



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

NOTICE OF DECISION
Minor Variance

APPLICATION NO.:	A-24:93	SUBJECT PROPERTY:	14 Belvidere Avenue, Hamilton
ZONE:	“C & R1” (Urban Protected Residential and Low Density Residential Zone)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, and Zoning By-law City of Hamilton 05-200 as Amended

APPLICANTS: Owner: Beni, Angelina, Adam & Lucas Colalillo
Agent: A.J. Clarke & Associates Ltd. – Franz Kloibhofer

The following variances are **GRANTED AS AMENDED**:

Former Hamilton Zoning By-law 6593

1. 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.
2. A minimum lot width of 4.0 metres for Lot 3 shall be permitted instead of the minimum required lot width of 12 metres.
3. A minimum lot width of 9.0 metres for Lot 4 shall be permitted instead of the minimum required lot width of 12 metres.
4. A minimum lot width of 6.0 metres for Lot 2 (Part 2) shall be permitted instead of the minimum required lot width of 12 metres.
5. 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%.

Hamilton Zoning By-law 05-200

6. 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.
7. A minimum lot width of 4.0 metres for Lot 3 shall be permitted instead of the minimum required lot width of 12 metres.
8. A minimum lot width of 9.0 metres for Lot 4 shall be permitted instead of the minimum required lot width of 12 metres.

Notes:

Former Hamilton Zoning By-law 6593

1. Please be advised variance #1, #2 and #3 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.

Hamilton Zoning By-law 05-200

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 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.

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out above, are **GRANTED AS AMENDED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is consistent with the general intent and purpose of the By-laws and the Official Plans as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

DATED AT HAMILTON, June 11, 2024.

D. Smith (Chairman)

N. Lauwers

D. Lord

M. Switzer

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **July 2, 2024 at 4:30pm**. A Notice of Appeal must be filed with the Secretary-

A-24:93

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 – Minor Variances 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.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

APPEAL INFORMATION – MINOR VARIANCES

1. Who may file an appeal of the Decision of the Committee of Adjustment?

Please note neighbours and other interested parties not defined are no longer eligible to file Planning Act Section 45(12) appeals. See [Bill 23, More Homes Built Faster Act, 2022](#) for more information.

Planning Act Section 45(12) 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 a “public body that has an interest in the matter” (as defined by Planning Act 1(1)).

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

Planning Act Section 45(12) 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 Decision. Please see Notice of Decision for exact date and time.

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

Planning Act Section 45(12) 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. 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 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 45(12) 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 5th 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.