



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
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-20:182

APPLICANTS: Agent Nick Winkelmolten
Owner Lee Smith

SUBJECT PROPERTY: Municipal address **2016 2ND Con. Rd. W., 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 a reduced 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 20.2 hectares instead of the minimum required 40 hectares.

NOTES:

1. The property at 2016 2nd Concession Road West is currently an existing agricultural property used for horse breeding, comprising 30.73 hectares and is being reduced through the conveyance of a 10.53 hectare parcel which is to be added to lands located at 148 Lynden Road 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 148 Lynden Road FL/A-20:181.

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
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: September 14th, 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.

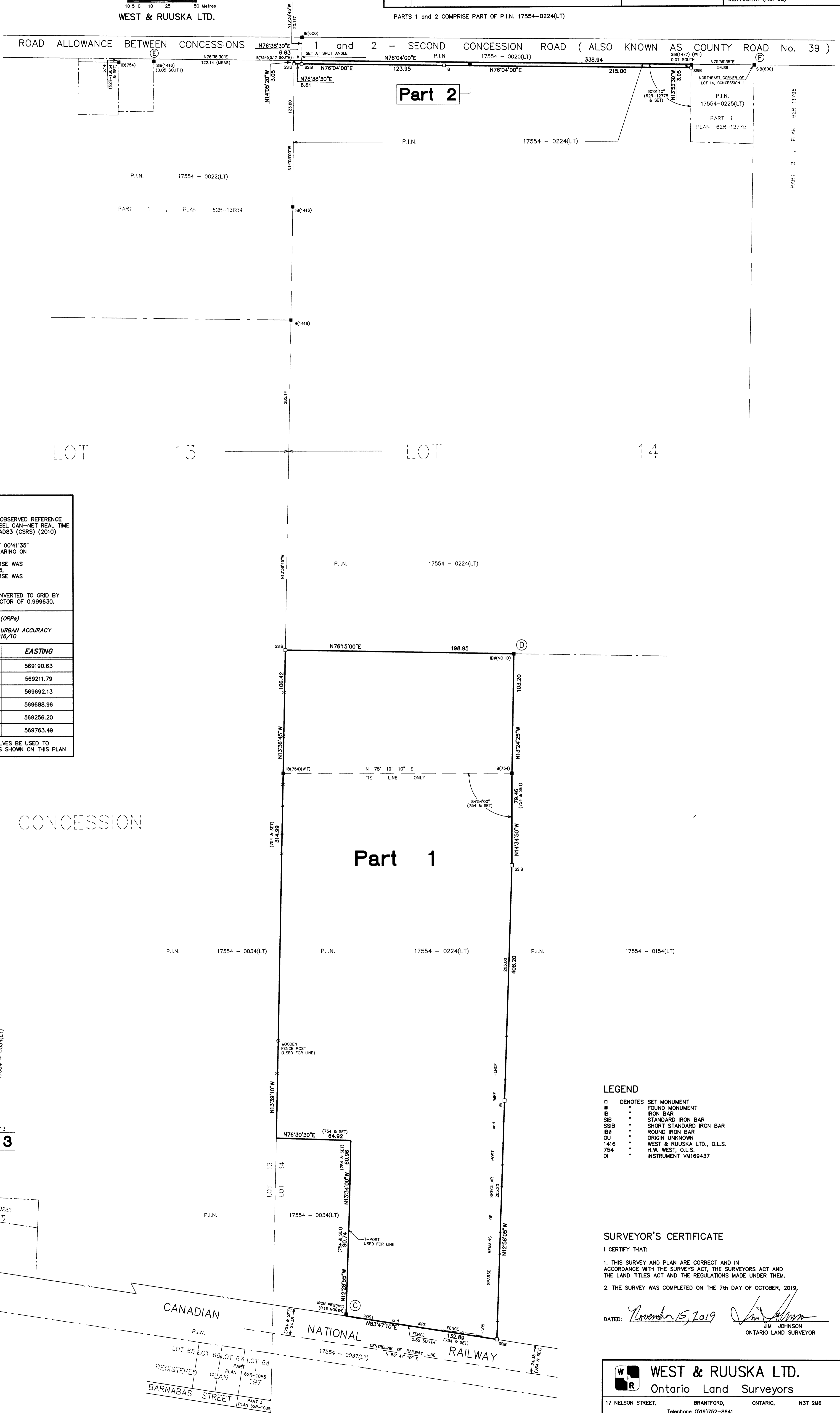
PLAN 62R-21401

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)



