

## **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-21:350

**APPLICANTS:** Owner John Soltes

**SUBJECT PROPERTY:** Municipal address **1186 Hwy #8, Stoney Creek**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended 21-071

**ZONING:** "A1" (Agriculture) district

**PROPOSAL:** To permit a farm labour residence in association with an agricultural operation and farm dwelling, notwithstanding that:

1. A farm labour residence shall be located within 80 metres of the farm dwelling instead of within 30 metres;
2. A farm labour residence shall have a driveway which is separate from the farm dwelling instead of utilizing the existing driveway access to the farm dwelling.

**NOTES:**

1. The variance was written as requested by the applicant except that a second variance was included to address the driveway requirement for the proposed farm labour residence.
2. The proposed farm labour residence would not require a variance for the proposed covered and unenclosed porch because it is not included in the calculation of the gross floor area for the building.
3. The Zoning By-law defines a Farm Labour Residence as follows:  
Farm Labour Residence shall mean accommodation for full-time farm labour where the size and nature of the farm operation requires additional employment
4. Farm Labour Residences are not subject to Site Plan Approval. However, a letter to demonstrate the need for the Farm Labour Residence is a requirement of Development Planning.
5. The subject property is within an area identified as Specialty Crop in Schedule F, Special Figures. The Specialty Crop Area permits the minimum lot area for agricultural uses to be 16.2 ha instead of 40 ha.
6. The subject property is included within the City's Heritage Inventory.

7. The proposed farm labour residence is located on a portion of the subject property that is regulated by the Hamilton Conservation Authority. For further information, please contact the Hamilton Conservation Authority at 905-525-2181.

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

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<b>DATE:</b>	<b>Thursday, November 4th, 2021</b>
<b>TIME:</b>	<b>1:15 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>To be streamed at</b>
	<b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>
	<b>for viewing purposes only</b>

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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: October 19th, 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.***

