

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-21:376

APPLICANTS: Owner 5025299 Ontario Inc. c/o Ali Alaichi
Agent A.J. Clarke c/o Stephen Fraser

SUBJECT PROPERTY: Municipal address **49 Eleanor Ave., Hamilton**

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

ZONING: C district (Urban Protected Residential)

PROPOSAL: To facilitate Consent Application HM/B-21:59 to allow for the merging of the conveyed parcel with lands located at 224 Eaglewood Drive, notwithstanding that:

1. The minimum lot width along Eaglewood Drive shall be 3.6 metres instead of the minimum required 12.0 metres for the C District.

NOTES:

1. As noted for Consent Application HM/B-21:59, a concurrent Formal Consultation is being considered for the enlarged parcel at 224 Eaglewood Drive to which the conveyed lands are being merged for the consideration of a future draft plan of subdivision and rezoning application for the westward extension of Eaglewood Drive to Eleanor Avenue. Accordingly, the subject lands will have adequate lot frontage along upon the registration of this future subdivision.
2. The variance is written as requested by the applicant to address Condition #2 of Consent Application HM/B-21:59.
3. The Zoning By-law (6593) does not include a definition for lot frontage. The C District contains a provision for "lot width." The Zoning By-law contains the following definition for "width", applicable to interior lots.

"Width" with reference to a lot, except a lot referred to in subclause (xxva), shall mean the horizontal distance between the side lot lines measured at a depth of 9.0 metres (29.53 feet) from and parallel to, the front lot line or from the chord of the front lot line.

4. As the application has not included detailed plans, no further variances have been identified at this time.

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

DATE: Thursday, November 25th, 2021
TIME: 2:20 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

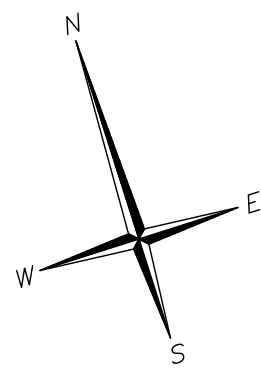
DATED: November 25th, 2021.

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.

H:\Jobs\2021 Projects\218133 (49 Eleanor)\Planning\Concepts\SEVERANCE SKETCH.dwg Model

