



Hamilton

**A-24:93 – 14 Belvidere Avenue, Hamilton**

**Recommendation:**

Development Planning - Approve Minor Variance application A-24:93, as amended  
Development Planning - Table Consent application HM/B-22:133, as amended  
Natural Heritage - Deny

**Proposed Conditions:**

**Proposed Notes:**

Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-0036) In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416- 212-7499).”



# Hamilton

## Development Planning:

### Background

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.

Staff note that the applicant has since revised the initial proposal circulated out for comments. Staff have reviewed the revised proposal against the policy of the Official Plan.

	Frontage	Depth	Area
<b>SEVERED LANDS: (Part 1)</b>	17.28 m <sup>±</sup>	irregular	±1,008.4 M <sup>2</sup> ±
<b>SEVERED LANDS: (Parts 3 and 5)</b>	6.53 m <sup>±</sup>	irregular	±949.04 M <sup>2</sup> ±
<b>RETAINED LANDS: (Part 2)</b>	4.48 m <sup>±</sup>	irregular	±887.72 M <sup>2</sup> ±
<b>RETAINED LANDS: (Part 4)</b>	9.45 m <sup>±</sup>	irregular	±432.05 m <sup>2</sup> ±

### Analysis

#### Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E – Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies B.2.4.2.2, F.1.14.3.1, E.3.2.3, and E.3.4.3 amongst others, are applicable and permit single detached dwellings.

Staff note that the proposed severed and retained lands will have frontage onto a public road and will be fully serviced by municipal services. Staff are of the opinion that the proposal will reflect the general scale and lot fabric of the existing residential lot fabric. Furthermore, staff are of the opinion that the proposal meets policy related to residential intensification as the proposal is providing intensification within the built-up area.

#### Natural Heritage

Having regard for the matters under subsection 51(24) of the *Planning Act*, staff is satisfied that the proposed lots are suitable for the use and the proper and orderly development of the land. However, since the Environmental Impact Statement is under review and has not been approved, it is recommended that this application be **tabled**.



Hamilton

**City of Hamilton Zoning By-law No. 6593 and Hamilton Zoning By-law No. 05-200**

The subject lands are zoned Urban Protected Residential “C/S-1822” District which permits the use of single detached dwellings and structures accessory thereto, in accordance with the applicable provisions.

The approved zoning of the subject lands in Zoning By-law No. 05-200, which is not final and binding, is Low Density Residential (R1) Zone.

**Variance 1: Lots 1, 2, and 3**

1. The rear lot line shall be the northernmost lot line adjacent to the Niagara Escarpment.

Staff note that due to the nature of the lot layout, the rear lot line that would allow the proposed and retained lands to function properly would be the northernmost lot line. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, **staff support the variance.**

**Variances 2, 3, and 4: Lots 2, 3, and 4**

2. To permit a Minimum Lot Width of 4 metres for Lot 2 (Part 2), whereas 12 metres is required for a single-detached dwelling.
3. To permit a Minimum Lot Width of 6 metres for Lot 3 (Part 3), whereas 12 metres is required for a single-detached dwelling.
4. To permit a Minimum Lot Width of 9 metres for Lot 4 (Part 4), whereas 12 metres is required for a single-detached dwelling.

The intent of this provision is to ensure sufficient space is provided for a proper building envelope, site access, and to provide for a consistent low density residential streetscape.

Staff are of the opinion that the general intent of the By-law is being maintained as a sufficient width will be provided for a proper building envelope to be provided and that a consistent residential streetscape will be maintained. Staff note that due to the irregular shape of the lands being on a curved road, a reduction in lot frontage is required to provide for access for Lots 2 and 3. Further, to reduce the number of driveways along Belvidere Avenue, the applicant is proposing no direct driveway access to Lot 2 and Lot 2 will be accessed by a mutual driveway and easement, as shown on Part 5. Staff are of the opinion the variances are minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variances meet the four tests of a minor variance. Based on the foregoing, **staff support the variances**, subject to the access easement across Part 5 in favour of Lot 2.



