



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 PUBLIC HEARING **Minor Variance**

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
 - Applicant/agent on file, or
 - Person likely to be interested in this application
-

APPLICATION NO.:	A-25:160	SUBJECT PROPERTY:	72-78 Delawana Drive, Hamilton
ZONE:	DE/S-103 (Low Density Multiple Dwellings)	ZONING BY-LAW:	Former Hamilton Zoning By-law 6593

APPLICANTS: Owner: Diconzo Management Inc.
Agent: The Biglieri Group c/o Rachelle Larocque

The following variances are requested:

1. A minimum interior Side Yard width of 0.0 metres shall be provided whereas the By-law requires a minimum Side Yard width of 2.0 metres.
2. A minimum Lot Width of 12.0 metres shall be provided whereas the By-law requires a minimum Lot Width of 18.0 metres.
3. A minimum Lot Area of 500.0 square metres shall be provided whereas the By-law requires a minimum Lot Area of 540.0 square metres.

PURPOSE & EFFECT: To facilitate the creation of a new lot, each containing a Two-Family dwelling.

Notes:

- 1) Applicant has submitted a concurrent consent application (B.25.053).
- 2) Existing multiple dwelling contains 4 dwelling units. This application will facilitate the creation of two separate lots each containing two of the existing dwelling units.
- 3) Floor plans not provided. Staff are unable to confirm the location of each unit in relation to the proposed lot boundaries.

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

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

DATE:	Thursday, September 4, 2025
TIME:	3:10 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton

PUBLIC INPUT

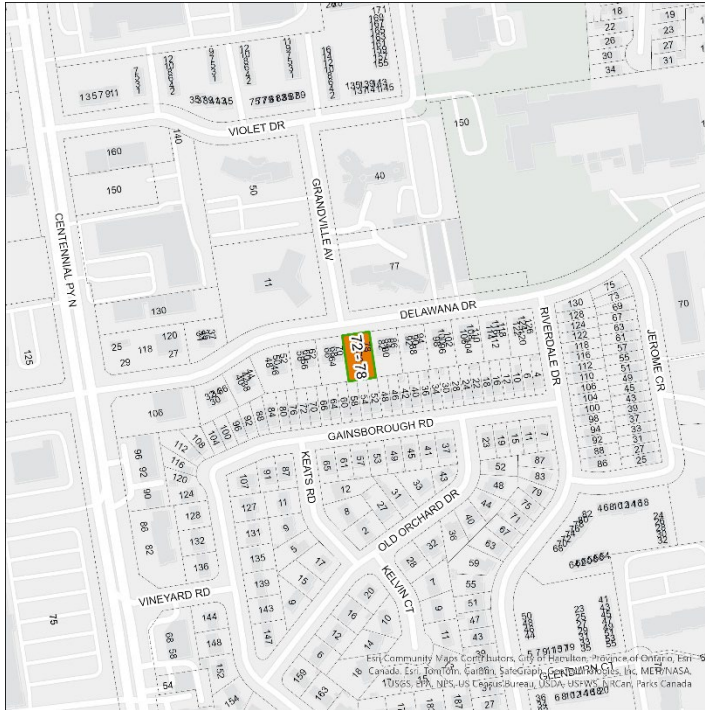
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon September 2, 2025

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 noon September 3, 2025

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-25:160, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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



DATED: August 18, 2025

Justin Leung,
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, and may include posting electronic versions.



Hamilton

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Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

PARTICIPATING PROCEDURES

1. Written Submission Ahead of the Meeting

Members of the public who wish to provide input without speaking at the Hearing may submit written comments in advance of the meeting. Comments must be received by 12:00 p.m. (noon) on the deadline date for written comment submissions listed on the Notice of Public Hearing.

How to Submit Written Comments:

By Email:

Send to: cofa@hamilton.ca

By Mail:

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

All written comments received will be made available to the Committee and the public by the Tuesday prior to the Hearing.

2. Oral Submissions During the Hearing

Interested members of the public, agents, and owners may provide oral comments on Committee of Adjustment Hearing items either virtually via Webex (computer or phone) or by attending in person.

Speaking Time Limit:

All participants providing oral submissions, either in person or virtually are limited to a maximum of 5 minutes to speak. This is to ensure all parties have an equal opportunity to be heard and that the meeting runs efficiently.

3. In-Person Oral Submissions

To participate in person, attend Council Chambers on the date and time listed in the Notice of Public Hearing. You will be required to provide your name and address for the record. It is recommended you arrive at least 10 minutes prior to the scheduled start time.

4. Virtual Oral Submissions

To participate virtually, you must register by 12:00 p.m. (noon) on the virtual oral submissions registration deadline date. This is listed on the Notice of Public Hearing.

