



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-22:14

APPLICANTS: Agent Chris Van Berkel
Owners D. & S. Gowland

SUBJECT PROPERTY: Municipal address **1941 Hwy 5, Flamborough**

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

ZONING: "P7" & "A1" (Conservation/Hazard Land Rural and Agriculture) district

PROPOSAL: To permit the construction of a 743.10 m² farm storage building straddling the "P7" and "A1" zones, accessory to the farm operation on site notwithstanding that;

1. The proposed farm storage building shall be permitted to be maintained as close as 0.0m from the "P7" zone instead of the minimum 7.5m setback required from the "P7" zone; and
2. A portion of the proposed farm storage building shall be permitted to encroach onto the "P7" zone whereas new buildings or structures are not permitted within the "P7" zone.

Note:

There are no other provisions for new buildings and structures in a P7 zone.

The lands are subject to Site Plan Control. As such, development or redevelopment may require application to the Development Planning Division. For further information, please contact (905) 546-2424 extension 1355 or email pd.generalinquiry@hamilton.ca.

Please be advised that a portion of this property is under Conservation Management. Please contact Conservation Halton Authority prior to any development.

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

DATE: Thursday, February 17th, 2022
TIME: 3:40 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: February 1st, 2022.

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.

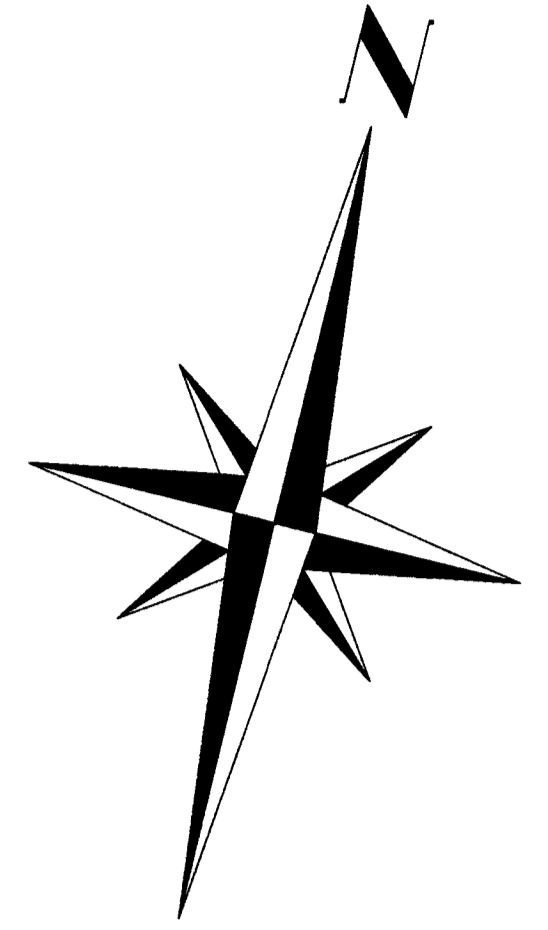
SKETCH SHOWING TOPOGRAPHICAL INFORMATION

