



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202
E-mail: morgan.evans@hamilton.ca or jamila.sheffield@hamilton.ca

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.: GL/A-20:46

APPLICANTS: Applecreek Farms Inc. c/o Rick Vandebos on behalf of the owner Chris Attema

SUBJECT PROPERTY: Municipal address **8149 English Church Rd., (Glanbrook)**
City of Hamilton

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 15-173

ZONING: "A1" (Agriculture) Zone

PROPOSAL: To permit the demolition of an existing accessory building (hog barn) and construct a new accessory building (hog barn) notwithstanding that:

1. The accessory building with manure storage shall be setback a minimum of 283m from Type A land uses instead of the minimum required setback of 355m for buildings with manure storage.
2. The accessory building with manure storage shall be setback a minimum of 200m from Type A land uses instead of the minimum required setback of 709m for buildings with manure storage.
3. The accessory building with livestock shall be setback a minimum of 184m from Type B land uses instead of the minimum required setback of 566m for buildings with livestock.

NOTES:

1. The required distances and accessory building setbacks were based on Minimum Distance Separation II report prepared by Chris Attema dated February 3, 2020. The MDS II Setback Distance Summary chart does not provide exact distance measurements. As a result, variances have been written exactly as requested by the applicant.
2. Submitted plans were lacking details to determine the exact location of the proposed accessory building. The owner shall ensure the new accessory building is not located within the front yard. Section 3 states; Front Yard - shall mean a yard extending across the full width of a lot measured between the front lot line and the nearest part of a building on the lot.
3. This property is subject to Site Plan Control; to date, no formal site plan application has been submitted and a full zoning review has not been conducted for the proposed development. Further variances may be required at such time that a formal zoning review is conducted on the proposed development.

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

DATE: Thursday, July 9th, 2020
TIME: 2:45 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: June 23rd, 2020.

Original Signed

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.

Description: Apple Creek Farms Inc.

Application Date: Monday, February 3, 2020

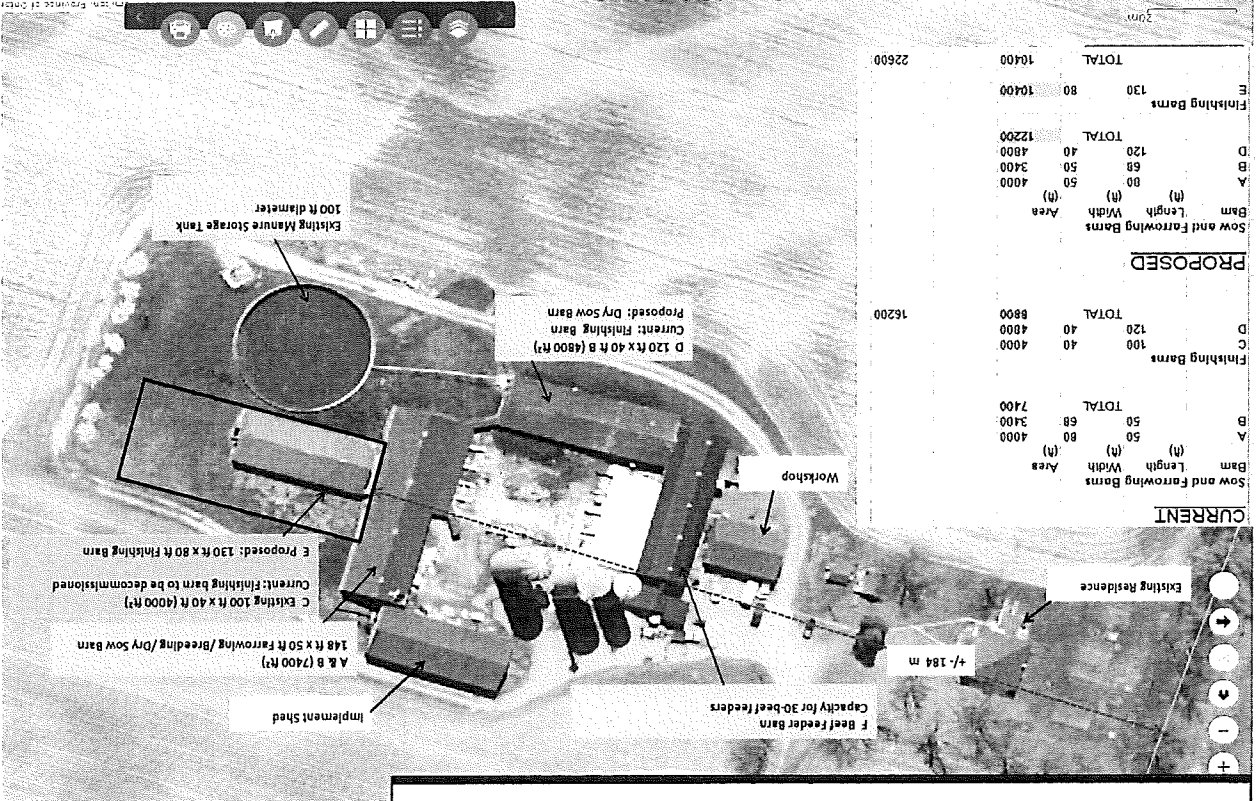
Municipal File Number:

Applicant Contact Information
c/o Rick Vandebos
Apple Creek Farms Inc.

City of Hamilton

Location of Subject Livestock Facilities
GLANFORD, Concession: 4, Lot: 8

Roll Number: 251890232052600
Email: rjvdbos@gmail.com



Type	Type of Livestock/Manure	Existing Maximum Number (NU)	Existing Minimum Number (NU)	Total Maximum Number (NU)	Total Minimum Number (NU)	Estimated Barn Area
Liquid	Swine, Sows with litter, dry sows, boars	247	70.6	407	116.3	12,210 m ²
Liquid	Swine, Feeders (27 - 135 kg), Fat Sows	10404	1924	1924	10404	m ²
Solid	Swine, Feeders (7 - 16 months), Confinement Bedded	30	10.0	30	10.0	1,500 m ²

Manure Storage: M1, Liquid, outside, no cover, strength-walld storage

Existing design capacity (NU): 24.2

Design capacity after alteration (NU): 31.7

Factor A (Load Factor) = 1.08 X 473.71 X 0.6923 X 0.8 = 283 m (929 ft)

Factor B (Loading Separation) (Factor Type) = 283 m (929 ft)

Factor C (Building Base Distance F) = 283 m (929 ft)

Storage Base Distance S' (Minimum distance from manure storage) = 356 m (1164 ft)

Description	Minimum Livestock Barn Separation Distance	Actual Livestock Barn Separation Distance	Minimum Manure Storage Distance	Actual Manure Storage Distance
Type A Land Uses	283 m	TBD	355 m	TBD
Type B Land Uses	566 m	1,944 m	709 m	7,200 m
Nearest lot line (side or rear)	28 m	225 m	30 m	530 m
Nearest road allowance	57 m	TBD	60 m	TBD

GC/A 20:46
Sketch 1

G4/A 20:46
Sketch 4

Description: Apple Creek Farms Inc.
Application Date: Monday, February 3, 2020
Municipal File Number:
Applicant Contact Information
 c/o Rick Vandenbos
 Apple Creek Farms Inc.
 Email: rjvdpos@gmail.com
Location of Subject Livestock Facilities
 City of Hamilton
 GLANFORD, Concession: 4, Lot: 8
 Roll Number: 251890232052600



20-150183



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th floor 71 Main Street West
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>GLA-20-40</u>	DATE APPLICATION RECEIVED <u>1/20/01</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

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.

send sign *

- Name of Owner Applecreek Farms Inc.
c/o Rick Vandebos Telephone No.
-
- Name of Agent Chris Attema Telephone No.
-

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:

NONE _____ Postal Code _____

_____ Postal Code _____

6. Nature and extent of relief applied for:

The calculated Minimum Distance separation for the proposed barn is 283 m for Type A land uses and 566 m for Type B land uses. The proposed barn meets the Type A land use setback distance requirements. Relief is requested for the Type B (golf course) barn to property line setback requirement.