- Committee of Adjustment file number
- Hearing date
- Name and mailing address of each person wishing to speak
- Method of participation (phone or video), and, if applicable, the phone number to be used
- Each person must register separately

Registered participants will receive a Webex link one business day before the Hearing. Only those registered will be called upon to speak.

5. Presentations

All presentations are permitted at the discretion of the Committee.

Virtual Presentations:

Presenters participating virtually may be granted permission to share their screen during the Hearing. A copy of the presentation must be submitted to cofa@hamilton.ca **by 12:00 p.m. (noon) on the business day prior to the Hearing**. The submission must be one document in PDF format only.

In-Person Presentations:

Presenters attending in person may be granted permission to use the presentation screen. Presentations must be brought on a USB device and opened by the owner/applicant. A copy of the presentation must also be sent to cofa@hamilton.ca **by 12:00 p.m. (noon) on the business day prior to the Hearing**. The submission must be one document in PDF format only. Handouts are permitted only if the same content can be displayed on the presentation screen.

6. Additional Notes

- Webex (video) participation requires a compatible computer or smartphone. The necessary application must be downloaded in advance.
- It is the interested party's responsibility to ensure their device is functional and compatible prior to the Hearing.

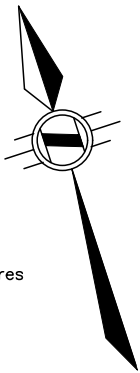
For any questions, contact staff at cofa@hamilton.ca or call 905-546-2424 ext. 4221.

SKETCH FOR LAND DIVISION
OF
72-78 DELAWANA DRIVE
IN THE
CITY OF HAMILTON

SCALE 1:200 METRIC



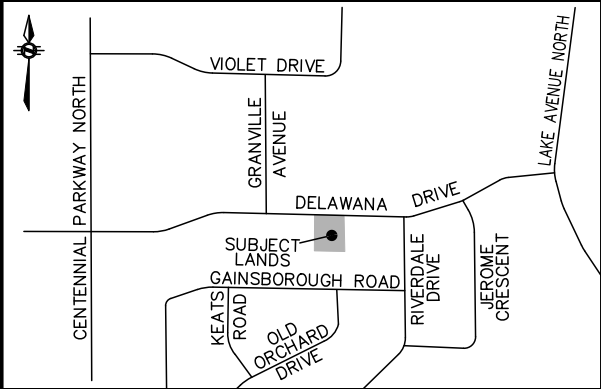
R.A. McLAREN, O.L.S. - 2025



CAUTION:

A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLEBLOCK.

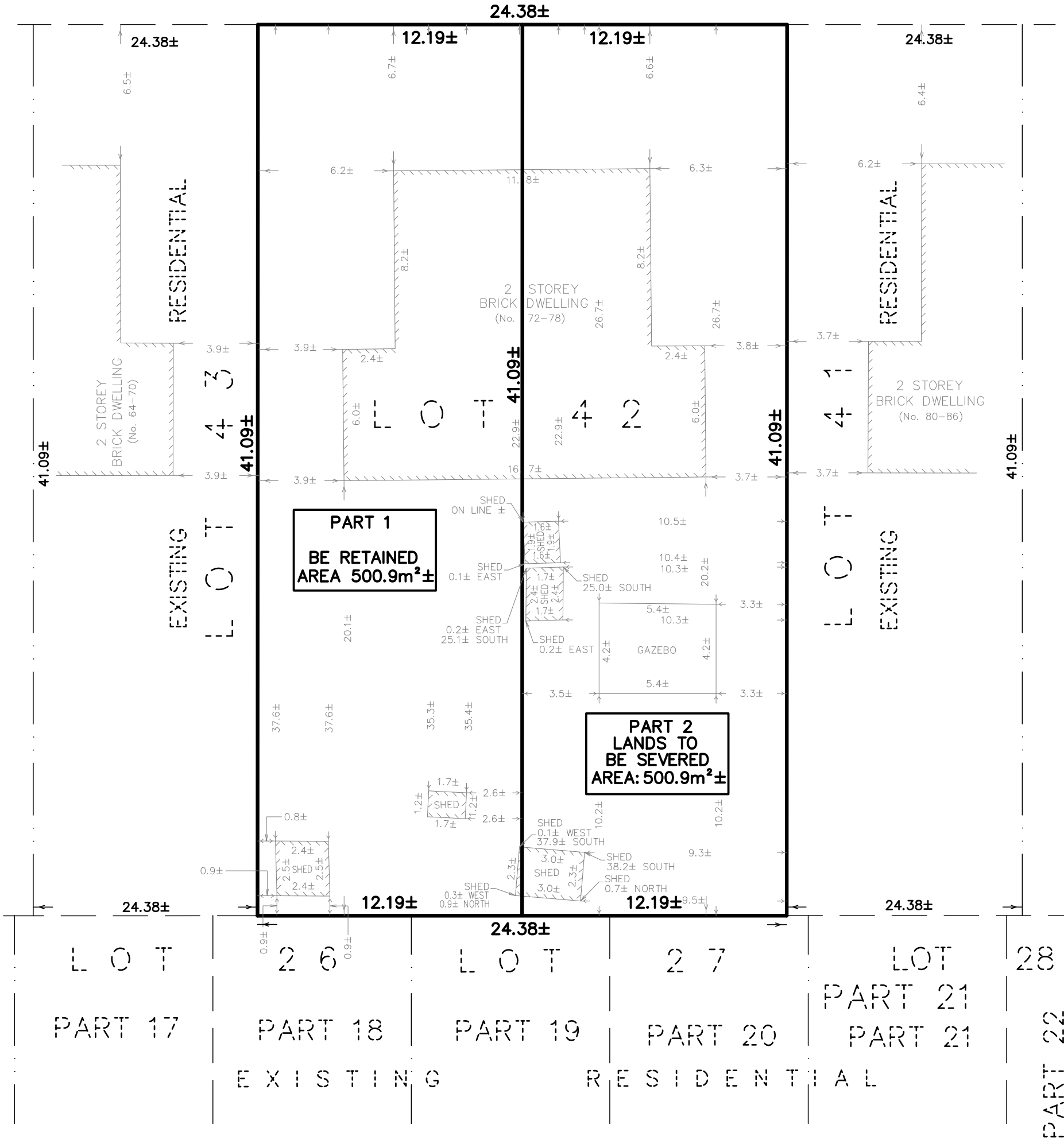
B) THIS SKETCH IS PROTECTED BY COPYRIGHT ©



