

## **NOTICE OF PUBLIC HEARING** **Minor Variance**

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**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
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**APPLICATION NO.:** SC/A-21:442

**APPLICANTS:** Agent A.J. Clarke & Associates c/o F. Kloibhofer  
Owner Miranda Muraca

**SUBJECT PROPERTY:** Municipal address **244 Federal St., Stoney Creek**

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

**ZONING:** "R6" (Residential "R6" Zone)

**PROPOSAL:** To permit a lot to be conveyed (Part 1) and to permit a lot to be retained (Part 2) with each lot to contain a single detached dwelling in order to facilitate Consent File No. SC/B-21:21 notwithstanding that:

1. A minimum lot frontage of 9.1m shall be provided for an interior lot instead of the minimum required minimum lot frontage of 10.0m for an interior lot.
2. A minimum side yard of 0.9m shall be permitted instead of the minimum required side yard of 1.25m.
3. Eaves or gutters, for other than an accessory building, shall be permitted to project into any required yard a distance of not more than 0.6m instead of the requirement that eaves or gutters, for other than an accessory building, may project into any required yard a distance of not more than 0.5m
4. A maximum lot coverage of 47% shall be permitted instead of the maximum required lot coverage of 40%.

**NOTE:**

- i) The variances are necessary to facilitate Consent File No. SC/B-21:21.

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

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**DATE:** Thursday, February 3rd, 2022  
**TIME:** 1:45 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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## **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](http://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](mailto:cofa@hamilton.ca)

DATED: January 18th, 2021.

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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.***

# CITY OF HAMILTON (STONEY CREEK)

## 244 FEDERAL STREET, STONEY CREEK SEVERANCE (SC/B-21:24)

CONSENT AGREEMENT SUBMISSION: NOVEMBER 23, 2021  
APPLICATION No. SC/B-21:24  
PROJECT No. 208185

### LIST OF DRAWINGS

1. SERVICING PLAN
2. GRADING & ESC PLAN
3. STORM DRAINAGE AREA PLAN



N.T.S.

PETER MURACA



*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](mailto:ajc@ajclarke.com)



**WATER SERVICES NOTE**  
All backflow prevention devices must be selected, installed and maintained in accordance with the City of Hamilton's backflow prevention by-law # 10-103, including the manufacturer's specifications for installation etc., and guidelines set out in the most recent versions of 'AWWA Canadian Cross Connection Control Manual' CSA, B64, 10/07/B64, 10, 1-07 standards'. In selecting a backflow device for a property, consideration must be given to future possible uses of the site which could result in a higher risk to municipal drinking water system, thus making the device initially chosen inadequate for new purpose and requiring future change out at the owner's expense.

**GENERAL SERVICES NOTE**  
Minimum horizontal separation between water services/main and sewer drains and municipal sewer main shall be 2.5m measured from the closest pipe edge to closest pipe edge. Vertical separation where water service/main passes over a sewer drain or municipal sewer main must be a minimum of 0.25m unless greater separation is required to provide for proper bedding and structural support. Water services/main passing under sewer drains or municipal mains must have a separation of 0.5m between the invert of the sewer main/drain and the crown of the water service/main. All water services to be installed with a minimum cover of 1.6m to the pipe invert. Sewer drains to be installed with a minimum cover of 2.20m at the property line below the final road grade or at such higher elevation only as may be necessitated by the level of the main sewer. On private property the minimum cover for sewer drains is to be no less than 1.2m.

All services to be installed as per City of Hamilton construction and material specifications manual (latest edition) and Ministry of the Environment Conservation and Parks Guidelines (latest edition).

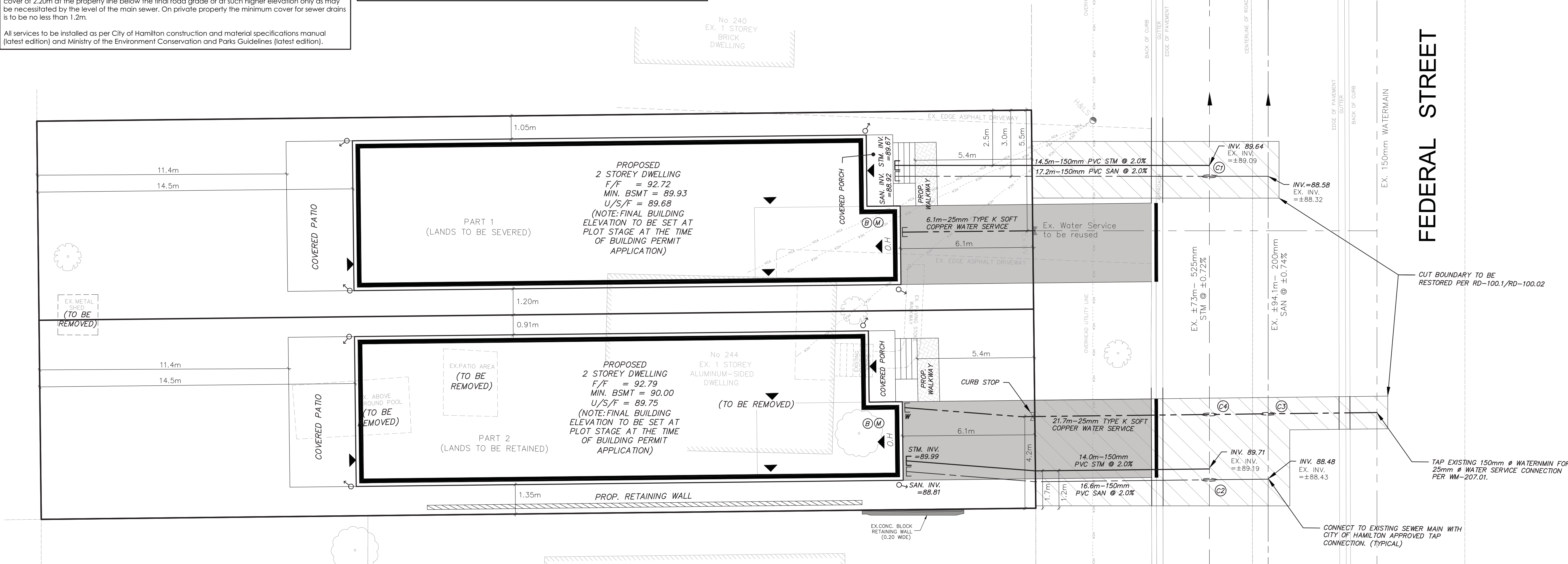
**EXISTING SERVICES NOTE**  
The reuse of existing water services on private property is at the owner's sole risk and responsibility. Water services within the municipal road allowance or within municipal easements may be reused if in good working condition, meet by-law requirements and are of adequate capacity to meet the requirements of the site. Contact Planning and Economic Development Department, Growth Management Division, Development Engineering Construction section at (905)546-2424 x7860 to arrange for an inspection.

All existing unused sewer drains, servicing a property being redeveloped in whole or in part must be removed from municipal property i.e. road allowance, etc., with an appropriate repair to the municipal sewer main to which they connect, and either removed from private property or abandoned in accordance with City minimum requirements i.e. plugging at either end with a minimum 300mm concrete.

**EXISTING SERVING NOTE**  
Existing water service shall be inspected and confirmed to be in good condition for re-use. Otherwise, a new water service shall be provided.

**EXISTING SERVICES NOTE**  
If the applicant/owner intends to reuse an existing water service it must be in good working condition, of acceptable material (re-use of lead services is not permitted) and adequately sized to handle the requirements of the site. If the existing service to be reused has a nominal size of 12 mm or 16 mm, which is less than the standard 20mm By-law requirement, and a service flow exceeding 0.3 l/s, then the applicant/owner may connect to it or reuse it, subject to them entering into a 'Special Private Water Service Agreement' with the City and registering this Agreement on title.

All existing unused sewer drains, servicing a property being redeveloped in whole or in part must be removed from municipal property i.e. road allowance, etc., with an appropriate repair to the municipal sewer main to which they connect, and either removed from private property or abandoned in accordance with City minimum requirements i.e. plugging at either end with a minimum 300mm concrete.



