



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
E-mail: cofa@hamilton.ca

AMENDED NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-20:83

SUBJECT PROPERTY: 61 Eleanor Avenue, Hamilton

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
-

APPLICANT(S): 5025299 Ontario Inc. applying on behalf of Owner Quoc Ma, under agreement of purchase and sale
Agent: A.J. Clarke and Associates LTD.

PURPOSE OF APPLICATION: To create a new lot and to retain lands for residential purposes. To facilitate the creation of 5 single detached dwellings.

To be heard on conjunction with AN/B-20:84 and AN/B-20:85.

Severed lands (Parts 2-6):

62.86m[±] x 30.61m[±] and an area of 1,924m² [±]

Retained lands (Part 1):

5.11m[±] x 119.97m[±] and an area of 0.62 ha [±]

The Committee of Adjustment will hear this application on:

DATE: Thursday, January 21st, 2021

TIME: 2:45 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

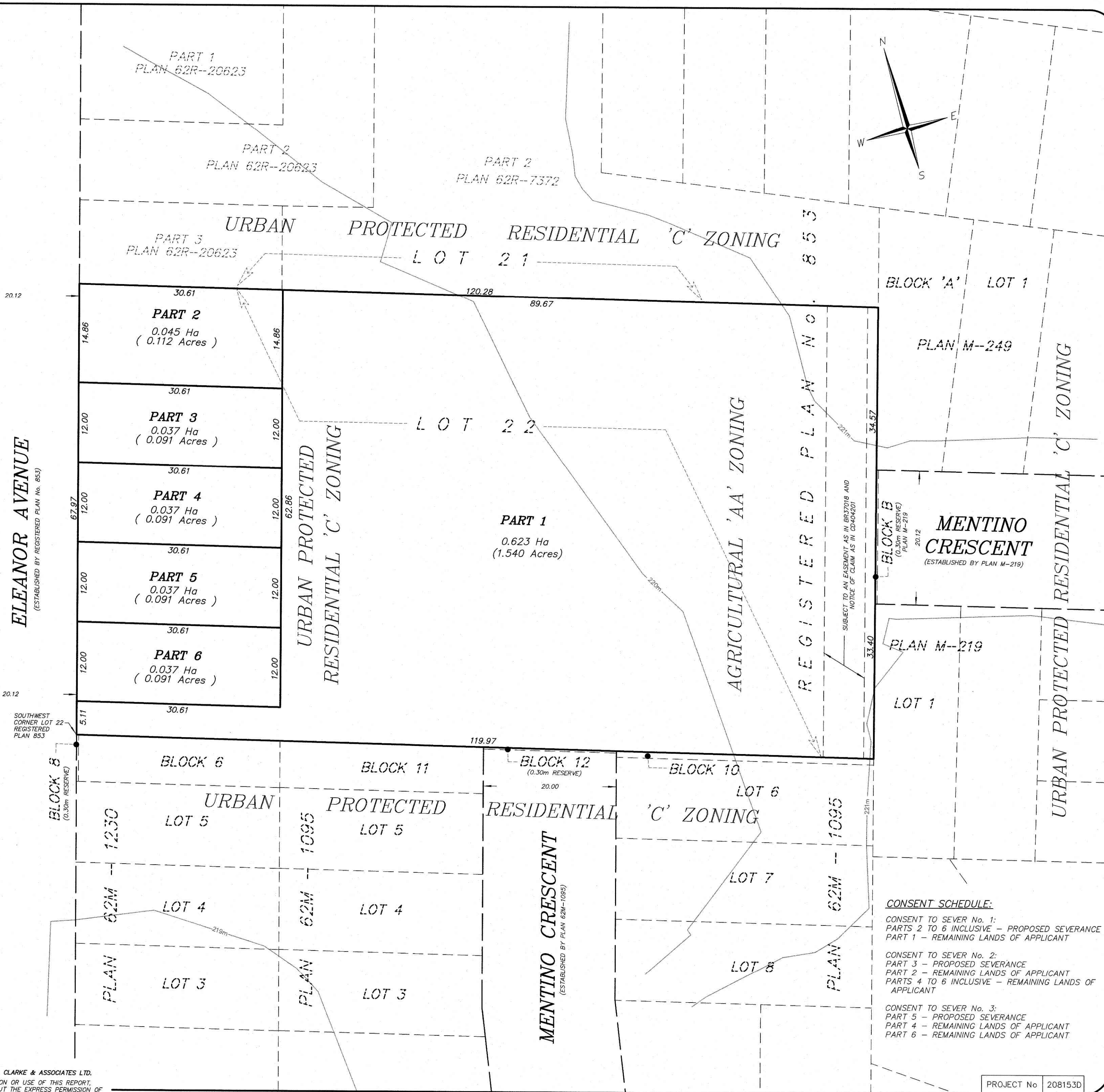
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: January 5th, 2021

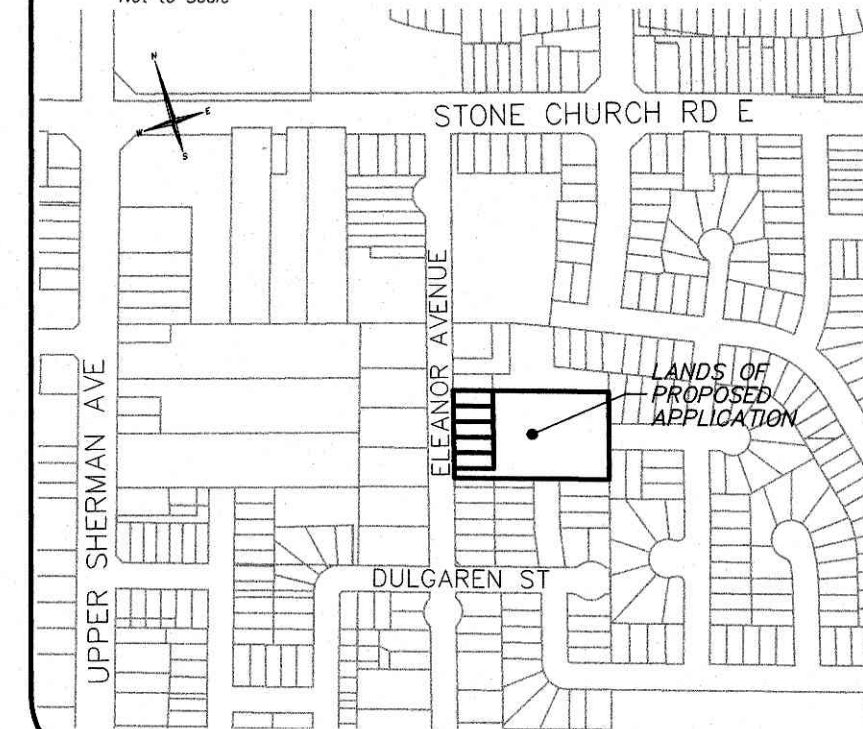
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.