# Attachment 2

HWY 8

Site Plan

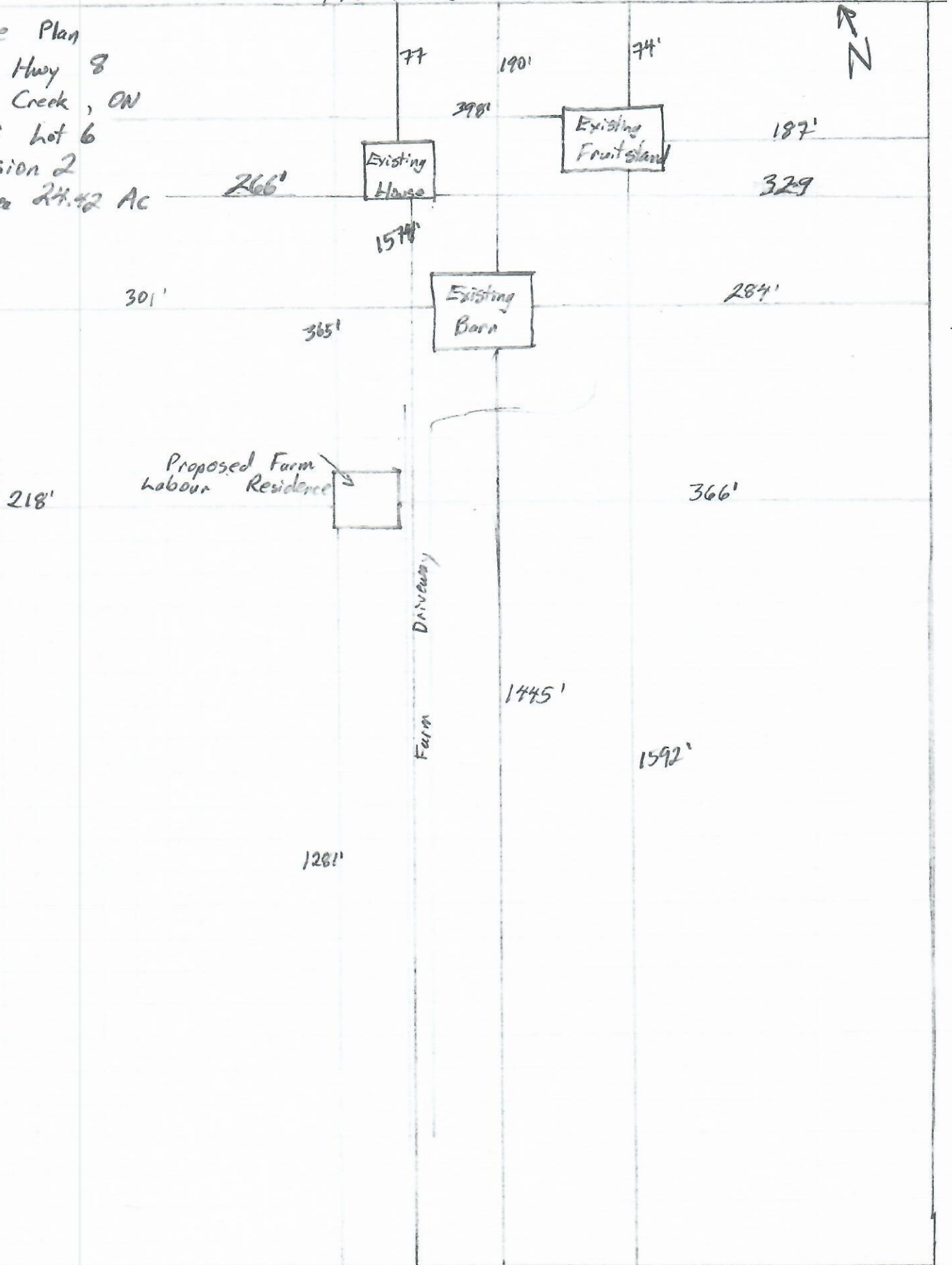
1186 Hwy 8

Stoney Creek, ON

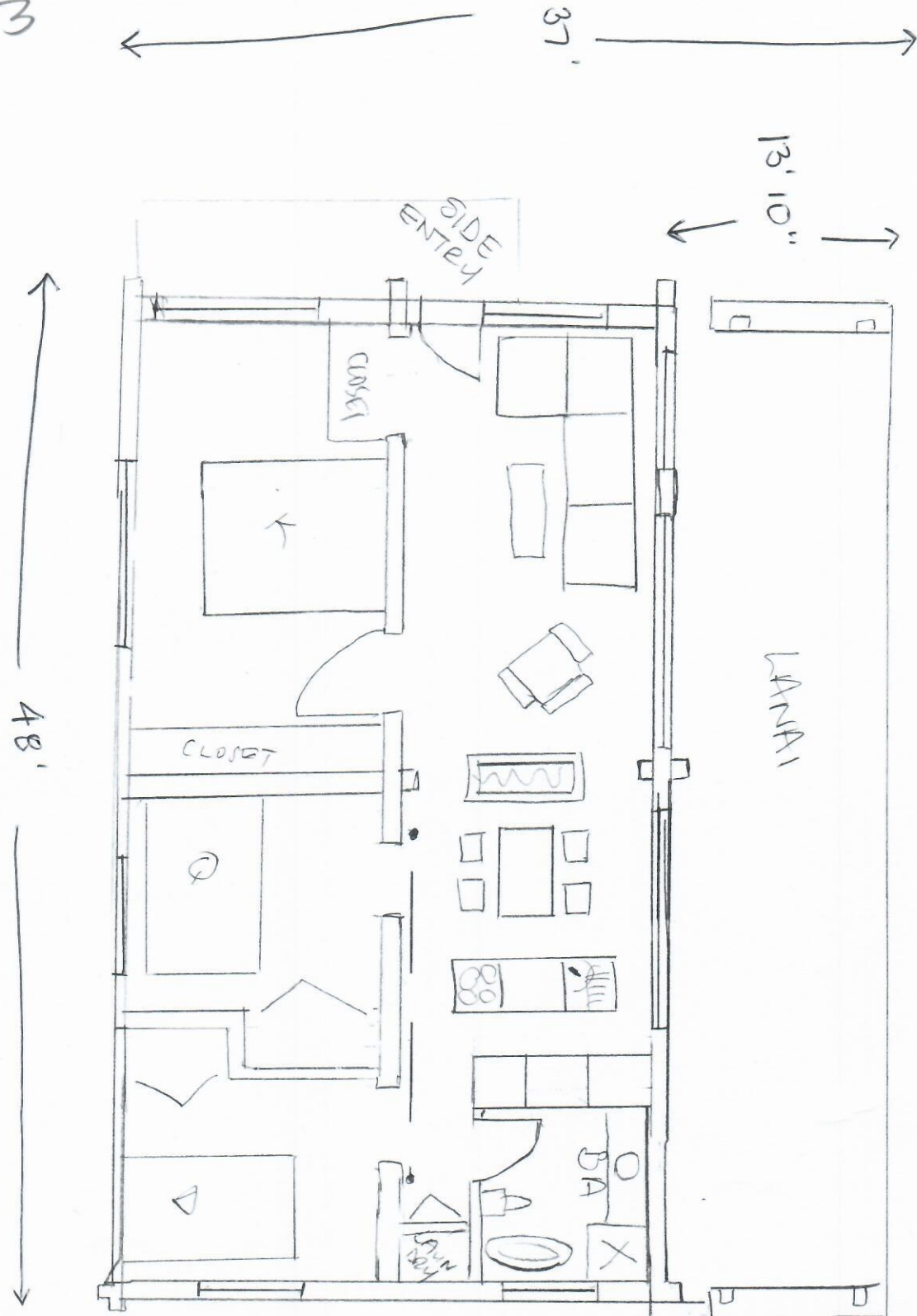
\* Part of Lot 6

Concession 2

\* Lot Area 24.42 Ac



Attachment 3



DECK  
672 SQFT  
RESIDENCE  
1104 SQFT.



Committee of Adjustment  
City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## 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	NAME	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:

MERIDIAN CREDIT UNION  
75 CORPORATE PARK DR  
ST CATHARINES ON L2S 3W3



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:

IN THE CONSTRUCTION OF A FARM LABOUR RESIDENCE

1. LOCATION TO BE 80M FROM EXISTING RESIDENCE (NOT 30M)

2. SIZE TO BE 1665 SQFT DUE TO COVERED DECK, NOT 1250

RESIDENCE WITHOUT DECK 1104 SQ FT

Attachment 3

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

PLEASE SEE ATTACHMENT 1

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**):

PART OF LOT 6, CONCESSION 2

CITY OF STONEY CREEK

1186 HIGHWAY 8, STONEY CREEK

7. PREVIOUS USE OF PROPERTY

Residential ☐ Industrial ☐ Commercial ☐

Agricultural ☒ Vacant ☐

Other \_\_\_\_\_

- 8.1 If Industrial or Commercial, specify use \_\_\_\_\_
- 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 9.1 to 9.10 above?  
OWNERSHIP SINCE 1955 (4 GENERATIONS)

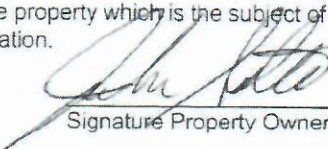
8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes ☐ No ☒