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

The existing hog barn manure storage and feed facilities are located at this location. The proposal is to remove one of the existing barn and to replace a barn with the capacity for a moderate expansion in production capacity. It is not be economically feasible to locate the proposed replacement barn at another location on this property. Other factors to consider include a) the barn was at the location prior to the golf course, b) provisions were made when rezoning for golf course use to ensure the club house facilities were located at least 900 m from the existing barns and c) there is a buffer area between the existing / proposed barns and the nearest golf course greens and tee off areas are located +/- 303 m from the proposed barn. The Type A Minimum Distance setback requirement is 283 m.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

GLANFORD LOT LOT 8 CONCESSION CON 4 Geographic Township GLANFORD

ARN 251890232052600
Street Number 8149 English Church Road

9. PREVIOUS USE OF PROPERTY

Residential _____ Industrial _____ Commercial _____

Agricultural x _____ Vacant _____

Other _____

9.1 If Industrial or Commercial, specify use

Agriculture

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes _____ No x _____ Unknown _____

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes _____ No x _____ Unknown _____

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes _____ No x _____ Unknown _____

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes _____ No x _____ Unknown _____

9.6 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 x _____ Unknown _____

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes _____ No x _____ Unknown _____

9.8 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 x _____ Unknown _____

9.9 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 x _____ Unknown _____

9.10 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

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

The farm owner. The property has been owned by family farm since 1972

9.12 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

N O T A P P L I C A B L E

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.

January 27, 2020
Date

Signature Property Owner

Print Name of Owner

10. Dimensions of lands affected: 8149 English Church Road

Frontage +/- 700 m
Depth +/- 678 m
Area +/- 57.5 ha
Width of street Not applicable

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: See the attached farmstead site map for the livestock housing details

Proposed: Decommission an existing hog barn. Replace with an expanded barn. The current livestock housing capacity is 243.2 "Nutrient Units". After the proposed decommissioning and reconstruction the livestock housing capacity will be 318.7 "Nutrient Units".

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

Existing: Site map attached

Proposed: The new and expanding proposed barn will be in the same area as the decommissioned barn.

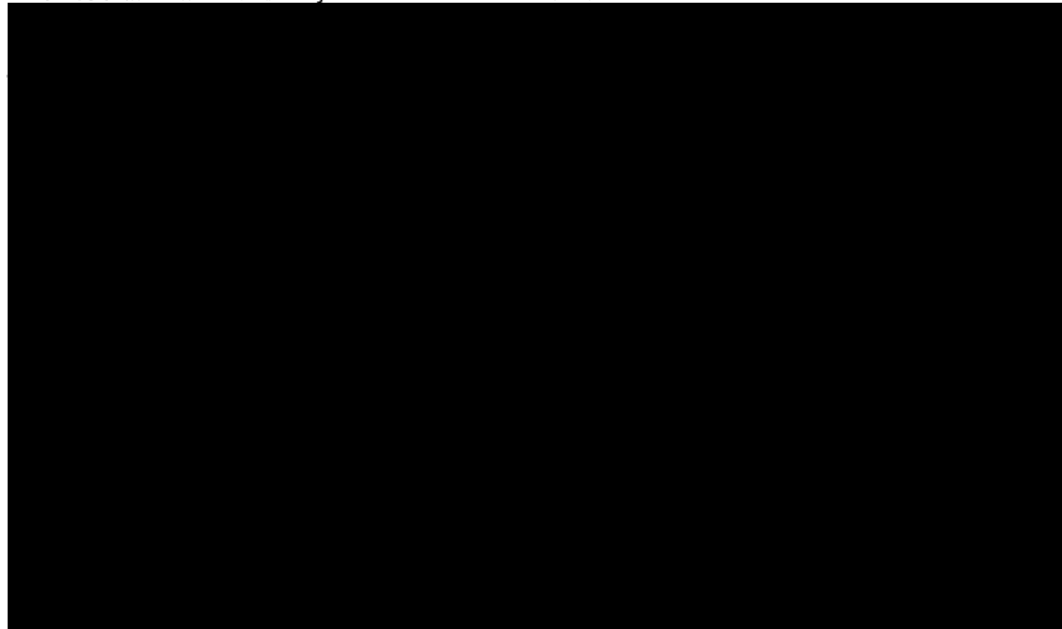
13. Date of acquisition of subject lands:
The land has been owned by the Vandebos family since 1972
14. Date of construction of all buildings and structures on subject lands:
No changes to the existing buildings for +/- 25 years
15. Existing uses of the subject property: _____
Agricultural pork and crop production
16. Existing uses of abutting properties: _____
Type A residential and Type B golf course.
17. Length of time the existing uses of the subject property have continued:
Owned and operated as a farm property by the Vandebos family since 1972.
Utilized as an agricultural crop and livestock production farm prior to 1972.
18. Municipal services available: (check the appropriate space or spaces)
 Water Not applicable Connected n/a
 Sanitary Sewer Not applicable Connected n/a
 Storm Sewers Not applicable No municipal services to agricultural buildings
19. Present Official Plan/Secondary Plan provisions applying to the land:
Agriculture
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Agriculture A1
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. 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. Site map and aerial photo attached

