



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> 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](mailto:cofa@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.:** FL/A-20:181

**APPLICANTS:** Agent: Nick Winkelmolen  
Owner: Winkelmolen Nurseries Ltd.

**SUBJECT PROPERTY:** Municipal address **148 Lynden Rd., Flamborough**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended by By-law 15-173; 18-219.  
18-266

**ZONING:** A1 (Agriculture) district

**PROPOSAL:** To permit the use of an expanded parcel of land for agricultural purposes, notwithstanding that:

1. The minimum lot area for property in the A1 Zone to be used for agricultural purposes (i.e. agriculture and veterinary services – farm animals) shall be 38.8 hectares instead of the minimum required 40 hectares.

**NOTES:**

1. The property at 148 Lynden Road is currently an existing agricultural property comprising 28.32 hectares and is being expanded through the conveyance of a 10.53 hectare parcel from property located at 2016 2nd Concession Road West through Consent Application FL/B-20:059. Consent Application FL/B-20:059 is required to replace Consent Application FL/B-19:048 which has lapsed.
2. The variance is required for minimum lot area because the lot is less than the required 40.0 ha for agricultural uses. The Vacuum Clause contained in Section 4.12(d) of Zoning By-law 05-200 to recognize existing lots in the A1 Zone as being deemed to comply with the lot area regulation, (amongst others), would not apply to parcels which are modified as the result of a severance.
3. The Zoning By-law defines Agriculture as *Agriculture shall mean the growing of crops, including Nursery and horticultural crops; raising of livestock; raising, boarding and training of horses; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; aquaponics; apiaries; agro-forestry; maple syrup production; greenhouse operations; Cannabis Growing and Harvesting Facilities; hydroponics; and other such accessory uses as are customarily and normally associated with agriculture, including limited value retention uses required to make a commodity grown primarily as part of the farm operation salable, such as, but not limited to, grain drying, washing, sorting, grading, treating, storing, packing and packaging, feed mill, or grain mill, and selling of agricultural products primarily grown as part of the farm operation, and associated on-farm buildings and structures, including one Single Detached farm dwelling and a Farm Labour Residence.*

4. The Zoning By-law permits a maximum lot coverage for agricultural uses of 20%. The lot coverage was not provided on the submitted plan. Therefore, if the lot coverage exceeds 20% of the expanded agricultural parcel, additional variances would be required.
5. The variance was written as requested by the applicant.
6. A variance to address the minimum lot area for agricultural uses is also being heard concurrently for property located at 2016 2nd Concession Road West (FL/A-20:182).

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

---

**DATE: Thursday, October 1st, 2020**

**TIME: 1:50 p.m.**

**PLACE: Via video link or call in (see attached sheet for details)**

**To be streamed at [www.hamilton.ca/committeeofadjustment](http://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](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: September 14<sup>th</sup>, 2020.

---

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.***

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

**PLAN OF SURVEY OF  
PARTS OF LOTS 13 and 14  
CONCESSION 1  
GEOGRAPHIC TOWNSHIP OF BEVERLY  
CITY OF HAMILTON**

SCALE - 1 : 1500

10 5 0 10 25 50 Metres  
WEST & RUUSKA LTD.

SCHEDULE			
PART	LOT	CONCESSION	P.I.N.
1	PART OF 14	1	PART OF 17554-0224(LT)
2	PART OF 14	1	PART OF 17554-0224(LT)
3	PART OF 13	1	PART OF 17554-0034(LT)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.  
DATED January 28, 2020  
*Jim Johnson*  
JIM JOHNSON, O.L.S.

**PLAN 62R-21401**  
RECEIVED AND DEPOSITED  
DATED Jan. 29, 2020  
*C. Adsett*  
REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62)

PARTS 1 and 2 COMPRISE PART OF P.I.N. 17554-0224(LT)

ROAD ALLOWANCE BETWEEN CONCESSIONS 1 and 2 - SECOND CONCESSION ROAD ( ALSO KNOWN AS COUNTY ROAD No. 39 )

LOT 13 LOT 14

**NOTE:**

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A TO F (INCLUSIVE), BY THE CANSEL CAN-NET REAL TIME NETWORK OBSERVATION, UTM ZONE 17, NAD83 (CSRS) (2010)

FOR BEARING COMPARISONS, ROTATION OF 00°41'35" COUNTER-CLOCKWISE WAS APPLIED TO BEARING ON PLAN 62R-13654.  
ROTATION OF 00°43'10" COUNTER-CLOCKWISE WAS APPLIED TO BEARING ON PLAN 62R-12775.  
ROTATION OF 00°41'20" COUNTER-CLOCKWISE WAS APPLIED TO BEARING ON PLAN 62R-8013.