96981-3



ELEANOR AVENUE

LOT 8 CONCESSION 8
TOWNSHIP OF BARTON

PART 1 PLAN 62R-7372 EXISTING "C" ZONING

13.67 N72°52'40"W

NORTHWEST CORNER
LOT 21
REGISTERED PLAN No. 853

20.12m
wide

LOT

PART 1
PLAN 62R-20623

N16°33'20"E

27.42

PART 2

PROPOSED
SEVERANCE

AREA=543.0±m²

EXISTING "C" ZONING

30.48 N72°04'40"W

PART 1

REMAINING LANDS
OF APPLICANT

AREA=371.8±m²

PLAN

PART 2

PLAN 62R-20623

N16°30'00"E

N16°33'15"E

12.20

30.49 N72°04'40"W

PART 3
PLAN 62R-20623

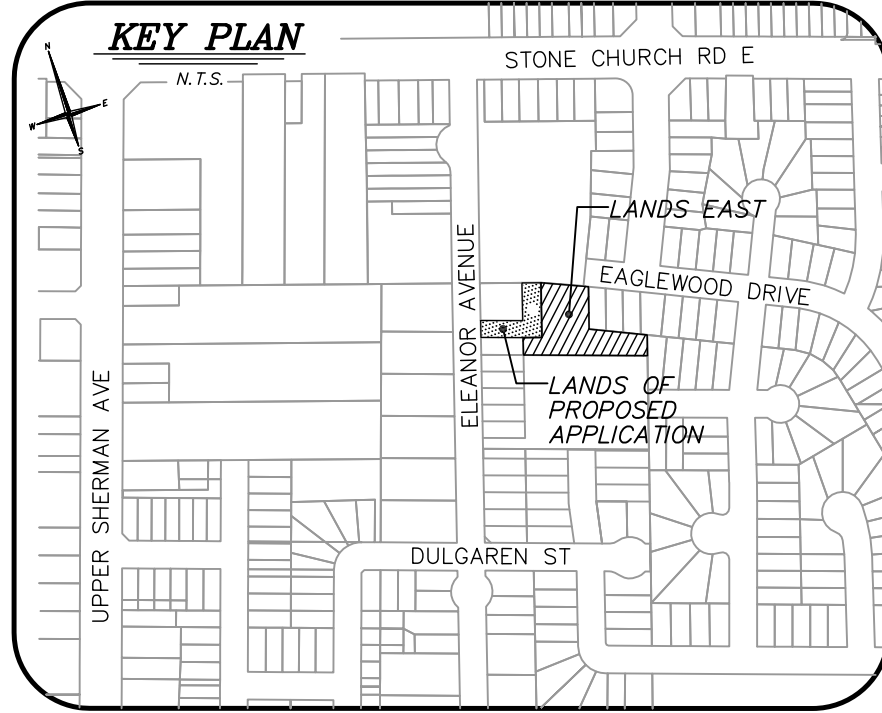
13.72 N72°52'40"W

EXISTING "C" ZONING

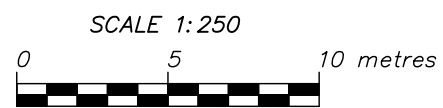
REGISTERED

LOT

2 2



SKETCH OF
PART OF LOT 21
REGISTERED PLAN No. 853
CITY OF HAMILTON



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

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

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

CAUTION:
THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE
USED FOR TRANSACTION OR MORTGAGE PURPOSES.

LAND SEVERANCE SCHEDULE:

PART 1 - LANDS TO BE RETAINED
PART 2 - LANDS TO BE SEVERED

NOTE: SEVERED LANDS TO BE MERGED
WITH LANDS TO THE EAST.