STANDARD NOTES

A. PRIVATE DRAINS

- a) Private drains to be 150mm dia. PVC pipe, CSA B182.1 M-1983, SDR 28 as per Form 500. Storm pipe shall be white in colour. Sanitary shall be any colour other than white. Wood marking at end of sanitary private drains shall be painted red.
- b) Cover and bedding material for private drains shall be Granular 'A' installed as per OP5D 802.010 and per SEW-302.
- c) Minimum fall for private drains to be 2.0%.
- d) Minimum horizontal distance between storm and sanitary laterals shall be 0.45m.
- e) Sanitary and storm private drains shall be installed to 1.0m inside the property line and capped for future extension.

B. WATERMAINS AND WATER SERVICES

1. WATER SERVICES

- a) 'W' denotes water service connection (25mm dia. Type 'K' soft copper) as per WM-207.01.
- b) Piping arrangements are to be as per WM-207.01 for 25mm services.
- c) Curb stops are to be installed on all water services at the property line where noted.
- d) Granular bedding as per WM-200.01 to be Granular 'D' as per Form 400.
- e) Water services to be installed with a minimum cover of 1.6m or as detailed.
- f) All Backflow Prevention Devices must be selected, installed and maintained in accordance with the City of Hamilton's Backflow Prevention By-law # 10-103, including the manufacturer's specifications for installation etc., and guidelines set out in the most recent versions of the 'AWWA Canadian Cross Connection Control Manual' and the 'CSA, B64.10 / 07 / B64, 10.1-07 Standards'. In selecting a backflow device for a property, consideration must be given to future possible uses of the site which could result in a higher risk to the municipal drinking water system, thus making the device initially chosen inadequate for the new purpose and requiring future change out at the Owner's expense.
- g) All existing water meter on systems to be abandoned must be removed and salvaged by the city of Hamilton, the servicing contractor should contact the water and wastewater section, public works department at 905-546-4426 to arrange for the work.

C. ROAD WORKS

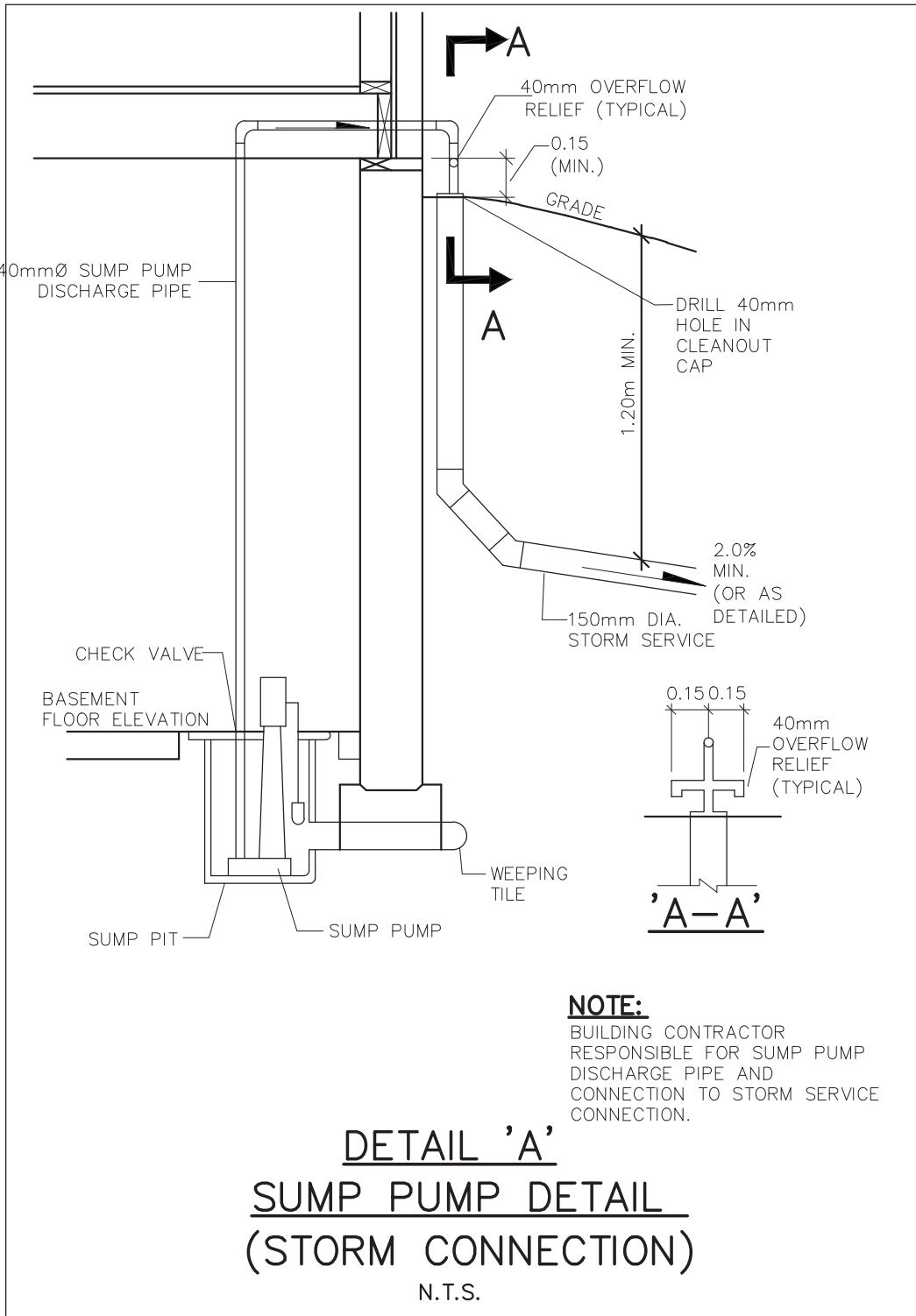
- a. Road restorations shall be as per City of Hamilton Standards RD-100.01 & RD-100.02 & City of Hamilton Road Cut permit.
- b. Driveway aprons shall as per City of Hamilton standard driveway RD-106.