Hamilton

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> <li>1. The notice shall be amended to remove variance #1.</li> <li>2. The notice shall be amended to add the following variances under the Former Hamilton Zoning By-law 6593; <p>Notwithstanding the definition of lot line, rear in the Former Hamilton Zoning By-law 6593. The rear lot line for lots 1, 2 and 3 shall be the northernmost lot line adjacent to the Niagara Escarpment.</p> <p>A minimum lot width of 4.0 metres for Lot 2 (Part 2) shall be permitted instead of the minimum required lot width of 12 metres.</p> <p>Notwithstanding Section 18. (14a), (14f) and Section 18A. (14) (i), (iii), a front yard landscaping of 20% to facilitate the 4.5 metre mutual driveway over Part 5 shall be permitted instead of the required 50%.</p> </li> <li>3. The notice shall be amended to add the variance under the Hamilton Zoning By-law 05-200; <p>A minimum lot width of 4.0 metres shall be permitted for Lot 2 (Part 2) instead of the minimum required lot width of 12 metres.</p> <p><u>Former Hamilton Zoning By-law 6593</u></p> <ol style="list-style-type: none"> <li>1. Please be advised the variances for the Former Hamilton Zoning By-law 6593 have been written as requested. Insufficient information was provided to determine full zoning conformity. All future development shall conform to the Former Hamilton Zoning By-law 6593 and additional variances may be required if zoning conformity cannot be achieved.</li> </ol> <p><u>Hamilton Zoning By-law 05-200</u></p> <ol style="list-style-type: none"> <li>2. This property is now also subject to the R1 Low Density Residential Zone under Hamilton Zoning By-law 05-200, which is not yet final and binding. Please be advised that the application has been</li> </ol> </li> </ol>



Hamilton

	reviewed under Hamilton Zoning By-law 05-200 and it has been determined that insufficient information was provided to determine full zoning conformity. Additional variances may be required if conformity cannot be achieved.
Proposed Notes:	

Cultural Heritage:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>Archaeology:</p> <p>The subject property meets the criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential. These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application.</p> <p>If this variance is granted, the proponent must be advised in writing by the Committee of Adjustment as follows:</p> <p>Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City</p> <p>Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-0036) In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries</p>



Hamilton

	Regulation Unit of the Ministry of Government and Consumer Services (416- 212-7499).”
	Cultural Heritage:
	No comments
Proposed Notes:	

Natural Heritage:

Recommendation:	Deny
Proposed Conditions:	
Comments:	As per application HM/B-22:133, Core Areas have been identified within/adjacent to the subject property. As a result, an Environmental Impact Statement (EIS) has been prepared by GeoProcess Research Associates March 5, 2024. Upon review of the EIS, it does not meet the intent of the policies within the UHOP. The EIS has not been approved.
Proposed Notes:	

Development Engineering:

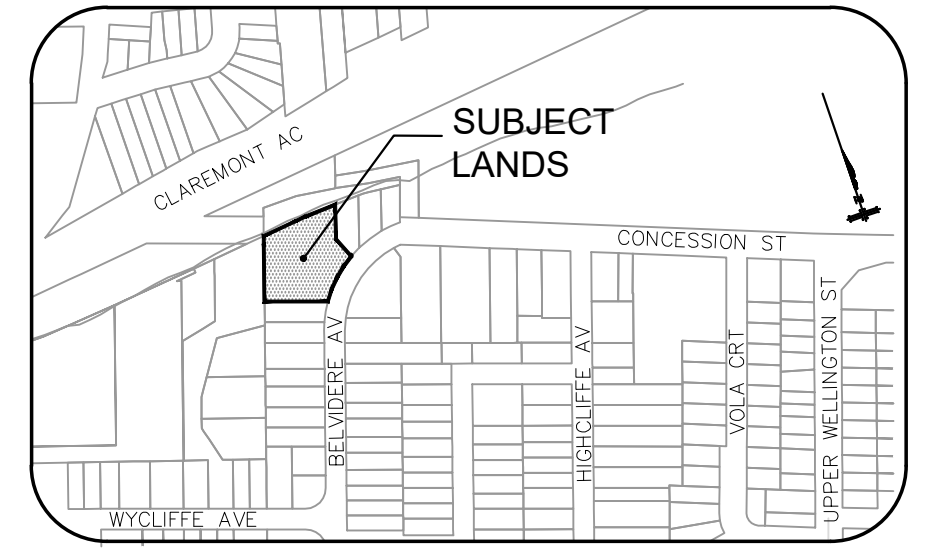
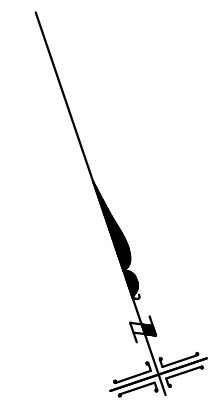
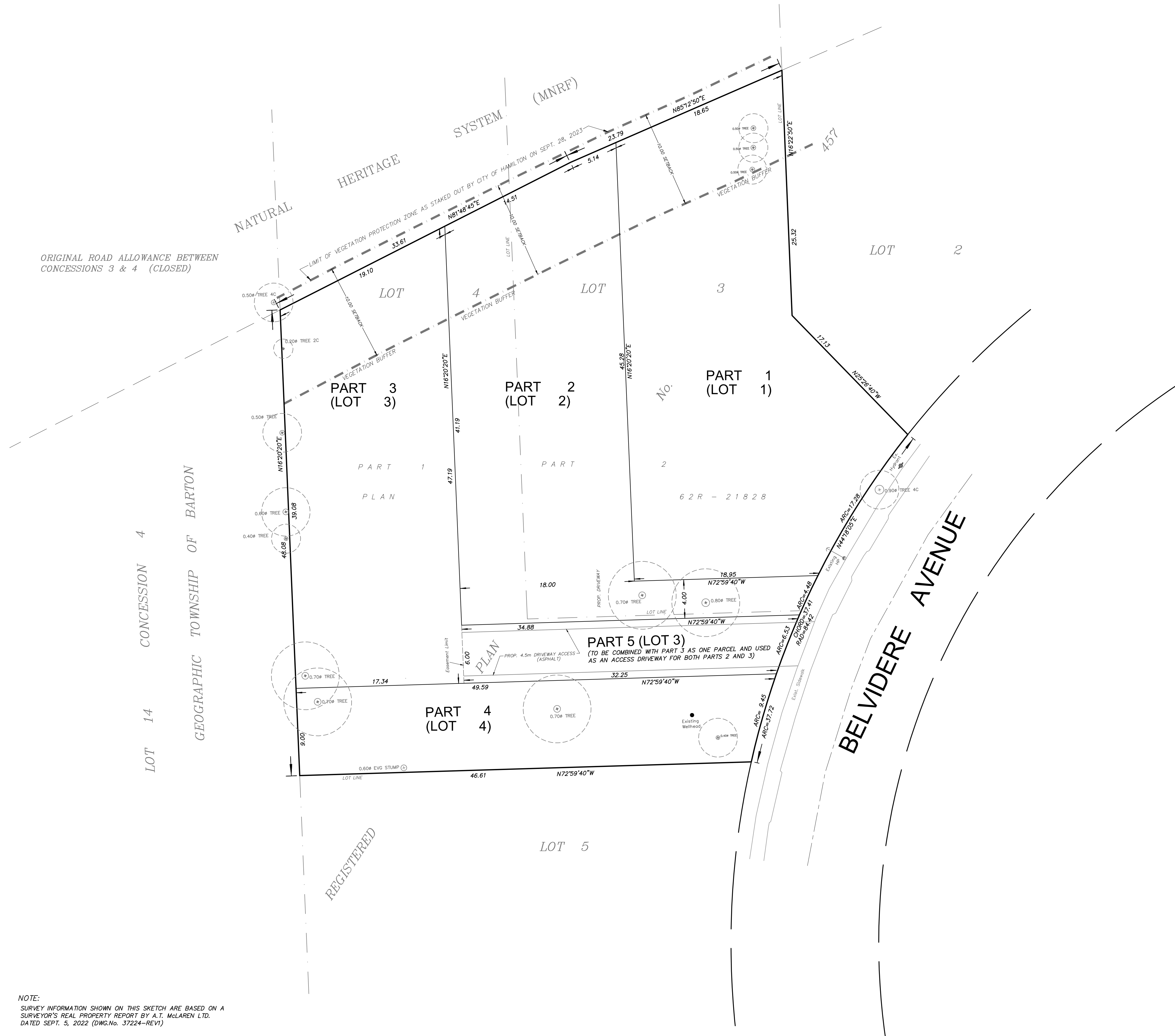
Recommendation:	Approve
Proposed Conditions:	
Comments:	Development Engineering has no objections to the minor variances as proposed.
Proposed Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	Be advised that Ontario Building Code regulations may require specific setback and construction types.