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)

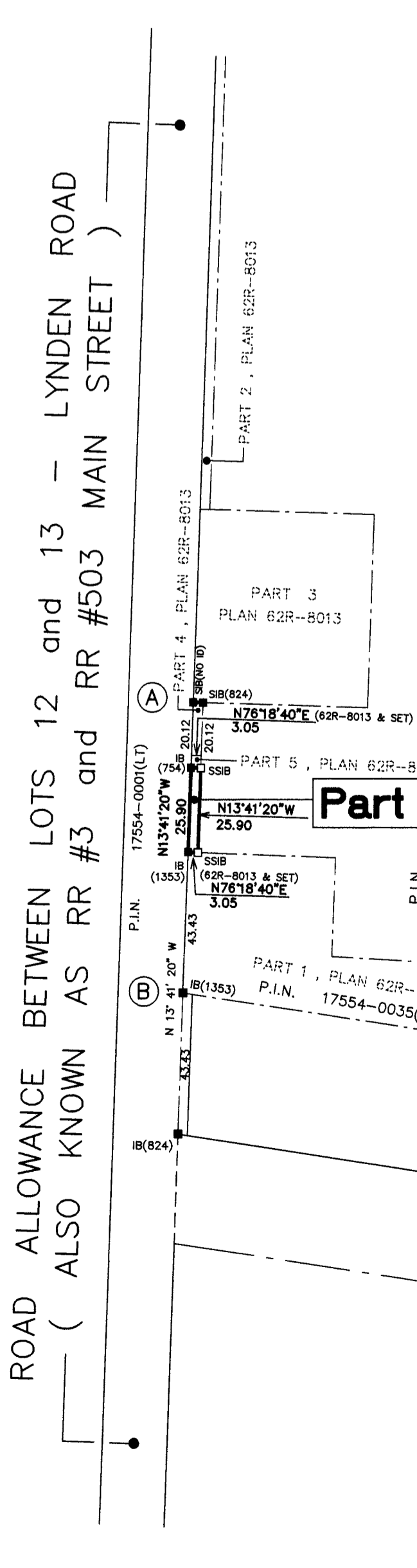
FOR BEARING COMPARISONS, ROTATION OF 00°41'35\"/>

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



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:

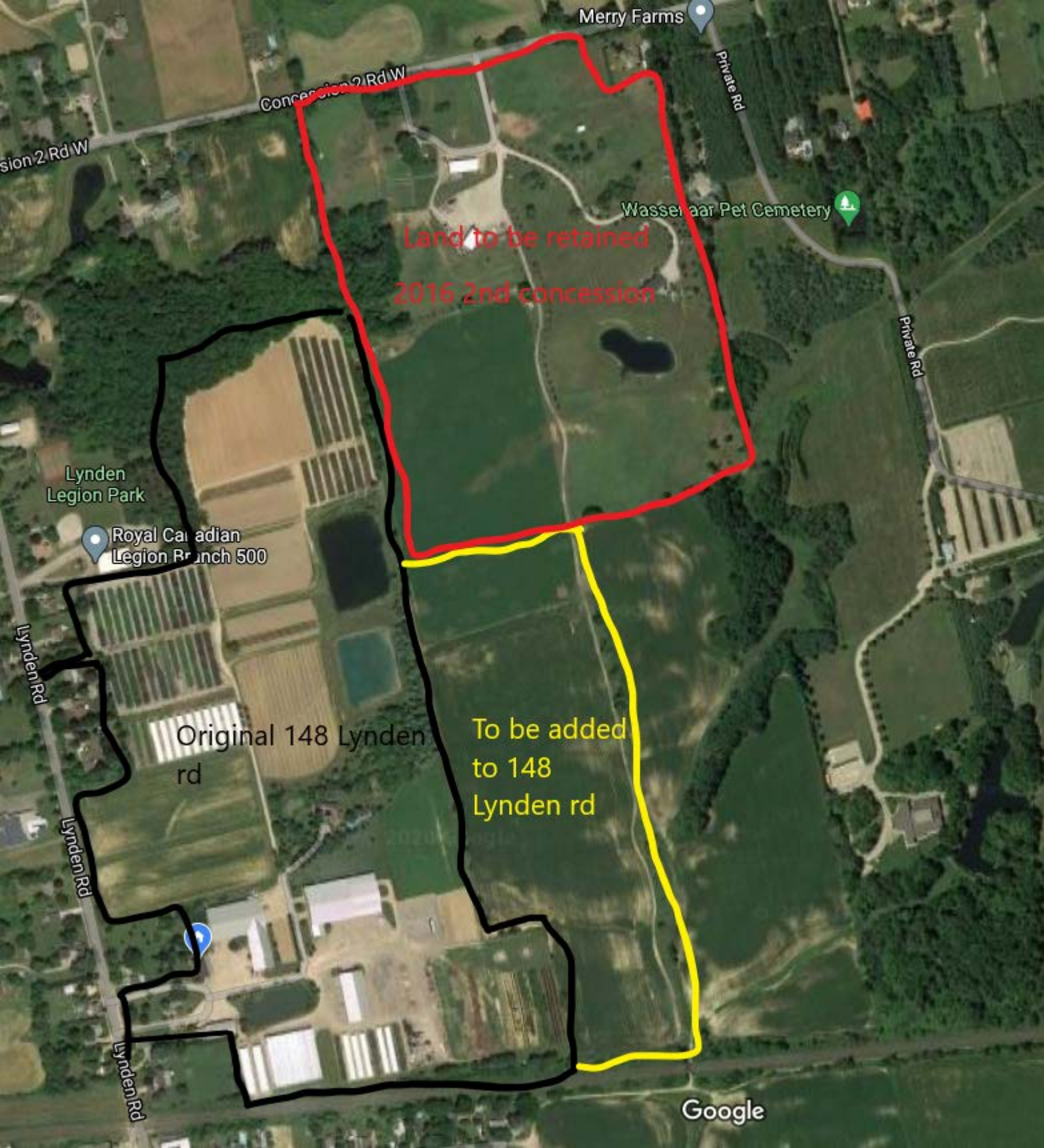
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 7th DAY OF OCTOBER, 2019.