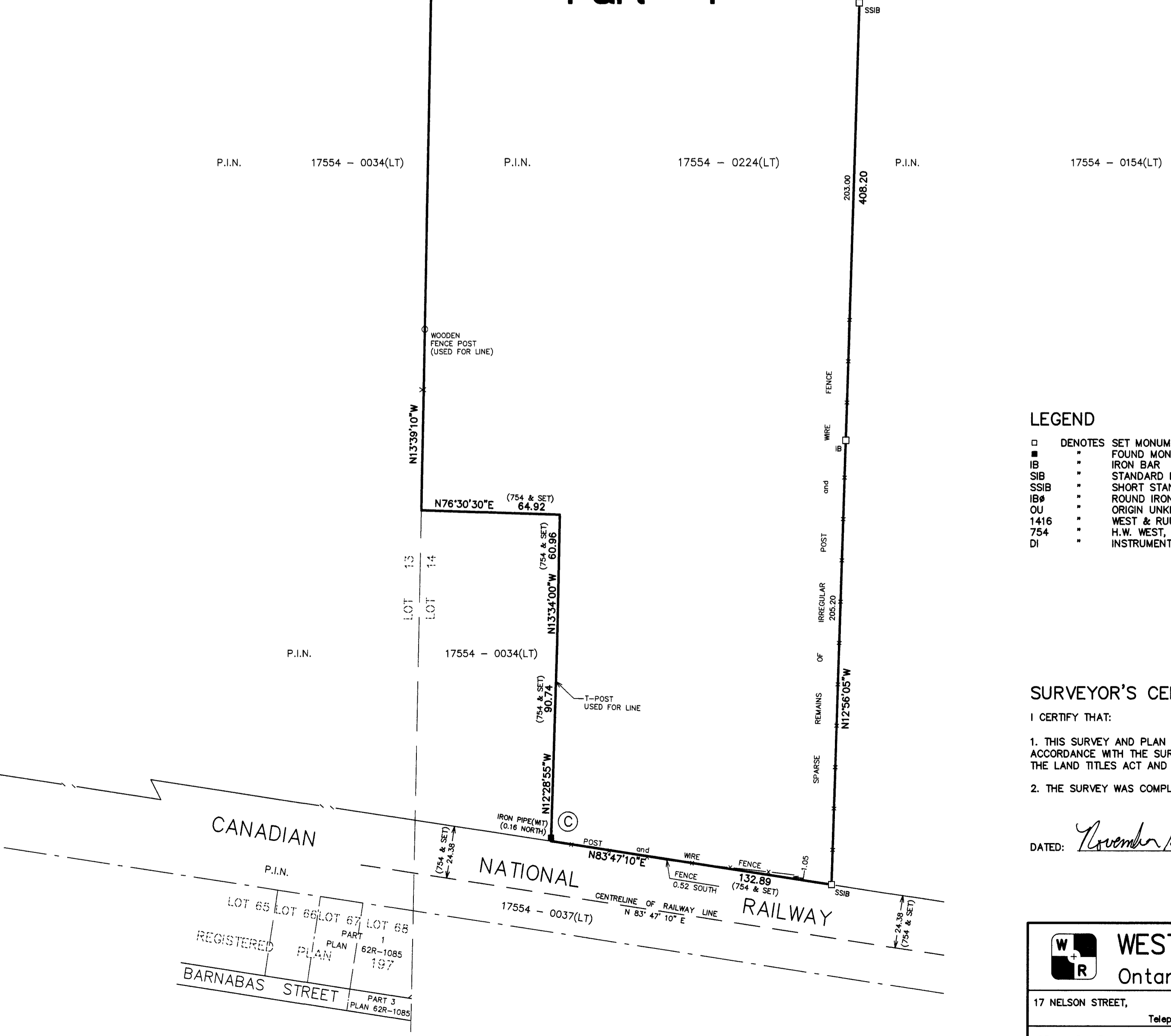
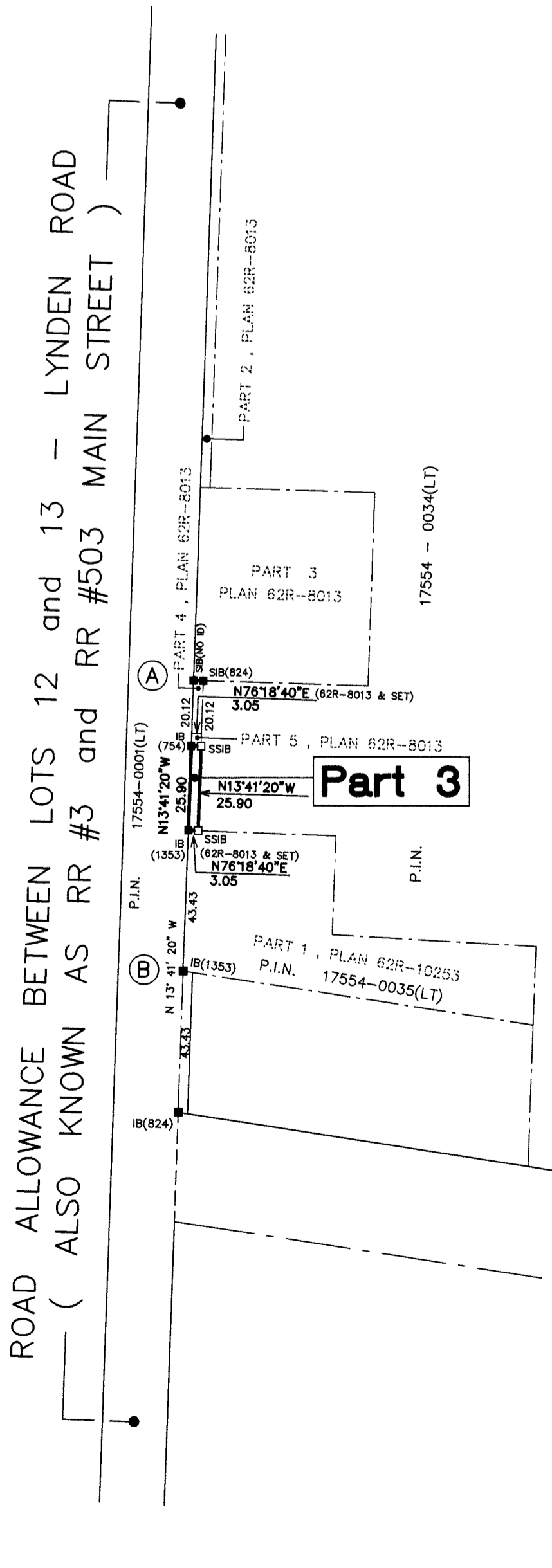
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999630.

