

ISSUE DATE:

**Mar. 09, 2011**



PL100282

Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Salvatore Aquino  
Subject: Minor Variance  
Variance from By-law No.: 6593 (Hamilton)  
Property Address/Description: 168 Rymal Road East, Hamilton  
Municipality: City of Hamilton  
Municipal File No.: HM/A-09:344  
OMB Case No.: PL100282  
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**APPEARANCES:**

**Parties**

**Counsel**

Salvatore Aquino

City of Hamilton

J. Wice

**MEMORANDUM OF ORAL DECISION DELIVERED BY M. C. DENHEZ ON  
FEBRUARY 23, 2011, AND ORDER OF THE BOARD**

Salvatore Aquino (the Applicant) applied for several variances, to build a substantial private garage, in the City of Hamilton (the City). The Committee of Adjustment turned down the application, and he appealed to the Board.

On the morning of the hearing, he arrived with a modified proposal. The Board heard no evidence and received no exhibits; instead, it stood down, while the revised proposal was considered by the Counsel and Planner for the City, and by Ms Joanne Featherstone (Neighbour). Parenthetically, Ms Featherstone asked to be kept notified, and the Board agreed to add her to the Mailing List in this file.

On review, Counsel for the City advised the Board of the following:

- Both the number and scale of the variances appear to have been reduced. There appears to be no dispute that the changes from the original application are sufficiently minor that the revised application does not warrant re-circulation.
- Second, Counsel for the City advised that the revised proposal should be further reviewed by City engineers, and senior decision-makers. Since the optimal timeframe for that review was not yet known, she suggested that the matter be adjourned for now.

The City would notify the Board as soon as that review was complete, and the City undertook that both the review and the notification would be done in timely fashion.

The Parties agreed that when the hearing reconvened, they would consider proceeding via a Telephone Conference Call, if it appeared that there was a settlement.

There was no disagreement from either the Applicant or the Neighbour; nor is there from the Board. The Board therefore disposes of the above matters as follows:

1. Ms Joanne Featherstone is added to the Mailing List.
2. The Board notes that the Applicant is submitting a revised application; under Section 45(18.1.1) of the *Planning Act*, the change from the original application is sufficiently minor that it does not warrant re-circulation.
3. The Board adjourns proceedings until advised, by the City, to reschedule the hearing, in light of input from other City officials. The Board notes the City's undertaking to do so in timely fashion.

It is so Ordered.

"M. C. Denhez"

M. C. DENHEZ  
MEMBER