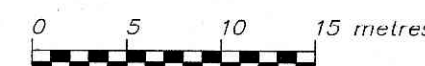


KEY PLAN

Not to Scale



SKETCH FOR CONSENT TO SEVER
61 ELEANOR AVENUE
IN THE
CITY OF HAMILTON
SCALE 1:400



NOTE:

THE ABOVE NOTED LANDS ARE COMPRISED OF
LOT 22
REGISTERED PLAN No. 853

METRIC:

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

NOTES:

THIS SKETCH IS COMPILED FROM PLANS AND RECORDS
ON FILE IN THIS OFFICE AND IS NOT BASED ON AN
ACTUAL FIELD SURVEY.

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION
TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT OF
SEVERANCE AND IS NOT INTENDED FOR REGISTRATION

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JANUARY 4, 2021
DATE

CONSENT SCHEDULE:

CONSENT TO SEVER No. 1:
PARTS 2 TO 6 INCLUSIVE - PROPOSED SEVERANCE
PART 1 - REMAINING LANDS OF APPLICANT

CONSENT TO SEVER No. 2:
PART 3 - PROPOSED SEVERANCE
PART 2 - REMAINING LANDS OF APPLICANT
PARTS 4 TO 6 INCLUSIVE - REMAINING LANDS OF
APPLICANT

CONSENT TO SEVER No. 3:
PART 5 - PROPOSED SEVERANCE
PART 4 - REMAINING LANDS OF APPLICANT
PART 6 - REMAINING LANDS OF APPLICANT

PROJECT No 208153D



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



Hamilton

COMMITTEE OF ADJUSTMENT

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Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
E-mail: cofa@hamilton.ca

AMENDED NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-20:84

SUBJECT PROPERTY: 61 Eleanor Avenue, Hamilton

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
-

APPLICANT(S): 5025299 Ontario Inc. applying on behalf of Owner Quoc Ma, under agreement of purchase and sale
Agent: A.J. Clarke and Associates LTD.

PURPOSE OF APPLICATION: To create a new lot and to retain lands for residential purposes. To facilitate the creation of 5 single detached dwellings.

To be heard on conjunction with AN/B-20:83 and AN/B-20:85.

Severed lands (Part 3):
12.00m[±] x 30.61m[±] and an area of 367m² ±

Retained lands (Parts 2, 4, 5, 6):
50.86m[±] x 30.61m[±] and an area of 1,556m² ±

The Committee of Adjustment will hear this application on:

DATE: Thursday, January 21st, 2021

TIME: 2:45 p.m.

PLACE: Via video link or call in (see attached sheet for details)

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MORE INFORMATION

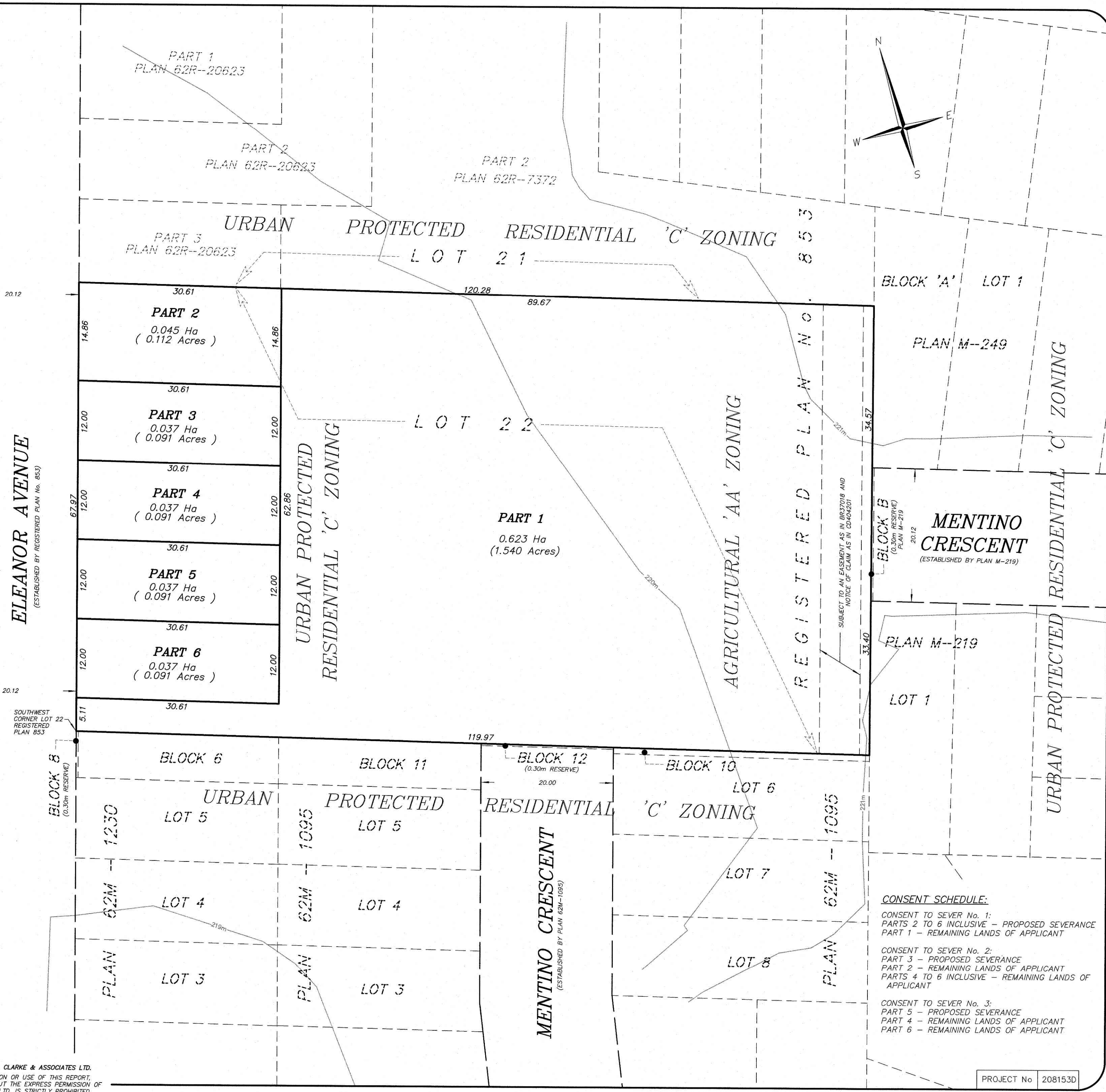
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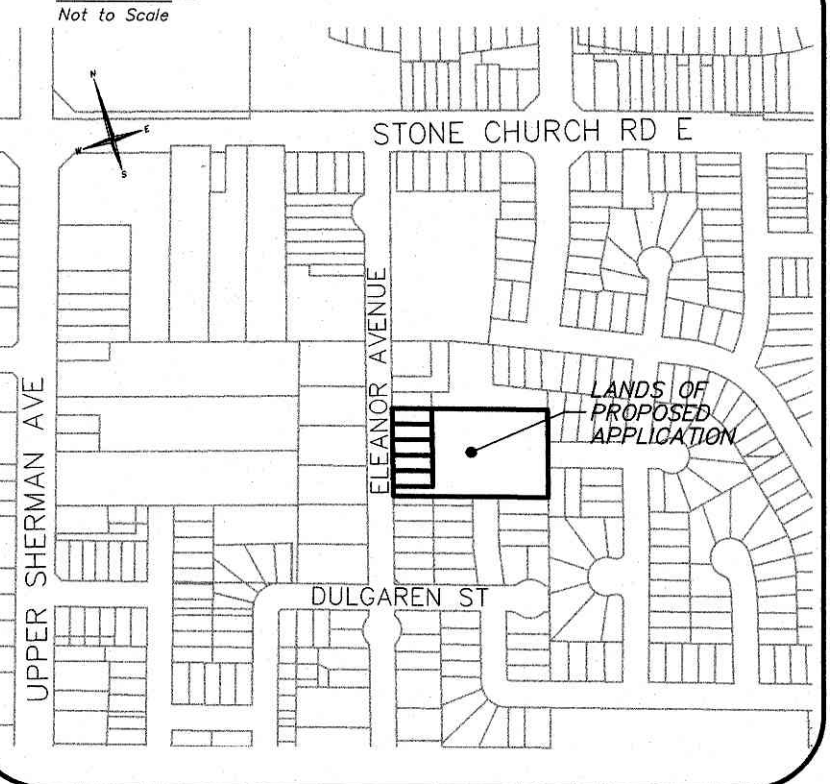
DATED: January 5th, 2021