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

Wassebaer Pet Cemetery

Land to be retained
2016 2nd concession

Private Rd

Lynden Legion Park

Royal Canadian Legion Branch 500

Lynden Rd

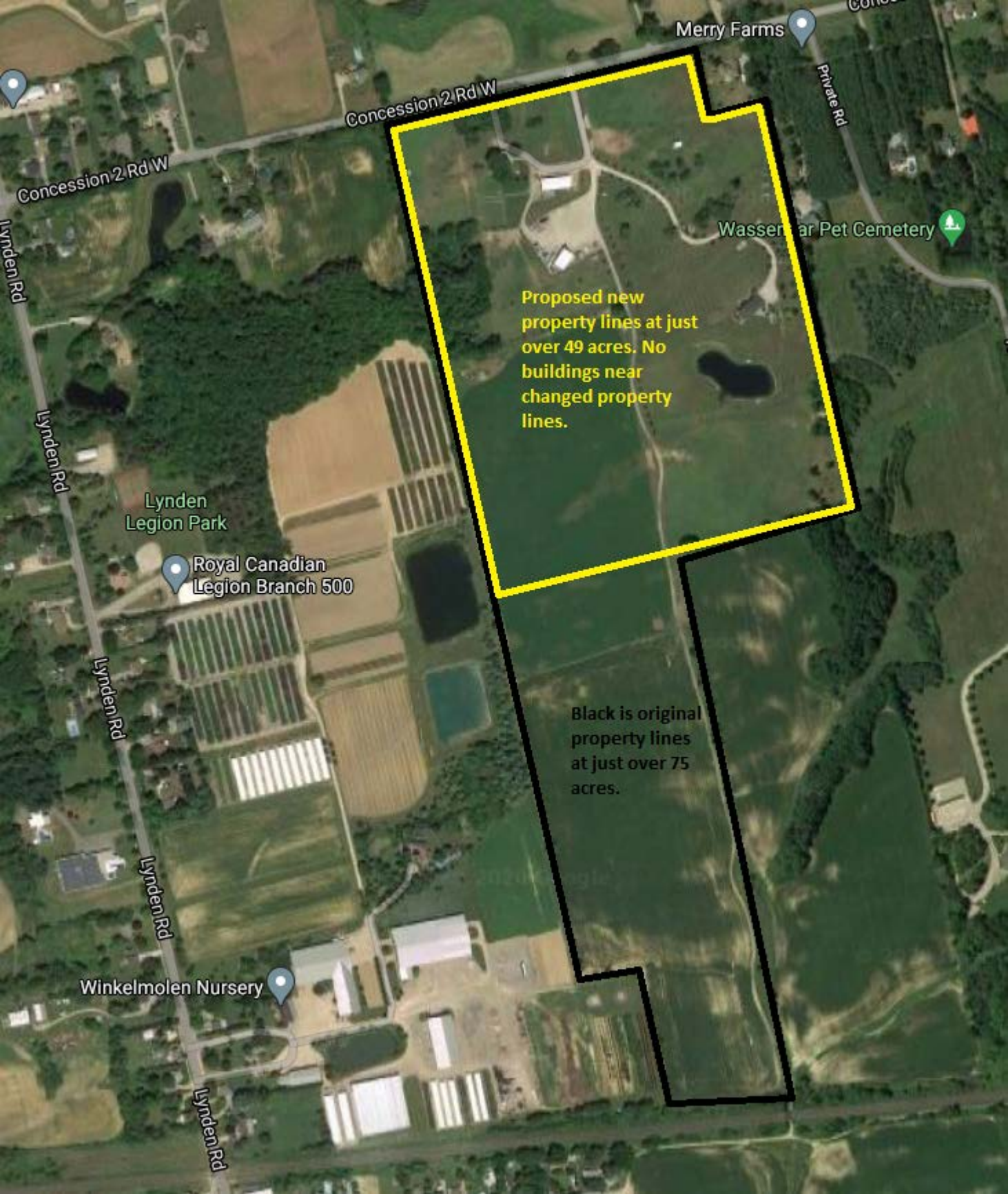
Original 148 Lynden rd

To be added to 148 Lynden rd

Lynden Rd

Lynden Rd

Google



Merry Farms

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Private Rd

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Lynden Rd

Lynden Rd

Lynden Legion Park

Royal Canadian Legion Branch 500

Lynden Rd

Lynden Rd

Winkelmolen Nursery

Lynden Rd

Wasserbar Pet Cemetery

Proposed new property lines at just over 49 acres. No buildings near changed property lines.

Black is original property lines at just over 75 acres.

