

NOTICE OF PUBLIC HEARING
Consent/Land Severance

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/B-22:129	SUBJECT PROPERTY:	78 ELEANOR AVENUE, HAMILTON
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APPLICANTS: Owner: Maga Developments Corporation c/o Mark Maga
Agent: T. Johns Consulting Group Ltd. c/o Diana Morris

PURPOSE & EFFECT: To permit the conveyance of a parcel of land to create a new residential building lot. The existing dwelling will be demolished to facilitate this application.

	Frontage	Depth	Area
SEVERED LANDS:	15.24 m [±]	54.22 m [±]	828.84 m ² [±]
RETAINED LANDS:	15.245 m [±]	54.22 m [±]	823.71 m ² [±]

Associated Planning Act File(s): N/A

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, February 2, 2023
TIME:	3:20 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment

HM/B-22:129

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

PUBLIC INPUT

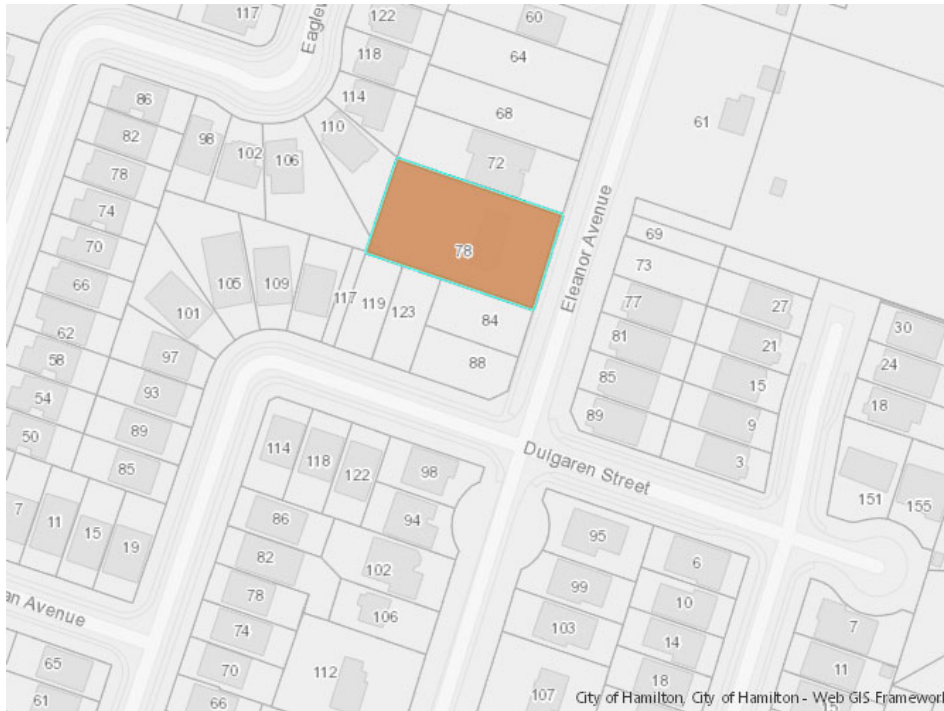
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/B-22:129, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



Subject Lands

DATED: January 17, 2023

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.

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comments can also be placed in the drop box which is located at the back of the 1st Floor of City Hall, 71 Main Street West. All comments received by noon two business days before the meeting will be forwarded to the Committee members.

Comments are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions During the Virtual Meeting

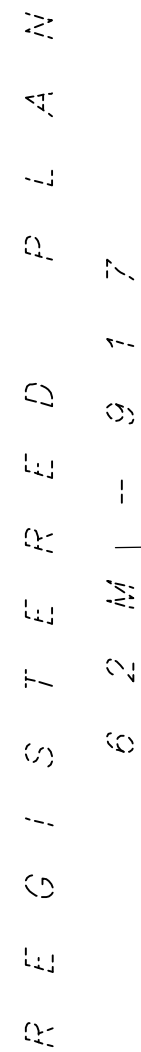
Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before the hearing.**

To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via phone or video, and if applicable the phone number they will be using to call in. A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