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

PART 24 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.



Expires July 30, 2022.

PART 25 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) APPLE CREEK FARMS am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

Chris Aherne of Attens Consulting Services Inc.

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE Feb 3/2020 SIGNED

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, APPLE CREEK FARMS, the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Date FEB 3/2020 Signature of Owner

0

PART 27 PERMISSION TO ENTER

Date: Feb 3 2020

Secretary/Treasurer
Committee of Adjustment
City of Hamilton,
City Hall

* please notify prior to
site visit for farm
biosecurity
- Stuart Vermeulen

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 8149 ENGLISH CHURCH RD.
(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.

[Redacted Signature Area]

Signature of Owner or Authorized agent

RICK VAN DEN BOS

Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 28 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.



Minimum Distance Separation II
 Apple Creek
 Prepared By: Chris Attema, 5365 Concession Four Road

Description: Apple Creek Farms Inc.
Application Date: Monday, February 3, 2020
Municipal File Number:
Applicant Contact Information
 c/o Rick Vandebos
 Apple Creek Farms Inc.
 Email: rjvdbos@gmail.com

Location of Subject Livestock Facilities
 City of Hamilton
 GLANFORD, Concession: 4, Lot: 8
 Roll Number: 251890232052600

Calculation Name: **Apple Creek**
Description: 8149 English Church Road

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Total Maximum Number	Total Maximum Number (NU)	Estimated Livestock Barn Area
Liquid	Swine, Sows with litter, dry sows/boars	247	70.6	407	116.3	12,210 ft ²
Liquid	Swine, Feeders (27 - 136 kg), Full Slats	854	162.7	1,010	192.4	10,404 ft ²
Solid	Beef, Feeders (7 - 16 months), Confinement Bedded Pack	30	10.0	30	10.0	1,500 ft ²

Manure Storage: M1. Liquid, outside, no cover, straight-walled storage

Existing design capacity (NU): 243.2
Design capacity after alteration (NU): 318.7

Factor A (Odour Potential) **1.08** X Factor B (Size) **473.71** X Factor C (Orderly Expansion) **0.6923** X Factor D (Manure Type) **X** = Building Base Distance F' (minimum distance from livestock barn) **283 m (929 ft)**

Storage Base Distance 'S' (minimum distance from manure storage) **355 m (1164 ft)**