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	



**KEYPLAN (N.T.S.)**

**SKETCH FOR CONSENT TO SEVER  
14 BELVIDERE AVENUE  
CITY OF HAMILTON**

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 BASED ON SURVEYOR'S REAL PROPERTY  
REPORT 37224-REV1, PREPARED BY A.T. McLAREN LTD.,  
DATED SEPT 5, 2023

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=1,008.40m <sup>2</sup>
PART 2 (LANDS TO BE SEVERED)	AREA=887.72m <sup>2</sup>
PARTS 3 & 5 (LANDS TO BE SEVERED)	AREA=949.04m <sup>2</sup>
PART 4 (LANDS TO BE RETAINED)	AREA=432.05m <sup>2</sup>

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

MAY 29, 2024  
DATE

PROJECT OWNER:  
Beni, Angelina, Adam and Lucas Colalillo

MUNICIPALITY:  
CITY OF HAMILTON

PROJECT NAME:  
14 BELVIDERE AVENUE

*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

TITLE:  
SKETCH FOR CONSENT TO SEVER

SCALE: 1:200	DATE: MARCH 2024
DESIGN:	DRAWN: L.H.
DWG: 228208	SHT: SV SKETCH

NOTE:  
SURVEY INFORMATION SHOWN ON THIS SKETCH ARE BASED ON A  
SURVEYOR'S REAL PROPERTY REPORT BY A.T. McLAREN LTD.  
DATED SEPT. 5, 2022 (DWG.No. 37224-REV1)



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

May 30, 2024

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

**Re: 14 Belvidere Avenue, Hamilton (HM/B-22:133 & A-24:93)  
Consent to Sever and Minor Variance Applications**

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Dear Ms. Sheffield:

Following discussions with Tim Vrooman and Joe Buordolone regarding the proposed lot fabric, A.J. Clarke & Associates has modified the design submitted for review. Further, the variances described below will facilitate the lot fabric as designed in the concurrently submitted plans. Please have staff update the notice based upon the design provided along with the associated variances.

**Modified Variances based on plans attached below and provided separately:**

1. Notwithstanding any definitions of Former City of Hamilton Zoning By-law 6593 or City of Hamilton Zoning By-law 05-200, to the contrary, the proposed lot lines shall be as described below:
  - Lots 1, 2, and 3: The rear lot line shall be the northernmost lot line adjacent to the Niagara Escarpment.

Variance 1 will allow for the creation of a lot fabric permitting setbacks that facilitate an orderly development along the escarpment.

**Variance Required for Lot 2**

2. To permit a Minimum Lot Width of 4 metres whereas (as per Zoning By-law 6593 definition) to provide frontage onto a public road, whereas 12 metres is required for a single-detached dwelling.

Variance 2 will allow for Lot 2 to have frontage on a public road, a requirement for lot creation within the Hamilton Official Plan. No driveway access is proposed, as Lot 2 will be accessed by a mutual driveway and easement, as shown on Part 5.

**Variance Required for Lot 3**

3. To permit a Minimum Lot Width of 6 metres (as per Zoning By-law 6593 definition), to facilitate a mutual driveway, whereas 12 metres is required for a single-detached dwelling.
4. Notwithstanding Section 18.(14a), (14c), (14f) and Section 18A.(14) (i), (ii), (iii), a front yard landscaping of 20% to facilitate the 4.5 metre mutual driveway over Part 5 is permitted, whereas 50% is required.





Variance 3 will facilitate the mutual driveway for Parts 2 and 3 in order to reduce the number of driveway accesses along Belvidere Avenue, improving safety and impact to the streetscape.

Variance 4 facilitates the area required for this driveway. A 4.5-metre driveway access is required for two-way access to the two dwellings. As no driveway is proposed from the frontage of Lot 2, this will effectively reduce the paved space required to provide access to two residential lots. Reducing the hardscaped impact is part of the intent of this by-law. The setback of Lot 3 means the driveway proposed will not have the effect of provided parking spaces along the public right-of-way – which is the other part of the intent of this by-law.

Variance Required for Lot 4

5. To permit a Minimum Lot Width of 9 metres (as per Zoning By-law 6593 definition), whereas 12 metres is required for a single-detached dwelling.

Variance 5 is further is discussed in the original submission letter. This variance will provide sufficient space for a single-detached dwelling to be built on the proposed Lot 4.

I trust the information provided here and with the concurrently submitted plans, updated following coordination with Hamilton planning staff, are suffice.