SCALE - 1 : 300



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LOT

16

62R-16469

PLAN

PART

PART

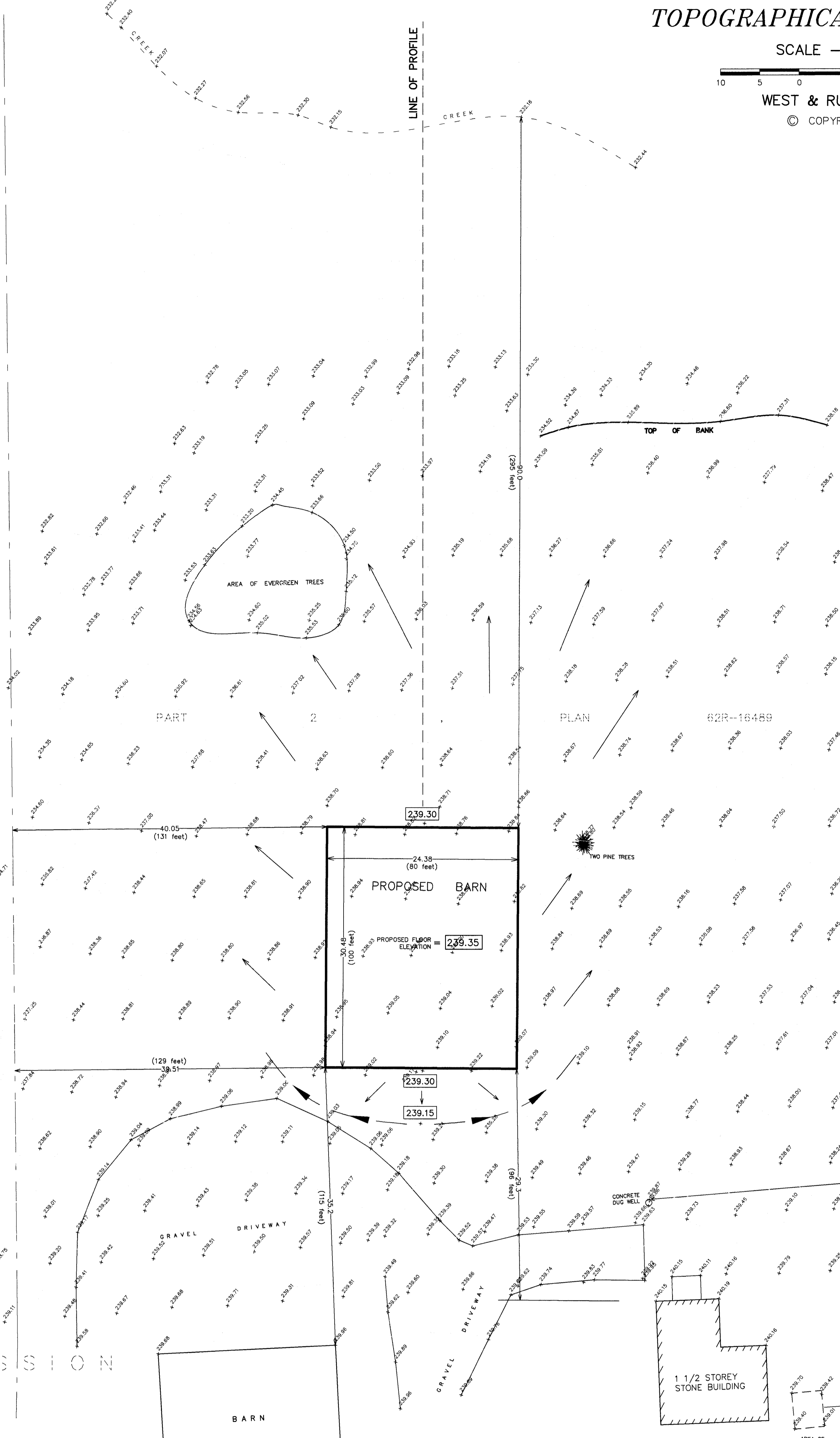
CONCESSION

PART

2

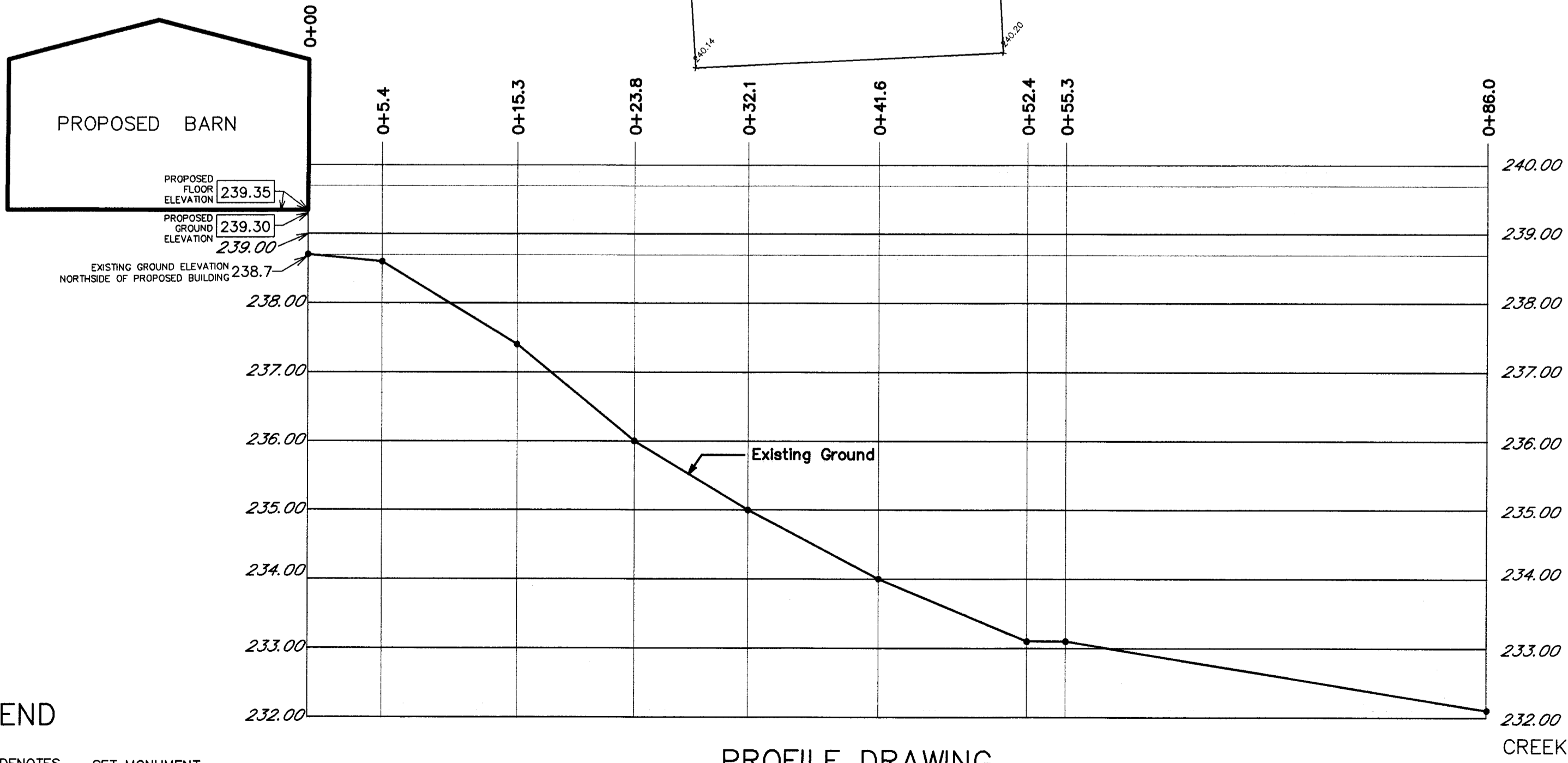
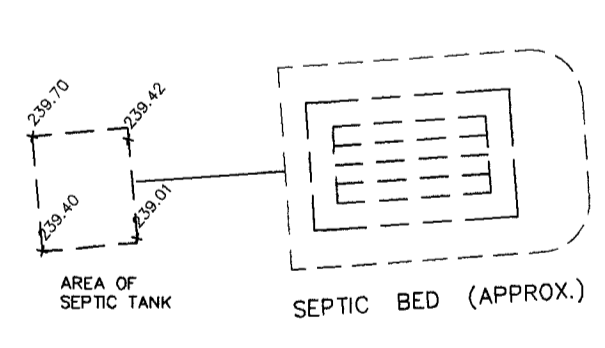
PLAN