MDS II Setback Distance Summary

Description	Minimum Livestock Barn Setback Distance	Actual Livestock Barn Setback Distance	Minimum Manure Storage Setback Distance	Actual Manure Storage Setback Distance
Type A Land Uses	283 m 929 ft	> 283 m TBD	355 m 1,164 ft	> 283 m TBD
Type B Land Uses	566 m 1,857 ft	> 184 m TBD	709 m 2,327 ft	> 200 m TBD
Nearest lot line (side or rear)	28 m 93 ft	> 28 m TBD	30 m 98 ft	> 30 m TBD
Nearest road allowance	57 m 186 ft	> 57 m TBD	60 m 197 ft	> 60 m TBD



Minimum Distance Separation II
Apple Creek
Prepared By: Chris Attema, 5365 Concession Four Road

Preparer Information

Chris Attema
5365 Concession Four Road

Phone #1: 905 386-0272
Email: chrisattema@gmail.com

Signature of Preparer: _____
Chris Attema

Date: Feb 31 2020

NOTE TO THE USER:

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.

Description: Apple Creek Farms Inc.

Application Date: Monday, February 3, 2020

Municipal File Number:

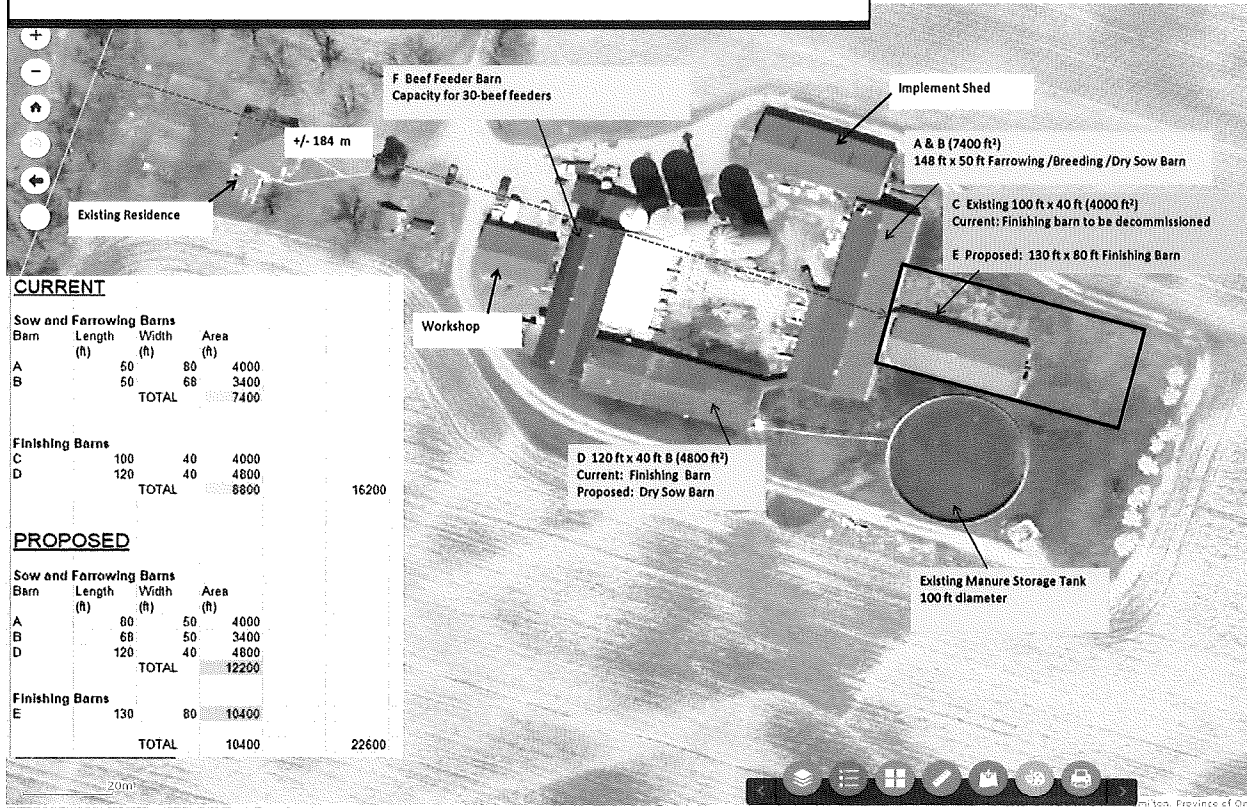
Applicant Contact Information
c/o Rick Vandebos
Apple Creek Farms Inc.

