



Hamilton

**COMMITTEE OF ADJUSTMENT**

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

Telephone (905) 546-2424, ext. 4221

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

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

<b>APPLICATION NO.:</b>	<b>HM/B-22:133</b>	<b>SUBJECT PROPERTY:</b>	14 Belvidere Avenue, Hamilton
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**APPLICANTS:** Owner: Beni, Angelina, Adam & Lucas Colalillo  
Agent: A.J. Clarke & Associates Ltd. – Franz 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.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS (Part 1):</b>	9.43 m <sup>±</sup>	irregular m <sup>±</sup>	883 m <sup>2</sup> <sup>±</sup>
<b>SEVERED LANDS (Part 3):</b>	9.43 m <sup>±</sup>	irregular m <sup>±</sup>	1044 m <sup>2</sup> <sup>±</sup>
<b>SEVERED LANDS (Part 2):</b>	9.43 m <sup>±</sup>	irregular m <sup>±</sup>	917 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS (Part 4):</b>	9.43 m <sup>±</sup>	irregular m <sup>±</sup>	431 m <sup>2</sup> <sup>±</sup>

Associated Planning Act File(s): N/A

**THE DECISION OF THE COMMITTEE IS:**

That the said application, as set out above, Approved as Amended with Conditions, for the following reasons:

1. The proposal does not conflict with the intent of the Urban/Rural Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application, with amendments.

**Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following condition(s):**

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
5. The owner shall apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
6. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
7. The owner shall submit survey evidence that the lands to be retained and severed, including location of proposed and existing structures, parking, landscaping, encroachments and building height conform to the requirements of the Zoning By-law or alternatively apply and receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department ( Planning Division – Zoning Examination Section).
8. Confirmation of a legal agreement/easement is required to ensure continued shared use and maintenance of the proposed driveway identified as Part 5 (Lot 3).
9. That the applicant registers a mutual access easement across Part 5 (Lot 3), in favour of Part 2 (Lot 2), to the satisfaction of the Director of Development Planning.
10. That the owner submits and received approval of a revised Environmental Impact Statement prepared in accordance with the City's Council adopted Guidelines, to the satisfaction of the Manager of Heritage and Urban Design.
11. That, the owner submits and receives approval of a Tree Protection Plan, including the review fee as per the effective Schedule of Rates and Fees, to the satisfaction of the Manager of Heritage and Urban Design. The Tree Protection Plan is to be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester, or landscape

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architect) in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010).

12. That, the owner submits and receives approval of a Landscape Plan, prepared by a certified landscape architect to the satisfaction of the Manager of Heritage and Urban Design. This Plan is to include compensation for any tree (10 cm DBH or greater) that is proposed to be removed as well as any fencing.
13. The owner shall prepare and implement a Vegetation Protection Zone (VPZ) Planting Plan to the satisfaction of the Manager of Heritage and Urban Design. The VPZ Planting Plan is to be prepared by a certified landscape architect in consultation with an ecologist. All plantings within the VPZ shall use non-invasive plant species native to Hamilton.
14. A Permit to injure or remove municipal trees is a requirement of this application. A Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.
15. The Owner must enter into with the City of Hamilton and register on title, a combined External Works and Consent Agreement, having an administrative fee to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as any outstanding servicing cost for the existing municipal services adjacent to the property, street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches, relocation of any existing infrastructure and any damage during construction (unknown costs at this time), to the satisfaction of the Director of Development Engineering. Cash payments mentioned above are subject to change.
16. The Owner / Applicant shall extend the combined sanitary and storm sewer to the full frontage of the property limits and provide detailed design plans, cost estimate with sufficient security deposit, insurance certificates and obtain ECA Approval from the Ministry of the Environment, Conservation and Parks (MECP), all to the Satisfaction of the Director of Development Engineering.

DATED AT HAMILTON, June 11, 2024.

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D. Smith (Chairman)

N. Lauwers

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D. Lord

M. Switzer

The date of the giving of this Notice of Decision is **June 14, 2024**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (June 14, 2026) or the application shall be deemed to be REFUSED (Planning Act, 53(41)).

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **July 4, 2024 at 4:30pm**. A Notice of Appeal must be filed with the Secretary-treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information Consents/Severances for more information.
2. **This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**
3. The Decision does not release any persons from the necessity of observing the requirements of building regulations, the license by-law, or any other by-law of the City of Hamilton.



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### APPEAL INFORMATION – CONSENTS/SEVERANCES

#### 1. Who may file an appeal of the Decision of the Committee of Adjustment or Consent Authority?

Please note neighbours and other interested parties not defined are no longer eligible to file Planning Act Section 53(19) appeals. See [Bill 23, More Homes Built Faster Act, 2022](#) for more information.

Planning Act Section 53(19) appeals may be filed by the applicant, the Minister of Municipal Affairs and Housing, a “specified person” (as defined by Planning Act 1(1)), and any “public body” (as defined by Planning Act 1(1)).

#### 2. When must an appeal be received to be considered?

Planning Act Section 53(19) appeals must be received no later than the end of business on the last date of appeal listed on the Notice of Decision. The last date of appeal is 20 days from the date of the giving of Notice of the Decision. Please see Notice of Decision for exact date and time.

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

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

**Hardcopy:** at City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5. Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of second-hand mailing will be time barred and of no effect.

**Electronic copy:** by email delivered to [cofa@hamilton.ca](mailto:cofa@hamilton.ca). Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of incorrectly addressed emails will be time barred and of no effect. If the information submitted will include large file sizes not able to be sent in one email, please contact [cofa@hamilton.ca](mailto:cofa@hamilton.ca) in advance to request a file sharing link.

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

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

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

#### **4. What information must be submitted for the appeal to be considered?**

Planning Act Section 53(19) appeals must include:

- Notice of appeal, the Ontario Land Tribunal (OLT) Appeal Form, this can be found by contacting Committee of Adjustment staff at the 5<sup>th</sup> floor of City Hall or at the OLT website <https://olt.gov.on.ca/appeals-process/forms/>, a cover letter, etc. may also be submitted if there is not sufficient room in the form;
- Filing fee, the fee is currently \$400 (subject to change) and must be paid as outlined on the OLT Appeal Form or OLT E-file Portal;
- All other information as required by the Appeal Form.

Questions or Information:

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