Best regards,

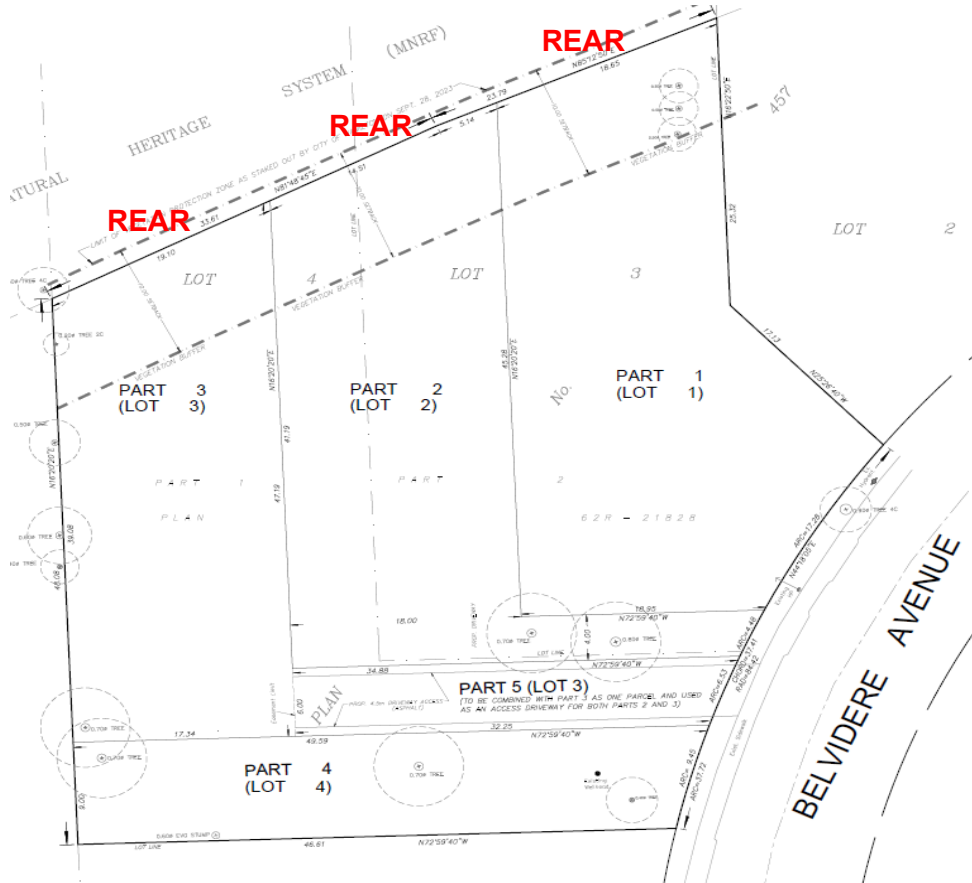
James Thomas, HBA, CPT  
Planner

**A.J. Clarke & Associates Ltd.**



**APPENDIX**

Excerpt of supplied plans illustrating proposed definition for Rear Yard.




**RE: 14 Belvidere: Variances not included on Notice**

James Thomas &lt;james.thomas@ajclarke.com&gt;

Thu 5/30/2024 3:27 PM

To: Vaccari, Alyssa &lt;Alyssa.Vaccari@hamilton.ca&gt;

Cc: Committee of adjustment &lt;cofa@hamilton.ca&gt;; Evans, Morgan &lt;Morgan.Evans@hamilton.ca&gt;; Franz Kloibhofer &lt;franz.kloibhofer@ajclarke.com&gt;; Buordolone, Joe &lt;Joe.Buordolone@hamilton.ca&gt;; Vrooman, Tim &lt;Tim.Vrooman@hamilton.ca&gt;

 2 attachments (1 MB)

14 Belvidere Revised Configuration and required variances.pdf; Concept Site Plan - revised recirculation march 2024.pdf;

**External Email:** Use caution with links and attachments

Good afternoon, all,

Following discussions with Tim and Joe, we are provided an altered lot fabric that will provide Lot 2 will frontage onto a public road. No driveway is proposed as the mutual driveway will still be utilized with the Part 5 easement.

Please see the attached plans and memo providing the list of variances that will be required to facilitate this lot fabric. Alyssa, we have added a variance regarding front yard landscaping for Lot 3 to facilitate the proposed mutual driveway. We added this to ensure we covered all our bases but if you could provide the city's interpretation of Section 18(14f) and Section 18A(14)(iii), it would be greatly appreciated, as depending on the interpretation – this variance may or may not be required.

If there are any other questions or concerns, please reach out as soon as possible.

Thank you for all your assistance with the matter,



**James Thomas**, CPT, HBA  
Planner

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

25 Main Street West, Suite 300, Hamilton, ON L8P 1H1

james.thomas@ajclarke.com | www.ajclarke.com

Phone: (905) 528-8761



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**From:** Vaccari, Alyssa <Alyssa.Vaccari@hamilton.ca>

**Sent:** Thursday, May 30, 2024 11:15 AM

**To:** James Thomas <james.thomas@ajclarke.com>

**Cc:** Committee of adjustment <cofa@hamilton.ca>; Evans, Morgan <Morgan.Evans@hamilton.ca>; Buordolone, Joe <Joe.Buordolone@hamilton.ca>

**Subject:** RE: 14 Belvidere: Variances not included on Notice

Hi James,

Any updates or changes to the proposal will need to be received before the end of day tomorrow, Friday May 31<sup>st</sup> to be addressed in the upcoming comments.