Email: rjvdos@gmail.com

Location of Subject Livestock Facilities

City of Hamilton
GLANFORD, Concession: 4, Lot: 8

Roll Number: 251890232052600



CURRENT

Sow and Farrowing Barns			
Barn	Length (ft)	Width (ft)	Area (ft²)
A	50	80	4000
B	50	68	3400
TOTAL			7400

Finishing Barns			
Barn	Length (ft)	Width (ft)	Area (ft²)
C	100	40	4000
D	120	40	4800
TOTAL			8800

PROPOSED

Sow and Farrowing Barns			
Barn	Length (ft)	Width (ft)	Area (ft²)
A	80	50	4000
B	68	50	3400
D	120	40	4800
TOTAL			12200

Finishing Barns			
Barn	Length (ft)	Width (ft)	Area (ft²)
E	130	80	10400
TOTAL			10400

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Total Maximum Number	Total Maximum Number (NU)	Estimated Livestock Barn Area
Liquid	Swine, Sows with litter, dry sows/boars	247	70.6	407	116.3	12,210 ft²
Liquid	Swine, Feeders (27 - 136 kg), Full Slats	854	162.7	1,010	192.4	10,404 ft²
Solid	Beef Feeders (7 - 16 months), Confinement Bedded Pack	30	10.0	30	10.0	1,500 ft²

Manure Storage: M1. Liquid, outside, no cover, straight-walled storage

Existing design capacity (NU): 243.2

Design capacity after alteration (NU): 318.7

Factor A (Odour Potential) 1.08 X Factor B (Size) 473.71 X Factor C (Orderly Expansion) 0.6923 X Factor D (Manure Type) 0.8 = Building Base Distance 'F' (minimum distance from livestock barn) 283 m (929 ft)
Storage Base Distance 'S' (minimum distance from manure storage) 355 m (1164 ft)

MDS II Setback Distance Summary

Description	Minimum Livestock Barn Setback Distance	Actual Livestock Barn Setback Distance	Minimum Manure Storage Setback Distance	Actual Manure Storage Setback Distance
Type A Land Uses	283 m 929 ft	> 283 m TBD	355 m 1,164 ft	> 283 m TBD
Type B Land Uses	566 m 1,857 ft	> 184 m TBD	709 m 2,327 ft	> 200 m TBD
Nearest lot line (side or rear)	28 m 93 ft	> 28 m TBD	30 m 98 ft	> 30 m TBD
Nearest road allowance	57 m 186 ft	> 57 m TBD	60 m 197 ft	> 60 m TBD

Description: Apple Creek Farms Inc.

Application Date: Monday, February 3, 2020

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Applicant Contact Information
 c/o Rick Vandebos
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Location of Subject Livestock Facilities
 City of Hamilton
 GLANFORD, Concession: 4, Lot: 8
 Roll Number: 251890232052600



MDS II Setback Distance Summary

Description	Minimum Livestock Barn Setback Distance	Actual Livestock Barn Setback Distance	Minimum Manure Storage Setback Distance	Actual Manure Storage Setback Distance
Type A Land Uses	283 m 929 ft	>283 m TBD	355 m 1,164 ft	>355 m TBD
Type B Land Uses	566 m 1,857 ft	>566 m TBD	709 m 2,327 ft	>709 m TBD
Nearest lot line (side or rear)	28 m 93 ft	>28 m TBD	30 m 98 ft	>30 m TBD
Nearest road allowance	57 m 186 ft	>57 m TBD	60 m 197 ft	>60 m TBD

Description:

Apple Creek Farms Inc.