JUNE 3, 2021
DATE

NICHOLAS MUTH
ONTARIO LAND SURVEYOR

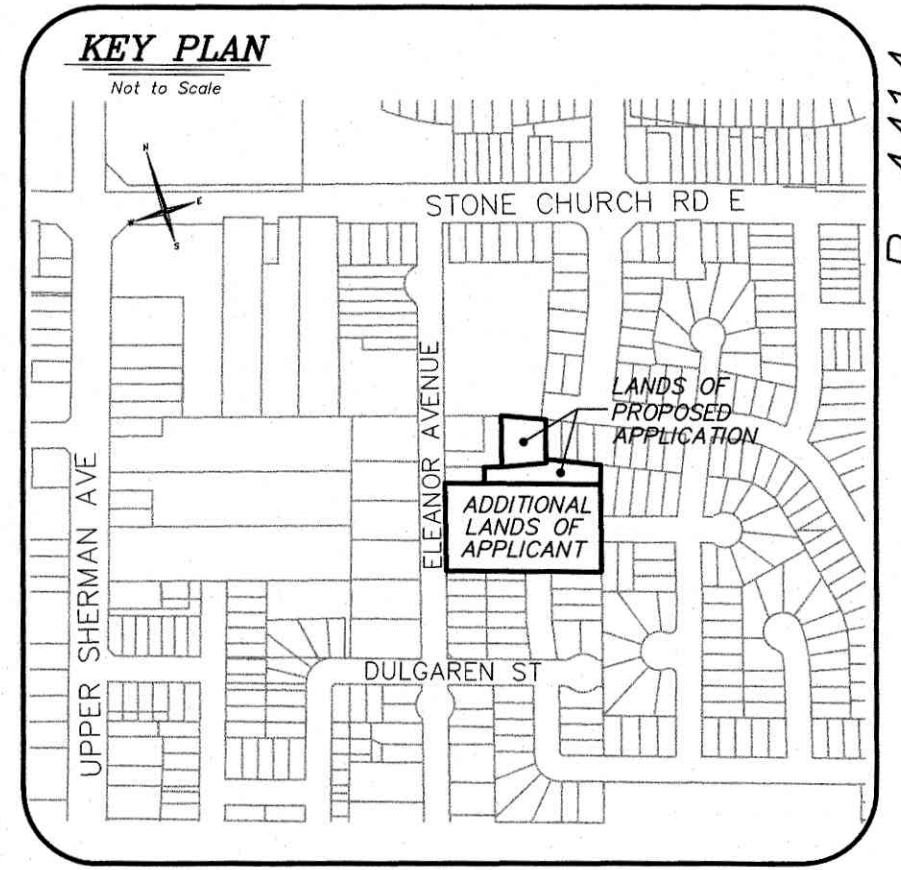


A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: ajc@ajclarke.com

E-18696

R-4414



SKETCH FOR CONSENT TO SEVER
PART OF LOT 21
REGISTERED PLAN No. 853
IN THE
CITY OF HAMILTON
SCALE 1:400

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

NOTES:
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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

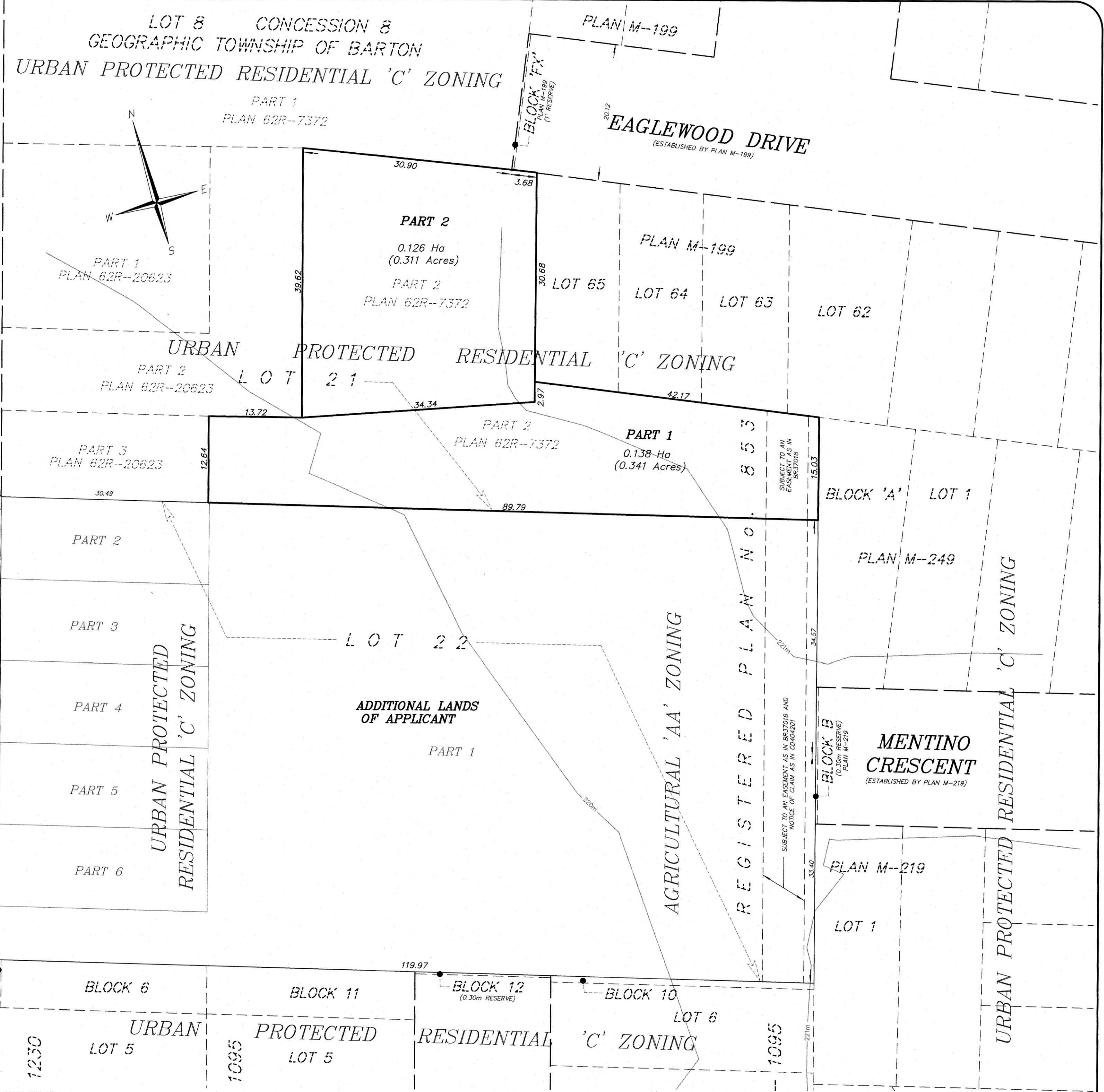
CONSENT SCHEDULE:
PART 1 - PROPOSED SEVERANCE
PART 2 - REMAINING LANDS OF APPLICANT