Sincerely,

**Alyssa Vaccari**

Zoning Examiner  
Planning and Economic Development  
Planning Division, City of Hamilton



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**From:** Sheffield, Jamila <[Jamila.Sheffield@hamilton.ca](mailto:Jamila.Sheffield@hamilton.ca)>

**Sent:** Tuesday, May 28, 2024 4:33 PM

**To:** James Thomas <[james.thomas@ajclarke.com](mailto:james.thomas@ajclarke.com)>

**Cc:** Committee of adjustment <[cofa@hamilton.ca](mailto:cofa@hamilton.ca)>; Evans, Morgan <[Morgan.Evans@hamilton.ca](mailto:Morgan.Evans@hamilton.ca)>; Buordolone, Joe <[Joe.Buordolone@hamilton.ca](mailto:Joe.Buordolone@hamilton.ca)>; Vaccari, Alyssa <[Alyssa.Vaccari@hamilton.ca](mailto:Alyssa.Vaccari@hamilton.ca)>

**Subject:** Re: 14 Belvidere: Variances not included on Notice

Hi James,

The Zoning Examiner on the file is Alyssa, if you want to loop her in. She would also be able to provide information with regards to why requested variances were not added to the Notice.

Thanks,

**Jamila Sheffield**

Secretary Treasurer

Committee of Adjustment

Planning and Economic Development

Planning, City of Hamilton



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**From:** James Thomas <[james.thomas@ajclarke.com](mailto:james.thomas@ajclarke.com)>

**Sent:** 28 May 2024 16:18

**To:** Sheffield, Jamila <[Jamila.Sheffield@hamilton.ca](mailto:Jamila.Sheffield@hamilton.ca)>

**Cc:** Committee of adjustment <[cofa@hamilton.ca](mailto:cofa@hamilton.ca)>; Evans, Morgan <[Morgan.Evans@hamilton.ca](mailto:Morgan.Evans@hamilton.ca)>; Buordolone, Joe <[Joe.Buordolone@hamilton.ca](mailto:Joe.Buordolone@hamilton.ca)>

**Subject:** RE: 14 Belvidere: Variances not included on Notice

**External Email:** Use caution with links and attachments

Apologies, Jamila/ Morgan,

Can you please hold on this change requested below. We are currently working with Tim Vrooman and Joe Bourdolone on some minor details regarding the proposed lots and it may impact what variances are ultimately required.

Thank you for your understanding, and sorry for any inconvenience,

**James Thomas**. CPT, HBA

Planner



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

25 Main Street West, Suite 300, Hamilton, ON L8P 1H1

[james.thomas@ajclarke.com](mailto:james.thomas@ajclarke.com) | [www.ajclarke.com](http://www.ajclarke.com)

Phone: (905) 528-8761



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**From:** James Thomas

**Sent:** Tuesday, May 28, 2024 4:09 PM

**To:** Sheffield, Jamila <[Jamila.Sheffield@hamilton.ca](mailto:Jamila.Sheffield@hamilton.ca)>

**Cc:** Committee of adjustment <[cofa@hamilton.ca](mailto:cofa@hamilton.ca)>; Evans, Morgan <[morgan.evans@hamilton.ca](mailto:morgan.evans@hamilton.ca)>; Buordolone, Joe <[Joe.Buordolone@hamilton.ca](mailto:Joe.Buordolone@hamilton.ca)>

**Subject:** 14 Belvidere: Variances not included on Notice

Good afternoon, Jamila/ Morgan,

We received the Notice for 14 Belvidere's Severance and Minor Variance Applications being heard on June 11<sup>th</sup>.