D. COMPACTION REQUIREMENTS

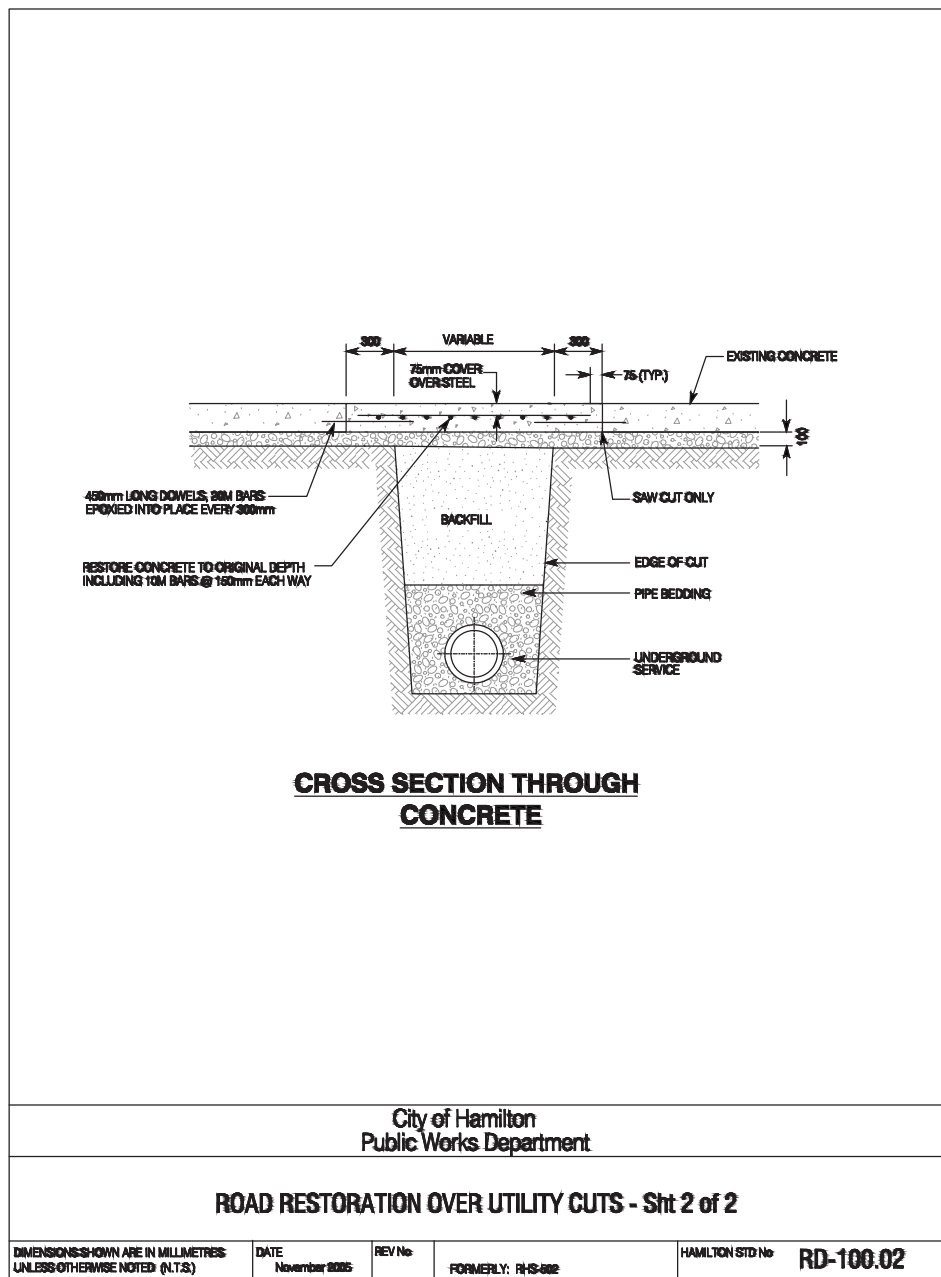
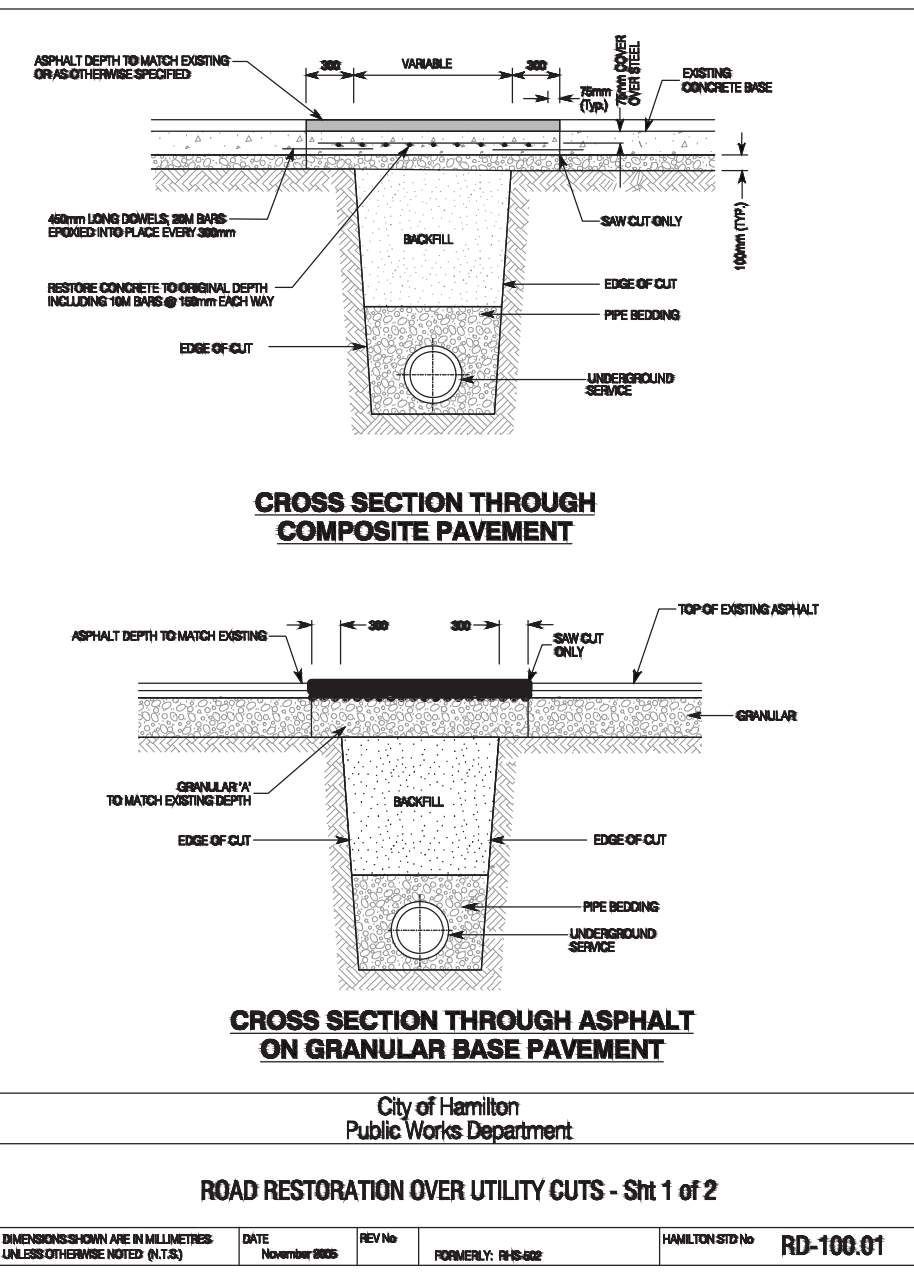
- a. All bedding and backfill material, road sub-grades and generally all material used for lot grading and fill sections, etc., shall be compacted to min. 100% SPD (unless otherwise recommended by the geotechnical engineer). All material shall be placed in layers not exceeding 300mm lifts.
- b. All granular road base materials shall be compacted to 100% SPD.

**GENERAL NOTE**  
Approval of this drawing is for material acceptability and compliance with municipal and provincial specifications and standards only. Approval and inspection by the City of the works does not certify the line and grade of the works and it is the owner's responsibility to have their Engineer certify this accordingly.

All services to be installed as per City of Hamilton construction and material specifications manual (latest edition) and Ministry of the Environment Conservation and Parks Guidelines (latest edition).



SERVICING CROSSING SCHEDULE				
CROSSING No.	BOTTOM OF PIPE	TOP OF PIPE	DIFFERENCE	W/M LOWERING REQUIRED
C1	89.00 (EX. STM)	88.79 (SAN. LAT.)	0.21m	N/A
C2	89.11 (EX. STM)	88.87 (SAN. LAT.)	0.24m	N/A
C3	89.64 (WM)	88.61 (EX. SAN.)	1.03m	NO
C4	89.08 (EX. STM)	88.58 (WM)	0.50m	YES



LEGEND

- PROPOSED ROOF LEADER
- PLUG (PROPOSED / EXISTING)
- EXISTING WATER VALVE
- PROPOSED WATER VALVE AND BOX/CURB STOP
- EXISTING CURB & GUTTER
- EXISTING FENCE
- EXISTING DECIDUOUS TREE WITH TREE TRUNK < 100 MM IN MILLIMETRES
- PROPOSED WATER SERVICE LATERAL
- EXISTING STORM MANHOLE
- EXISTING SANITARY MANHOLE
- PROPOSED FIRST FLOOR ELEVATION
- PROPOSED BASEMENT FLOOR ELEVATION
- PROPOSED UNDERSIDE OF FOOTING ELEVATION
- EXISTING HYDRO POLE & LIGHT STANDARD
- PROPOSED SANITARY LATERAL PIPE
- PROPOSED STORM LATERAL PIPE
- EXISTING WATERMAIN
- EXISTING SANITARY SEWER
- EXISTING STORM SEWER
- PROPOSED 25mm WATER METER
- PROPOSED 25mm BACKFLOW PREVENTER

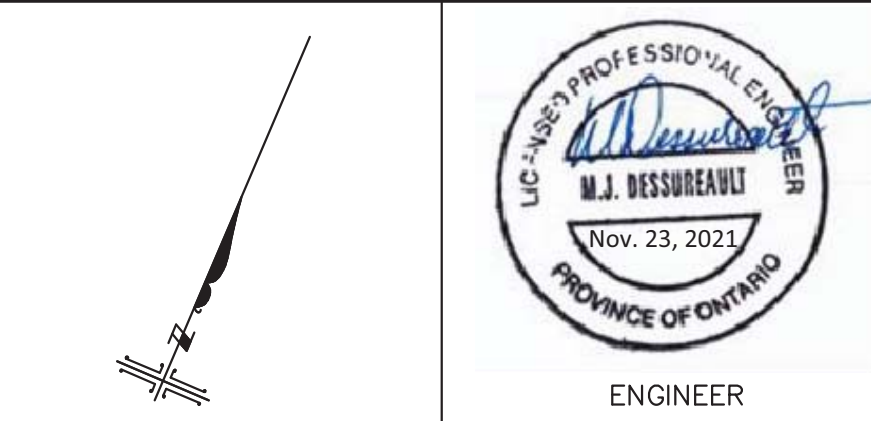


KEY PLAN N.T.S.