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.

AUG 29, 2021  
Date

  
Signature Property Owner

JOHN SALTES  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 192 M  
Depth 515 M  
Area 25 ACRES  
Width of street 20 M

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: ① HOUSE ② BARN 1 ③ BARN 2 ④ PROPOSED FLR:  
GND FLR: 900 1974 ft<sup>2</sup> 560 ft<sup>2</sup> 1776 SQ FT  
GROSS FLR: 1400 1974 ft<sup>2</sup> 560 ft<sup>2</sup> 1776 SQ FT  
STORIES: 2 1 1 1  
WIDTH: 28 42 ft 16 37 ft  
Proposed LENGTH: 32 47 ft 35 48 ft  
HEIGHT: 24 26 ft 18 15 ft

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

Existing:

SEE ATTACHMENT 2

Proposed:



13. Date of acquisition of subject lands:  
MAY 5 1955 (1ST GENERATION) 1993 J. SOLTES
14. Date of construction of all buildings and structures on subject lands: OWNERSHIP  
HOUSE 1942. BARN1 PRE 1955 BARN2 1994
15. Existing uses of the subject property:  
CHERRY FARM - AGRICULTURE
16. Existing uses of abutting properties: EAST - RESIDENTIAL NORTH - Hwy 6  
WEST - AGRICULTURAL  
SOUTH - AGRICULTURAL
17. Length of time the existing uses of the subject property have continued:  
SINCE 1955 IN CURRENT FAMILY OWNERSHIP  
100+ YRS TOTAL
18. Municipal services available: (check the appropriate space or spaces)  
Water ✓ Connected YES  
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. Additional Information
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.