KEY MAP - NOT TO SCALE

DELAWANA DRIVE

(ESTABLISHED BY PLAN M-24)
(20.12± WIDE)



NOTE:

THIS PLAN COMPRISES ALL OF LOT 42, PLAN M-24, IN THE CITY OF HAMILTON

NOTE:

DISTANCES SHOWN ON THIS PLAN WERE DERIVED FROM A SURVEY DONE BY A.T. McLAREN, DATED NOVEMBER 22, 2024 - FILE 37913

METRIC NOTE:

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

JULY 18, 2025

DATE



A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559

Drawn KM	Checked RBM	Crew Chief --	Scale 1:200	Dwg.No. 37913-SK2
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By email

July 8, 2025

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

Attention: Committee of Adjustment, cofa@hamilton.ca

**RE: Minor Variance Rationale Letter
72-78 Delawana Drive, Hamilton
TBG Project Number: 25268**

On behalf of our client, DiCenzo Management Inc. ("Owner"), the Biglieri Group Ltd. ("Planner") is pleased to provide this rationale letter for a proposed Minor Variance and Consent Applications for 72-78 Delawana Drive in the City of Hamilton ("Subject Site" or "Site"). The proposed Minor Variances are being sought to facilitate the Consent Application which would divide the Subject Site into two lots. The proposed variance is the following:

1. To reduce the minimum interior side yard setback to zero (0) metres whereas 1.2 metres is required;
2. To reduce the required lot frontage to 12 metres, whereas 15 metres is required; and,
3. To reduce the required lot area to 500 square metres whereas 540 square metres is required.

SUBJECT SITE AND SURROUNDING AREA

The Subject Site is located in the Hamilton Urban Area on the south side of Delawana Drive, immediately east of the intersection of Delawana Drive and Centennial Parkway North. The broader surrounding context of the Site includes low, medium and high-density residential uses, commercial and retail uses, along with public parks and an elementary school. The following is a more detailed breakdown of the uses immediately adjacent to the Site.

- To the immediate south of the Site there are low-rise residential uses consisting primarily of single-detached dwellings.
- To the immediate west of the Site along Centennial Parkway North there are low-rise commercial uses such as plazas containing retail and restaurants.
- To the immediate north of the Site there are higher density residential uses including 10 to 15 storey apartment buildings.
- To the immediate east of the Site there are residential dwellings that consist of low-rise quadraplexes.