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

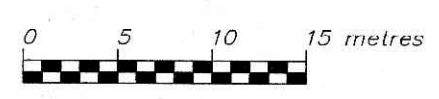
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KEY PLAN



SKETCH FOR CONSENT TO SEVER
61 ELEANOR AVENUE
IN THE
CITY OF HAMILTON
SCALE 1:400



NOTE:
THE ABOVE NOTED LANDS ARE COMPRISED OF
LOT 22
REGISTERED PLAN No. 853

METRIC:
DISTANCES SHOWN ON THIS SKETCH ARE IN METRES AND
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PART 3 - PROPOSED SEVERANCE
PART 2 - REMAINING LANDS OF APPLICANT
PARTS 4 TO 6 INCLUSIVE - REMAINING LANDS OF APPLICANT
CONSENT TO SEVER No. 3:
PART 5 - PROPOSED SEVERANCE
PART 4 - REMAINING LANDS OF APPLICANT
PART 6 - REMAINING LANDS OF APPLICANT



JANUARY 4, 2021
DATE

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

PROJECT No 208153D



Hamilton

COMMITTEE OF ADJUSTMENT

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Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-20:85

SUBJECT PROPERTY: 61 Eleanor Avenue, Hamilton

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
-

APPLICANT(S): 5025299 Ontario Inc. applying on behalf of Owner Quoc Ma, under agreement of purchase and sale
Agent: A.J. Clarke and Associates LTD.

PURPOSE OF APPLICATION: To create a new lot and to retain lands for residential purposes. To facilitate the creation of 5 single detached dwellings.

To be heard on conjunction with AN/B-20:83 and AN/B-20:84.

Severed lands (Part 5):
12.00m[±] x 30.61m[±] and an area of 368m² ±

Retained lands (4 and 6):
24.00m[±] x 30.61m[±] and an area of 735m² ±

The Committee of Adjustment will hear this application on:

DATE: Thursday, January 21st, 2021

TIME: 2:45 p.m.

PLACE: Via video link or call in (see attached sheet for details)

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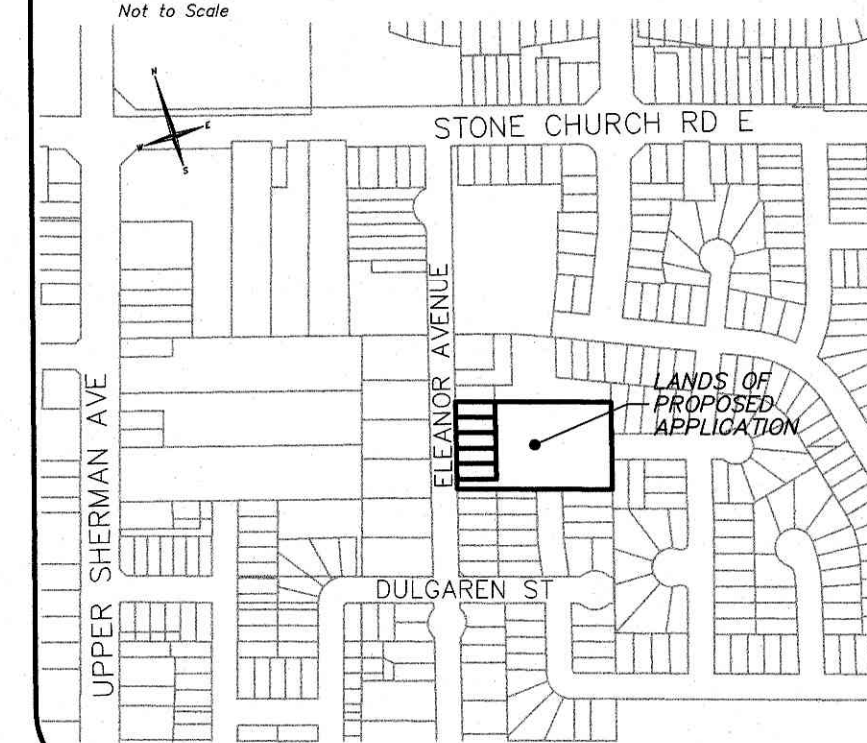
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- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: January 5th, 2021

Jamila Sheffield,
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.



A scale bar labeled from 0 to 15 metres. The bar is divided into 30 equal segments, each representing 0.5 metres. Major tick marks are at 0, 5, 10, and 15 metres.