OBSERVED REFERENCE POINTS (ORPs)  
UTM ZONE 17  
NAD83 (CSRS) (2010,0) COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
ORP A	4787771.56	569190.63
ORP B	4787684.69	569211.79
ORP C	4787702.39	569692.13
ORP D	4788291.52	569688.96
ORP E	4788711.30	569256.20
ORP F	4788835.88	569763.49

COORDINATES CANNOT, IN THEMSELVES BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

CONCESSION

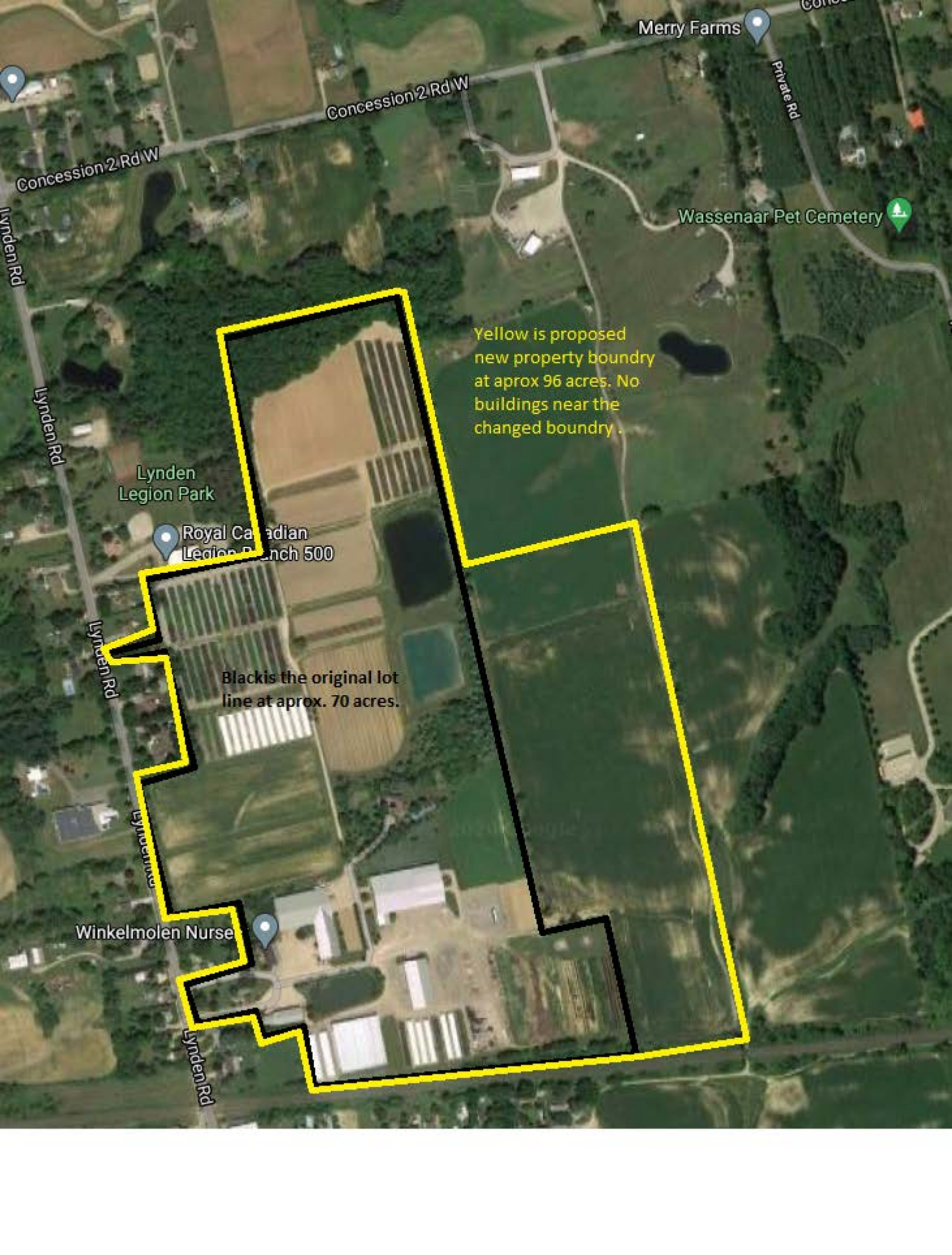


**LEGEND**

- DENOTES SET MONUMENT
- FOUND MONUMENT
- IB IRON BAR
- SSB STANDARD IRON BAR
- SSIB SHORT STANDARD IRON BAR
- IB# ROUND IRON BAR
- OU ORIGIN UNKNOWN
- 1416 WEST & RUUSKA LTD., O.L.S.
- 754 H.W. WEST, O.L.S.
- DI INSTRUMENT VM169437

**SURVEYOR'S CERTIFICATE**  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 7th DAY OF OCTOBER, 2019.  
DATED: November 15, 2019 *Jim Johnson*  
JIM JOHNSON  
ONTARIO LAND SURVEYOR

**WEST & RUUSKA LTD.**  
Ontario Land Surveyors  
17 NELSON STREET, BRANTFORD, ONTARIO, N3T 2M6  
Telephone (519)752-8641  
DRAWN BY: Ted S. KUTYLA, C.S.T. C.E.T. W180097



Merry Farms

Concession 2 Rd W

Private Rd

Concession 2 Rd W

Wassenaar Pet Cemetery

Lynden Rd

Lynden Rd

Yellow is proposed new property boundary at aprox 96 acres. No buildings near the changed boundary.

