



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

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.: HM/A-21:61

APPLICANTS: Agent A.J. Clarke & Associates c/o S. Faser
Owner Quoc Ma

SUBJECT PROPERTY: Municipal address **61 Eleanor Avenue, Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: AA and C district (Agricultural and Urban Protected Residential, etc.)

PROPOSAL: To permit the creation of five (5) single detached dwelling lots (shown as Parts 2, 3, 4, 5 and 6) and a lot to be developed for a future Draft Plan of Subdivision (Part 1) in order to facilitate Consent Application File Nos. HM/B-20:83; HM/B-20:84 and HM/B-20:85 notwithstanding that:

1. A minimum lot width of 5.1m along Eleanor Avenue shall be provided for Part 1 instead of the minimum required lot width of 12.0m.

NOTE:

- i) Part 1 as shown on the attached Plan is located within two districts (being the "AA" and "C" districts). Subsection 3(9)(b) of Hamilton Zoning By-law No. 6593 states:

"Notwithstanding any provision of this By-Law, a building or structure may be erected, altered, extended or enlarged within one or more districts applicable to a lot or tract of land where,

(b) the lot or tract of land complies with the least stringent width and area requirements of the district containing the requirements"

The "C" district has the least stringent lot width and lot area regulations than the "AA" district; therefore, these requirements of the "C" district have been reviewed for zoning compliance.

- ii) The variance is necessary to facilitate Consent Applications HM/B-20:83; HM/B-20:84, HM/B-20:85.

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

DATE: Thursday, March 18th, 2021
TIME: 3:05 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:

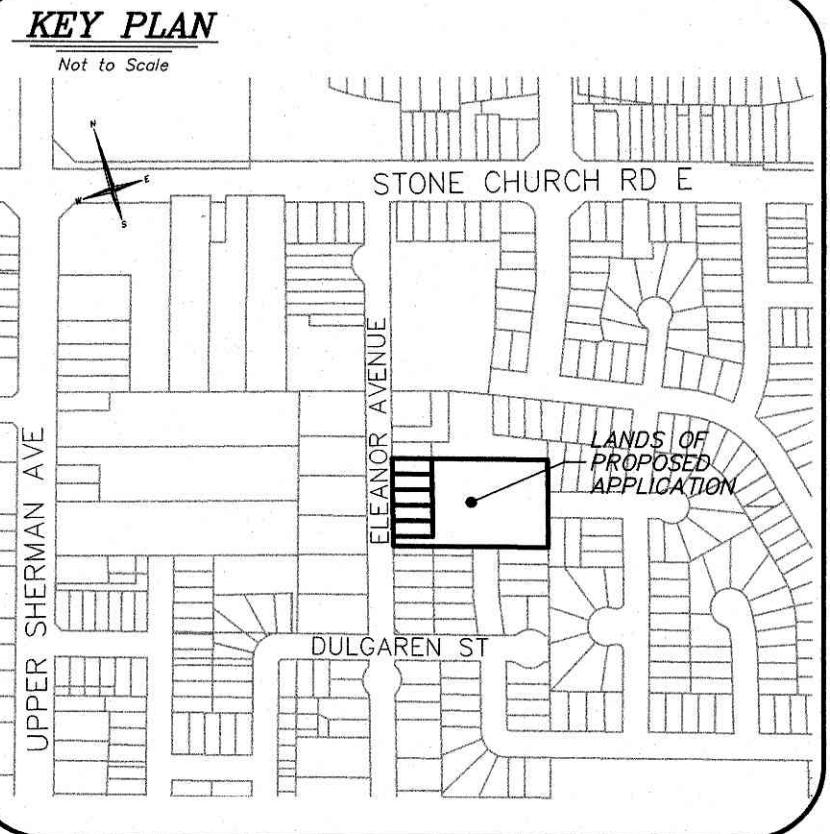
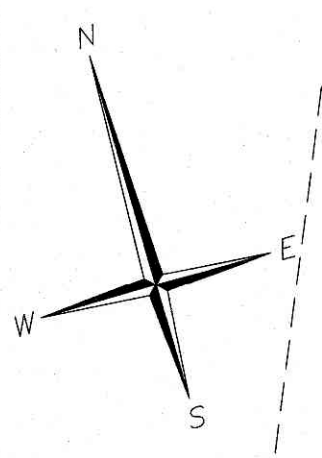
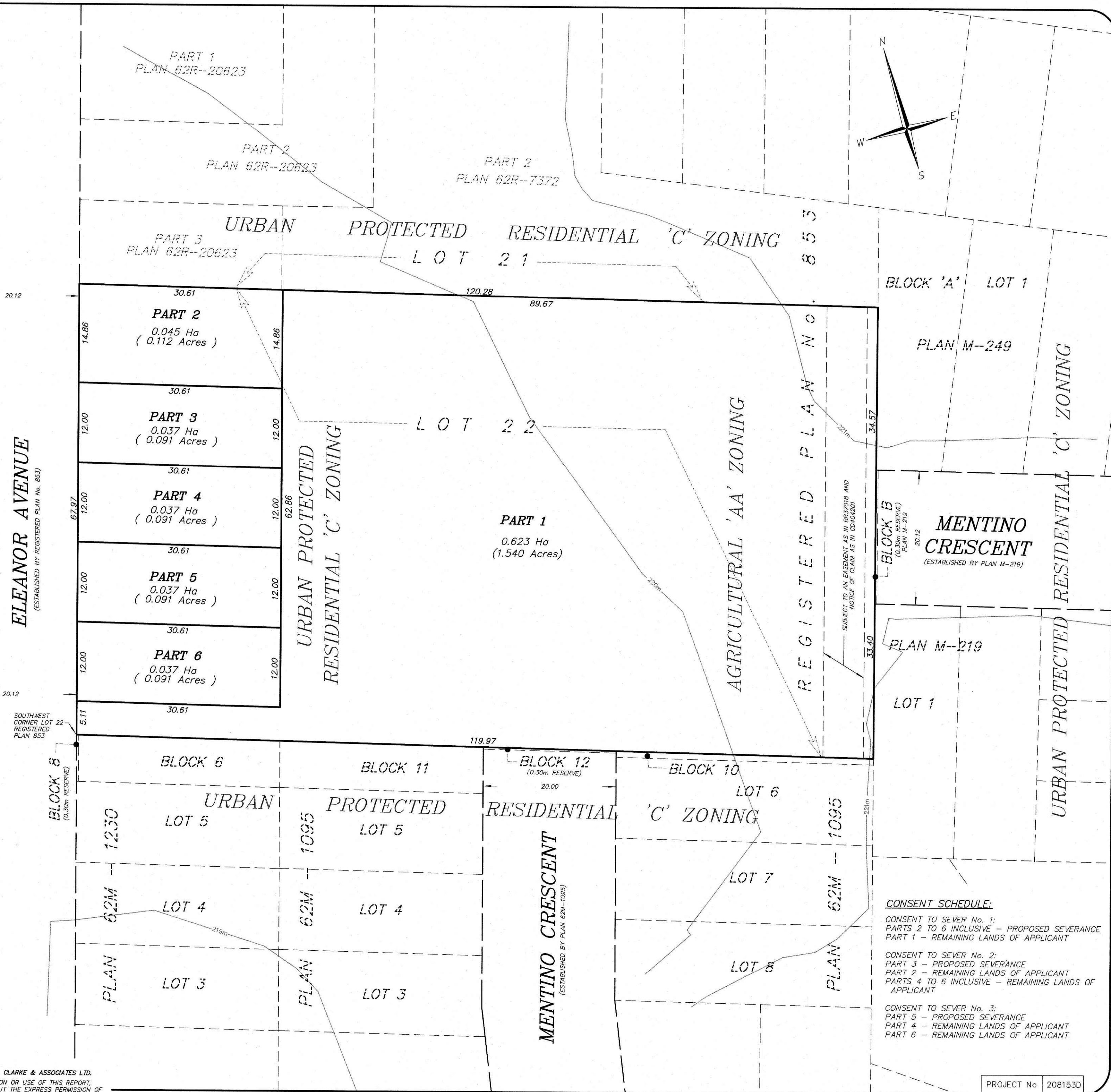
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: March 2nd, 2021.

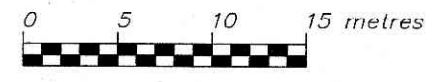
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.

R-4411B



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

THIS SKETCH IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL
COPY OR CERTIFIED DIGITAL COPY ISSUED BY THE SURVEYOR

CAUTION:
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED
EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK

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

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

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R-4411B



A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS

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

February 8, 2021

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

**Re: 61 Eleanor Avenue, Hamilton
Minor Variance Application**

Dear Ms. Sheffield:

A. J. Clarke and Associates Ltd. has been retained by 5025299 Ontario Inc. (c/o Mr. Ali Alaichi) for the purposes of submitting the enclosed Minor Variance Application for the subject lands, municipally known as 61 Eleanor Avenue, Hamilton.

The following materials are submitted to your attention, in support of the subject application:

- 1) One (1) copy of the required filled and signed Minor Variance Application Form along with an authorization letter from the current owner.
- 2) One (1) cheque in the amount of \$3,320.00 made payable to the City of Hamilton in payment of the requisite application fee.
- 3) One (1) digital copy of sketch R-4411B, prepared by A.J. Clarke & Associates Ltd., dated January 4, 2021.