PART 2 TO MERGE WITH PART 1 OF ADDITIONAL LANDS OF
APPLICANT

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: ajc@ajclarke.com



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PROJECT No 208153D

**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

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	MAILING ADDRESS
Registered Owners(s)		
Applicant(s)*		
Agent or Solicitor		

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 width of 3.6m for the lands being merged with the severed lands through corresponding severance file: HM/B-21:59 (the lands being merged with the severed parcel are known as 224 Eaglewood Drive). Condition 2 of the severance application's approval requires this variance to be obtained and the lot width/frontage of

☐ Secondary Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

The frontage of 224 Eaglewood Drive is approximately 3.6m in width, which is an existing condition. A future draft plan of subdivision application will be submitted that will extend Eaglewood Drive westerly to Eleanor Avenue and therefore, the subject lands will have adequate frontage when this greater subdivision is registered.

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**):

Parts 2, 3 and 4, Plan 62R-7372 (224 Eaglewood Drive) and a portion of 49 Eleanor Avenue

7. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐
Agricultural ☐ Vacant ☒ Other ☐

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 8.1 to 8.10 above?

Property owner's knowledge.

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

October 6, 2021

Date

Signature Property Owner(s)

5025299 Ontario Inc. (c/o Ali Alaichi)

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage +/-3.6m

Depth -

Area -

Width of street 20.12m (future Eaglewood Drive)

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: _

N/A

Proposed

N/A at this time.

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

Existing:

N/A

Proposed:

N/A at this time.

13. Date of acquisition of subject lands:
Since June 2021
-
14. Date of construction of all buildings and structures on subject lands:
Unknown at this time, subject to future planning applications (draft plan of subdivi
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Vacant
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Vacant lands and single family dwellings
17. Length of time the existing uses of the subject property have continued:
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 - Sch E-1
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
"C" District - Urban Protected Residential, Etc.
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.



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

October 12, 2021

Attn: Ms. Jamila Sheffield, via email Jamila.Sheffield@hamilton.ca
Secretary Treasurer, Committee of Adjustment

**Re: 49 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 49 Eleanor Avenue, Hamilton. Condition 2 of the corresponding severance application under File: HM/B-21:59 requires the lands being severed to be added to the lands to the east, known as 224 Eaglewood Drive and those lands have an existing frontage deficiency. 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 the completed and useable version to enable certain answers to be read in their entirety.
- 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 E-18696 used to obtain conditional approval of corresponding severance File: HM/B-21:59.
- 4) One (1) digital copy of sketch R-4414, prepared by A. J. Clarke and Associates Ltd., dated October 30, 2020, which was used for a previous severance under File: HM/B-20:98 that was no longer required because of 5025299 Ontario Inc. purchasing those lands in their entirety being 224 Eaglewood Drive.

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)