Lynden Legion Park

Royal Canadian Legion Branch 500

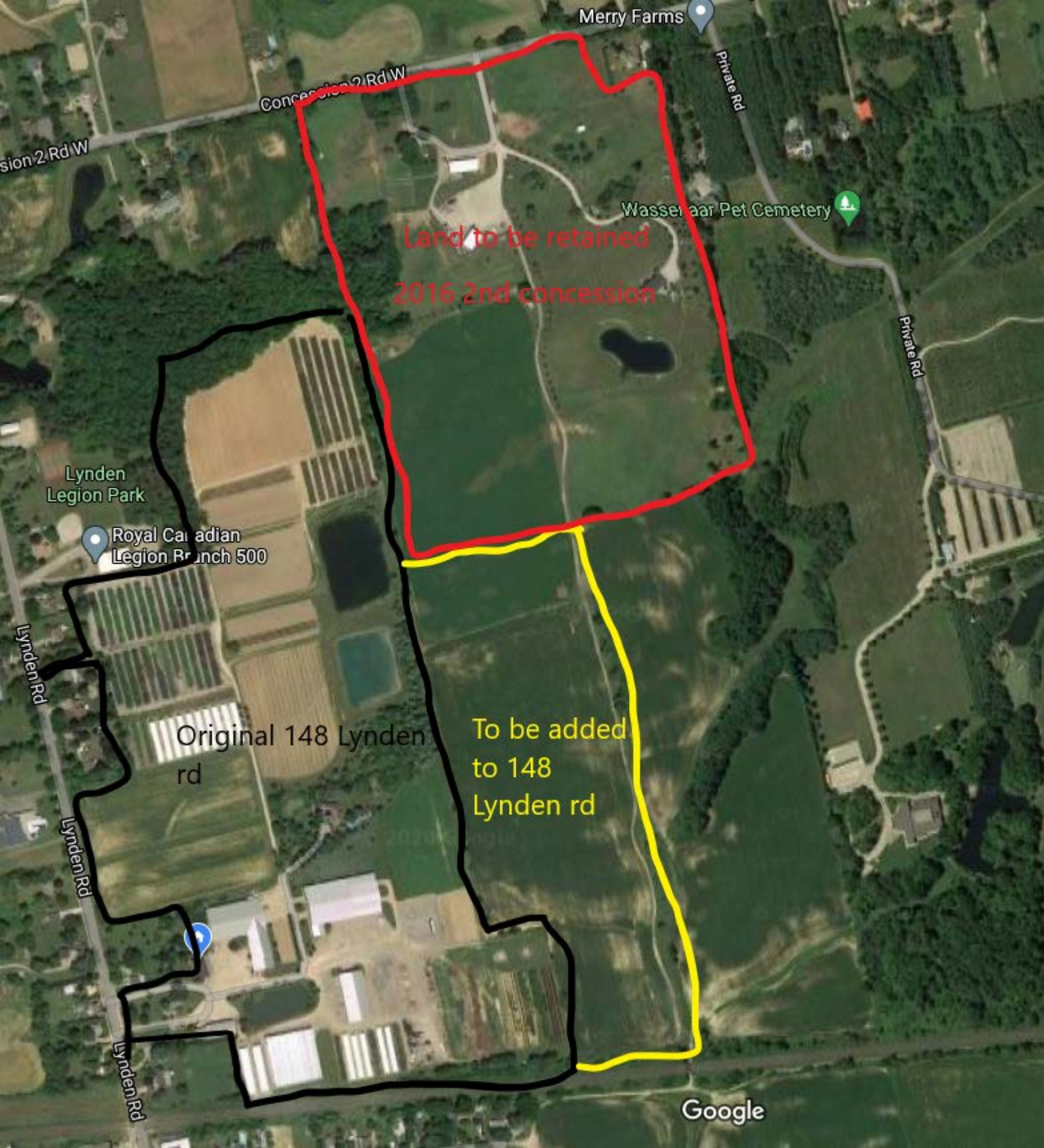
Lynden Rd

Black is the original lot line at aprox. 70 acres.

Lynden Rd

Winkelmolen Nurse

Lynden Rd



Merry Farms

Concession 2 Rd W

Private Rd

Concession 2 Rd W

Wassenaar Pet Cemetery

Land to be retained  
2016 2nd concession

Private Rd

Lynden Legion Park

Royal Canadian Legion Branch 500

Lynden Rd

Original 148 Lynden rd

To be added to 148 Lynden rd

Lynden Rd

Lynden Rd

Google

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

**PLAN OF SURVEY OF  
PARTS OF LOTS 13 and 14  
CONCESSION 1  
GEOGRAPHIC TOWNSHIP OF BEVERLY  
CITY OF HAMILTON**

SCALE - 1 : 1500

10 5 0 10 25 50 Metres  
WEST & RUUSKA LTD.