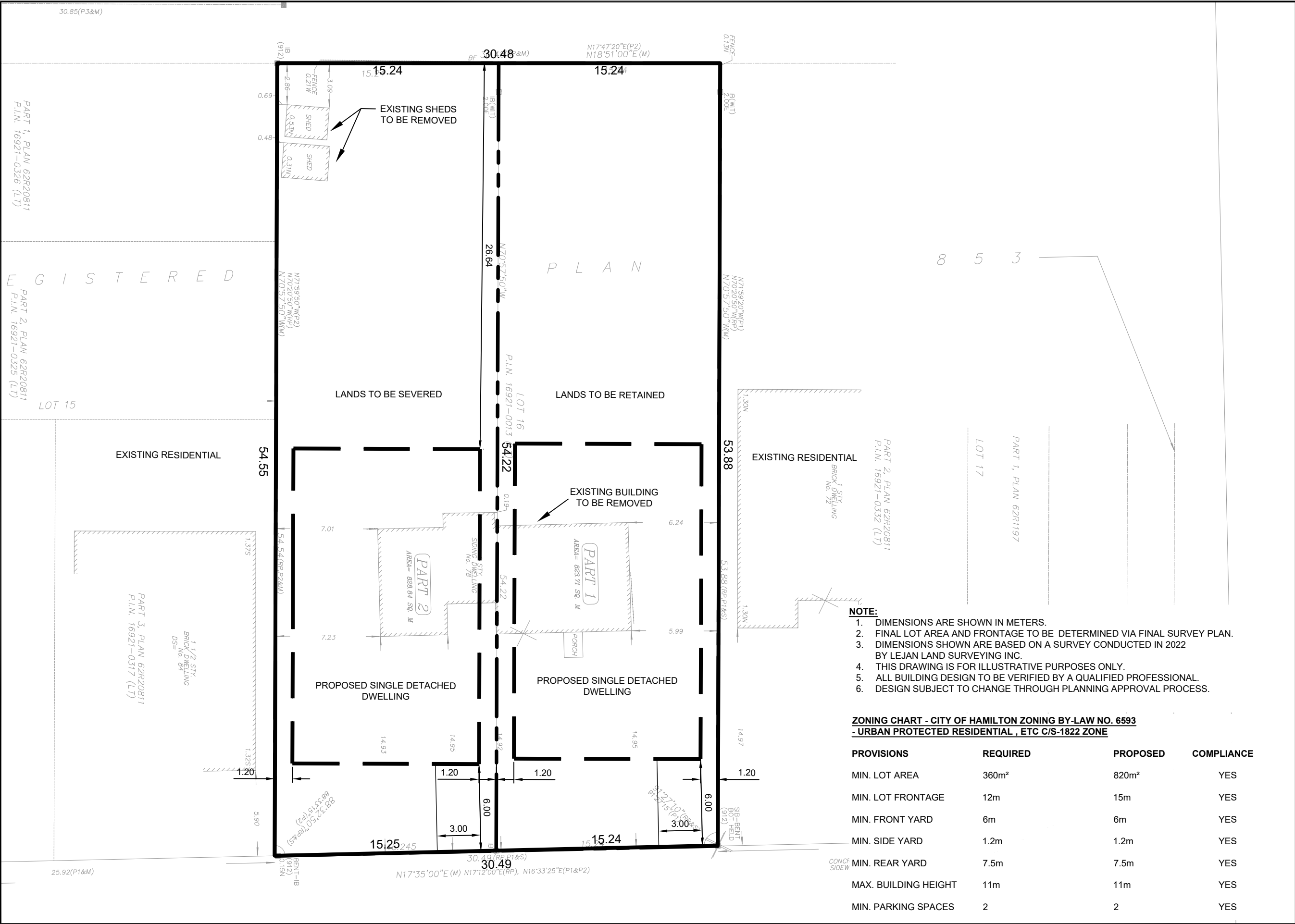


ELLE ANORA VENUU



572 Barton Street
Stoney Creek, ON L8E 5N3
Phone: 905-662.8969
Email: info@lejansurveying.ca

JOB No. 22-113



LEGAL DESCRIPTION

REVISIONS

A	REVIEW	7-DEC-2022	JS
REV.	DESCRIPTION	DATE	INIT.

DISCLAIMER
THIS DRAWING IS THE INTELLECTUAL PROPERTY OF T. JOHNS CONSULTING GROUP LTD. AND IS PROTECTED UNDER COPYRIGHT.
ANY DISCREPANCIES SHALL BE REPORTED TO T. JOHNS CONSULTING GROUP LTD. PRIOR TO THE START OF CONSTRUCTION.
THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS OTHERWISE INDICATED.