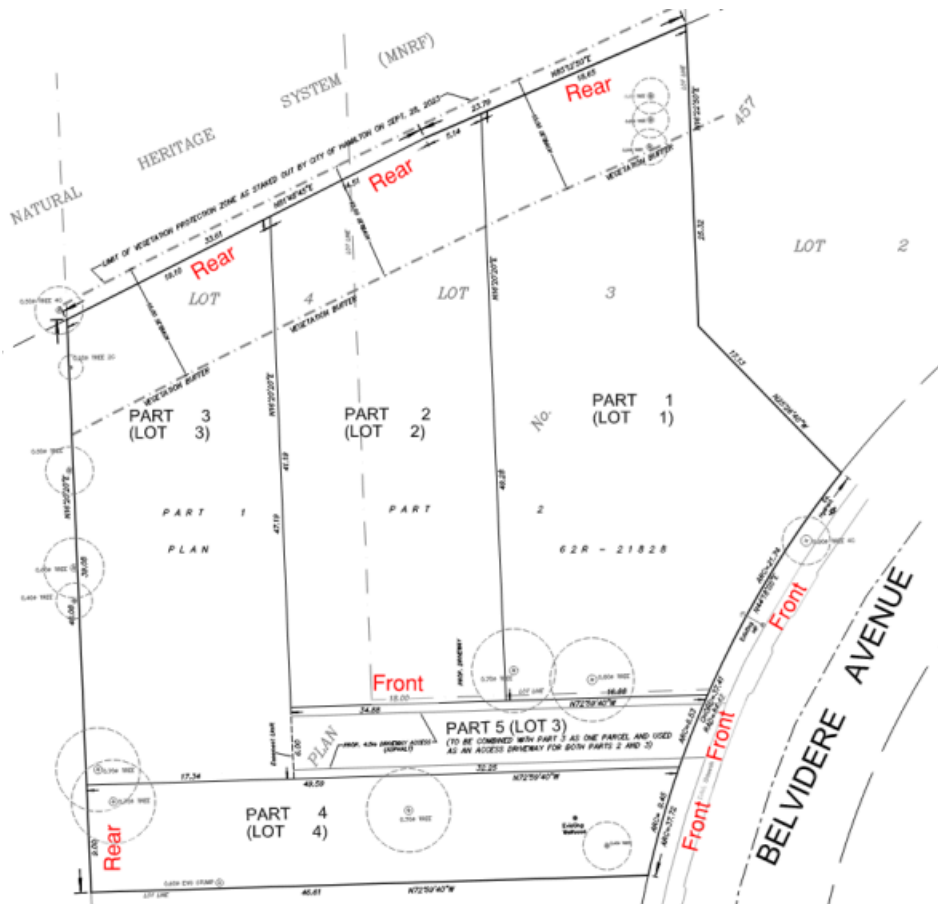
We note that the variances on the notice do not match the notices we requested and will need the notice to be updated accordingly.

As described in our Cover Letter, a variance will be required to define the lot lines of the proposed lots, as they are irregular in shape:

1. Notwithstanding any definitions of Former City of Hamilton Zoning By-law 6593 or City of Hamilton Zoning By-law 05-200, to the contrary, the proposed lot lines shall be as described below:

- Lot 1 (Part 1): The rear lot line shall be the northernmost lot line adjacent to the Niagara Escarpment.
- Lot 2 (Part 2): The front lot line shall be the southernmost lot line abutting Part 5. The rear lot line shall be the northernmost lot line adjacent to the Niagara Escarpment.
- Lot 3 (Parts 3 and 5): The front lot line shall be the lot line abutting the Belvidere Avenue shared access easement. The rear lot line shall be the northernmost lot line adjacent to the Niagara Escarpment.

The image below provides further clarification:



2. We note that the requested front yard reduction for Proposed Lot 2 was removed when reviewed under 05-200. This is not the case; we will still require the additional variance to permit a front yard setback of 1.2 metres for Proposed Lot 2.

Can we please have this notice updated to reflect all the requested variances initially requested in our recirculation cover letter, attached for further reference.