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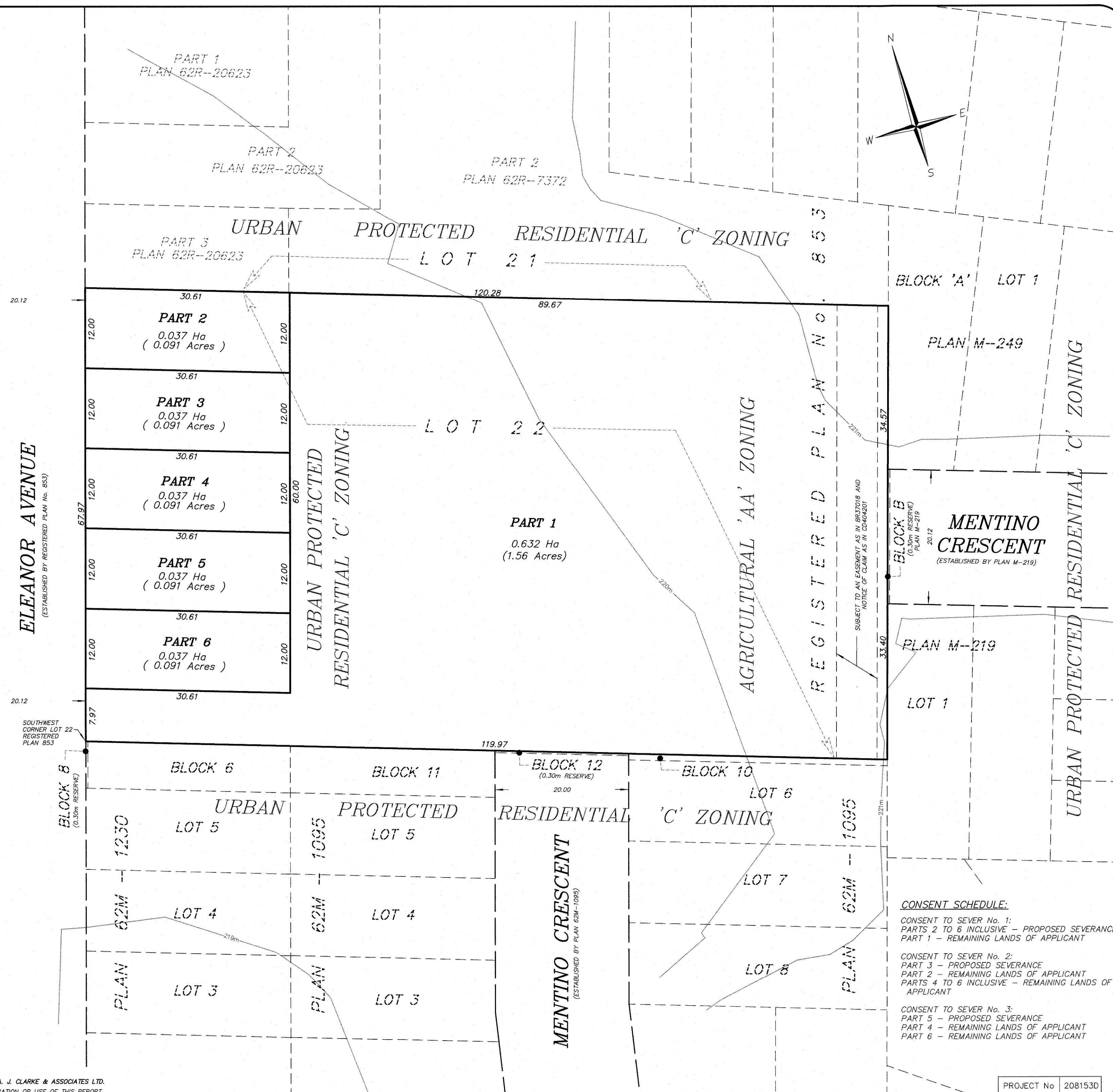
OCTOBER 30, 2020
DATE


NICHOLAS P. MUTH
ONTARIO LAND SURVEYOR

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: aic@aiclclarke.com

H:\Jobs\N-to-S\RP\853\LOT22\61 Eleanor Avenue (208153D)\CURRENT\R-4411.dwg



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A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

January 4th, 2021

The City of Hamilton
Committee of Adjustment
Planning and Economic Development Department
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5

Attn: Ms. Jamila Sheffield - Secretary-Treasurer (via email)

Re: Severance Application Submissions for 61 Eleanor Avenue, Hamilton

Dear Madam,

Further to our submission of the above-noted applications on November 10, 2020 and our recent correspondence before the holiday break, please accept the attached revised sketch that illustrates a slight change in the lands being severed and retained within each of the three (3) applications. The changes are identified in the charts below:

Previous Applications	Severed Lands	Retained Lands
Application #1	Parts 2-6 on sketch R-4411. Frontage = +/-60m. Area = +/-1,836.6sq.m.	Part 1 on sketch R-4411. Frontage = +/-7.97m. Area = +/-0.63ha.
Application #2	Part 3 on sketch R-4411. Frontage = +/-12m. Area = +/-367.3sq.m.	Parts 2 & 4-6 on sketch R-4411. Frontage = +/-48m. Area = +/-1,469.28sq.m.
Application #3	Part 5 on sketch R-4411. Frontage = +/-12m. Area = +/-367.3sq.m.	Parts 4 & 6 on sketch R-4411. Frontage = +/-24m. Area = +/-734.4sq.m.

Current Applications	Severed Lands	Retained Lands
Application #1	Parts 2-6 on sketch R-4411B. Frontage = +/-62.86m. Area = +/-1,924.2sq.m.	Part 1 on sketch R-4411B. Frontage = +/-5.11m. Area = +/-0.62ha.
Application #2	Part 3 on sketch R-4411B. Frontage = +/-12m. Area = +/-367.3sq.m.	Parts 2 & 4-6 on sketch R-4411B. Frontage = +/-50.86m. Area = +/-1,556.83sq.m.
Application #3	Part 5 on sketch R-4411B. Frontage = +/-12m. Area = +/-367.3sq.m.	Parts 4 & 6 on sketch R-4411B. Frontage = +/-24m. Area = +/-734.4sq.m.

Trusting this is satisfactory and will enable our current hearing date of January 21, 2021 to be maintained. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.



Yours very truly,

Stephen Fraser, RPP, MCIP
Planner
A. J. Clarke and Associates Ltd.

Encl.

Copy: 5025299 Ontario Inc. (c/o Mr. Ali Alaichi)



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

November 10th, 2020

The City of Hamilton
Committee of Adjustment
Planning and Economic Development Department
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5

Attn: Ms. Jamila Sheffield - Secretary-Treasurer (via email)

Re: Severance Application Submissions for 61 Eleanor Avenue, Hamilton

Dear Madam,

Please accept the attached materials in support of three (3) applications for municipal consent (severance) on the subject lands. The subject submissions propose the creation of 5 lots that front onto 61 Eleanor Avenue, with the existing dwelling and accessory structures to be demolished.

The subject lands are rectangular in shape, with approximately ± 68 metres of frontage along Eleanor Avenue and with an approximate depth of ± 120 metres. The lands are zoned as "C" Urban Protected Residential Etc. at the front of the subject lands where the proposed lots are located and the balance of the property is zoned Agricultural "AA" under the City of Hamilton Zoning By-law 6593. This "C" zoning district permits single detached dwellings, along with a select few other residential, institutional, and other uses.

The lot frontage and area requirements of the "C" district are 12 metres and 360 square metres respectively and each of the lots being created comply with those regulations. A minor variance application will be required for the lands shown as Part 1 on the attached sketch to permit a reduced lot frontage. It is important to note that Part 1 will be subject of a future zoning bylaw amendment and draft plan of subdivision application to permit additional single detached dwellings along with the connection of Mentino Crescent. The remnant frontage in Part 1 will be a block in the subdivision to be developed in conjunction with the abutting block to the south within Plan 62M-1230.