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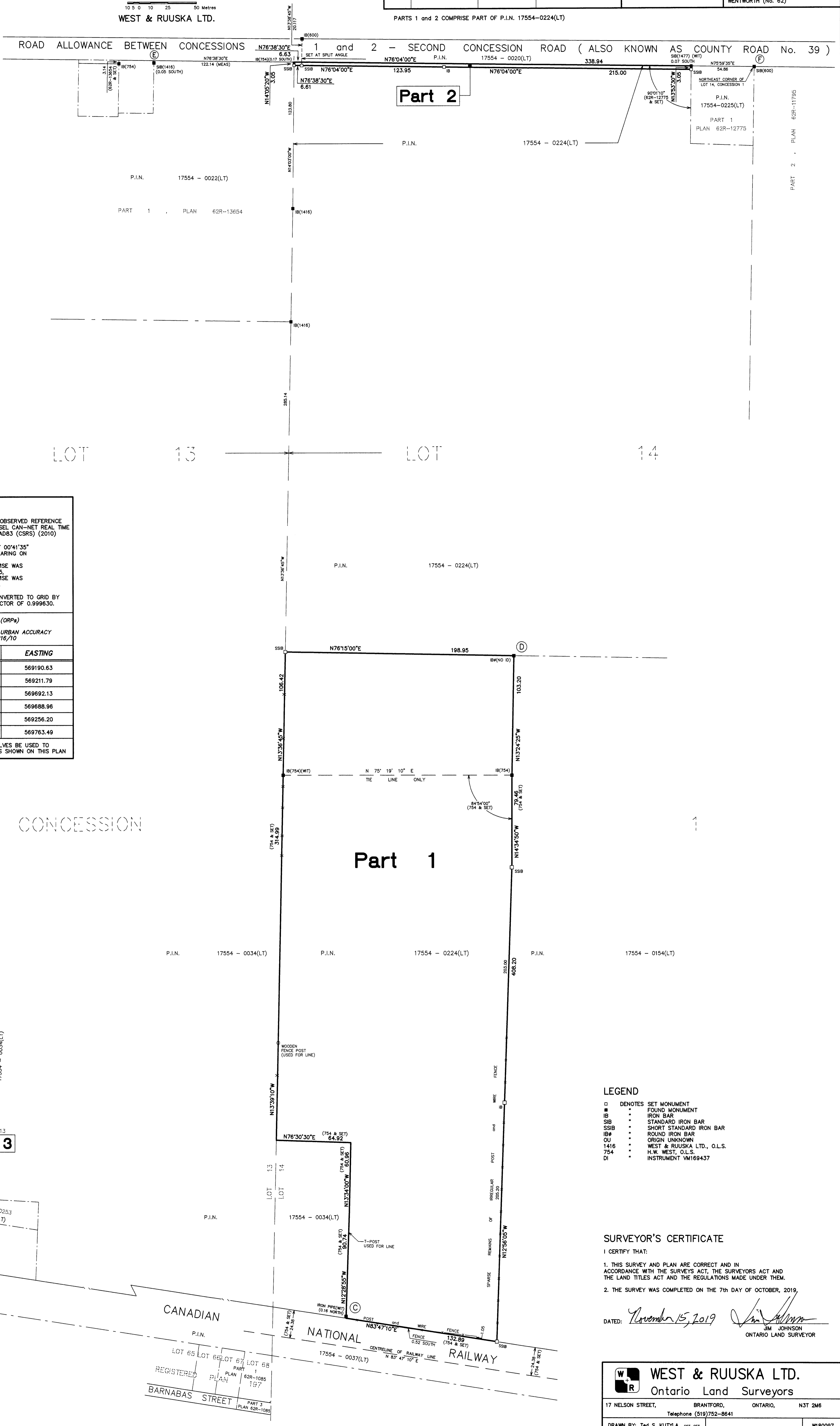
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LOT 13 LOT 14

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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.