Thank you,

**James Thomas**, CPT, HBA

Planner



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

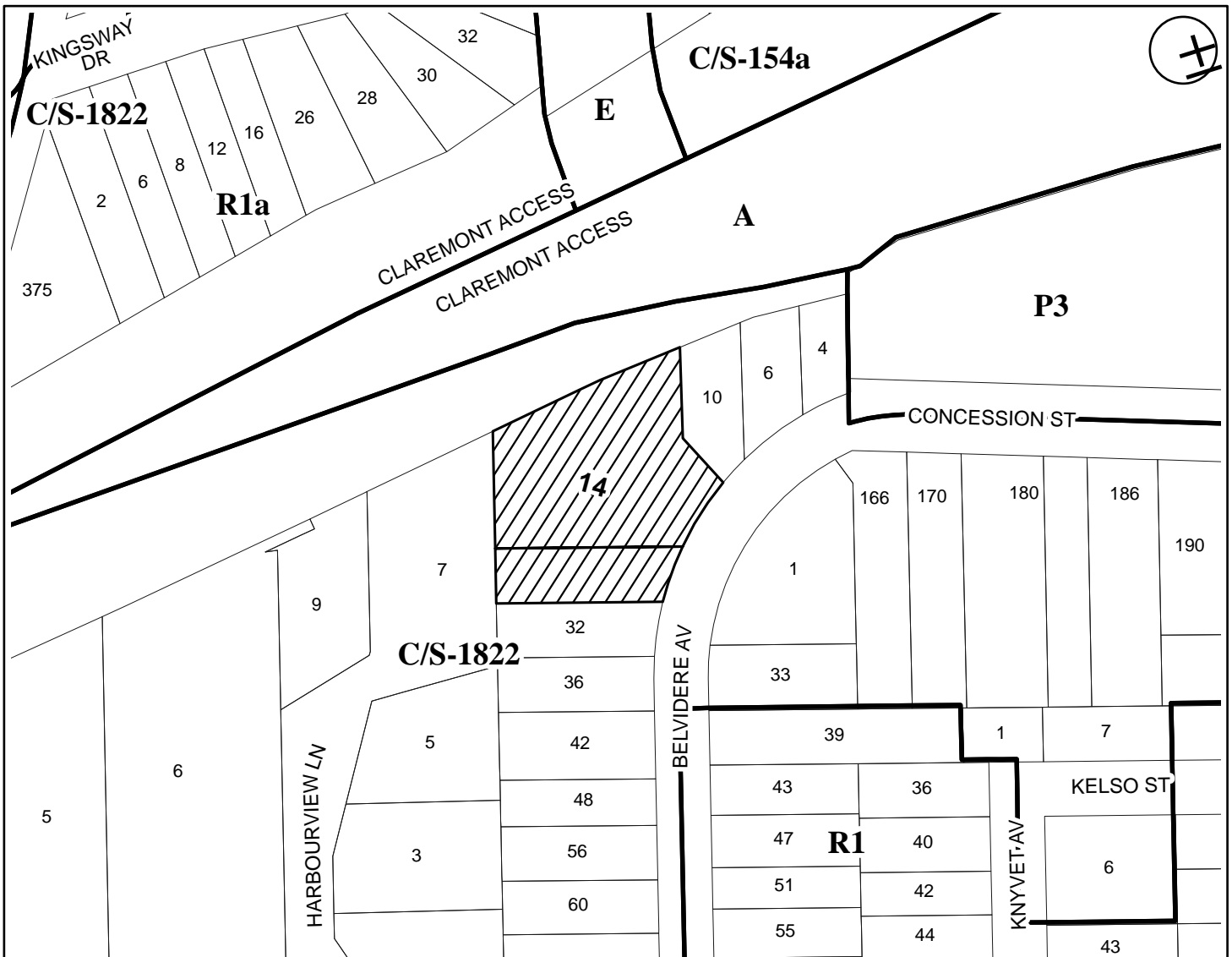
25 Main Street West, Suite 300, Hamilton, ON L8P 1H1

[james.thomas@ajclarke.com](mailto:james.thomas@ajclarke.com) | [www.ajclarke.com](http://www.ajclarke.com)

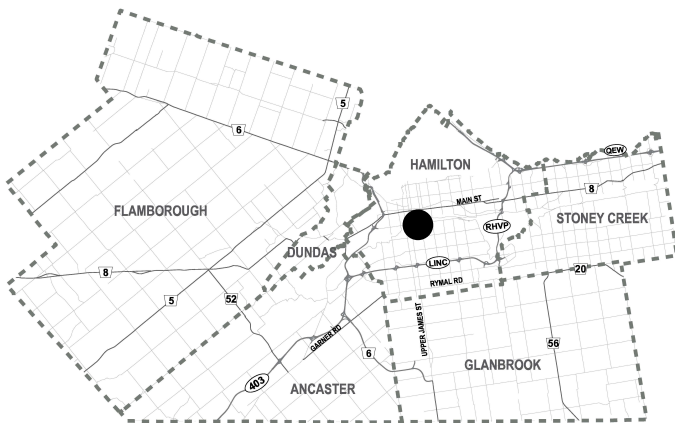
Phone: (905) 528-8761



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● Site Location



**City of Hamilton**

# Committee of Adjustments

**Subject Property**

14 Belvidere Avenue, Hamilton (Ward 8)

**File Name/Number:**

A-24:93

**Date:**

May 31, 2024

**Technician:**

AL

**Scale:**

N.T.S.

Appendix "A"



**Hamilton**