The resultant lots will accommodate an appropriately sized building envelope, while also accommodating for adequate landscaped area to provide amenity space for residents. The proposed lots are also in keeping with the character of the neighbourhood, in particular the newer developments within the area, while also representing a form of "gentle" intensification that is compatible with adjacent development.

Policy Consistency and Conformity

Further to question 5.1 of the attached application form, the following is submitted:

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



Plan”

The proposed development is located within the “Neighbourhoods” designation within the City’s Urban Hamilton Official Plan (UHOP). Section E.3.0 provides policies for lands designated “Neighbourhoods” on Schedule E-1 (Urban Land Use Designations). The designation is broadly supportive of the development of complete communities that are made up of more than just homes but include a variety of land uses. The proposed development conforms to the applicable policies of the “Neighbourhoods” designation, as it is a permitted use and conforms to the “Neighbourhoods” policies related to function, scale and design.

In addition to the designation specific policies of the UHOP, the proposed severance applications are also evaluated against the lot creation policies of Section 1.14.3; and against the residential intensification policies of Section B.2.4 of the UHOP. Each of these sections is discussed in detail below:

Residential Intensification

The City’s residential intensification policies state that 40% of the City’s intensification target is to be accommodated within the “Neighbourhoods” designation (Pol. 2.4.1.3 c)). With respect to the evaluation criteria outlined in Policy B.2.4.1.4, the proposed development is of compatible built form and character to surrounding development, which consists of similar land uses, and integrates well with surrounding development in terms of use, scale, form and character. The proposed development represents a form of “gentle” intensification and appropriately intensifies an existing single detached lot that is on full municipal services, underutilized and within the urban boundary. Accordingly, the proposed development generally satisfies the criteria outlined in Policy B.2.4.1.4.

Section B.2.4.2 of the UHOP deals specifically with residential intensification within the “Neighbourhoods” designation. Policy 2.4.2.2 of the UHOP outlines further evaluation criteria for residential intensification with the “Neighbourhoods” designation. The proposed development is compatible with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effect. The proposed single detached dwellings are also similar in terms of height and massing to the surrounding neighbourhood. The general size and area of the proposed lots is consistent with surrounding lotting patterns, and the proposed dwellings will create a consistent streetscape for this area, which is in transition. Further, the size of the lots and proposed building setbacks provides ample room for private amenity areas, and landscaping, including in the front yard. Accordingly, the proposed development satisfies the criteria outlined in Policy 2.4.2.2.

Lot Creation Policies

Policy 1.14.3.1 outlines the evaluation criteria for new lots for residential uses in the “Neighbourhoods” designation. It states that they shall be permitted provided the following conditions are met:

- a) *The lots comply with the policies of this Plan, including secondary plans, where one exists;*

The proposed lots comply with the applicable policies of the Urban Hamilton Official Plan, as



indicated above. The subject lands are not within a Secondary Plan area, per Volume 2 of the UHOP.

b) The lots comply with existing Neighbourhood Plans;

The subject lands are designated "single & double" within the Eleanor Neighbourhood Plan. The proposed lots will each contain a single family detached dwelling. Accordingly, the proposed lots comply with the existing Neighbourhood Plan.

c) The lots are in conformity with the Zoning By-law or a minor variance is approved;

The lots being created (Parts 2-6) are in conformity with the Zoning By-law. As mentioned above, a Minor Variance Application will be submitted to bring Part 1 into conformity with respect to lot frontage. Part 1 will be subject of a future draft plan of subdivision application and will be developed in conjunction with portions of the lands to the south

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;

The proposed development would consist of an example of appropriate and compatible intensification that is in keeping with the newly established development in the immediate neighbourhood. The proposed lots will conform to the applicable policies of the Zoning By-law ("C" District) with respect to building height, coverage, and massing, and will therefore be consistent with nearby development.

e) The lots are fully serviced by municipal water and wastewater systems; and,

The lots can be serviced from the existing sewers and watermain available on Eleanor Avenue. The feasibility of servicing these lots with existing services will be confirmed through the detailed engineering design completed through the Consent Agreement as required through conditions of the Consent approval.

f) The lots have frontage on a public road

The proposed lots have frontage on Eleanor Avenue.

Provincial Policy

Further to questions 7.1 a), b) & c) of the attached application form, the following is submitted:

"Is this application consistent with the Policy Statements issued under subsection "2" of the Planning Act?"

The proposed development has sufficient regard for the matters of provincial interest outlined in subsection 2 of the *Planning Act*.



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

This property is appropriate for development as it is within a settlement area as defined in the PPS, and settlement areas shall be the focus of growth. The subject lands are also within the built-up area and the proposed consent application will facilitate compatible residential intensification through infill development on full municipal water and wastewater services, and with frontage on a municipal road. Furthermore, the application is consistent with the PPS with respect to Section 3.1 - Natural Hazards, which directs development outside of the hazardous lands adjacent to the shorelines of the Great Lakes. As such, this application is consistent with the PPS (2020).

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

The Growth Plan (2019) stresses the importance of optimizing the existing supply of land already within the built-up area for urban development (intensification) within the Greater Golden Horseshoe to avoid over-designating new land for future urban development. The proposal is consistent with the Growth Plan as it will encourage residential intensification through infill development and will optimize the use of existing infrastructure to support growth in a compact, compatible, and efficient form. The proposed consent applications are considered "gentle" intensification as it provides additional, compatible dwelling units within the urban boundary, while mitigating any potential adverse impacts on the surrounding neighbourhood. As such, the proposed development conforms to the Growth Plan.

As required for the above-noted application, please find attached the following:

1. A cheque in the amount of \$ \$8,535.00 made payable to the City of Hamilton in payment of the Application Fees.
2. A copy of the completed and signed Application Forms for each application and an authorization letter from the current owner.
3. One (1) full size copy of the Severance Sketch.
4. Two (2) copies of the Severance Sketch reduced to 11x17.

Yours very truly,

Stephen Fraser, RPP, MCIP
Planner
A. J. Clarke and Associates Ltd.

Encl.

Copy: 5025299 Ontario Inc. (c/o Mr. Ali Alaichi)



Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424, ext. 4221
Fax (905) 546-4202

**APPLICATION FOR CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE *PLANNING ACT***

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
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1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	Quoc Ma		Business () Fax: () E-mail:
Applicant(s)*	5025299 Ontario Inc. under agreement of purchase and sale		Business () Fax: () E-mail:
Agent or Solicitor	A. J. Clarke and Associates Ltd.		Business Fax: () E-mail:

* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to ☐ Owner ☐ Applicant ☒ Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality Hamilton	Lot	Concession	Former Township
Registered Plan N°. 853	Lot(s) 22	Reference Plan N°.	Part(s)
Municipal Address 61 Eleanor Avenue, Hamilton			Assessment Roll N°.