The Subject Site is serviced by Hamilton Street Railway (HSR) transit routes that run along Centennial Parkway North to the west (Routes 44 and 56), Queenston Road to the south (Routes 1/1A, 10 and 55/55A), and Barton Road to the north (Route 2). HSR bus routes 44 and 56 provide a north/south

PLANNING | DEVELOPMENT | PROJECT MANAGEMENT | URBAN DESIGN

2472 Kingston Road, Toronto, Ontario M1N 1V3
21 King Street W Suite 1502, Hamilton, Ontario L8P 4W7
Office: (416) 693-9155 Fax: (416) 693-9133
tbg@thebiglierigroup.com

connection from the site to the Confederation GO Station located approximately 1.5 kilometres north of the Site.

DESCRIPTION OF PROPOSAL

The proposed Consent and Minor Variance Applications facilitate the division of the Subject Site into two separate lots. A survey demonstrating the proposed consent has been completed by A.T. McLaren Limited dated June 27, 2025, and is appended to this letter. The proposed consent would result in the lot being divided down the centre, resulting in the retained lands having a lot area of 500.9m² and frontage of 12.19 metres and the severed lands having a lot area of 500.9m² and frontage of 12.19 metres. The existing building on the Site will be divided in half by the proposed Severance. As a result, the Minor Variance is required to permit a side yard setback of zero (0) metres for the existing building on the Site, as well as a reduction to the minimum lot frontage to minimum lot areas. No redevelopment or alterations are proposed to any buildings or structures on the Site. The three (3) existing sheds on the property which will not meet the required setback to the interior lot line will be moved so that they meet the minimum 0.45 metre setback.

PLANNING ANALYSIS

General

The Subject Site is located in the City of Hamilton's *Urban Boundary* per Schedule E of the Urban Hamilton Official Plan (UHOP). On Appendix G of the UHOP, the Site is identified as being within the City's *Built-up Area*. On Schedule E-1 of the UHOP, the Subject Site is designated as *Neighbourhoods*. The Site is also located within the Centennial Neighbourhoods Secondary Plan Area. Per Map B 6.7-1 it is designated as *Low Density Residential 2* within the Secondary Plan. Per Map 6.7-3, Delawana Drive is identified as being a *Neighbourhood Greenway*.

The Subject Site is subject to Former City of Hamilton Zoning By-law 6593. It is zoned *Low Density Multiple Dwelling* per Schedule 103 (DE/S-103). Pursuant to Section 10A(1) of ZBL 6593, permitted uses within the *DE Zone* include two family dwellings, three family dwellings, and multiple dwellings.

Provincial Planning Statement (2024)

In accordance with Section 5 of the Planning Act, all decisions must be consistent with policy statements passed under Section 3 of the Act, which entails the Provincial Planning Statement ("PPS") (2024). The PPS provides provincial direction on matters related to land use planning including growth, housing supply, economic development, and the protection of natural and cultural heritage resources. The Subject Site is located within the City of Hamilton's Urban Boundary. The proposed Consent and Minor Variances does not propose any alterations to the building on the Subject Site. The PPS does not contain any policies that limit the subdivision of land within urban areas. As such, the proposed variances, in so far as they facilitate the proposed Consent Application, are consistent with the PPS.

CONSENT APPLICATION

Planning Act

Per Subsection 53(12) of the *Planning Act* Severance Applications shall have regard for matters listed in Subsection 51(24) of the *Planning Act*. We have reviewed this section, and it is TBG's professional

opinion that the Severance Application has appropriate regard for the requirements found therein, as presented below.

- (a) The effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2.*
 - The application does not conflict with matters of provincial interest listed in Section 2 (a) to 2 (s). The Subject Site is located within Hamilton's Urban Area and the Severance Application does not propose any material changes to the buildings or structures on the Site. As such, there is no anticipated effect on the matters of provincial interest identified in Section 2 of the Planning Act.
- (b) Whether the proposed subdivision is premature or in the public interest.*
 - The application is not premature, nor does it conflict with the public interest as it will not result in physical changes to the Site and does not preclude its future development.
- (c) Whether the plan conforms to the official plan and adjacent plans of subdivision.*
 - Further analysis has been provided in the following sections with respect to conformance with the relevant Official Plan policies. It is TBG's opinion that the Severance Application conforms to the Official Plan. Lands surrounding the Subject Site to the south, east, and west appear to have been divided through plans of subdivision. It is TBG's opinion that the Application is in conformance with the surrounding plans of subdivision as the area supports varying lot sizes, housing types, and levels of density.
- (d) The suitability of the land for the purposes for which it is to be subdivided.*
 - The lands are suitable for the proposed and currently permitted residential uses. The proposed Severance will result in the existing building on the Site being divided down the centre, which means the use will be changed from fourplex to duplex. This minor change in use is permitted within the existing policy context.
- (d.1) If any affordable housing units are being proposed, the suitability of the proposed units for affordable housing.*
 - No affordable housing units are being proposed as part of this application.
- (e) The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them.*
 - No changes are proposed to the road network as part of this application.
- (f) The dimensions and shapes of the proposed lots.*
 - The existing lot is rectangular in shape. The Severance Application proposes to divide the lot down the centre, generating two parcels that are identical in size with the following retained and severed lot areas:
 - Retained lot area: 500.9m²
 - Severed lot area: 500.9m²
 - The changes to the lot dimensions and shapes will not have any impacts on the function of the existing residential uses on the Subject Site.
- (g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land.*
 - The Severance Application is accompanied by Minor Variances which requests a reduction to the Side Yard Setback to zero (0) metres, a reduced lot frontage of 12 metres, and a reduced lot area of 500 square metres to permit the existing building on