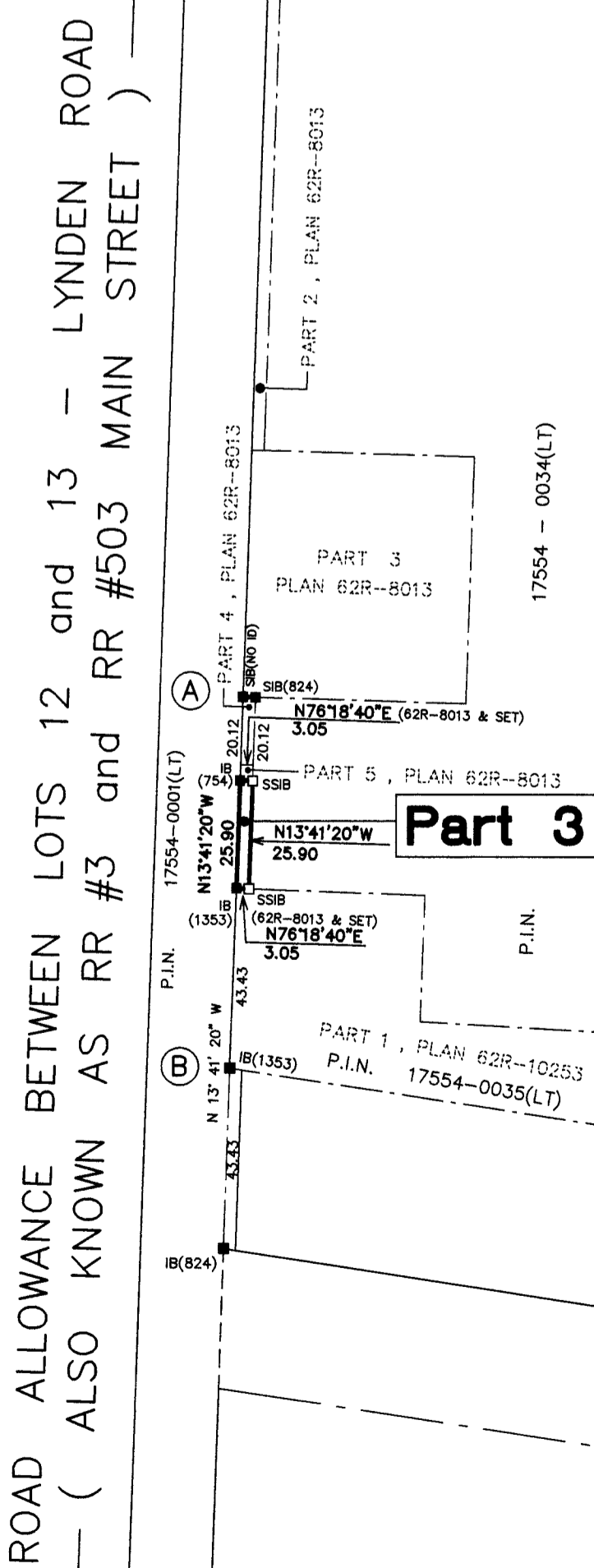
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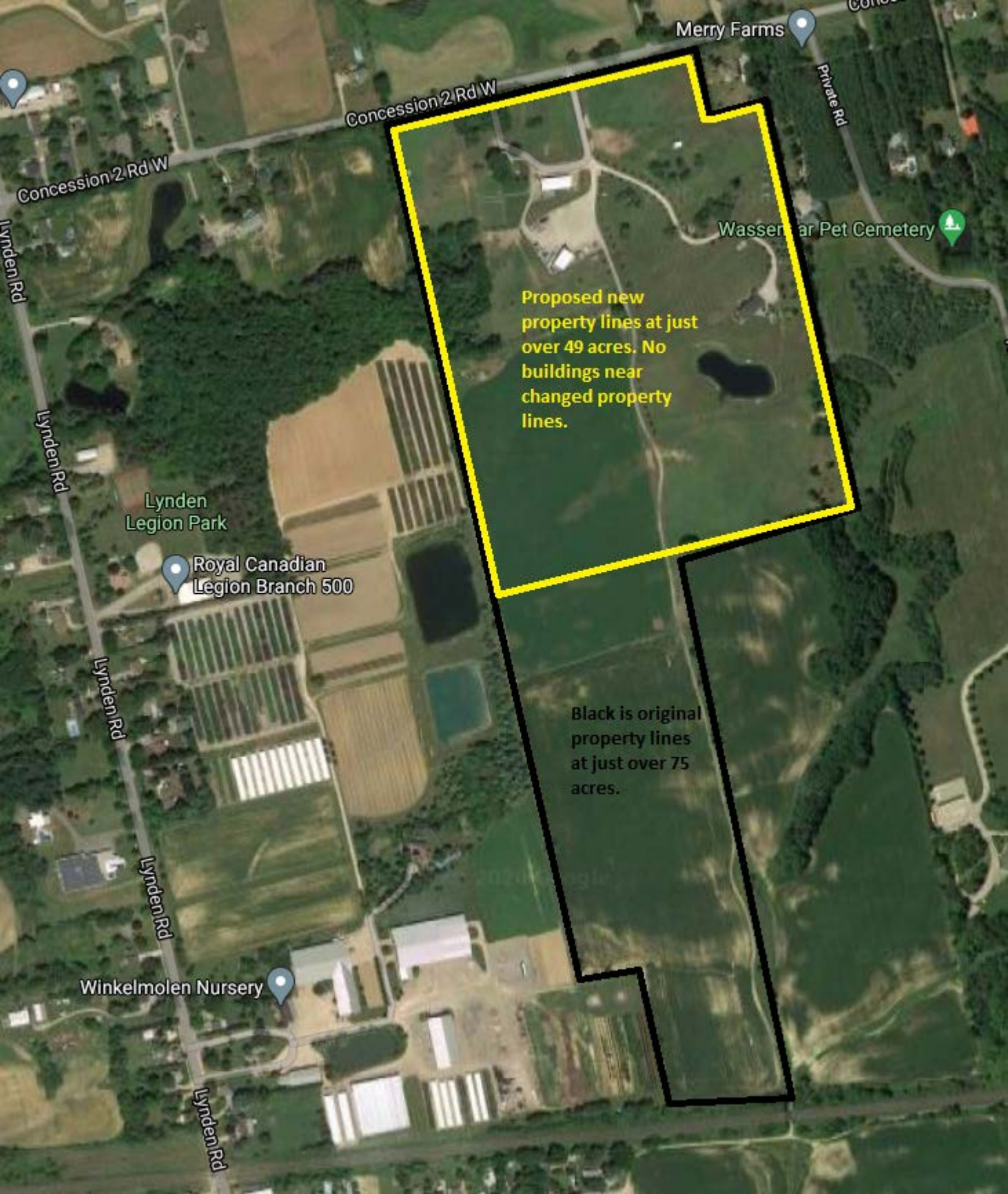
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