T. JOHNS CONSULTING GROUP
URBAN PLANNING | DESIGN
PROJECT MANAGEMENT
310 LIMERIDGE ROAD WEST, SUITE 6
HAMILTON ONTARIO, L9C 2V2
P 905-574-1993
F 905-527-9559

PROJECT TITLE
78 ELEANOR AVENUE
HAMILTON, ONTARIO

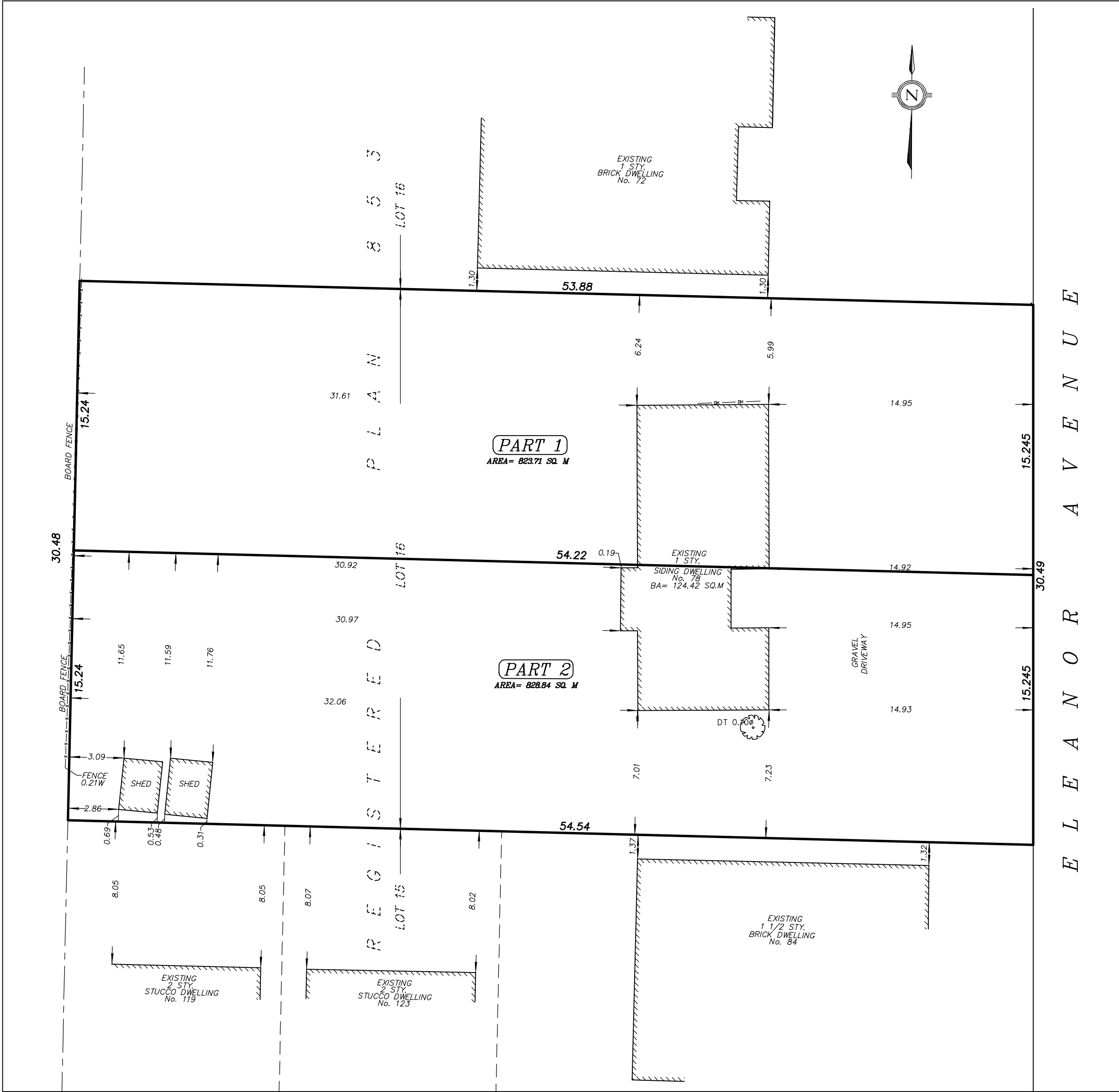
DRAWING TITLE
CONSENT SKETCH

DRAWN BY JS	DESIGNED BY JS
PRINT DATE 07-DEC-2022	PROJECT NUMBER
REVISION A	DRAWING NUMBER
SCALE 1:250	CS1-1

- NOTE:**
- DIMENSIONS ARE SHOWN IN METERS.
 - FINAL LOT AREA AND FRONTAGE TO BE DETERMINED VIA FINAL SURVEY PLAN.
 - DIMENSIONS SHOWN ARE BASED ON A SURVEY CONDUCTED IN 2022 BY LEJAN LAND SURVEYING INC.
 - THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES ONLY.
 - ALL BUILDING DESIGN TO BE VERIFIED BY A QUALIFIED PROFESSIONAL.
 - DESIGN SUBJECT TO CHANGE THROUGH PLANNING APPROVAL PROCESS.