Application Date:

Monday, February 3, 2020

Municipal File Number:

Applicant Contact Information

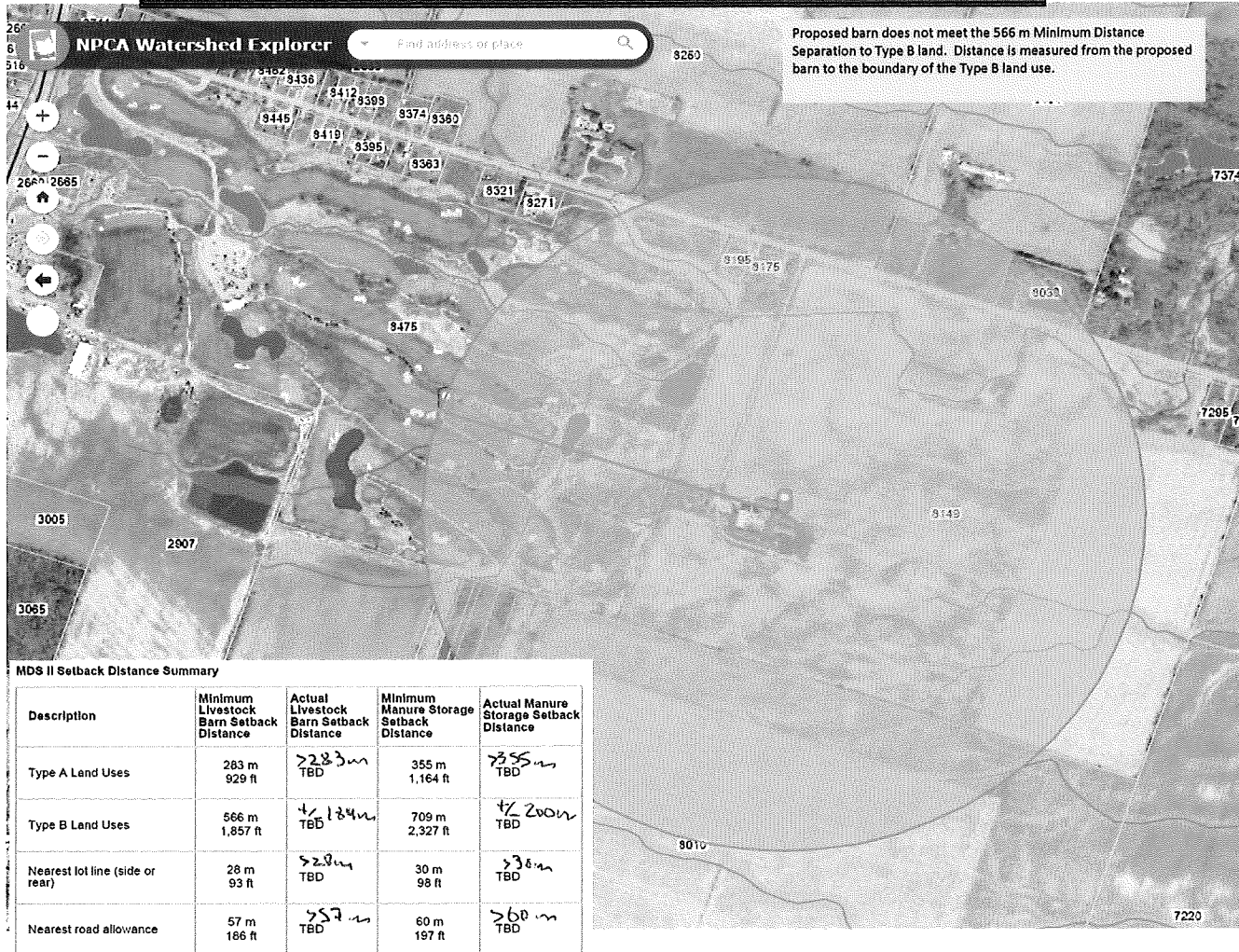
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City of Hamilton
GLANFORD, Concession: 4, Lot: 8

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