**SITE BENCH MARK**  
City of Hamilton  
Monument No: 07720100036  
Elevation: 86.893m CGVD:78  
Description: RIB with brass cap  
Monument is located at the East side of Mahony Park, 90m North of the centerline of Barton Street East, 13m North of the Centerline of Goggin Avenue abd 16m West of the Centerline of Adeline Avenue

No.	Revision	By	Date
2.	REISSUED FOR CONSENT AGREEMENT		M.D. NOV 23, 2021
1.	CONSENT AGREEMENT SUBMISSION		M.D. OCT 18, 2021

- GENERAL NOTES
- TENDERERS SHALL SATISFY THEMSELVES AS TO THE NATURE OF THE GROUND AND BID ACCORDINGLY.
  - ALL ROCK LINE INDICATIONS SHOWN ON THE PLAN MUST BE VERIFIED BY THE CONTRACTOR.
  - CONTRACTOR SHALL VERIFY LOCATIONS AND INVERTS OF ALL EXISTING SANITARY AND STORM SEWERS AND WATERMAINS, PRIVATE SEWER DRAINS AND WATER SERVICES, GASMAINS, CABLE TV, HYDRO AND TELEPHONE DUCTS, ETC., AT START OF CONSTRUCTION.



PROJECT OWNER:  
**PETER MURACA**

NOT ISSUED FOR CONSTRUCTION

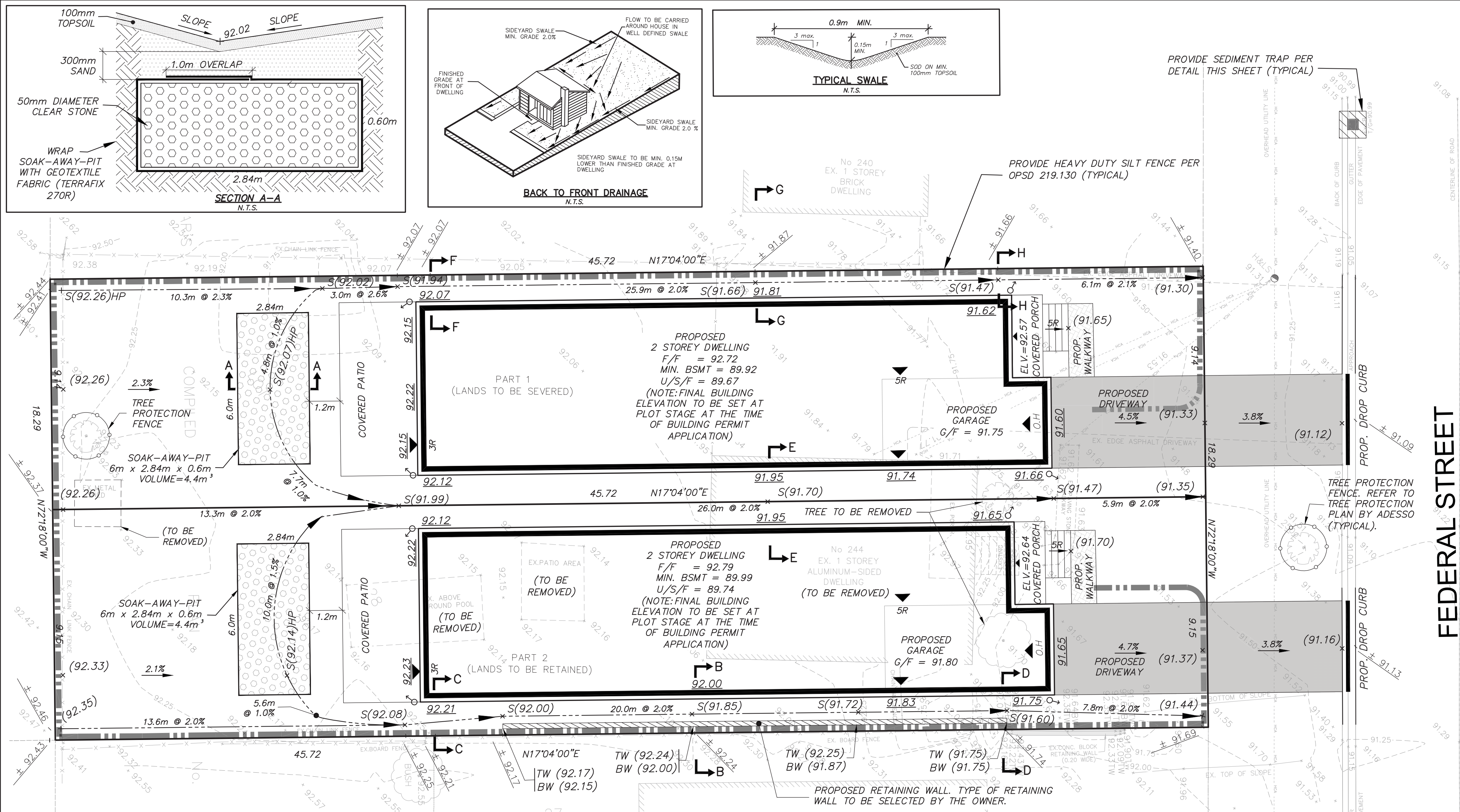
MUNICIPALITY:  
**CITY OF HAMILTON (STONEY CREEK)**