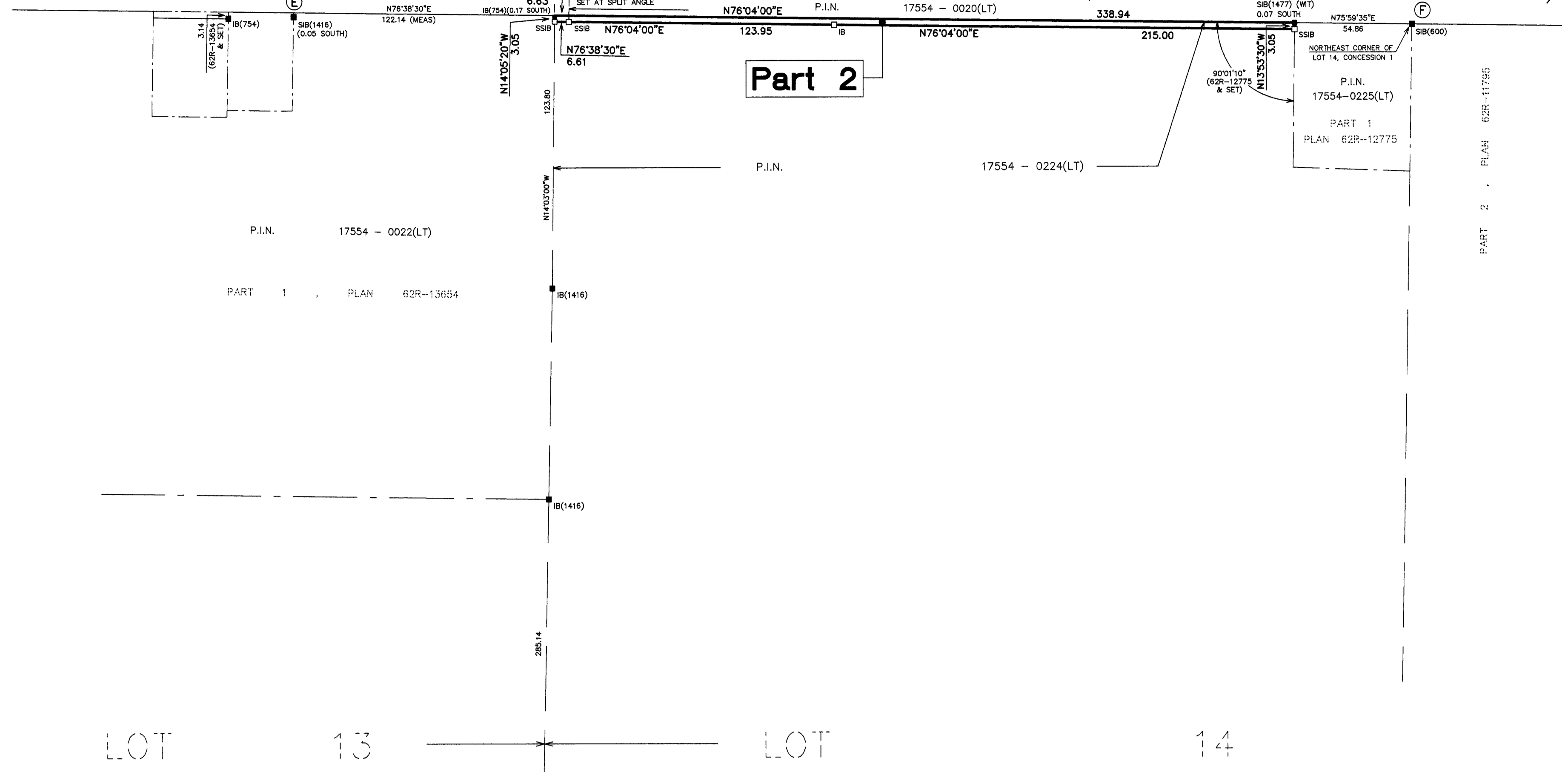
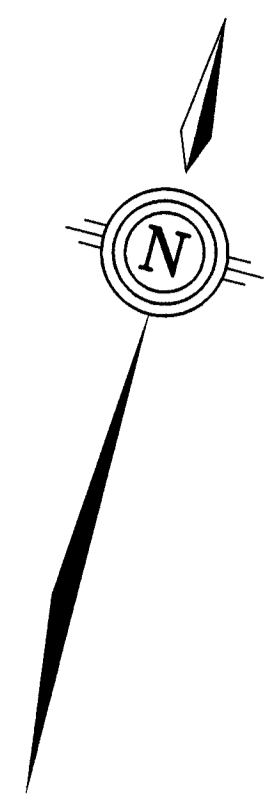
SCHEDULE			
PART	LOT	CONCESSION	P.I.N.
1	PART OF 14	1	PART OF 17554-0224(LT)
2	PART OF 14	1	PART OF 17554-0224(LT)
3	PART OF 13	1	PART OF 17554-0034(LT)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.  
DATED January 28, 2020  
*Jim Johnson*  
JIM JOHNSON, O.L.S.

**PLAN 62R-21401**  
RECEIVED AND DEPOSITED  
DATED Jan. 29, 2020  
*C. Adsett*  
REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62)

PARTS 1 and 2 COMPRISE PART OF P.I.N. 17554-0224(LT)

ROAD ALLOWANCE BETWEEN CONCESSIONS 1 and 2 - SECOND CONCESSION ROAD ( ALSO KNOWN AS COUNTY ROAD No. 39 )



LOT 13 LOT 14

**NOTE:**

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A TO F (INCLUSIVE), BY THE CANSEL CAN-NET REAL TIME NETWORK OBSERVATION, UTM ZONE 17, NAD83 (CSRS) (2010)