the Subject Site. No further restrictions are proposed beyond what is already in force through Former City of Hamilton Zoning By-law 6593.

(h) Conservation of natural resources and flood control.

- The application is not anticipated to have any effects on the conservation of natural resources and flood control. The Subject Site is not regulated by the Hamilton Conservation Authority.

(i) The adequacy of utilities and municipal services.

- The servicing in the area is capable of providing adequate services to the units. The servicing will need to be upgraded to reflect the new lot lines and ensure that services do not cross lot lines, however, this will not result in the need for additional servicing as the existing connections will be removed.

(j) The adequacy of school sites.

- The adequacy of school sites is not affected by the application as it does not include any new residential development, just a new lot line to sever the building in half. There is an existing elementary school to the north-east of the property on Delawana Drive (Lake Avenue Elementary School).

(k) The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes.

- To date, no land has been identified for conveyance for public purposes as part of the application.

(l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy.

- The application has no anticipated effect on the use and conservation of energy.

(m) The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act.

- As no new development is proposed, and the application will only create a new lot line, it is not anticipated that a site plan application will be required.

Urban Hamilton Official Plan

Per Schedule E-1 of the UHOP, the Subject Site is designated as *Neighbourhoods*. Policy 2.7.2 of the UHOP states that *Neighbourhoods* shall primarily consist of residential uses and complementary facilities and services intended to serve residents. Policy 2.7.4 further directs that *Neighbourhoods* shall permit and provide the opportunity for a full range of housing forms, types and tenures. Policy F.1.14.3.1 of the UHOP provides the following requirements for consent applications for new lot creation within neighbourhoods designated areas.

1.14.3.1 Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:

<i>a) The lots comply with the policies of this Plan, including secondary plans, where one exists;</i>	The lots created through the proposed Consent Application comply with the policies contained within the UHOP and the Centennial Neighbourhoods Secondary Plan. A full range of housing options is permitted within <i>Neighbourhoods</i> land use designation including varying housing forms, types and tenures.
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<i>b) The lots comply with existing Neighbourhood Plans;</i>	The Subject Site is located within the Centennial Neighbourhoods Secondary Plan area. Land Use Plan Map B6.7-1, the Site is designated as <i>Low Density Residential 2</i> . Per Policy 6.2.5.4.a.i, permitted uses in the <i>Low Density Residential 2</i> designation shall include, among other typologies, duplexes and existing legal three, four and five-plexes.
<i>c) The lots are in conformity with the Zoning By-law or a minor variance is approved;</i>	Minor Variances are being requested in conjunction with the Consent Application that will bring it into compliance with the Former Hamilton Zoning By-law 6593.
<i>d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;</i>	The proposed lots are generally consistent with the scale and character of the surrounding area. Surrounding land uses include a mix of residential typologies and densities, with lower density semi-detached and single-detached houses to the south, and high density uses to the north. The proposed lots created through the Consent Application will be consistent with the duplexes located to the immediate south of the Site.
<i>e) The lots are fully serviced by municipal water and wastewater systems; and,</i>	The lots are fully serviced by municipal water and wastewater systems.
<i>f) The lots have frontage on a public road.</i>	Both lots will maintain frontage onto Delawana Drive.

Centennial Neighbourhoods Secondary Plan

The Subject Site is located in the Centennial Neighbourhoods Secondary Plan area. Per Land Use Plan Map B6.7-1, the Site is designated as *Low Density Residential 2*. Per Policy 6.2.5.4.a.i, permitted uses in the *Low Density Residential 2* designation shall include, among other typologies, duplexes and existing legal three, four and five-plexes. The Centennial Neighbourhoods Secondary Plan does not contain any policies specifically regulating the implementation of consent applications.

MINOR VARIANCE

Variances Requested

The following are the variances requested to permit the proposed development:

1. To permit a minimum interior side yard setback of zero (0) metres;
2. To permit a minimum lot frontage of 12 metres; and,
3. To permit a lot area of 500 square metres.

