regard for the matters listed under Section 51 (24) of the *Planning Act*, represents good planning and should be approved.

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.

Prepared by:

James Thomas, HBA  
Planner

**A. J. Clarke and Associates Ltd.**

Reviewed by:

Franz Kloibhofer, MCIP, RPP  
Principal, Planner

**A.J. Clarke and Associates Ltd.**



Hamilton

**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
 Email: [cofa@hamilton.ca](mailto: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*		
Registered Owners(s)		
Applicant(s)**		
Agent or Solicitor		

\*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	78 Ontario Ave		
Assessment Roll Number	03020505700		
Former Municipality	Hamilton (Barton)		
Lot	11	Concession	3
Registered Plan Number	117	Lot(s)	
Reference Plan Number (s)		Part(s)	12

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)

- creation of a new lot(s)
- addition to a lot
- an easement
- validation of title (must also complete section 8)
- cancellation (must also complete section 9)
- 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)
- concurrent new lot(s)
- a lease
- a correction of title
- a charge

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, m<sup>2</sup> or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
--	-------------------------	----------	----------	-----------	-----------

Identified on Sketch as:	Part 1	Part 2			
Type of Transfer	N/A				
Frontage	±8.4m	±7.5m			
Depth	29.7m	29.7m			
Area	±251.7m <sup>2</sup>	±222.6m <sup>2</sup>			
Existing Use	single-detached	single-detached			
Proposed Use	single-detached	single-detached			
Existing Buildings/ Structures	single-detached, shed	detached garage			
Proposed Buildings/ Structures	existing dwelling	single-detached dwelling			
Buildings/ Structures to be Removed	shed	detached garage			

\* 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.

Please see cover letter

- 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? LowDensity Residential-Small Lot Zone (R1a)

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.

Concurrently submitted minor variance application to facilitate this severance.

- 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)
<b>An agricultural operation, including livestock facility or stockyard</b> * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
<b>A land fill</b>	<input type="checkbox"/>	
<b>A sewage treatment plant or waste stabilization plant</b>	<input type="checkbox"/>	
<b>A provincially significant wetland</b>	<input type="checkbox"/>	
<b>A provincially significant wetland within 120 metres</b>	<input type="checkbox"/>	
<b>A flood plain</b>	<input type="checkbox"/>	
<b>An industrial or commercial use, and specify the use(s)</b>	<input type="checkbox"/>	175m to Main St E
<b>An active railway line</b>	<input type="checkbox"/>	281m
<b>A municipal or federal airport</b>	<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?

December, 2023

- 
- 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.

---

## 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)

Please see cover letter

- 
- 7.2 Is this application consistent with the Provincial Policy Statement (PPS)?  
 Yes       No      (Provide explanation)

Please see cover letter

- 
- 7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?  
 Yes       No      (Provide explanation)

Please see cover letter.

- 
- 7.4 Are the subject lands subject to the Niagara Escarpment Plan?  
 Yes       No      (Provide explanation)

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)

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 <sup>2</sup> or ha):
---------------	------------------------------

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

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

a) Date of construction:

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

b) Condition:

- Habitable       Non-Habitable

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application Form
- Signatures Sheet

### 11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

### 11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
  - Minimum Distance Separation Formulae (data sheet available upon request)
  - Hydrogeological Assessment
  - Septic Assessment
  - Archeological Assessment
  - Noise Study
  - Parking Study
- \_\_\_\_\_
- \_\_\_\_\_

One authorization (if applicable) must be completed for every owner registered on title at the time of application.

12.1 ~~Owner(s) Authorization (Person(s))~~

~~As of the date of this application, I (Name) \_\_\_\_\_ am the registered Owner(s) of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize (Name of Agent) \_\_\_\_\_ of (Name of Agent Company) \_\_\_\_\_ to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.~~

~~DATE \_\_\_\_\_ SIGNED \_\_\_\_\_~~

12.2 Owner(s) Authorization (Corporation)

As of the date of this application, I (Name) Adam Colalillo having signing authority for (Name of Corporation) 78 Ontario Ave Inc., that is the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize (Name of Agent) Franz Kloibhofer of (Name of Agent Company) AJ Clarke & Associates Ltd. to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE 12/12/2023 SIGNED 

13. **ACKNOWLEDGEMENTS**

Acknowledgements may be signed by the owner(s) or the owner's authorized agent as noted above. Initial beside each item and sign below.


13.1 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 to this Application. Initials FK

13.2 I acknowledge that all information submitted with the application or during the processing of the application is collected under the authority of the Planning Act, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all Planning Act applications and supporting documentation submitted to the City. The City of Hamilton is permitted to make the application and any associated supporting information available to the general public, including posting electronic versions of the application form and associated studies and reports online. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284. Initials FK

13.3 I acknowledge that the members of the Committee of Adjustment and members of staff of the City of Hamilton may enter the subject lands for the limited purposes of evaluating this application. Initials FK

13.4 I acknowledge that a sign is required to be posted on the subject lands, clearly visible and legible from a public highway (road). The sign must be posted no later than 14 days before the Hearing for consents, and no later than 10 days before the Hearing for minor variances. I acknowledge that the sign will remain posted and visible until after the Hearing. Failure to post the sign in accordance with the requirements may result in a deferral of the application. Initials FK

13.5 I acknowledge that it is a policy of the City of Hamilton that any City costs associated with an appeal to the Ontario Land Tribunal, by a party other than the Applicant, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, minor variance, and/or any other development application under the *Planning Act*, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Applicant. I acknowledge and agree that a Cost Acknowledgment Agreement may be required to be filed in this event. Questions about this agreement should be directed to [cofa@hamilton.ca](mailto:cofa@hamilton.ca).  
Initials FK

NAME Franz Kloibhofer  
SIGNED 

DATE 12/12/23

**14. AFFIDAVIT OR SWORN DECLARATION**

This declaration must be sworn before a Commissioner of Oaths.

I, (Name) Franz Kloibhofer of the (Town/City etc.) City  
of Hamilton in the (Province/City, etc.) Province  
of Ontario solemnly declare that:

All of the above statements and information submitted with the application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Sworn (or Declared) before me at the  
City of Hamilton in the Province of  
Ontario this 12 day of December, 2023

Teresa Ann Ewart, a Commissioner, etc.,  
Province of Ontario, for A. J. Clarke and Associates Ltd.  
Expires October 6, 2025  
A Commissioner, etc.

  
Owner/Agent, etc.