



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

Application for Consent/Land Severance

APPLICATION NUMBER: SC/B-21:24

SUBJECT PROPERTY: 244 Federal St., Stoney Creek

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):

Agent A.J. Clarke & Associates c/o K. Kloibhofer
Owner M. Muraca

PURPOSE OF APPLICATION:

To convey a parcel of land for residential purposes and to retain a parcel of land for residential purposes. The existing dwelling shall be removed to facilitate this application.

Severed lands (Part 1):

9.1m[±] x 45.7m[±] and an area of 512m^{2±}

Retained lands (Part 2):

9.1m[±] x 45.7m[±] and an area of 449m^{2±}

The Committee of Adjustment will hear this application on:

DATE: Thursday, April 22nd , 2021

TIME: 3:00 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: April 6th, 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.



SCALE 1:200



IN THE

METRIC:

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION TO THE COMMITTEE OF ADJUSTMENT FOR A CONSENT TO SEVER THE LANDS KNOWN AS 244 FEDERAL STREET INTO PARTS 1 & 2 AS SHOWN ON THE FACE OF THE PLAN.

THIS SKEL

COPY OF

AREA OF

AREA OF

CAUTION

USED EX

DATE _____

ATHITH



SURVEYORS • PLANNERS • ENGINEERS

TEL. 90

email: ajc@ajclarke.com

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 |
|-----------------------------|---------------------------------------------------|---------|
| Registered Owners(s) | Miranda Muraca | |
| Applicant(s)* | Franz Kloibhofer c/o A.J Clarke & Associates Ltd. | |
| Agent or Solicitor | | |

* 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 Stoney Creek | Lot | Concession | Former Township |
| Registered Plan N°. | Lot(s) | Reference Plan N°. | Part(s) |
| Municipal Address 244 Federal Street | | | 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:

N/A

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

Other: ☐ a charge

- ☐ addition to a lot
☐ an easement

- ☐ 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:

N/A

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

N/A

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**:

| Frontage (m) | Depth (m) | Area (m ² or ha) |
|--------------|-----------|-----------------------------|
| 9.14 | 45.72 | 512.69 |

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: one single-family residential house

Proposed: one single-family residential house

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**:

| Frontage (m) | Depth (m) | Area (m ² or ha) |
|--------------|-----------|-----------------------------|
| 9.15 | 45.72 | 449.80 |

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: one single-family residential house

Proposed: one single-family residential house

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): 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 proposed severance conforms to the policies within the Official Plan, as it maintains similar frontage to the neighboring lots as well as intensifies the area by providing another residential unit.

5.2 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? R6 - Residential 6

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 N/A
- 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?
City of Hamilton Interactive Mapping
- 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

The proposed severance conforms to the policies within the Planning Act, as it maintains similar neighborhood frontage and intensifies the area with the additional of residential uses

- b) Is this application consistent with the Provincial Policy Statement (PPS)?
☒ Yes ☐ No (Provide explanation)

The proposed severance conforms to the policies within the PPS, as it will not provide any adverse affects to the neighborhood or the surrounding area.

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
☒ Yes ☐ No (Provide explanation)

The proposed severance provides the addition of residential units, thereby intensifying the area.

- 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

- 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)

N/A

- 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)

N/A

- 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)

It will not provide any adverse affects to the surrounding neighbourhood

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.

N/A

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

N/A

- 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.

N/A

8.4 How long has the applicant owned the subject land?

N/A

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.

N/A

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.

N/A

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 N/A

Status N/A

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

☐ Rural Settlement Area Severance or Lot Addition

(Complete Section 10.3)

☐ 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 (m² 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:

☐ Non-Habitable

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

11 OTHER INFORMATION

N/A

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

- ### 13 ACKNOWLEDGEMENT CLAUSE

Miranda B. Mucac
Signature of Owner



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

March 12, 2021

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

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

**Re: Severance Application
244 Federal Street, Town of Stoney Creek**

Dear Sir,

On behalf of our client, Miranda Muraca, we are pleased to provide you with the enclosed submission in support of an application for consent to sever for the subject lands. Please find the following enclosed materials:

1. A cheque in the amount of \$2,860.00 made payable to the City of Hamilton, in payment of the requisite application fee;
2. Two (2) copies of the completed application form, including an original;
3. Three (3) copies of the severance sketch – one (1) full size and two (2) ledger size;

The proposed development consists of a severance application to sever one parcel of land from the existing lot at 244 Federal Street, in the Town of Stoney Creek. The proposed severed and retained parcels are identified as Parts 1 & 2, respectively, on the enclosed severance sketch. The existing single-detached dwelling on the subject lands will be demolished in order to accommodate the development of a new single-detached dwelling on each of the future severed and retained parcels.

The severed and retained lots as proposed in the attached severance sketch result in a minor zoning deficiency. A Minor Variance will therefore be required to permit a minimum lot frontage of 9.14m; whereas, 10m is required. It is anticipated that a Minor Variance Application will be required through a condition of the future Provisional Consent Approval. This Minor Variance Application will be submitted upon completion of the final architectural house plans to provide any necessary relief resulting from the future built form through a single application.

I trust this is satisfactory for your purposes and thank you for your co-operation in this matter. Should you have any questions or require additional information, please do not hesitate to contact our office.



Yours very truly,

Franz Kloibhofer, B.E.S (Hons), MCIP, RPP
A. J. Clarke and Associates Ltd.

Encl.

Copy: Miranda Muraca