Planning Act

Pursuant to Section 45(1) of the Planning Act, R.S.O. 1990, c. P.13 (“the Act”), The Committee of Adjustment can approve minor variances to Zoning By-laws for land, buildings, or structures upon the Owner’s request, if they believe the changes are in keeping with the general purpose and intent of the Official Plan and Zoning By-law; are desirable for the appropriate development or use of the land, building or structure; and are minor in nature (the “Four Tests”). The variances must also be consistent with the Provincial Planning Statement, 2024 (“PPS”). As addressed in the above section, section, it is TBG’s opinion that the proposed variance is consistent with the Provincial Planning Statement.

FOUR TESTS ANALYSIS

It is TBG’s professional planning opinion that the proposed variances satisfy the four tests stipulated by The Planning Act as follows:

The requested variances meet the four tests stipulated by The Planning Act as outlined below:

1) Is the general intent of the Official Plan maintained?

Per Schedule E-1 of the UHOP, the Subject Site is designated as *Neighbourhoods*. Policy 2.7.2 of the UHOP states that *Neighbourhoods* shall primarily consist of residential uses and complementary facilities and services intended to serve residents. Policy 2.7.4 further directs that *Neighbourhoods* shall permit and provide the opportunity for a full range of housing forms, types and tenures. The Subject Site is also located in the Centennial Neighbourhoods Secondary Plan area. Per Land Use Plan Map B6.7-1, the Site is designated as *Low Density Residential 2*. Per Policy 6.2.5.4.a.i, permitted uses in the *Low Density Residential 2* designation shall include, among other typologies, duplexes and existing legal three, four and five-plexes.

The proposed Minor Variances in support of the Severance Application would result in the existing fourplex on the Site being converted into a duplex by splitting the lot down the middle. Per the UHOP and the Centennial Neighbourhood Secondary Plan, duplexes are a permitted use within the land use designations that apply to the Site. It is therefore our professional planning opinion that the proposed Minor Variances maintain the general intent of the UHOP and the Secondary Plan.

2) Is the general intent and purpose of the Zoning By-law maintained?

The Subject Site is zoned DE/S-103 under the former City of Hamilton Zoning By-law 6593. Under the current zoning provisions for the Site, two-family dwellings and multiple dwellings are both permitted uses. The Minor Variance requests relief from provisions: 10A(3)(ii)(b) to allow for an interior side yard setback of 0 metres and 10A(4)(ii) to allow for a lot frontage of 12 metres and a lot area of 500 square metres. These variances are required to support the Severance Application which proposes to divide the lot in half. This division of the land would effectively result in the existing fourplex on the lot being converted to a duplex. As the building is currently on the property, the proposed variances are not introducing any new development, but to simply recognize the current situation to enable the requested Severance Application. The units will be provided with an appropriate amenity area in the rear yard, and will not change how this area currently functions and is divided between the units. As two-family dwellings are a permitted use under the current zoning for the Site, it is our professional

opinion that the requested Minor Variances maintain the general intent and purpose of the Zoning By-law.

3) Are the proposed variances appropriate for the development of the land and/or building?

The proposed variances are appropriate for the development of the land and building. As outlined in the above sections, the Minor Variances support a Severance Application which would permit the division of the lot into two. The variance does not facilitate any changes to the existing uses on the Site; however, it will result in the existing fourplex on the Site legally becoming a duplex. Since no development of land or buildings is proposed on the Site, and the change in uses conforms to the UHOP and Centennial Neighbourhoods Secondary Plan policies, it is our professional opinion that the variances are appropriate.

4) Are the proposed variances minor?

The variances requested are minor in nature. The proposed reduction of the minimum interior side yard setback from 1.2 metres to 0 metres, reduction of the lot frontage from 15 metres to 12 metres, and the lot area from 540 square metres to 500 square metres facilitates a change to the residential uses on the Site, however, does not create any tangible changes to buildings or structures on the property. Given that the proposed use of duplex (also referred to as a two-family dwelling) is permitted by the current policy framework that applies to the Site, it is our professional Planning Opinion that the variance is minor in nature.

CLOSING

It is our professional Planning Opinion that the application for Minor Variance meets the four tests of minor variance and should be approved by the Committee of Adjustment. It is also our professional Planning Opinion that the application for severance is consistent with and conforms to the policies in the PPS and the City of Hamilton Official Plan and should be approved by the Committee of Adjustment.

We trust you will find all in order, however if you have any questions or require additional information, please contact us at your earliest convenience.

Respectfully,

THE BIGLIERI GROUP LTD.