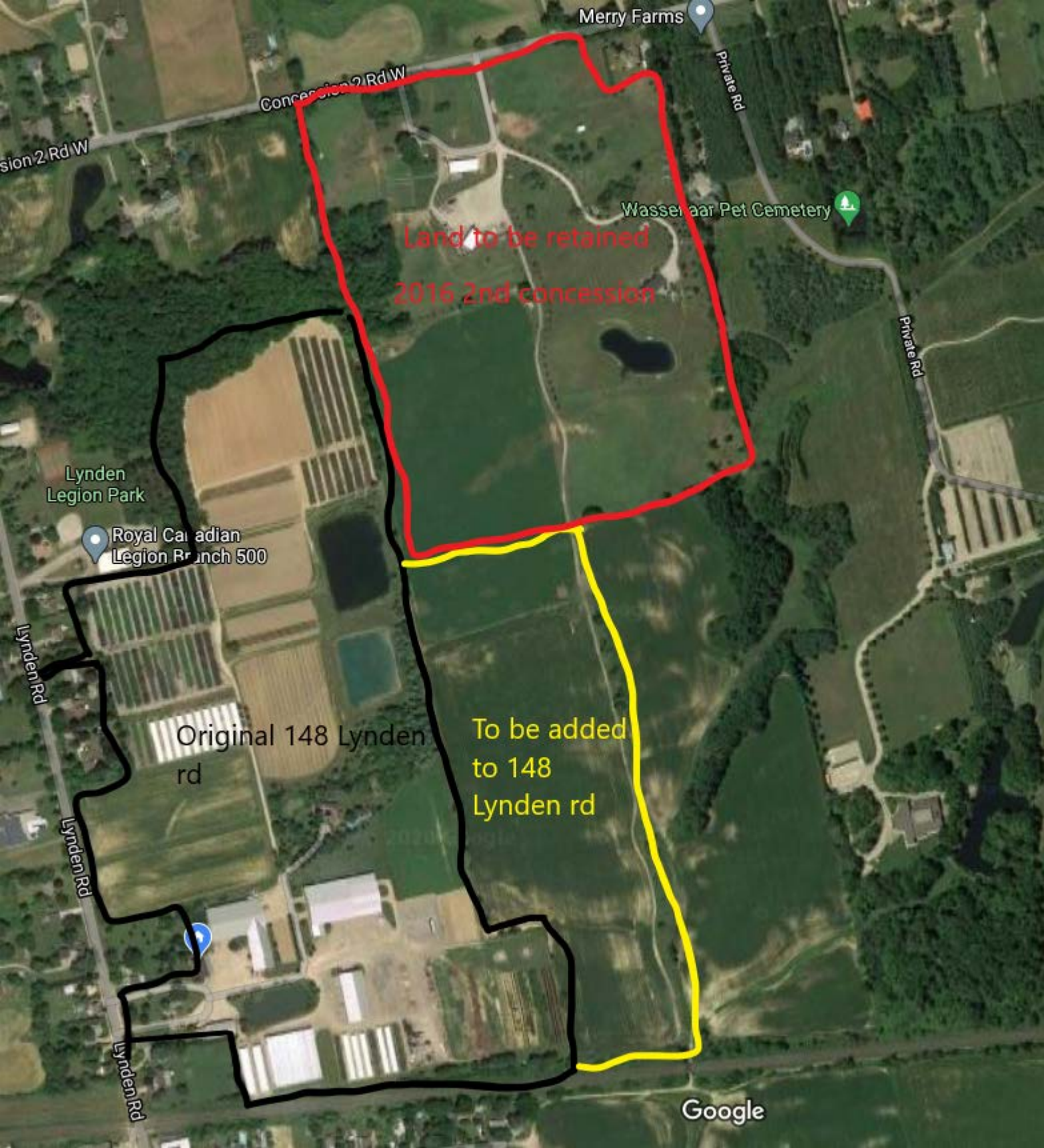
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Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th floor 71 Main Street West
Hamilton, Ontario L8P 4Y6