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:

Bell Canada easement as in Instrument No. BR37018

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

a) Urban Area Transfer (do not complete Section 10):

- ☒ creation of a new lot
☐ addition to a lot
☐ an easement

Other: ☐ a charge
☐ a lease
☐ a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):

- ☐ creation of a new lot
- ☐ creation of a new non-farm parcel
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation)
- ☐ addition to a lot
- Other: ☐ a charge
- ☐ a lease
- ☐ a correction of title
- ☐ an easement

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

5025299 Ontario Inc.

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**: Parts 2-6 on sketch

Frontage (m) +/-60m	Depth (m) +/-30.61m	Area (m² or ha) +/-1,836.6sq.m
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Existing Use of Property to be severed:

- ☒ Residential
- ☐ Agriculture (includes a farm dwelling)
- ☐ Other (specify)
- ☐ Industrial
- ☐ Agricultural-Related
- ☐ Commercial
- ☒ Vacant

Proposed Use of Property to be severed:

- ☒ Residential
- ☐ Agriculture (includes a farm dwelling)
- ☐ Other (specify)
- ☐ Industrial
- ☐ Agricultural-Related
- ☐ Commercial
- ☐ Vacant

Building(s) or Structure(s):

Existing:Single detached dwelling and accessory structures (to be removed)

Proposed: 5 single detached dwellings (lots to be created through separate severance applications).

Type of access: (check appropriate box)

- ☐ provincial highway
- ☐ municipal road, seasonally maintained
- ☒ municipal road, maintained all year
- ☐ right of way
- ☐ other public road

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)

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)

4.2 Description of land intended to be **Retained**: Part 1 on attached sketch

Frontage (m) +/-7.97m	Depth (m) +/-119.97m (irregular)	Area (m² or ha) +/-0.63ha
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Existing Use of Property to be retained:

- ☒ Residential
- ☐ Agriculture (includes a farm dwelling)
- ☐ Other (specify)
- ☐ Industrial
- ☐ Agricultural-Related
- ☐ Commercial
- ☒ Vacant

Proposed Use of Property to be retained:

☒ Residential

☐ Agriculture (includes a farm dwelling)

☐ Other (specify) _____

☐ Industrial

☐ Agricultural-Related

☐ Commercial

☐ Vacant

Building(s) or Structure(s):

Existing: Single detached dwelling and accessory structures (to be removed)

Proposed: Single detached residential (future plan of subdivision)

Type of access: (check appropriate box)

☐ provincial highway

☐ right of way

☐ municipal road, seasonally maintained

☐ other public road

☒ municipal road, maintained all year

Type of water supply proposed: (check appropriate box)

☒ publicly owned and operated piped water system

☐ lake or other water body

☐ privately owned and operated individual well

☐ other means (specify) _____

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): _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods (Sch. E-1)

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

Please see attached cover letter.

5.2 What is the existing zoning of the subject land? "C" and "AA" Districts

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? _____

5.3 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	<input type="checkbox"/>	

A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 PREVIOUS USE OF PROPERTY

- ☒ Residential
 ☐ Industrial
 ☐ Commercial
☐ Agriculture
 ☒ Vacant
 ☐ Other (specify)

- 6.1 If Industrial or Commercial, specify use _____
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
☐ Yes ☐ No ☒ Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
☐ Yes ☒ No ☐ Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
☐ Yes ☐ No ☒ Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
☐ Yes ☐ No ☒ Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
☐ Yes ☒ No ☐ Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
☐ Yes ☒ No ☐ Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
☐ Yes ☒ No ☐ Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
☐ Yes ☐ No ☒ Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
☐ Yes ☒ No ☐ Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
Property owner's knowledge and aerial imagery.
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
 Is the previous use inventory attached?
☐ Yes ☒ No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)

☒ Yes ☐ No

Please refer to concurrently submitted cover letter.

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

☒ Yes ☐ No (Provide explanation)

Please refer to concurrently submitted cover letter.

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

☒ Yes ☐ No (Provide explanation)

Please refer to concurrently submitted cover letter.

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)

☒ Yes ☐ No

The Growth Plan. Please refer to concurrently submitted cover letter.

- e) Are the subject lands subject to the Niagara Escarpment Plan?

☐ Yes ☒ No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

☐ Yes ☐ No

(Provide Explanation)

- f) Are the subject lands subject to the Parkway Belt West Plan?

☐ Yes ☒ No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

☐ Yes ☐ No (Provide Explanation)

- g) Are the subject lands subject to the Greenbelt Plan?

☐ Yes ☒ No

If yes, does this application conform with the Greenbelt Plan?

☐ Yes ☐ No (Provide Explanation)

8 HISTORY OF THE SUBJECT LAND

- 8.1 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, indicate the appropriate application file number and the decision made on the application.

- 8.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.
-

- 8.3 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.

- 8.4 How long has the applicant owned the subject land?

Since June 2019.

- 8.5 Does the applicant own any other land in the City? ☐ Yes ☒ No
If YES, describe the lands in "11 - Other Information" or attach a separate page.

9 OTHER APPLICATIONS

- 9.1 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 if known, specify file number and status of the application.

- 9.2 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 if known, specify file number and status of the application(s).

File number _____ Status _____
Concurrent consent applications submitted and future plan of subdivision and zoning by-law amendment applications forthcoming.

10 RURAL APPLICATIONS

- 10.1 Rural Hamilton Official Plan Designation(s)

- | | | |
|--|-------------------------------------|---|
| <input type="checkbox"/> Agricultural | <input type="checkbox"/> Rural | <input type="checkbox"/> Specialty Crop |
| <input type="checkbox"/> Mineral Aggregate Resource Extraction | <input type="checkbox"/> Open Space | <input type="checkbox"/> Utilities |
| <input type="checkbox"/> Rural Settlement Area (specify) _____ | _____ | |

Settlement Area

Designation

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 operation.

- 10.2 **Type of Application** (select type and complete appropriate sections)

- | | | |
|--|---|-------------------------|
| <input type="checkbox"/> Agricultural Severance or Lot Addition | } | (Complete Section 10.3) |
| <input type="checkbox"/> Agricultural Related Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Resource-based Commercial Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Institutional Severance or Lot Addition | | |

- ☐ Rural Settlement Area Severance or Lot Addition
- ☐ Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
- ☐ Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

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

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

 (Street) (Municipality) (Postal Code)

b) Description abutting farm:

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

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

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

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

Existing Land Use: _____ Proposed Land Use: _____

d) 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: _____

e) Surplus farm dwelling date of construction:

- ☐ Prior to December 16, 2004 ☐ After December 16, 2004

f) Condition of surplus farm dwelling:

- ☐ Habitable ☐ Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

 (Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m2 or ha):
---------------	------------------

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

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m2 or ha): (from Section 4.1)
----------------------------------	-------------------------------------

Front yard set back: _____

d) Surplus farm dwelling date of construction:

☐ Prior to December 16, 2004 ☐ After December 16, 2004

e) Condition of surplus farm dwelling:

☐ Habitable ☐ Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)
----------------------------------	-------------------------------------

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

Please refer to the concurrently submitted cover letter
and consent applications.