PROJECT NAME:  
**244 FEDERAL STREET, STONEY CREEK SEVERANCE (SC/B-21:24)**

**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

TITLE: <b>SERVICING PLAN</b>	SCALE: 1:100	DATE: JUNE 2021
DWG: 208185	DESIGN: A.C./M.D.	DRAWN: S.S./M.M
		SHT: 1

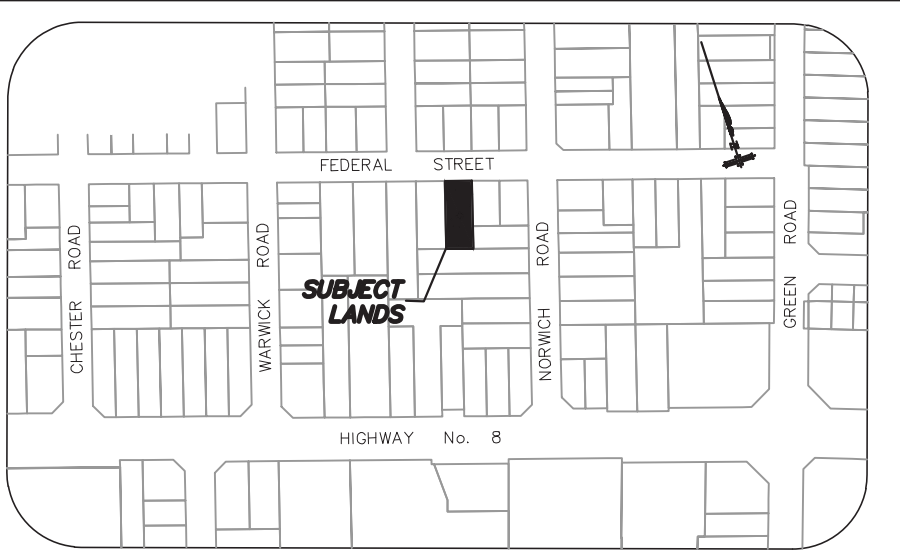
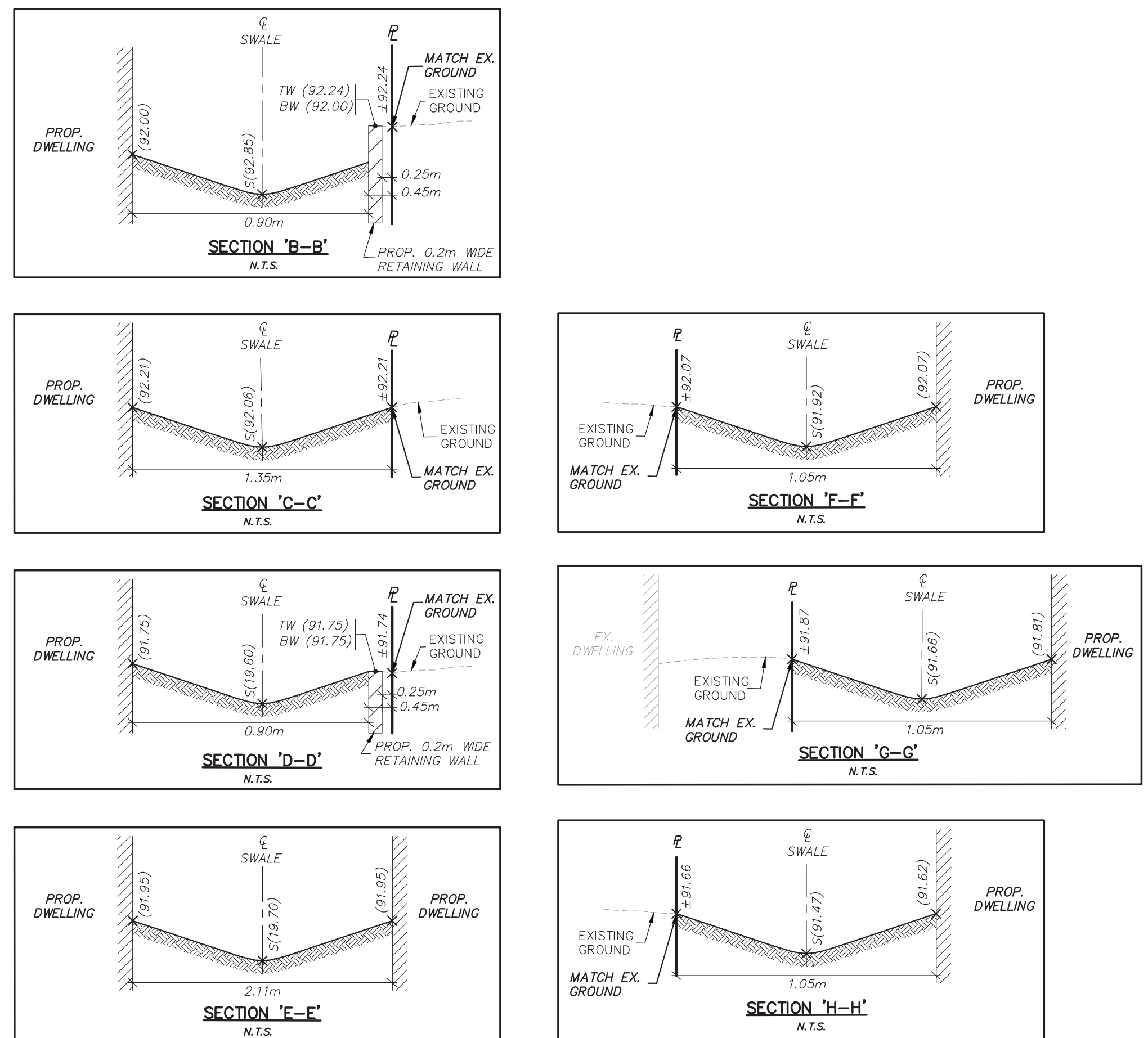
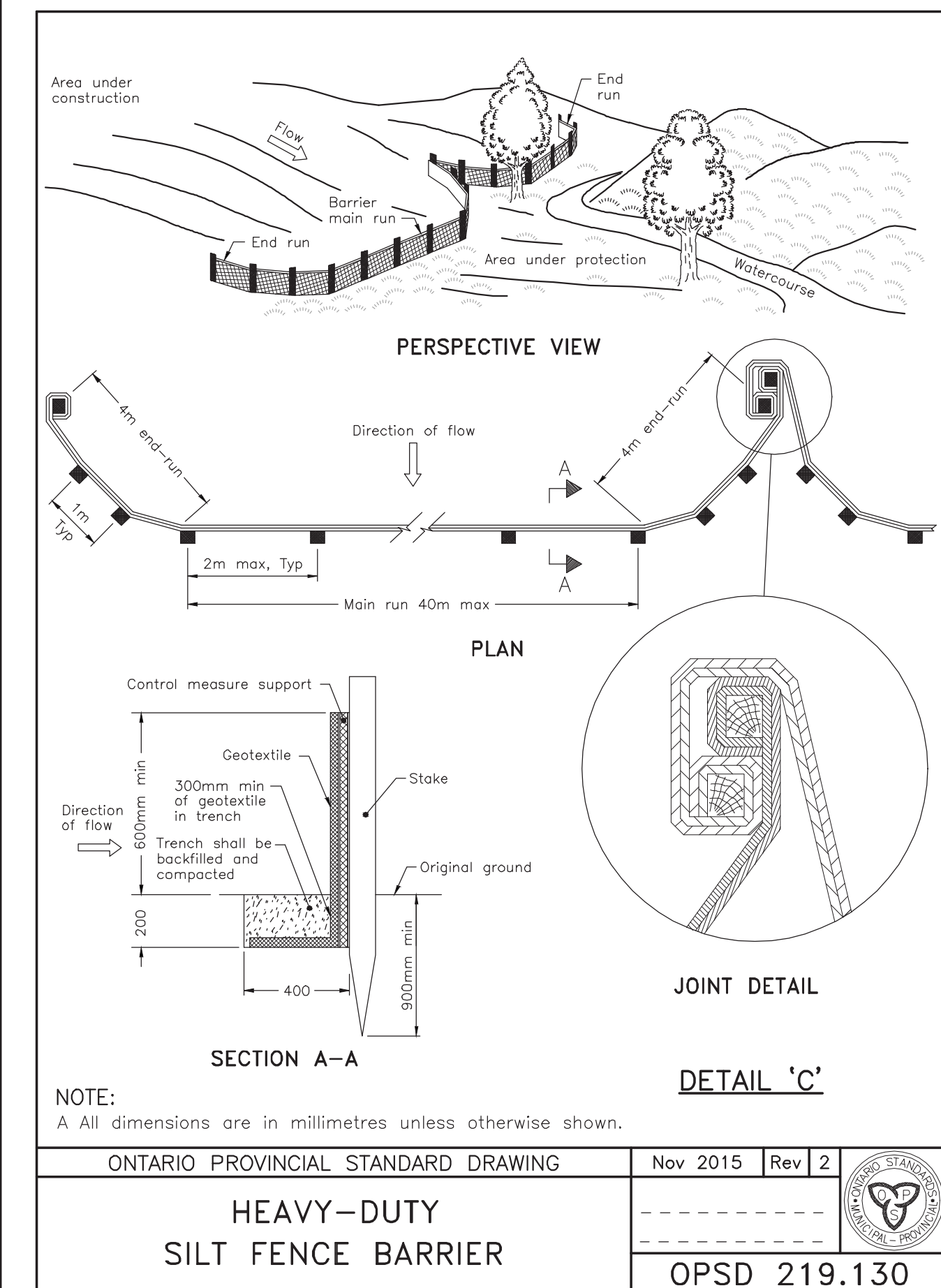
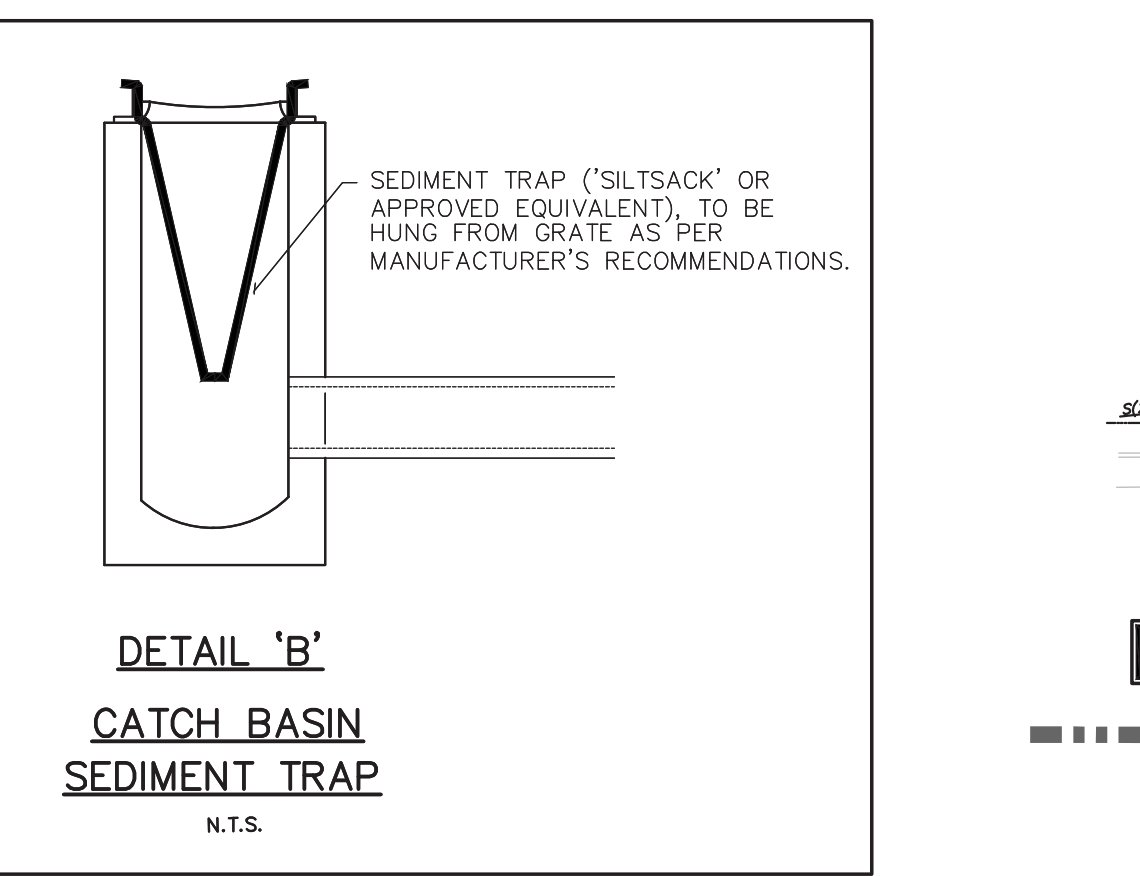