FOR BEARING COMPARISONS, ROTATION OF 00°41'35\"/>

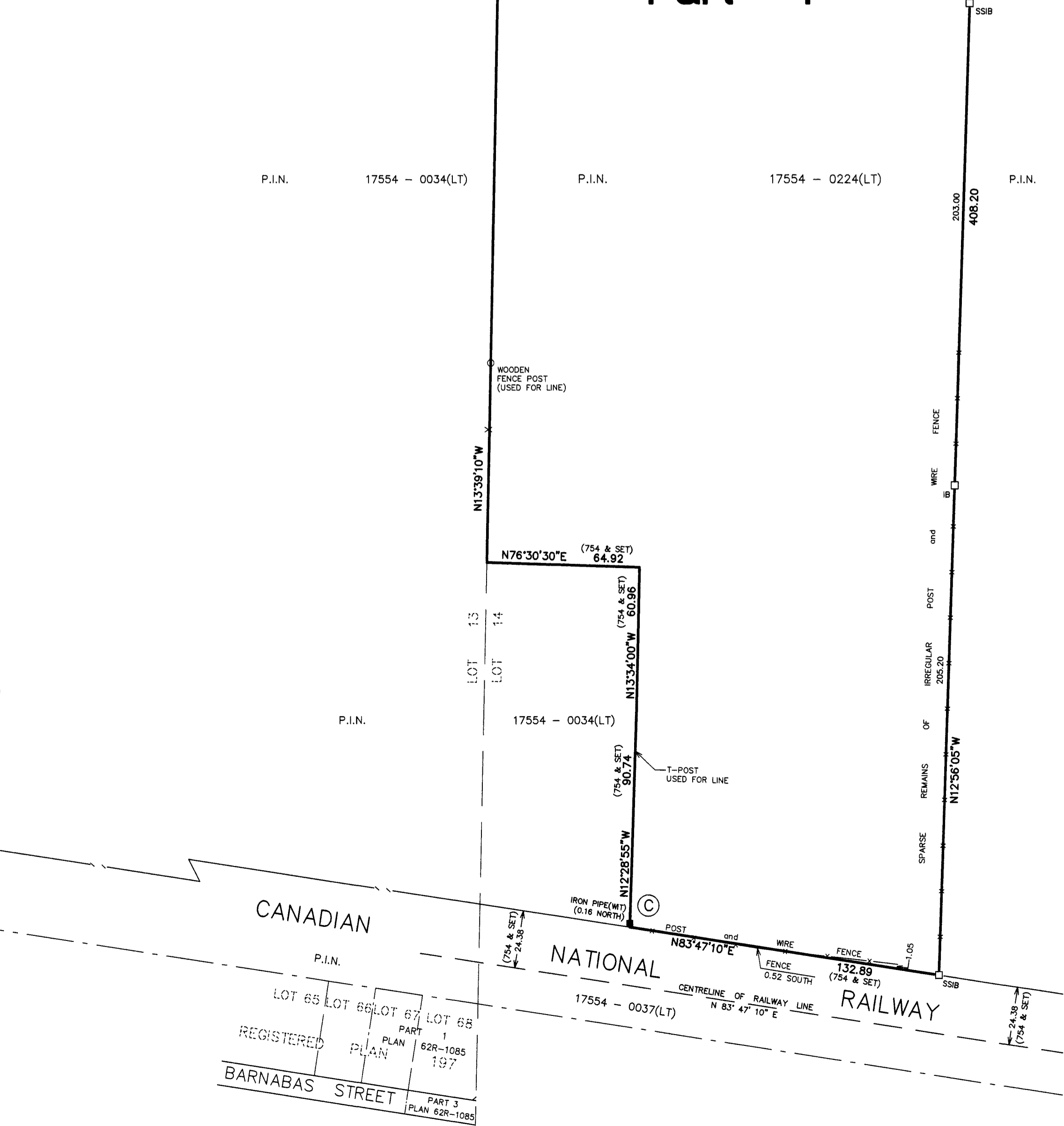
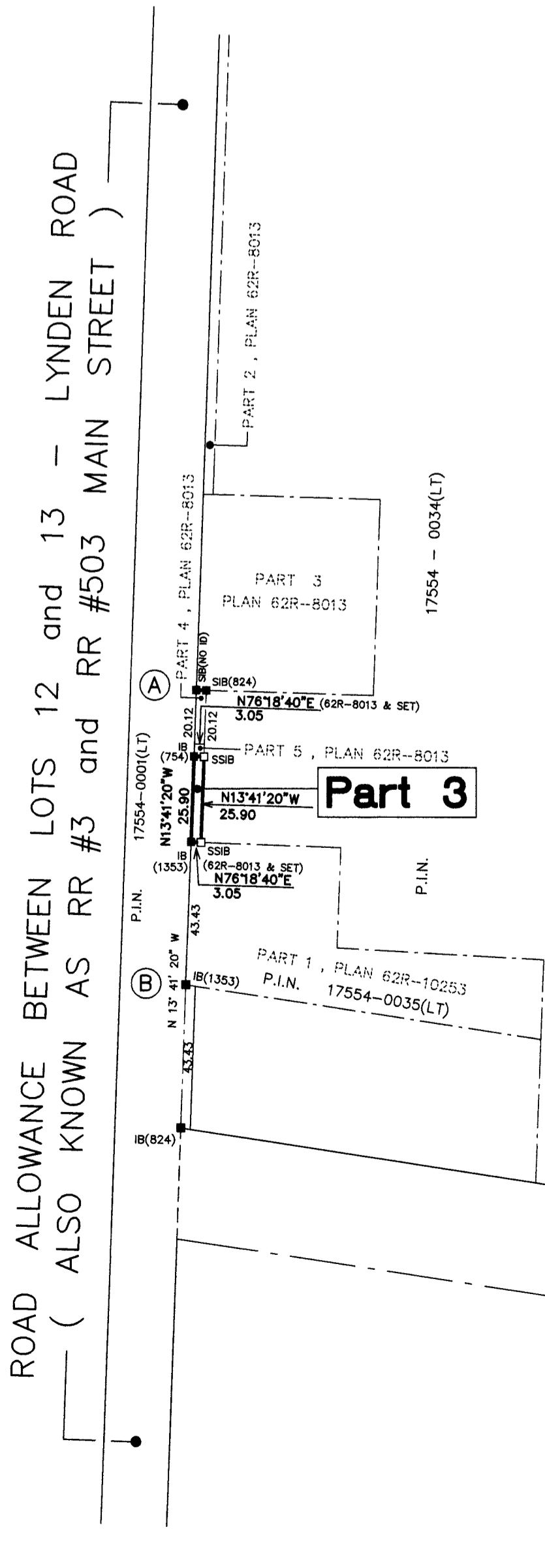
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999630.

OBSERVED REFERENCE POINTS (ORPs)  
UTM ZONE 17  
NAD83 (CSRS) (2010.0) COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
ORP A	4787771.56	569190.63
ORP B	4787684.69	569211.79
ORP C	4787702.39	569692.13
ORP D	4788291.52	569688.96
ORP E	4788711.30	569256.20
ORP F	4788835.88	569763.49

COORDINATES CANNOT, IN THEMSELVES BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