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - are located on the subject land and on land that is adjacent to it, and
 - in the applicant's opinion, may affect the application;
- the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private



Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424, ext. 4221
Fax (905) 546-4202

**APPLICATION FOR CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE *PLANNING ACT***

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
----------------------------	-----------------------------------	-----------------	-----------

1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	Quoc Ma		Business () Fax: () E-mail:
Applicant(s)*	5025299 Ontario Inc. under agreement of purchase and sale		Business () Fax: () E-mail:
Agent or Solicitor	A. J. Clarke and Associates Ltd.		Business Fax: () E-mail:

* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to ☐ Owner ☐ Applicant ☒ Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality Hamilton	Lot	Concession	Former Township
Registered Plan N°. 853	Lot(s) 22	Reference Plan N°.	Part(s)
Municipal Address 61 Eleanor Avenue, Hamilton			Assessment Roll N°.

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:

Bell Canada easement as in Instrument No. BR37018

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

a) Urban Area Transfer (do not complete Section 10):

- ☒ creation of a new lot
☐ addition to a lot
☐ an easement

- Other: ☐ a charge
☐ a lease
☐ a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):

- ☐ creation of a new lot
☐ creation of a new non-farm parcel
 (i.e. a lot containing a surplus farm dwelling
 resulting from a farm consolidation)
☐ addition to a lot
- Other: ☐ a charge
☐ a lease
☐ a correction of title
☐ an easement

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

5025299 Ontario Inc.

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**: Part 3 on sketch

Frontage (m) +/-12m	Depth (m) +/-30.61m	Area (m ² or ha) +/-367.3sq.m
------------------------	------------------------	---

Existing Use of Property to be severed:

- ☒ Residential
☐ Agriculture (includes a farm dwelling)
☐ Other (specify) _____
- ☐ Industrial
☐ Agricultural-Related
☐ Commercial
☒ Vacant

Proposed Use of Property to be severed:

- ☒ Residential
☐ Agriculture (includes a farm dwelling)
☐ Other (specify) _____
- ☐ Industrial
☐ Agricultural-Related
☐ Commercial
☐ Vacant

Building(s) or Structure(s):

Existing: Single detached dwelling and accessory structures (to be removed)

Proposed: 1 single detached dwelling.

Type of access: (check appropriate box)

- ☐ provincial highway
☐ municipal road, seasonally maintained
☒ municipal road, maintained all year
- ☐ right of way
☐ other public road

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) _____

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) _____

4.2 Description of land intended to be **Retained**: Parts 2 and 4 to 6 on attached sketch

Frontage (m) +/-48m	Depth (m) +/-30.61m	Area (m ² or ha) +/-1,469.28sq.m
------------------------	------------------------	--

Existing Use of Property to be retained:

- ☒ Residential
☐ Agriculture (includes a farm dwelling)
☐ Other (specify) _____
- ☐ Industrial
☐ Agricultural-Related
☐ Commercial
☒ Vacant

Proposed Use of Property to be retained:

- ☒ Residential ☐ Industrial ☐ Commercial
☐ Agriculture (includes a farm dwelling) ☐ Agricultural-Related ☐ Vacant
☐ Other (specify) _____

Building(s) or Structure(s):

Existing: Single detached dwelling and accessory structures (to be removed)

Proposed: Single detached residential

Type of access: (check appropriate box)

- ☐ provincial highway ☐ right of way
☐ municipal road, seasonally maintained ☐ other public road
☒ municipal road, maintained all year

Type of water supply proposed: (check appropriate box)

- ☒ publicly owned and operated piped water system ☐ lake or other water body
☐ privately owned and operated individual well ☐ other means (specify) _____

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): _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods (Sch. E-1)

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

Please see attached cover letter.

5.2 What is the existing zoning of the subject land? "C" District

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? _____

5.3 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	<input type="checkbox"/>	

A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 PREVIOUS USE OF PROPERTY

- ☒ Residential ☐ Industrial ☐ Commercial
☐ Agriculture ☒ Vacant ☐ Other (specify)

- 6.1 If Industrial or Commercial, specify use _____
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
☐ Yes ☐ No ☒ Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
☐ Yes ☒ No ☐ Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
☐ Yes ☐ No ☒ Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
☐ Yes ☐ No ☒ Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
☐ Yes ☒ No ☐ Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
☐ Yes ☒ No ☐ Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
☐ Yes ☒ No ☐ Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
☐ Yes ☐ No ☒ Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
☐ Yes ☒ No ☐ Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
Property owner's knowledge and aerial imagery.
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
 Is the previous use inventory attached?
☐ Yes ☒ No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)
- ☒ Yes ☐ No
- _____

Please refer to concurrently submitted cover letter.

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

☒ Yes ☐ No (Provide explanation)

Please refer to concurrently submitted cover letter.

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

☒ Yes ☐ No (Provide explanation)

Please refer to concurrently submitted cover letter.

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)

☒ Yes ☐ No

The Growth Plan. Please refer to concurrently submitted cover letter.

- e) Are the subject lands subject to the Niagara Escarpment Plan?

☐ Yes ☒ No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

☐ Yes ☐ No

(Provide Explanation)

- f) Are the subject lands subject to the Parkway Belt West Plan?

☐ Yes ☒ No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

☐ Yes ☐ No (Provide Explanation)

- g) Are the subject lands subject to the Greenbelt Plan?

☐ Yes ☒ No

If yes, does this application conform with the Greenbelt Plan?

☐ Yes ☐ No (Provide Explanation)

8 HISTORY OF THE SUBJECT LAND

8.1 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, indicate the appropriate application file number and the decision made on the application.

8.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

8.3 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.

8.4 How long has the applicant owned the subject land?

Since June 2019.

8.5 Does the applicant own any other land in the City? ☐ Yes ☒ No

If YES, describe the lands in "11 - Other Information" or attach a separate page.

9 OTHER APPLICATIONS

9.1 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 if known, specify file number and status of the application.

9.2 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 if known, specify file number and status of the application(s).

File number _____ Status _____
Concurrent consent applications submitted.

10 RURAL APPLICATIONS

10.1 Rural Hamilton Official Plan Designation(s)

☐ Agricultural ☐ Rural ☐ Specialty Crop
☐ Mineral Aggregate Resource Extraction ☐ Open Space ☐ Utilities
☐ Rural Settlement Area (specify) _____

Settlement Area

Designation

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 operation.

10.2 Type of Application (select type and complete appropriate sections)

- ☐ Agricultural Severance or Lot Addition
- ☐ Agricultural Related Severance or Lot Addition
- ☐ Rural Resource-based Commercial Severance or Lot Addition
- ☐ Rural Institutional Severance or Lot Addition

(Complete Section 10.3)

- ☐ Rural Settlement Area Severance or Lot Addition
- ☐ Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
- ☐ Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

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

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

 (Street) (Municipality) (Postal Code)

b) Description abutting farm:

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

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

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

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

Existing Land Use: _____ Proposed Land Use: _____

d) 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: _____

e) Surplus farm dwelling date of construction:

- ☐ Prior to December 16, 2004 ☐ After December 16, 2004

f) Condition of surplus farm dwelling:

- ☐ Habitable ☐ Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

 (Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

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

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

c) Description of surplus dwelling lands intended to be severed:

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

Front yard set back: _____

d) Surplus farm dwelling date of construction:

☐ Prior to December 16, 2004 ☐ After December 16, 2004

e) Condition of surplus farm dwelling:

☐ Habitable ☐ Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
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Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

Please refer to the concurrently submitted cover letter
and consent applications.