**ZONING CHART - CITY OF HAMILTON ZONING BY-LAW NO. 6593
- URBAN PROTECTED RESIDENTIAL , ETC C/S-1822 ZONE**

PROVISIONS	REQUIRED	PROPOSED	COMPLIANCE
MIN. LOT AREA	360m²	820m²	YES
MIN. LOT FRONTAGE	12m	15m	YES
MIN. FRONT YARD	6m	6m	YES
MIN. SIDE YARD	1.2m	1.2m	YES
MIN. REAR YARD	7.5m	7.5m	YES
MAX. BUILDING HEIGHT	11m	11m	YES
MIN. PARKING SPACES	2	2	YES



SKETCH PREPARED FOR SEVERANCE APPLICATION
LOT 16
REGISTERED PLAN 853
IN THE
CITY OF HAMILTON
(REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH)

SCALE & NOTES
SCALE: 1:200
0 5 10 20 Metres

THOMAS GONDO
ONTARIO LAND SURVEYOR
© COPYRIGHT 2022

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

NOTE
THIS SKETCH IS PREPARED FROM COMPILED
AND CALCULATED INFORMATION

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

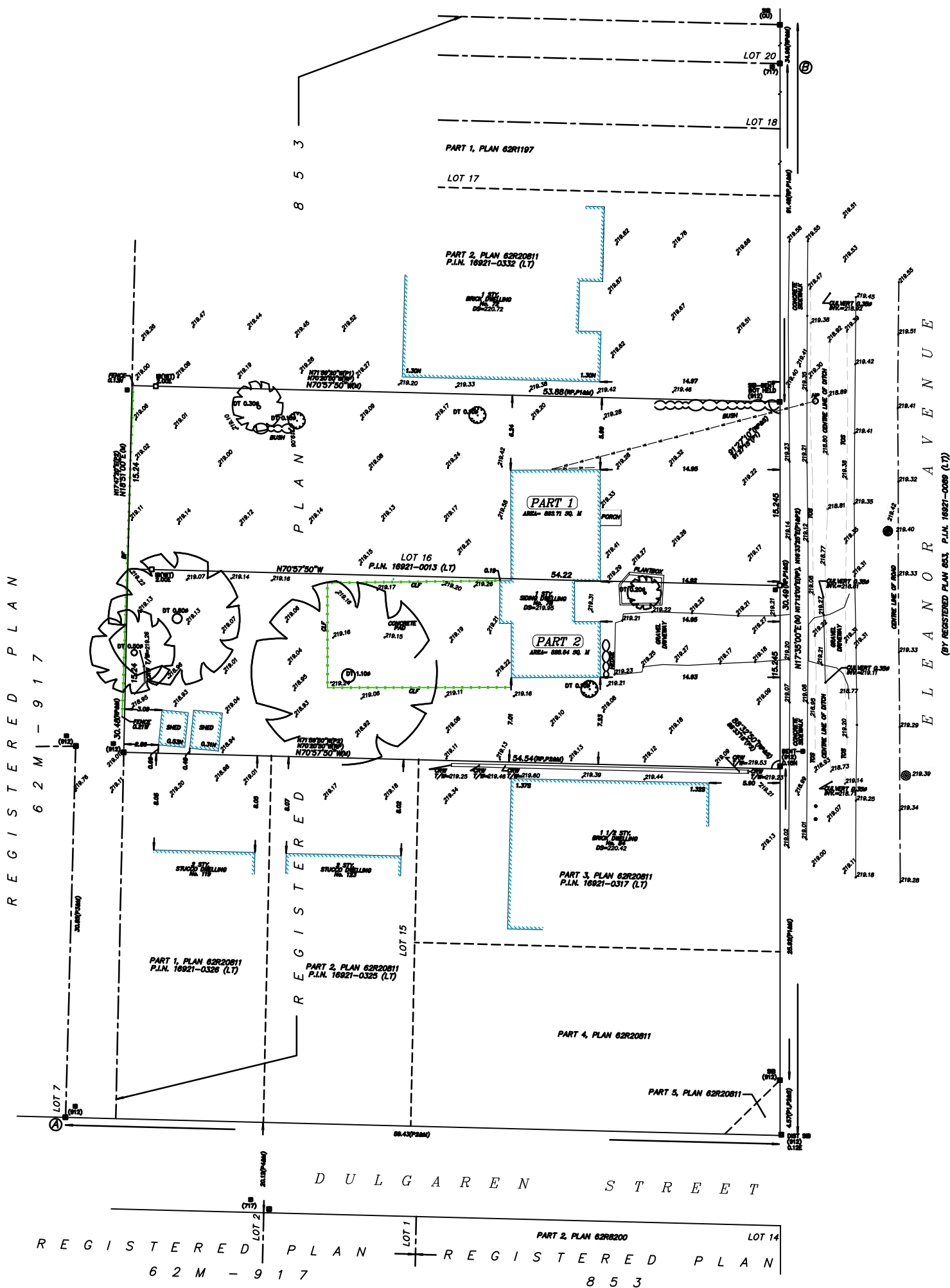
DATE: NOVEMBER 30, 2022.