CONCESSION

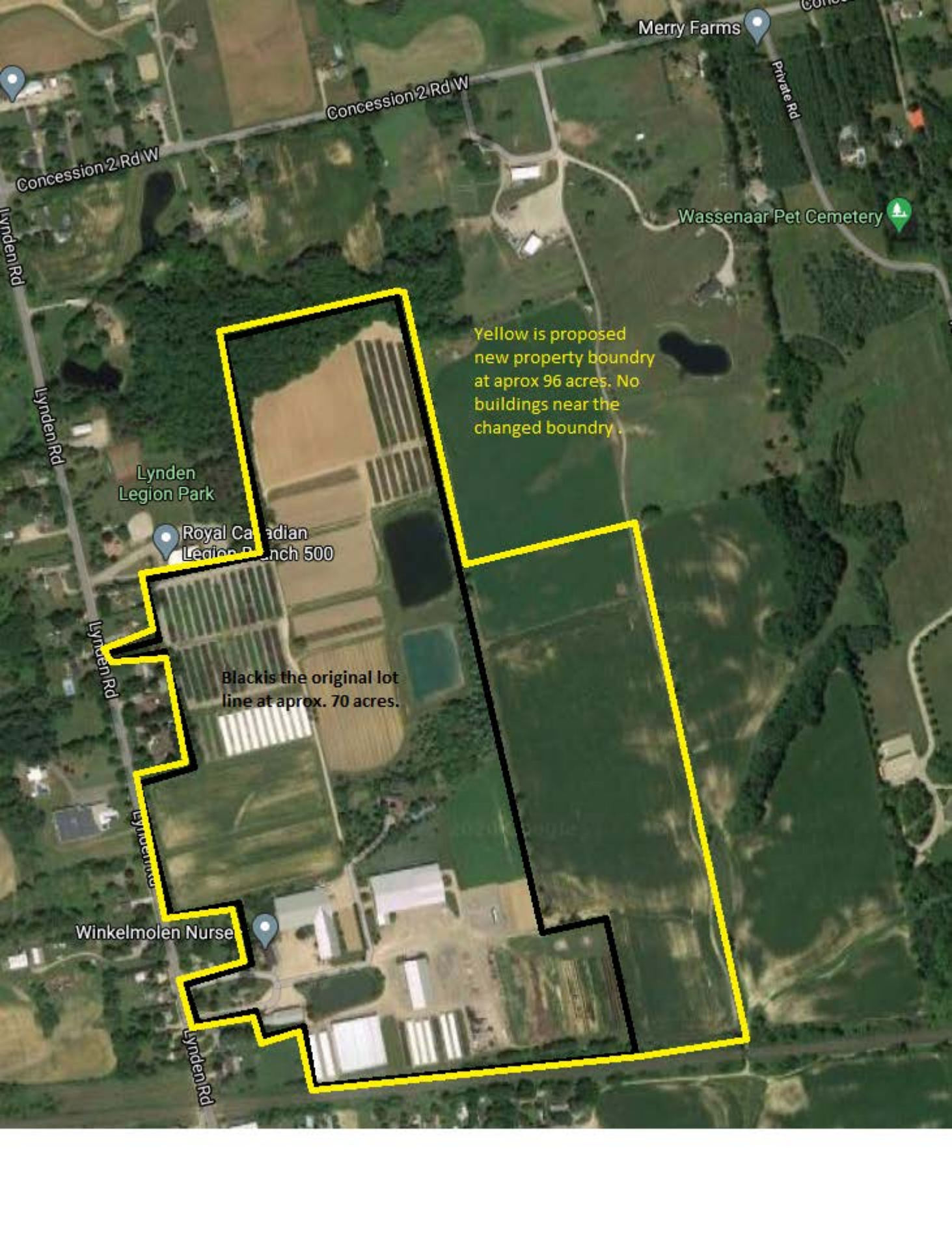


**LEGEND**

- DENOTES SET MONUMENT
- FOUND MONUMENT
- IB IRON BAR
- SIB STANDARD IRON BAR
- SSIB SHORT STANDARD IRON BAR
- IB# ROUND IRON BAR
- OU ORIGIN UNKNOWN
- 1416 WEST & RUUSKA LTD., O.L.S.
- 754 H.W. WEST, O.L.S.
- DI INSTRUMENT VM169437

**SURVEYOR'S CERTIFICATE**  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 7th DAY OF OCTOBER, 2019.  
DATED: November 15, 2019 *Jim Johnson*  
JIM JOHNSON  
ONTARIO LAND SURVEYOR

**WEST & RUUSKA LTD.**  
Ontario Land Surveyors  
17 NELSON STREET, BRANTFORD, ONTARIO, N3T 2M6  
Telephone (519)752-8641  
DRAWN BY: Ted S. KUTYLA, C.S.T. C.E.T. W180097



Merry Farms

Concession 2 Rd W

Private Rd

Concession 2 Rd W

Wassenaar Pet Cemetery

Lynden Rd

Lynden Rd

Yellow is proposed new property boundary at aprox 96 acres. No buildings near the changed boundary.