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - i) are located on the subject land and on land that is adjacent to it, and
 - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private



Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424, ext. 4221
Fax (905) 546-4202

**APPLICATION FOR CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE *PLANNING ACT***

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
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1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	Quoc Ma		Business () Fax: () E-mail:
Applicant(s)*	5025299 Ontario Inc. under agreement of purchase and sale		Business () Fax: () E-mail:
Agent or Solicitor	A. J. Clarke and Associates Ltd.		Business () Fax: () E-mail:

* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to ☐ Owner ☐ Applicant ☒ Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality Hamilton	Lot	Concession	Former Township
Registered Plan N°. 853	Lot(s) 22	Reference Plan N°.	Part(s)
Municipal Address 61 Eleanor Avenue, Hamilton			Assessment Roll N°.

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:

Bell Canada easement as in Instrument No. BR37018

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

a) Urban Area Transfer (do not complete Section 10):

- ☒ creation of a new lot
☐ addition to a lot
☐ an easement

Other: ☐ a charge
☐ a lease
☐ a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):

- ☐ creation of a new lot
☐ creation of a new non-farm parcel
 (i.e. a lot containing a surplus farm dwelling
 resulting from a farm consolidation)
☐ addition to a lot
- Other: ☐ a charge
☐ a lease
☐ a correction of title
☐ an easement

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

5025299 Ontario Inc.

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**: Part 5 on sketch

Frontage (m) +/-12m	Depth (m) +/-30.61m	Area (m ² or ha) +/-367.3sq.m
------------------------	------------------------	---

Existing Use of Property to be severed:

- ☒ Residential
☐ Agriculture (includes a farm dwelling)
☐ Other (specify) _____
- ☐ Industrial
☐ Agricultural-Related
☒ Commercial
☒ Vacant

Proposed Use of Property to be severed:

- ☒ Residential
☐ Agriculture (includes a farm dwelling)
☐ Other (specify) _____
- ☐ Industrial
☐ Agricultural-Related
☐ Commercial
☐ Vacant

Building(s) or Structure(s):

Existing: Single detached dwelling and accessory structures (to be removed)

Proposed: 1 single detached dwelling.

Type of access: (check appropriate box)

- ☐ provincial highway
☐ municipal road, seasonally maintained
☒ municipal road, maintained all year
- ☐ right of way
☐ other public road

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) _____

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) _____

4.2 Description of land intended to be **Retained**: Parts 4 and 6 on attached sketch

Frontage (m) +/-24m	Depth (m) +/-30.61m	Area (m ² or ha) +/-734.4sq.m
------------------------	------------------------	---

Existing Use of Property to be retained:

- ☒ Residential
☐ Agriculture (includes a farm dwelling)
☐ Other (specify) _____
- ☐ Industrial
☐ Agricultural-Related
☒ Commercial
☒ Vacant

Proposed Use of Property to be retained:

☒ Residential

☐ Agriculture (includes a farm dwelling)

☐ Other (specify) _____

☐ Industrial

☐ Agricultural-Related

☐ Commercial

☐ Vacant

Building(s) or Structure(s):

Existing: Single detached dwelling and accessory structures (to be removed)
Proposed: Single detached residential on each part 4 and 6

Type of access: (check appropriate box)

☐ provincial highway

☐ municipal road, seasonally maintained

☒ municipal road, maintained all year

☐ right of way

☐ other public road

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) _____

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): _____
Urban Hamilton Official Plan designation (if applicable) Neighbourhoods (Sch. E-1)

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

Please see attached cover letter.

5.2 What is the existing zoning of the subject land? "C" District

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? _____

5.3 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	<input type="checkbox"/>	

A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 PREVIOUS USE OF PROPERTY

- ☒ Residential
 ☐ Industrial
 ☐ Commercial
☐ Agriculture
 ☒ Vacant
 ☐ Other (specify)

- 6.1 If Industrial or Commercial, specify use _____
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
☐ Yes ☐ No ☒ Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
☐ Yes ☒ No ☐ Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
☐ Yes ☐ No ☒ Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
☐ Yes ☐ No ☒ Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
☐ Yes ☒ No ☐ Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
☐ Yes ☒ No ☐ Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
☐ Yes ☒ No ☐ Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
☐ Yes ☐ No ☒ Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
☐ Yes ☒ No ☐ Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
Property owner's knowledge and aerial imagery.
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
 Is the previous use inventory attached?
☐ Yes ☒ No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)

☒ Yes ☐ No

Please refer to concurrently submitted cover letter.

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

☒ Yes ☐ No (Provide explanation)

Please refer to concurrently submitted cover letter.

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

☒ Yes ☐ No (Provide explanation)

Please refer to concurrently submitted cover letter.

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)

☒ Yes ☐ No

The Growth Plan. Please refer to concurrently submitted cover letter.

- e) Are the subject lands subject to the Niagara Escarpment Plan?

☐ Yes ☒ No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

☐ Yes ☐ No

(Provide Explanation)

- f) Are the subject lands subject to the Parkway Belt West Plan?

☐ Yes ☒ No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

☐ Yes ☐ No (Provide Explanation)

- g) Are the subject lands subject to the Greenbelt Plan?

☐ Yes ☒ No

If yes, does this application conform with the Greenbelt Plan?

☐ Yes ☐ No (Provide Explanation)

8 HISTORY OF THE SUBJECT LAND

8.1 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, indicate the appropriate application file number and the decision made on the application.

8.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

8.3 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.

8.4 How long has the applicant owned the subject land?

Since June 2019.

8.5 Does the applicant own any other land in the City? ☐ Yes ☒ No

If YES, describe the lands in "11 - Other Information" or attach a separate page.

9 OTHER APPLICATIONS

9.1 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 if known, specify file number and status of the application.

9.2 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 if known, specify file number and status of the application(s).

File number _____

Status _____

Concurrent consent applications submitted.

10 RURAL APPLICATIONS

10.1 Rural Hamilton Official Plan Designation(s)

☐ Agricultural ☐ Rural ☐ Specialty Crop
☐ Mineral Aggregate Resource Extraction ☐ Open Space ☐ Utilities
☐ Rural Settlement Area (specify) _____

Settlement Area

Designation

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 operation.

10.2 **Type of Application** (select type and complete appropriate sections)

- ☐ Agricultural Severance or Lot Addition
☐ Agricultural Related Severance or Lot Addition
☐ Rural Resource-based Commercial Severance or Lot Addition
☐ Rural Institutional Severance or Lot Addition

(Complete Section 10.3)