- GENERAL GRADING NOTES**
- Along adjoining properties grade to meet existing or proposed elevations with sodded slopes (min. 3H to 1V) and/or retaining walls as specified.
  - Slopes of swales for both "back to front" and "split" drainage shall be no less than 2.0% grade and no greater than 3.0% grade (3:1 slopes).
  - When matching to existing properties where a 2.0% grade cannot be achieved, a 1.5% grade is permitted provided a 150mm sub-drain is installed below the bottom of the swale and drained to a suitable outlet, (with a minimum 0.3m cover over the sub-drain), or other mitigation measures.
  - Minimum grade for a wrap-around swale in the backyard shall be 1.0%.
  - Unless otherwise noted, the ground between proposed elevations on side lots shall be graded as a straight line.
  - Top of foundation walls for buildings shall be 150mm (min) above finished grade.
  - Driveway slopes shall not be less than 2% and not more than 7.0%. Reversed sloped driveways in new developments are not permitted.
  - Garage floor elev. to be set minimum 0.3m higher than back of walk, unless otherwise specified.
  - All fill placed on lots shall be compacted to a minimum 95% SPD (unless otherwise recommended by the geotechnical engineer). All material shall be placed in layers not exceeding 300mm lifts.
  - For delineation of tree protection zones, buffers, removals and protection schematics, etc., refer to Tree Protection Plan.
  - If grading is required on lands adjacent to the development which are not owned by the developer, then the developer must obtain written permission from the adjacent property owner to allow the developer to grade on the adjacent lands, otherwise retaining walls must be used.
  - The written permission required from the adjacent landowner shall be obtained prior to entering the lands. Should permission not be obtained or if withdrawn prior to commencing the work, then the developer shall limit his activities to the limits of the development site.
  - Driveway and driveway approaches shall be located such that hydro vaults and other street furniture are a min. of 1.2m from the projections of the outside garage walls.
- BACKYARD GRADING NOTES**
- Definition: "Required back yard" shall mean the lesser of the distance regulated by the zoning by-law or 6m.
  - The maximum slope in the back yard adjacent to the building for a distance equal to the required back yard shall be 5%, except as set out in items below.
  - The 5% restriction shall not apply to the sides of a swale along the sides or back of the lot, providing the total width of the swale shall not exceed one (1) metre on each lot.
  - Where the 5% restriction on the backyard grades results in elevation differences between different properties, retaining walls shall be constructed along the sides and the back of the lot. Slopes with a maximum of three horizontal to one vertical may replace the walls where the difference in elevation is less than 0.3m.
  - Generally, slopes shall be placed on the lower lot, whereas retaining walls shall be placed on the higher lands.
  - The 5% restriction does not preclude retaining walls in the required backyards providing the terraces are maintained to the 5% grade as set out in item b) above. The intention of this provision is to provide for flexibility of house construction.
  - There is no control on the steepness of the slopes in side yards, front yards and back yards, outside the area defined in a) above, providing the slopes are stable for the soils of the area (minimum 3H:1V).
- SUMP PUMPS**  
Sump pumps with check valves are to be installed in each dwelling to pump the weeping tiles to the storm private drain. The sump outlet shall extend a minimum of 150mm above the proposed grade at the dwelling (basement ceiling) prior to discharging to the storm private drain.
- ROOFWATER LEADERS**  
Roofwater leaders for all lots shall drain into the ground via concrete splash pads, and then to grassed areas at least 0.6m from dwelling face.
- FOUNDATION DRAINS**  
Weeping tiles shall drain to sump pit and be pumped to storm sewer via sump pump with back-flow preventor (see detail this sheet).

- EROSION AND SEDIMENT CONTROL NOTES**
- All erosion and sediment control measures (temporary sediment control fences, storm sewer bulkheads, work limit fences, sediment basins, etc.) must be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated. All ESC measures shall be installed as detailed on engineering drawings and as per 'Erosion & Sediment Control Guidelines for Urban Construction', GGHA CAs, December 2006.
  - Sediment control fences shall consist of non-woven filter cloth (TerraFix 270R or approved equivalent) buried 0.2m in the ground, 0.6m high and secured to 'T' posts at min. 2.4m centres as per OPSD 219.130 and shall be placed where detailed. If excessive sediment buildup/blockage occurs (visual inspection) then replacement of the filter cloth is required.
  - Cut-off swales to be constructed where specified and periodically inspected to ensure that erosion does not occur.
  - Catch basin sediment control device, i.e. 'Siltlock' by ACF Environmental or approved equivalent, to be placed as per manufacturer's recommendations (see Detail 'B'). Regular maintenance is required ('Siltlock' sumps shall be inspected for sediment accumulation and filter cloth blockage on a weekly basis). These sediment traps are not to be removed until the curbs have been constructed and the boulevards sodded.
  - Regular maintenance for all catch basins (street & rear lot) is required (sediment traps and sumps shall be inspected for sediment accumulation, trash build-up and filter cloth blockage on a weekly basis and after any major rainfall event). Accumulated sediment shall be removed by mechanical means. Flushing of sediment into the storm sewer system is prohibited. If standing water remains in the catch basin 24 hours (minimum) after a storm then cleaning or replacement of the filter cloth is required.
  - Sodded piles shall also be temporarily seeded to prevent erosion. Placement of vegetation shall be in accordance with OPS. 803. Where required, erosion control blankets shall be placed as per OPS. 804, at the direction of the City Engineer.
  - All erosion and siltation control measures shall be inspected weekly in addition to inspection after each rainfall event. All deficiencies shall be remedied to the satisfaction of the Engineer.
  - Any disturbed areas not scheduled for further construction within 45 days will be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction.
  - All disturbed external areas shall be revegetated with permanent cover (as detailed) within 7 days of the completion of that particular phase of construction.
  - Work limit snow fence shall consist of plastic snow fence supported by steel 'T' posts at min. 2.4m centres.
  - Additional erosion and sediment control locations/measures may be required as determined by the City Engineer.