Lynden Legion Park

Royal Canadian Legion Branch 500

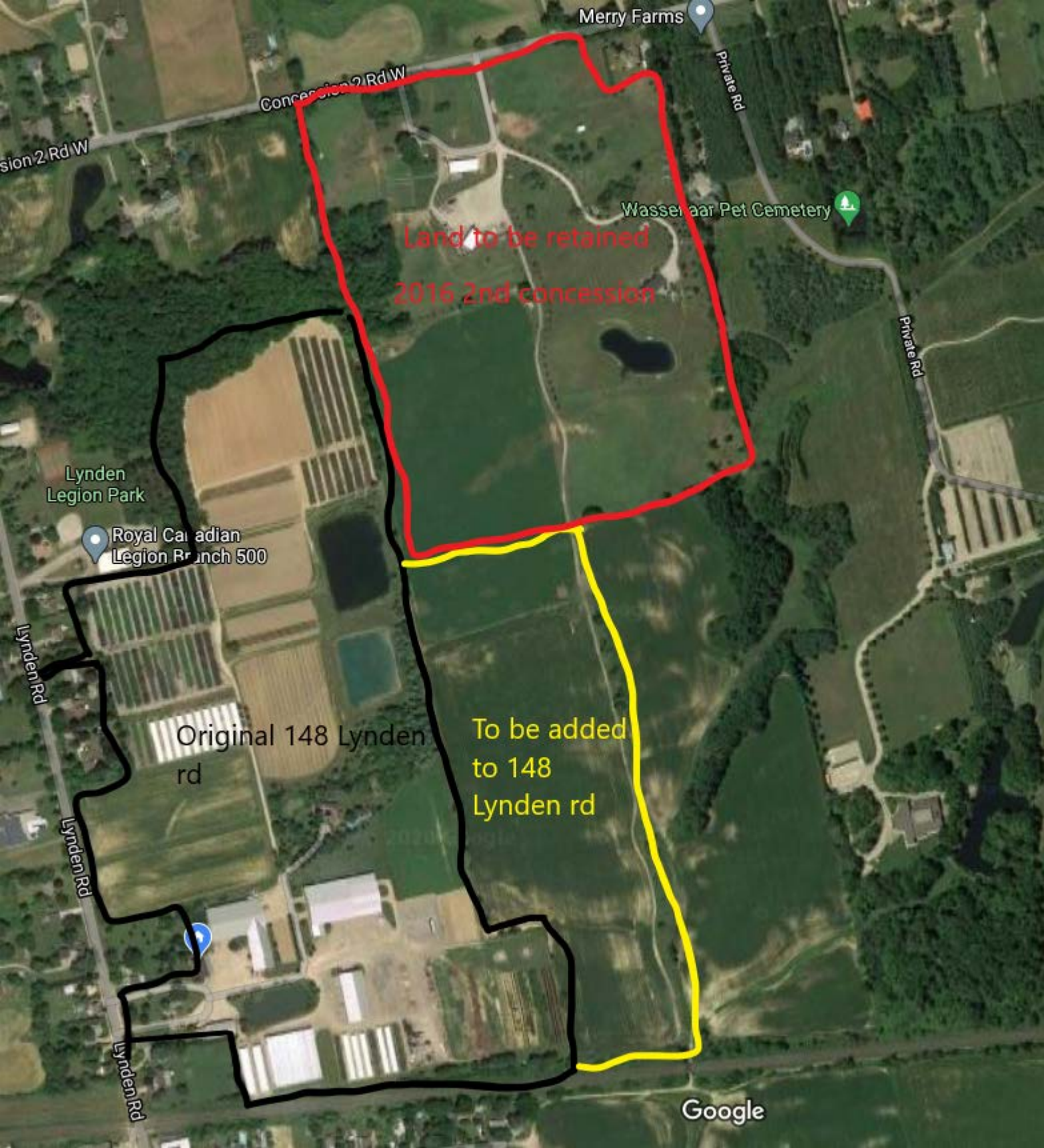
Lynden Rd

Black is the original lot line at aprox. 70 acres.

Lynden Rd

Winkelmolen Nurse

Lynden Rd



Merry Farms

Concession 2 Rd W

Private Rd

Concession 2 Rd W

Wassenaar Pet Cemetery

Land to be retained  
2016 2nd concession

Private Rd

Lynden Legion Park

Royal Canadian Legion Branch 500

Lynden Rd

Original 148 Lynden rd

To be added to 148 Lynden rd

Lynden Rd

Lynden Rd

Google





Hamilton

Planning and Economic Development Department  
Planning Division

**Committee of Adjustment**  
City Hall  
5<sup>th</sup> 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.**

<b>FOR OFFICE USE ONLY.</b>	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
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.

- Name of Owner Wickelbushy Nursery Ltd Telephone No.
- 
- Name of Agent Nicole Wickelbushy 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:

\_\_\_\_\_  
Postal Code \_\_\_\_\_

\_\_\_\_\_  
Postal Code \_\_\_\_\_

6. Nature and extent of relief applied for:

To be allowed to have A1  
land be under 100 acres

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

A1 requires 100 acre lots while  
in the area most lots are under  
100 acres, taking one from closer to  
100 while other will be more viable at 50

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

Property 251830111078600  
198 Lynden Rd Lynden

9. PREVIOUS USE OF PROPERTY

Residential  Industrial  Commercial

Agricultural  Vacant

Other \_\_\_\_\_

9.1 If Industrial or Commercial, specify use

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown  Farm fuel storage

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

Yes  No  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  Unknown

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

Yes  No  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  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 X Unknown \_\_\_

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

Owner knowledge

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 X No X

- Farm fuel storage

**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.

24/08/2020  
Date

[Signature]  
Signature Property Owner

Winkelman Nursery Ltd  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 926.8 Ft  
Depth \_\_\_\_\_  
Area 70.39 a  
Width of street \_\_\_\_\_

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: 4 barns totaling ± 85000 sqft  
2 houses, 30000 sqft greenhouse

Proposed: None

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

Existing: 4 barns totaling ± 85000 sqft  
2 Houses, 30000 sqft greenhouse  
all at least 20 ft from property  
line and existing (no changes)

Proposed: Same

13. Date of acquisition of subject lands: 1978 + 2020 for severance if approved

14. Date of construction of all buildings and structures on subject lands:

15. Existing uses of the subject property: Farming

16. Existing uses of abutting properties: Farming

17. Length of time the existing uses of the subject property have continued: 40+ years

18. Municipal services available: (check the appropriate space or spaces)

Water NO Connected \_\_\_\_\_

Sanitary Sewer NO Connected \_\_\_\_\_

Storm Sewers NO \_\_\_\_\_

19. Present Official Plan/Secondary Plan provisions applying to the land: A1

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land: A1 over 100 acres

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.

**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

To whom it may concern:

This variance is to allow the change in size of 148 Lynden rd from approx 70 acres to approx 96 acres. This does not fall into the guidelines for A1 land in hamilton which suggest farms should be over 100 acres. This farm grows a specialty crop which requires land with specific crop history to allow it to be grown otherwise the disease presence makes it unable to be grown. The land to be added is ideal for growing this crop which would allow the farm to expand their production capabilities.