62R-16469



SITE BENCHMARK
TOP OF CONCRETE WELL
ELEVATION=239.87

1 1/2 STOREY
STONE BUILDING



LEGEND

- DENOTES SET MONUMENT
- FOUND MONUMENT
- IRON BAR
- ROUND IRON BAR
- STANDARD IRON BAR
- PROPOSED SWALE
- GENERAL DRAINAGE
- TOP OF FOUNDATION ELEVATION
- UNDERSIDE OF FOOTING ELEVATION
- FINISHED FLOOR ELEVATION
- ACTUAL FIELD ELEVATION
- DESIGN ELEVATION
- AS BUILT ELEVATION

CAUTION :

UNDERGROUND SERVICES TO BE LOCATED BY CONTRACTOR/OWNER PRIOR TO ANY EXCAVATION. THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK. THIS SKETCH IS PROTECTED BY COPYRIGHT ©

NOTE:

SKETCH IS AN ORIGINAL IF EMBOSSED BY THE SURVEYOR'S SEAL, OR CERTIFIED ELECTRONIC PDF VERSION. THIS PLAN HAS BEEN COMPILED FROM FIELD MEASUREMENTS and FROM PREVIOUS RECORDS.

ELEVATION NOTE :

ELEVATIONS SHOWN HEREON ARE GEODETIC and ARE DERIVED FROM CANSEL CAN-NET REAL TIME NETWORK OBSERVATION, UTM ZONE 17, NAD83 (CSRS) (2010). ELEVATION REFERENCE DATUM IS CGVD28:78

GEOGRAPHIC INFORMATION:

PART OF LOT 16
CONCESSION 3
GEOGRAPHIC TOWNSHIP OF BEVERLY
CITY OF HAMILTON

Date: 8 November, 2021.

WEST & RUUSKA LTD.
Land Surveyors
17 NELSON STREET, BRANTFORD, ONTARIO, N3T 2M6
Telephone (519)752-8641
DRAWN BY: Ted S. KUTYLA, CSR, CST V210264



Hamilton

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

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

APPLICATION FOR A MINOR VARIANCE

21

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	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:
None

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:
 Non Permanent Structure, Agricultural Storage Building in an A1 and P7 Zone
Size and location

Secondary Dwelling Unit Reconstruction of Existing Dwelling

5. Why it is not possible to comply with the provisions of the By-law?
 The most ideal location has been identified for ease of flow, keeping buildings together in an area zoned P7 and A1. The proposed structure straddles that line. Any area outside of this would use up valuable aerable farmland and greenspace identified as protected by the Provincial Policy Statement and Greenbelt. The proposed area does not have any natural features to be protected and is shown as in Sched B attached

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**):
 PT LT 16, Con 3 Beverly, Being Pt 2, 62R16489, City of Hamilton
 1941 Hwy 5, Troy, ON

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant Other

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 8.1 to 8.10 above?

Consultation with the Farm owner and previous owner

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.

Nov 25 '21
Date


Signature Property Owner(s)

Dave Gosland
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 566.6'
Depth 2638.4'
Area 26.93 ha
Width of street 101'

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:
Stone House; 1.5 Storey, , 1917 SF Floor Area, 2617 Total SF, 45' wide, 52' depth
22'6 Height
Barn; 2 Storey, 4350 SF Floor Area, 75' Wide, 58' Deep, 28' Height

Proposed
80' Width x 100 Depth' 40' Height' 8000 SF Total GFA. Coverall Structure. Non-Permanent Structure

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

Existing:
House; East Side 166m, West Side 85.2m Rear 784.7m Front 238m
Barn; East Side 218m, West Side 22m, Rear 797.8m Front 226.4 m

Proposed:
Coverall Structure; East Side 194m, West Side 39.5m Rear 731m Front 261.2m

13. Date of acquisition of subject lands:
August 21, 2012
-
14. Date of construction of all buildings and structures on subject lands:
1850 +/- Stone House
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Agricultural
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Agricultural
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 type="checkbox"/> | Connected | <input type="checkbox"/> |
| Sanitary Sewer | <input type="checkbox"/> | Connected | <input type="checkbox"/> |
| Storm Sewers | <input type="checkbox"/> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
RHOP
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
A1, P7
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.