- LEGEND**
- F / F PROPOSED FIRST FLOOR ELEVATION
  - BSMT PROPOSED BASEMENT FLOOR ELEVATION
  - U/S/F PROPOSED UNDERSIDE OF FOOTING ELEVATION
  - EXISTING HYDRO POLE & LIGHT STANDARD
  - ±000.00 EXISTING GRADE ADJACENT
  - ORIGINAL GROUND ELEVATION
  - PROPOSED GROUND ELEVATION
  - PROPOSED MIN. FINISHED GRADE AT DWELLING
  - DIRECTION OF SURFACE DRAINAGE SWALE
  - SWALE INVERT ELEVATION
  - EXISTING CURB & GUTTER
  - EXISTING FENCE
  - EXISTING DECIDUOUS TREE WITH TREE TRUNK Ø IN MILLIMETRES
  - PROP. ROOF LEADER
  - PROP. BUILDING ENVELOPE
  - SEDIMENT CONTROL FENCE (NON WOVEN-TERRAFIX 270R) (DETAIL 'A')
  - STREET CATCH BASIN SEDIMENT TRAP (DETAIL 'B')

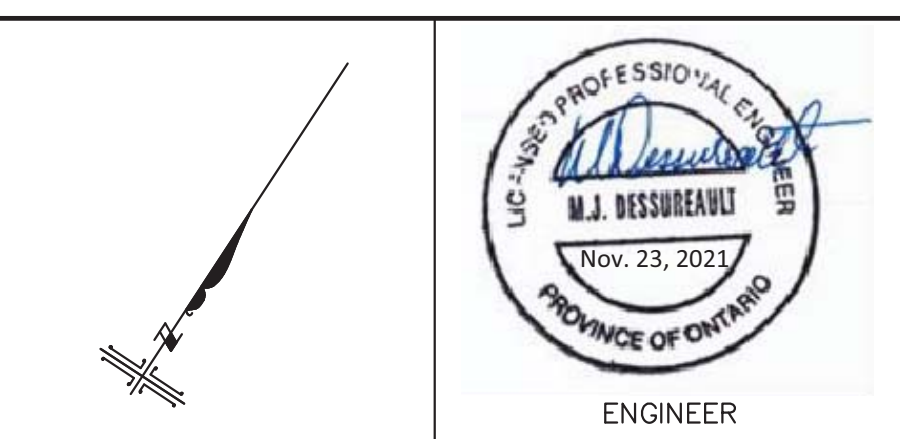


**KEY PLAN** N.T.S.

**SITE BENCH MARK**  
City of Hamilton  
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REVISIONS			
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PETER MURACA

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**MUNICIPALITY:**  
CITY OF HAMILTON (STONEY CREEK)

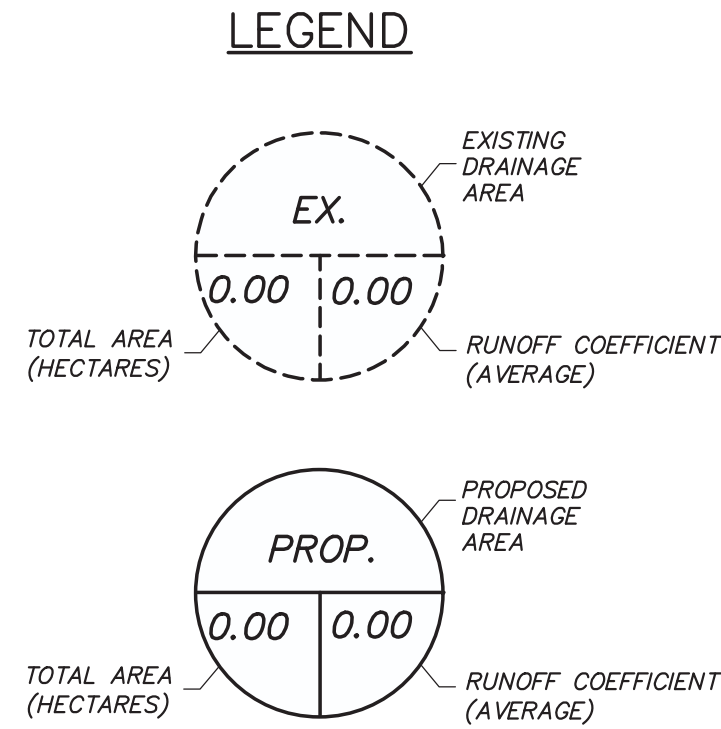
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HAMILTON, ONTARIO L8P 1H1  
Tel: 905 528-8761 Fax: 905 528-2289  
email: ajc@ajclarke.com

**TITLE:**  
GRADING AND ESC PLAN

SCALE: 1:100	DATE: JUNE 2021
DESIGN: A.C./M.D.	DRAWN: S.S./M.M.
DWG: 208185	SHT: 2






## REVISIONS

## GENERAL NOTES

- 

PROJECT OWNER:

PETER MURACA

NOT ISSUED FOR CONSTRUCTION

CITY OF HAMILTON  
(STONEY CREEK)

PROJECT NAME:  
244 FEDERAL STREET, STONEY CREE  
SEVERANCE (SC/B-21:24)

**AJCL** *A. J. Clarke and Associates Ltd.*

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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](mailto:ajc@ajclarke.com)

TITLE: STORM DRAINAGE AREA PLAN

SCALE: 1:100	DATE: JUNE 2021
DESIGN: A.C./ M.D.	DRAWN: S.S./ M.M.
WG: 208185	SHT: 3

SKETCH SHOWING EXISTING CONDITIONS OVER  
244 FEDERAL STREET  
IN THE  
**CITY OF HAMILTON**

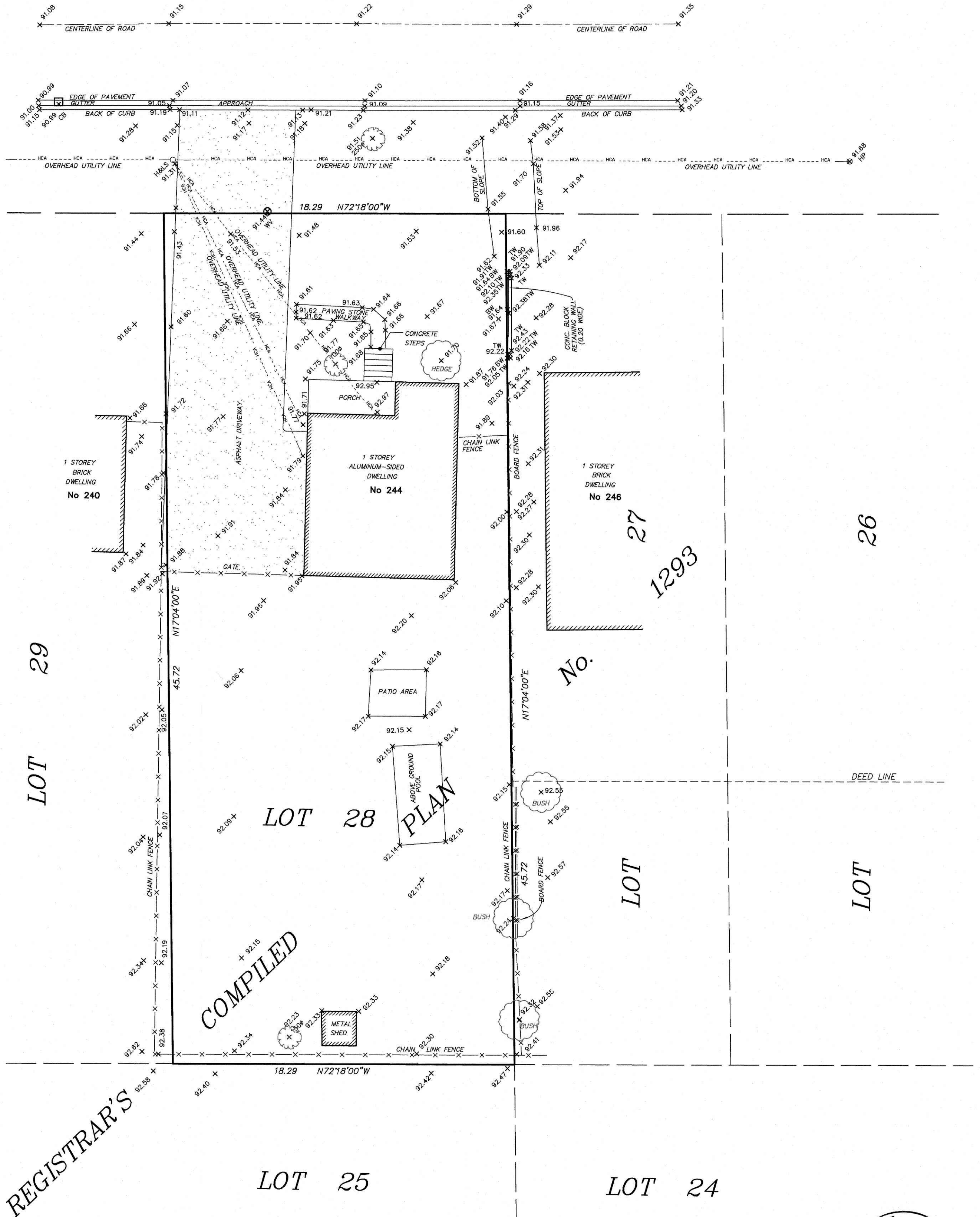
SCALE 1:150

0 5 10 metres

NOTE  
THE ABOVE NOTED LANDS ARE LOT 28, REGISTRAR'S COMPILED PLAN No. 1293

**FEDERAL STREET**

( ESTABLISHED BY BY-LAW No. 2261 SALTFLAT AS REGISTERED INST. No. 287425 H.L. )



