

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.: SC/A-21:389

APPLICANTS: Agent A.J. Clarke & Associates c/o S. Fraser
Owner Zenia Homes c/o Ali Alaichi

SUBJECT PROPERTY: Municipal address **89 Eringate Crt., Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended

ZONING: "R3-42" (Single Residential) district

PROPOSAL: To permit the construction of a one (1) storey addition in the rear yard of the existing single detached dwelling notwithstanding that:

1. A rear yard setback of 5.2m shall be provided instead of the minimum required 7.5m rear yard setback.

NOTES:

- i. Please be advised that the current "R3-42" zone permits a maximum lot coverage of 40%, insufficient information has been provided in order to determine zoning compliance. As such, further variance may be required if the total lot coverage exceeds 40%.

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

DATE: Thursday, December 9th, 2021
TIME: 1:50 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 23rd, 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.

1716-X

SURVEYOR'S REAL PROPERTY REPORT
PART 1PLAN OF
LOT 24 - ERINGATE COURT
REGISTERED PLAN 62M-1254

CITY OF HAMILTON

SCALE 1:200



ATHITHTHAN KANAGANAYAGAM O.L.S.

LEGEND

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT PLANTED
- CC DENOTES CUT CROSS
- IB DENOTES IRON BAR
- SIB DENOTES STANDARD IRON BAR
- (824) DENOTES A. T. McLAREN O.L.S.
- (912) DENOTES A. J. CLARKE O.L.S.
- (MEAS.) DENOTES MEASURED
- (N1) DENOTES FIELD NOTES BY A. J. CLARKE & ASSOCIATES LTD. DATED AUGUST 31, 2020
- (N2) DENOTES FIELD NOTES BY A. J. CLARKE & ASSOCIATES LTD. DATED SEPTEMBER 3, 2020
- (P1) DENOTES PLAN 62M-1254
- (P2) DENOTES SURVEYOR'S REAL PROPERTY REPORT BY A. J. CLARKE & ASSOCIATES LTD. DATED FEBRUARY 4, 2021 (INDEX X-9142)
- (P3) DENOTES SURVEYOR'S REAL PROPERTY REPORT BY A. J. CLARKE & ASSOCIATES LTD. DATED JUNE 1, 2020 (INDEX X-9139)

SURVEYOR'S REAL PROPERTY REPORT

PART 1 - PLAN X-9141

PART 2

LOT 24, PLAN 62M-1254 SUBJECT TO AN
EASEMENT AS IN WE275088; SUBJECT TO
AN EASEMENT IN GROSS AS IN WE1311927

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 28th DAY OF OCTOBER, 2020. FIELD CREW ATTENDED SITE ON MARCH 11, 2021 TO UPDATE HOUSE MEASUREMENTS ON NEWLY BUILT SUNROOM EVER SINCE THE LAST SITE VISIT.