THOMAS GONDO
ONTARIO LAND SURVEYOR



Lejan land Surveying Inc.
572 Barton Street
Stoney Creek, ON L8E 5N3
Phone: 905-643.6131
Email: info@lejansurveying.ca

DWN BY: KC
CHK BY: TG
JOB No. 22-113S



**I REQUIRE THIS PLAN TO BE DEPOSITED
UNDER THE LAND TITLES ACT**

PLAN 62R-
RECEIVED AND DEPOSITED

SCHEDULE				
PART	LOT	PLAN/CONCESSION	PIN No.	AREA
1	PART OF LOT 16	REGISTERED PLAN 853	P.I.N. 16921-0013 (LT)	823.50
2	PART OF LOT 16	REGISTERED PLAN 853	P.I.N. 16921-0013 (LT)	823.50

PART 1 & 2 COMPRISE ALL OF P.I.N. 16921-0013 (LT) .

THOMAS GONDO
ONTARIO LAND SURVEYOR

LEGEND

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

December 9, 2022

Via Email

ATTN: Jamila Sheffield, Secretary-Treasurer

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

RE: 78 Eleanor Avenue, Hamilton
Application for Consent to Sever

T. Johns Consulting Group (“T. Johns”) was retained by the applicant, Maga Developments Corporation to submit the following Consent to Sever application on their behalf.

Site Description

78 Eleanor Avenue (“subject lands”) is located in Hamilton, legally described as Lot 16, Registered Plan 853 in the City of Hamilton. The subject lands are rectangular in shape with an area of 0.165 hectares (0.41 acres) and 30.49 metres (100.03 feet) of frontage along Eleanor Avenue.

Planning Status

The Urban Hamilton Official Plan (“UHOP”) designates the subject lands as “*Neighbourhoods*”. The Neighbourhoods designation permits single detached dwellings.

The *City of Hamilton Zoning By-law 6593* zones the subject lands Urban Protected Residential, Etc. (C/S-1822) Zone. This zone permits a single detached dwelling on a lot with a minimum lot area of 360 square metres and a minimum lot frontage of 12 metres.

Proposed Development

This application for Consent to Sever is to create two (2) lots for a single detached dwelling. To facilitate the proposed development, the existing dwelling is to be demolished. As shown on the submitted Survey Plan and Consent Sketch, PART 1 (lands to be retained) would have a lot area of 823.71 square metres and lot frontage of 15.24 metres and PART 2 (lands to be severed) would have a lot area of 828.84 square metres and a lot frontage of 15.25 metres. The proposed lots meet the requirements of the C/S-1822 Zone of City of Hamilton Zoning By-law 6593.

T. Johns respectfully requests that this letter and enclosed documents be accepted and circulated to all relevant departments in support of the Consent to Sever application.

Please find the enclosed:

- Consent to Sever Application with signatures;

- Copy of a cheque in the amount of \$2,985.00 to satisfy the application fee, made payable to the City of Hamilton;
 - Cheque was hand delivered to City Hall December 9, 2022.
- Survey Plan;
- Topographical Survey Plan; and
- Consent Sketch.