Rachelle Larocque RPP, MCIP
Partner



Alex Walton, MPI
Planner

cc. DiCenzo Management Inc.



Hamilton

Committee of Adjustment

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

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

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

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

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*			Phone: E-mail:
Registered Owners(s)	Dicenzo Management Inc. c/o Anthony Dicenzo		
Applicant(s)**	Dicenzo Management Inc. c/o Anthony Dicenzo		
Agent or Solicitor	The Biglieri Group c/o Rachelle Larocque		

*Purchaser must provide a copy of the portion of the title that is the subject of the application. 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 Primary contact

☐ Purchaser
☐ Applicant

☐ Owner
☒ Agent/Solicitor

1.3 Sign should be sent to

☐ Purchaser
☐ Applicant

☒ Owner
☐ 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.

1.6 Payment type

☐ In person☐ Credit over phone*☒ Cheque

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	72-78 Delawana Drive, Hamilton, ON		
Assessment Roll Number	251805046106176		
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number	M24	Lot(s)	42
Reference Plan Number (s)		Part(s)	

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:

Dicenzo Management Inc.

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

3.4 Certificate Request for Retained Lands: ☒ Yes*

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

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

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
Identified on Sketch as:	Lands to be Retained	Lands to be Severed			
Type of Transfer	N/A	Severance			
Frontage	12.19 m	12.19 m			
Depth	41.09 m	41.09 m			
Area	500.9 m ²	500.9 m ²			
Existing Use	Residential	Residential			
Proposed Use	Residential	Residential			
Existing Buildings/ Structures	2-storey quadplex	2-storey quadplex			
Proposed Buildings/ Structures	2-storey semi-detached duplex	2-storey semi-detached duplex			
Buildings/ Structures to be Removed	N/A	N/A			

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- ☐ provincial highway
☐ municipal road, seasonally maintained
☒ municipal road, maintained all year

- ☐ right of way
☐ other public road
-

b) Type of water supply proposed: (check appropriate box)

- ☒ publicly owned and operated piped water system
☐ privately owned and operated individual well

- ☐ lake or other water body
☐ other means (specify)
-

c) Type of sewage disposal proposed: (check appropriate box)

- ☒ publicly owned and operated sanitary sewage system
☐ privately owned and operated individual septic system
☐ other means (specify) _____

4.3 Other Services: (check if the service is available)

- ☒ electricity ☒ telephone ☒ school bussing ☒ garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): N/A

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

The application conforms with the City of Hamilton Official Plan as it will follow the land use regulations required within the Neighbourhoods designation.

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? DE/S-103 (Low Density Multiple Dwellings)

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.

minor variance submitted concurrently

5.5 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable	☐	
A land fill	☐	
A sewage treatment plant or waste stabilization plant	☐	
A provincially significant wetland	☐	
A provincially significant wetland within 120 metres	☐	
A flood plain	☐	
An industrial or commercial use, and specify the use(s)	☐	Eastgate Square Shop
An active railway line	☐	
A municipal or federal airport	☐	

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?

Acquired August 27, 1997 (28 years)

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.

30-126 Delawana Drive, Hamilton, ON, additional lands throughout the City.

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)

The application is consistent with the Policy Statements issued under Section 3 of the Planning Act, including the 2024 Provincial Planning Statement, as outlined below.

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

☒ Yes ☐ No (Provide explanation)

The application is consistent with the 2024 Provincial Planning Statement, including section 2.2.1, as it will assist in providing an appropriate range and mix of housing options and densities to meet the current and future housing needs in Hamilton and accommodate future growth.

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

☐ Yes ☐ No (Provide explanation)

N/A

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

☐ Yes ☒ No (Provide explanation)

The subject lands are not located within the Niagara Escarpment Plan area.

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

☐ Yes ☒ No (Provide explanation)

The subject lands are not located within the Parkway Belt West Plan area.

7.6 Are the subject lands subject to the Greenbelt Plan?

☐ Yes ☒ No (Provide explanation)

The subject lands are not located within the Greenbelt Plan area.

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

☐ Yes ☒ No (Provide explanation)

The subject lands are not within an area of land designated under any other provincial plan or plans.

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)

The current owner owns the entirety of 30-126 Delawana Drive, Hamilton, ON.

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

9 ADDITIONAL INFORMATION - CANCELLATION

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

☐ Yes ☐ No (Provide explanation)

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

☐ Yes ☐ No (Provide explanation and details on plan)

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

10 ADDITIONAL INFORMATION - FARM CONSOLIDATION

10.1 Purpose of the Application (Farm Consolidation)

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

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

10.2 Location of farm consolidation property:

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

10.3 Rural Hamilton Official Plan Designation(s)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm consolidation property.