LEGEND:  
TW DENOTES TOP OF WALL  
BW DENOTES BOTTOM OF WALL  
CB DENOTES CATCH BASIN  
200# DENOTES TREE DIAMETER  
WV DENOTES WATER VALVE  
H&LS DENOTES HYDRO & LIGHT STANDARD  
HP DENOTES HYDRO POLE

BEARING NOTE  
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE  
SOUTHERLY LIMIT OF FEDERAL STREET AS SHOWN ON  
REGISTERED PLAN No. 724 AS N72°18'00"W

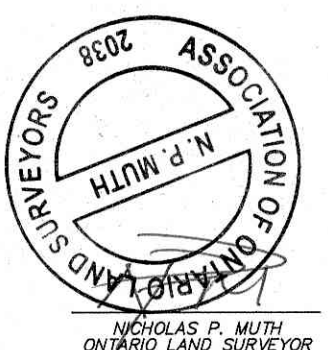
BENCH MARK  
CITY OF HAMILTON  
MONUMENT No: 07720100036

RIB WITH BRASS CAP  
MONUMENT IS LOCATED AT THE EAST SIDE OF MAHONY PARK, 90m NORTH OF  
THE CENTERLINE OF BARTON STREET EAST, 15m NORTH OF THE CENTERLINE  
OF GOGGIN AVENUE AND 16m WEST OF THE CENTERLINE OF ADELIN AVENUE.  
ELEVATION= 86.893m CGVD28:78

NOTE  
THE INFORMATION SHOWN ON THIS SKETCH IS BASED ON A FIELD SURVEY  
COMPLETED ON THE 27th DAY OF MAY 2021

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

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JUNE 17, 2021  
DATE



**A. J. Clarke and Associates Ltd.**

SURVEYORS • PLANNERS • ENGINEERS  
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PROJECT No 208185R

H:\Jobs\N-to-S\RP\1293\LOT28\244 Federal Street (208185R)\Current Work\R-4444B.dwg





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

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

December 2, 2021

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

**Re: Minor Variance Application**  
**244 Federal Street**

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

1. One (1) cheque in the amount of \$3,320.00 made payable to the City of Hamilton, in payment of the requisite application fee;
2. One (1) digital copy of the signed and completed application form;
3. One (1) digital copy of Reference Plan 62R-21749, prepared by A.J. Clarke & Associates Ltd., dated August 25, 2021;
4. One (1) digital copy of Plan of Survey R-4444B, prepared by A.J. Clarke & Associates Ltd., dated June 17, 2021;
5. One (1) digital copy of the Engineering Drawing Package, prepared by A.J. Clarke & Associates Ltd., dated November 23, 2021;
6. One (1) digital copy of the Preliminary Floor Plans & Elevations, prepared by Constant Shape Design Studio;

The proposed minor variance application is required as a condition of consent approval for severance application SC/B-21:24. The subject lands are zoned Residential (R6) Zone under former City of Stoney Creek Zoning By-law 3692-92. The following table summarizes the required variances which are anticipated to facilitate the conditionally approved severance:

Section	Provision (R6 Zone)	Requirement	Proposed	Compliance?
6.7.2	Permitted Uses	Single Detached	Single Detached	Yes
6.7.3 (A.1)	Minimum Lot Area	310 m <sup>2</sup>	418.02 m <sup>2</sup>	Yes
6.7.3 (A.2)	Minimum Lot Frontage	10 m	9.10 m	No
6.7.3 (A.3)	Minimum Front Yard	6 m	6.10 m	Yes
6.7.3 (A.4.i)	Minimum Side Yard	1.25 m, except an attached garage may be not less than 1 m from a side lot line	0.9 m, except an attached garage may be not less than 1 m from a side lot line	No
6.7.3 (A.5)	Minimum Rear Yard	7.5 m	14.50 m	Yes
6.7.3 (A.6)	Maximum Height	11 m	8.28 metres	Yes





6.7.3 (A.7)	Maximum Lot Coverage	40%	41% (171.40 m <sup>2</sup> )	No
6.7.4	Parking	2 spaces per dwelling unit, of which only one may be provided in the required front yard. Tandem parking is permitted.	2 spaces, one of which is located in front yard	Yes

Based on the foregoing table, a total of three (3) variances are anticipated to provide relief from the regulations of the R6 Zone under Zoning By-law 3692-92. The proposed variances are as follows:

1. A minimum lot frontage of 9.10 metres shall be required, whereas a minimum lot frontage of 10 metres is required.
2. A minimum side yard setback of 0.9 metres shall be required, whereas a minimum of 1.25 metres is required. No variance to the garage-side setback is proposed.
3. A maximum lot coverage of 41% (171.40 m<sup>2</sup>) shall be required, whereas a maximum lot coverage of 40% is required.

Regarding the proposed variance to the side yard setback (#2), the reduction is required in order to accommodate technical design matters which arose through the detailed engineering design of for the future homes. Along the eastern lot line, a small retaining wall is required for grading purposes. The retaining wall requires additional separation to be provided the property line to meet City engineering standards. Accordingly, the opposite side yard is proposed to be reduced to 0.91 metres – however, it should be noted that sufficient side yard setbacks continue to be provided along all sides to meet City engineering standards, and to allow sufficient space for access and maintenance between dwellings.

Based on the foregoing, it is our opinion that the requested variances are all minor in nature and consistent with the character of the streetscape. The requested variances maintain the general intent of the Zoning By-law and will implement the conditionally approved severance as originally intended.

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

**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

**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:  
Reduction of minimum required lot frontage from 10m to 9.1m.  
Reduction of minimum require side yard setback from 1.25m to 0.9m.  
Increase of maximum lot coverage from 40% to 41%.  
  
☐ Secondary Dwelling Unit      ☐ Reconstruction of Existing Dwelling
5. Why it is not possible to comply with the provisions of the By-law?  
Please refer to enclosed covering letter.
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**):  
  
244 Federal Street, Stoney Creek (Hamilton)  
Lot 28, Plan No. 1293
7. PREVIOUS USE OF PROPERTY  
  
Residential ☒      Industrial ☐      Commercial ☐  
Agricultural ☐      Vacant ☐      Other ☐  
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 8.1 to 8.10 above?

Owner knowledge and historical context.

- 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.

Dec. 7, 2021  
Date

Miranda Muraca  
Signature Property Owner(s)

Miranda Muraca  
Print Name of Owner(s)

10. Dimensions of lands affected: Parts 1 & 2 as per Reference Plan 62R-21749.

Frontage	<u>18.29 m</u>
Depth	<u>45.75 m</u>
Area	<u>836.30 sq m</u>
Width of street	<u>+20 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 refer to enclosed Topographic Survey R-4444B.

Proposed

Please refer to enclosed Engineering Drawing Package, Floor Plans, and Elevations.

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 refer to enclosed Topographic Survey.

Proposed:

Please refer to enclosed Engineering Drawing Package, Floor Plans, and Elevations.



13. Date of acquisition of subject lands:
- 
14. Date of construction of all buildings and structures on subject lands:
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
- Single Family Dwelling
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
- Single Family
17. Length of time the existing uses of the subject property have continued:
18. Municipal services available: (check the appropriate space or spaces)
- |                |                                     |           |                                     |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water          | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Storm Sewers   | <input checked="" type="checkbox"/> |           |                                     |
19. Present Official Plan/Secondary Plan provisions applying to the land:
- Neighbourhoods (Schedule E-1)
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
- Residential 6 (R6) Zone - Zoning By-law 3692-92
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
- Existing conditional approval of severance application SC/B-21:24
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.