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. _____	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 Lee Smith Telephone No. [Redacted]
- [Redacted]
- Name of Agent Nick Whitehead Telephone No. [Redacted]
- [Redacted]

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:
Under 100 acres for A1 land

7. Why it is not possible to comply with the provisions of the By-law?
The farm started off under 100 acres, and would like to sever, since 76 acres are unusable for me and a burden to maintain for my farm type

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
Property # 25183011081400
2016 2nd Concession 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

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 history

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

- Farm Fuel

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.

24/03/2020
Date

[Signature]
Signature Property Owner

Lee Smith
Print Name of Owner

10. Dimensions of lands affected:

Frontage 1140 ft
Depth _____
Area 75.96 acres
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: 3 barns + one house

Proposed: same

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

Existing: Aerial map attached
3 barns 1 house all over
20 ft from property line

Proposed: Same

13. Date of acquisition of subject lands: MC ± 2008

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:

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:

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

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:

The variance is to allow 2016 2nd concession to reduce its acreage from approx 75 acres to just under 50 acres. Since A1 land in hamilton is suggested to be over 100 acres this would require a variance. 2016 2nd concession is a horse breeding facility and currently rents out the excess acreage but due to the ability to access the excess land its hard to find renters and it would be a financial burden for the farm to try and use the land itself. Around 50 acres gives the facility more than enough space to continue its breeding and training facility with room for expansion in the future if so desired. The excess 26 acres is not suitable for the training and breeding facility since it is too hilly and farming the land would require significant investment in machinery that isnt needed for breeding.