Should you have any questions or require additional information, please do not hesitate to contact Diana Morris at (905) 574-1993 ext. 202.

Respectfully Submitted,
T. JOHNS CONSULTING GROUP LTD.



Diana Morris, BA, MCIP, RPP
Senior Planner



Hamilton

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 CONSENT TO SEVER LAND
and VALIDATION OF TITLE
UNDER SECTION 53 & 57 OF THE *PLANNING ACT***

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*			Phone: E-mail:
Registered Owners(s)	Maga Developments Corporation c/o Mark Maga		
Applicant(s)**	Same as owner		
Agent or Solicitor	T. Johns Consulting Group Ltd. c/o Diana Morris		

*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application.

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

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

1.3 Sign should be sent to ☐ Purchaser ☐ Owner
☐ Applicant ☒ Agent/Solicitor

1.4 Request for digital copy of sign ☒ Yes* ☐ No

If YES, provide email address where sign is to be sent dmorris@tjohnsconsulting.com

1.5 All correspondence may be sent by email ☒ Yes* ☐ No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	78 Eleanor Avenue		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot	16	Concession	
Registered Plan Number	853	Lot(s)	
Reference Plan Number (s)		Part(s)	

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:

3 PURPOSE OF THE APPLICATION

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

- | | |
|---|--|
| <input checked="" type="checkbox"/> creation of a new lot(s) | <input type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8) | <input type="checkbox"/> a charge |
| <input type="checkbox"/> cancellation (must also complete section 9) | |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | |

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

N/A

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

N/A

3.4 Certificate Request for Retained Lands: ☐ Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
--	-------------------------	----------	----------	-----------	-----------

Identified on Sketch as:	Part 2	Part 1			
Type of Transfer	N/A				
Frontage	15.245m	15.24m			
Depth	54.22m	54.22m			
Area	823.71sqm	828.84sqm			
Existing Use	Residential	Residential			
Proposed Use	Residential	Residential			
Existing Buildings/ Structures	Single detached	Single detached			
Proposed Buildings/ Structures	Single detached	Single detached			
Buildings/ Structures to be Removed	Single detached/shed	Single detached dwelling			

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- ☐ provincial highway
☒ municipal road, seasonally maintained
☐ municipal road, maintained all year

- ☐ right of way
☐ other public road

b) 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)

c) 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): N/A

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

The residential use is permitted. The subject lands have access to local commercial, community facilities/services and parks. The lands are appropriate for gentle residential intensification.

- 5.2 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 known, provide the appropriate file number and status of the application.

N/A

- 5.3 What is the existing zoning of the subject land? 'Urban Protected Residential "C/S-1822"

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

N/A

- 5.4 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 known, provide the appropriate file number and status of the application.

N/A

- 5.5 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 * Submit Minimum Distance Separation Formulae (MDS) if applicable	<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 HISTORY OF THE SUBJECT LAND

- 6.1 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, provide the appropriate application file number and the decision made on the application.

N/A

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

N/A

- 6.3 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.

N/A

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

Since October 31, 2022

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

If YES, describe the lands below or attach a separate page.

5 Southmeadow Crescent

7 PROVINCIAL POLICY

- 7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?

☒ Yes ☐ No (Provide explanation)

The proposed development provides residential infill development that is compatible with the surrounding neighbourhood and will be serviced by existing municipal infrastructure

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

☒ Yes ☐ No (Provide explanation)

The proposed development provides residential infill development that is compatible with the surrounding neighbourhood and will be serviced by existing municipal infrastructure

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

☒ Yes ☐ No (Provide explanation)

Lands are within delineated built-up area of Hamilton that is compatible with existing neighbourhood

- 7.4 Are the subject lands subject to the Niagara Escarpment Plan?

☐ Yes ☒ No (Provide explanation)

7.5 Are the subject lands subject to the Parkway Belt West Plan?

☐ Yes

☒ No

(Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

☐ Yes

☒ No

(Provide explanation)

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

☐ Yes

☒ No

(Provide explanation)

8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

☐ Yes

☒ No

(Provide explanation)

8.2 Does the current owner have any interest in any abutting land?

☐ Yes

☐ No

(Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

☐ Yes

☐ No

(Provide explanation)

9.2 Does the current owner have any interest in any abutting land?

☐ Yes

☐ No

(Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)