10.4 Description of farm consolidation property:

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

Existing Land Use(s): _____ Proposed Land Use(s): _____

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

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

10.6 Existing Land Use: _____ Proposed Land Use: _____

10.7 Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

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



Hamilton

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

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

APPLICATION FOR A MINOR VARIANCE/PERMISSION
UNDER SECTION 45 OF THE *PLANNING ACT*

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS
Registered Owners(s)	Dicenzo Management Inc. (A	
Applicant(s)	Dicenzo Management Inc. (Anthony DiCenzo)	
Agent or Solicitor	The Biglieri Group c/o Rachelle Larocque	

1.2 Primary contact ☐ Applicant ☐ Owner ☒ Agent/Solicitor

1.3 Sign should be sent to ☐ Applicant ☒ Owner ☐ AgentSolicitor

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.

1.6 Payment type ☐ In person ☐ Credit over phone* ☒ Cheque

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	72-78 Delawana Drive, Hamilton, ON		
Assessment Roll Number	251805046106176		
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number	M-24	Lot(s)	42
Reference Plan Number (s)		Part(s)	

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

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Request for a 0-metre interior side yard setback.

Request minimum lot area of 500 square metres, lot frontage of 12 metres.

☐ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

3.2 Why it is not possible to comply with the provisions of the By-law?

There is currently a four-unit dwelling built on the subject site. The proposed minor variance would allow for the lands to be severed in half.

3.3 Is this an application 45(2) of the Planning Act.

☐ Yes

☒ No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
24.38 m	41.09 m	1001.8 m ²	20.12

4.2 Location of all buildings and structures on or proposed for the subject lands:
(Specify distance from side, rear and front lot lines)

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
fourplex	6.6 m	20.29 m	3.7m, 3.9m, 0m (shared property line)	01/01/1970
shed #1 and #2	#1: 37.6m, #2: 35.3m	#1: 0.9 m, #2: 3.5m	#1: 0.8 m, #2: 2.6 m	01/01/1990
shed #3, #4, and #5	22.9m, 25m,	#3: 0.7 m	#3: 0 m, #4: 0.2 m, #5: 0 m	01/01/1990
gazebo	26.7m	10.2 m	3.3m, 3.5m	01/01/1990

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
quadplex	99.3 m2	198.6 m2	2	7 m
shed #1 and #2	#1: 6.0 m2, #2: 2.0 m2	#1: 6.0 m2, #2: 2.0 m2	1	2
shed #3, #4, and #5	#3: 6.9 m2, #4: 4.1 m2, #5: 2.9 m2	#3: 6.9 m2, #4: 4.1 m2, #5: 2.9 m2	1	2
gazebo	22.7 square metres	22.7 square metres	1	2

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height

- 4.4 Type of water supply: (check appropriate box)
☒ publicly owned and operated piped water system
☐ privately owned and operated individual well

- ☐ lake or other water body
☐ other means (specify)

- 4.5 Type of storm drainage: (check appropriate boxes)
☒ publicly owned and operated storm sewers
☐ swales

- ☐ ditches
☐ other means (specify)

4.6 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) _____

4.7 Type of access: (check appropriate box)

☐ provincial highway

☐ right of way

☐ municipal road, seasonally maintained

☐ other public road

☒ municipal road, maintained all year _____

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

Duplex Dwellings

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

Quadplex

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

August 27, 1997

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Quadplex

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Quadplex

7.4 Length of time the existing uses of the subject property have continued:

1970's

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): N/A

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

The application conforms with the City of Hamilton Official Plan as it will follow the land use regulations required within the Neighbourhoods designation.

7.6 What is the existing zoning of the subject land? DE/S-103 (Low Density Multiple Dwelling

7.8 Has the owner previously applied for relief in respect of the subject property?

(Zoning By-law Amendment or Minor Variance)

☐ Yes

☒ No

If yes, please provide the file number: DE/S-103 (Low Density Multiple Dwellings)

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

☒ Yes

☐ No

If yes, please provide the file number: Filed concurrently

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 4

8.2 Number of Dwelling Units Proposed: 4

8.3 Additional Information (please include separate sheet if needed):

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- ☒ Application Fee
- ☒ Site Sketch
- ☒ Complete Application form
- ☒ Signatures Sheet

11.4 Other Information Deemed Necessary

- ☐ Cover Letter/Planning Justification Report
 - ☐ Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
 - ☐ Minimum Distance Separation Formulae (data sheet available upon request)
 - ☐ Hydrogeological Assessment
 - ☐ Septic Assessment
 - ☐ Archeological Assessment
 - ☐ Noise Study
 - ☐ Parking Study
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