The subject application is required to clear the conditions imposed on the corresponding severance applications under Files: HM/B-20:83-85.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Yours very truly,

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

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



APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	ADDRESS
Registered Owners(s)	Quoc Ma	
Applicant(s)*	5025299 Ontario Inc. under agreement of purchase and sale	
Agent or Solicitor	A. J. Clarke and Associates Ltd.	

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

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

4. Nature and extent of relief applied for:

To permit a minimum lot frontage of 5.1m, shown as part 1 on the attached sketch; whereas 12m is required within a "C" District.

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

The subject land is part of 3 concurrent consent applications (Files: HM/B-20:83, 84 & 85), that have been approved by the Committee of Adjustment. In addition, another severance application (File: HM/B-20:98) has been submitted to add a portion of those rear lands to the subject lands. This land assembly will form part of a proposed plan of subdivision but this minor variance needs to be approved in advance of the

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

61 Eleanor Avenue, Hamilton

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use _____

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 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

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Previous applications and property owner's knowledge.

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

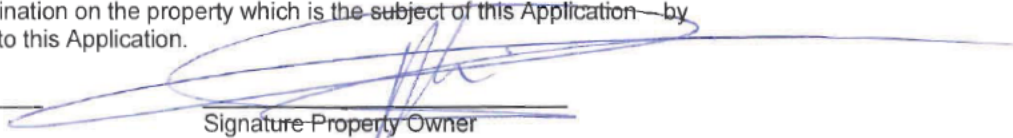
Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application by reason of its approval to this Application.

January 29, 2021

Date


Signature-Property Owner

5025299 Ontario Inc. under agre
Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>+/-5.1m</u>
Depth	<u>+/-89.67 to +/-119.97m</u>
Area	<u>+/-1.54 acres</u>
Width of street	<u>20.12m</u>

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

Existing single-detached dwellings and accessory buildings to be removed through the concurrent consent applications.

Proposed

Part 1 on the attached sketch to form part of a future plan of subdivision consisting of the extension to Mentino Crescent and single-detached lots.

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

Existing:

Existing single-detached dwellings and accessory buildings to be removed through the concurrent consent applications.

Proposed:

Part 1 on the attached sketch to form part of a future plan of subdivision consisting of the extension to Mentino Crescent and single-detached lots.

13. Date of acquisition of subject lands:
Applicant is subject to an agreement of purchase and sale. _____
14. Date of construction of all buildings and structures on subject lands:
Anticipated redevelopment of lands within 1 -2 years. _____
15. Existing uses of the subject property:
Residential and vacant.
16. Existing uses of abutting properties:
Residential.
17. Length of time the existing uses of the subject property have continued:
unknown
18. Municipal services available: (check the appropriate space or spaces)
Water _____ Connected _____
Sanitary Sewer _____ Connected _____
Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
Neighbourhoods.
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
AA - Agricultural and C - Urban Protected Residential Districts.
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

PART 25 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.

I, Stephen Fraser of the City of Burlington
in the Province of Ontario solemnly declare that:

All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the
at the City of Hamilton)
in the Province)
of Ontario)

Applicant



this 8th day of February, A.D. 2021

Teresa Ann Ewart, a Commissioner, etc.,
Province of Ontario, for A. J. Clarke and Associates Ltd.

Expires October 6, 2022
A Commissioner, etc.

PART 26 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) 5025299 Ontario Inc. under agreement am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

A. J. Clarke and Associates Ltd. of _____

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE January 29, 2021

SIGNED _____

PART 27 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

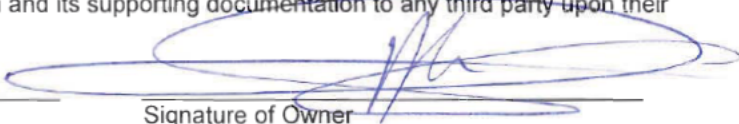
I, 5025299 Ontario Inc. under agreement of purchase and sale, the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

January 29, 2021

Date

Signature of Owner _____



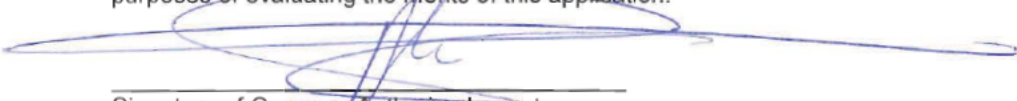
PART 28 PERMISSION TO ENTER

Date: January 29, 2021

Secretary/Treasurer
Committee of Adjustment
City of Hamilton,
City Hall

Dear Secretary/Treasurer;
Re: Application to Committee of Adjustment
Location of Land: 61 Eleanor Avenue, Hamilton
(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.



Signature of Owner or Authorized agent
5025299 Ontario Inc. under agreement of purchase and sale

Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 29 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.