MARCH 22, 2021

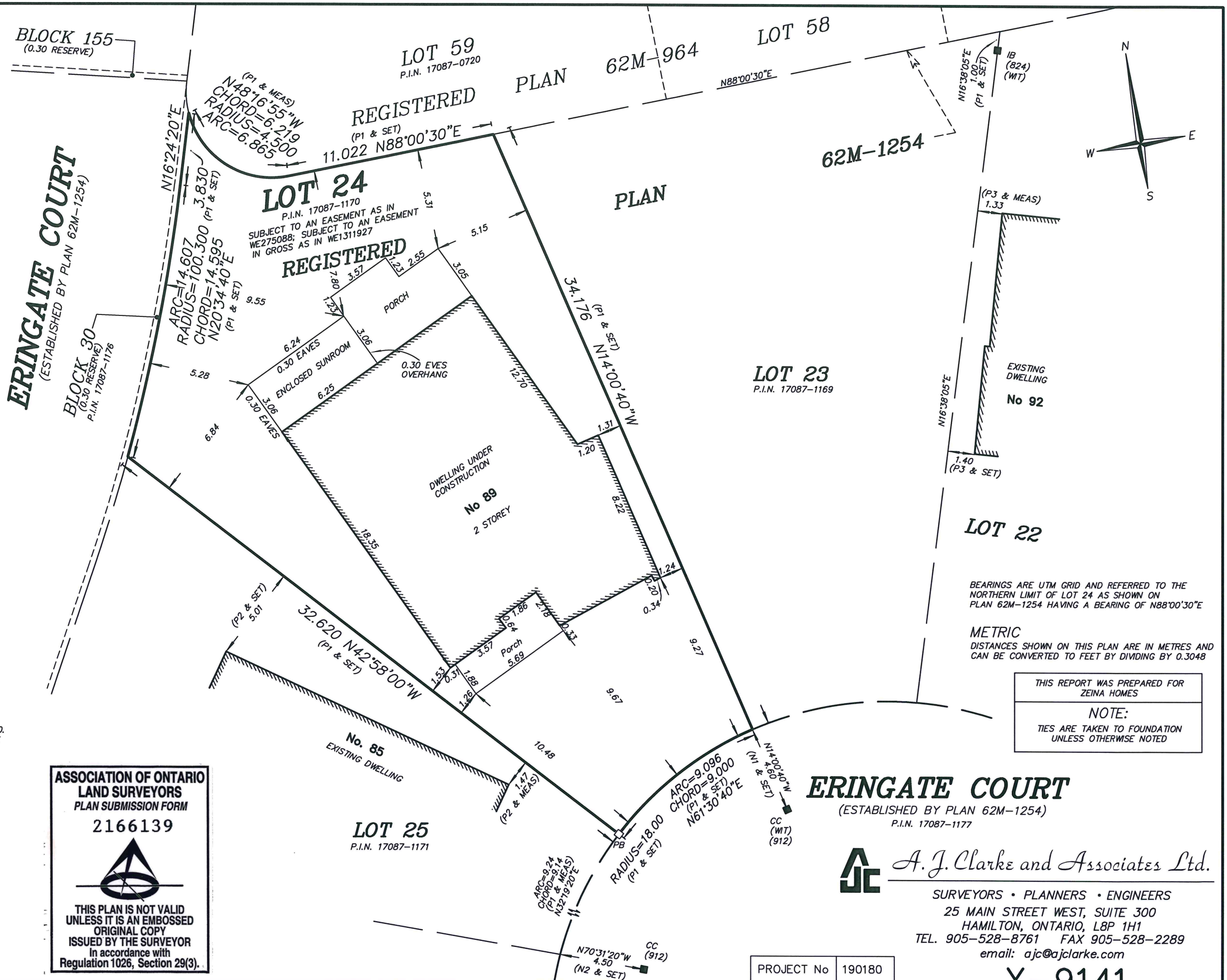
DATE

ATHITHTHAN KANAGANAYAGAM
ONTARIO LAND SURVEYOR

NOTE:

A. J. CLARKE & ASSOCIATES LTD. is not liable for use of this REPORT by any party or parties for FUTURE TRANSACTIONS or for any unrelated purposes.

This REPORT reflects conditions at time of survey. UPDATING may be required to issue ADDITIONAL COPIES subsequent to DATE of the SURVEYOR'S CERTIFICATE.

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2166139THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
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THE REPRODUCTION, ALTERATION OR USE OF THIS REPORT,
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A. J. CLARKE & ASSOCIATES LTD. IS STRICTLY PROHIBITED.

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

Registered Owners(s)	<div></div>
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:
N/A

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 rear yard of 5.28m adjacent to Eringate Court for the enclosed sunroom; whereas the minimum rear yard required is 7.5m.

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

The original plan was to construct an unenclosed porch in the backyard as illustrated on the plot plan (Plan X-9141F); however, the owner constructed the enclosed sunroom which now forms part of the principal dwelling. Please note that porch encroachments conform with zoning as do all the setbacks to the original home.

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**):

89 Eringate Court
Lot 24
Registered Plan 62M-1254

7. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐

Agricultural ☐ Vacant ☒

Other _____

8.1 If Industrial or Commercial, specify use N/A

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?

Online mapping, and property owner information.

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.

October 21, 2021

Date

Signature Property Owner

1376412 Ontario Limited (Ali Alai)

Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>+ - 12.3 m</u>
Depth	<u>+ - 32.62 to +-42m (irregular)</u>
Area	<u>+ - 673.7 sq m</u>
Width of street	<u>+ - 20.1 m</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: _

Please see attached survey

Proposed

N/A

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

Existing:

Please see attached survey

Proposed:

N/A

13. Date of acquisition of subject lands:
Unknown.
-
14. Date of construction of all buildings and structures on subject lands:
Under construction.
-
15. Existing uses of the subject property:
Residential.
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 X Connected X
 Sanitary Sewer X Connected X
 Storm Sewers X
19. Present Official Plan/Secondary Plan provisions applying to the land:
"Neighbourhoods" Schedule E-1 Urban Hamilton Official Plan.
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Single Residential "R3-42" Zone (By-law 16-257)
21. Has the owner previously applied for relief in respect of the subject property?
☐ Yes ☒ No
 If the answer is yes, describe briefly.
 N/A
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
See attached Survey.
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.