



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

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

<b>APPLICATION NO.:</b>	<b>FL/A-22:366</b>	<b>SUBJECT PROPERTY:</b>	1738 HWY 5 W, Flamborough
<b>ZONE:</b>	"A1" (Agricultural)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: Evelyn & Herman Vander Meulen  
Agent: AJ Clarke & Associates – Liam Doherty

The following variances are requested:

1. A lot area being 20.2 hectares shall be provided instead of the minimum lot area of 40.4 hectares required for an agricultural use.
2. A side yard setback of 7.1m shall be provided instead of the minimum required 15.0m side yard setback.

**PURPOSE & EFFECT:** To facilitate the severance of lands in accordance with Consent Application FL/B:22-82.

**Notes:**

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

<b>DATE:</b>	<b>Thursday, January 19, 2023</b>
<b>TIME:</b>	<b>1:40 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

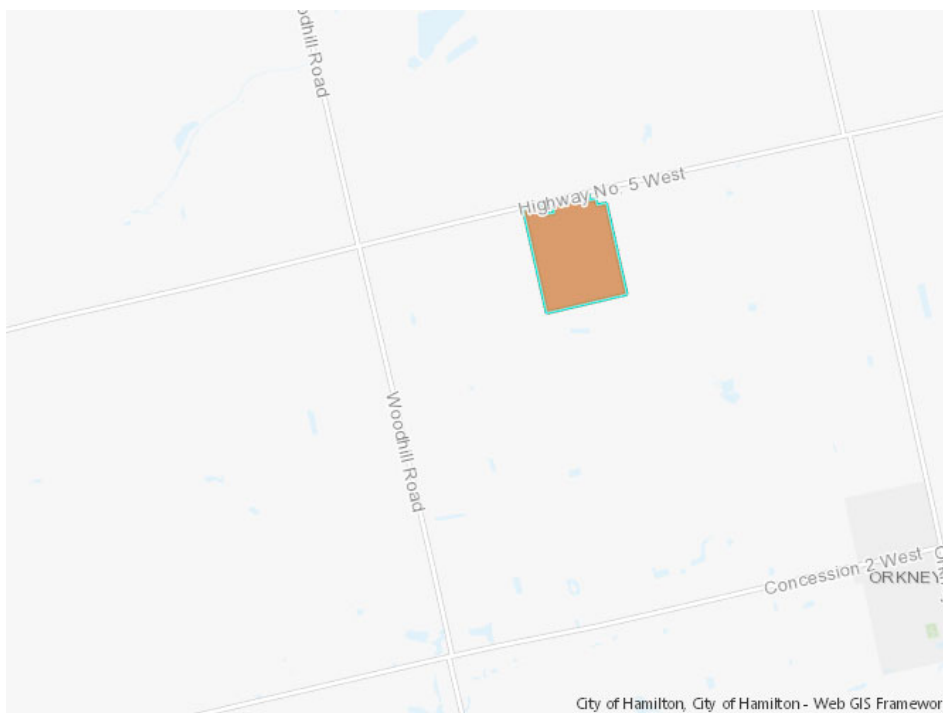
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

## 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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



DATED: January 3, 2023

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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, and may include posting electronic versions.



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## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### 1. Virtual Oral Submissions

**Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.**

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

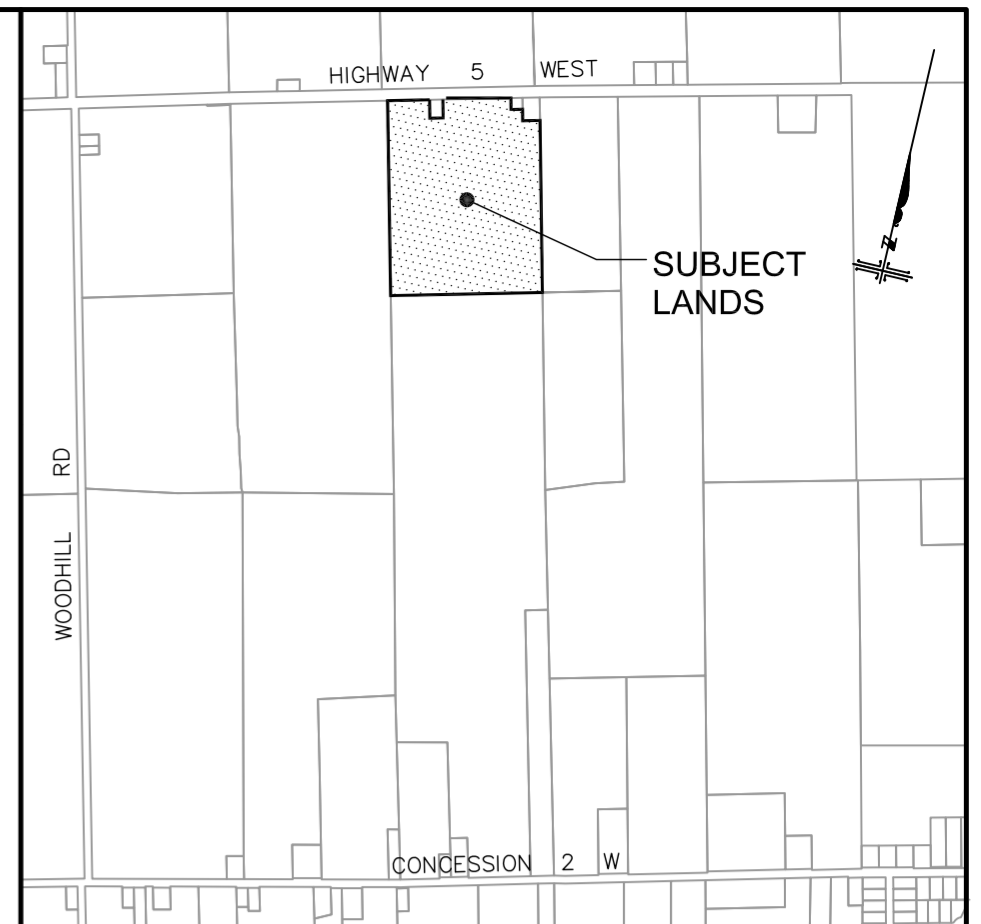
We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

WIDENING BY PLAN 390 MISC. (P-1750-6)

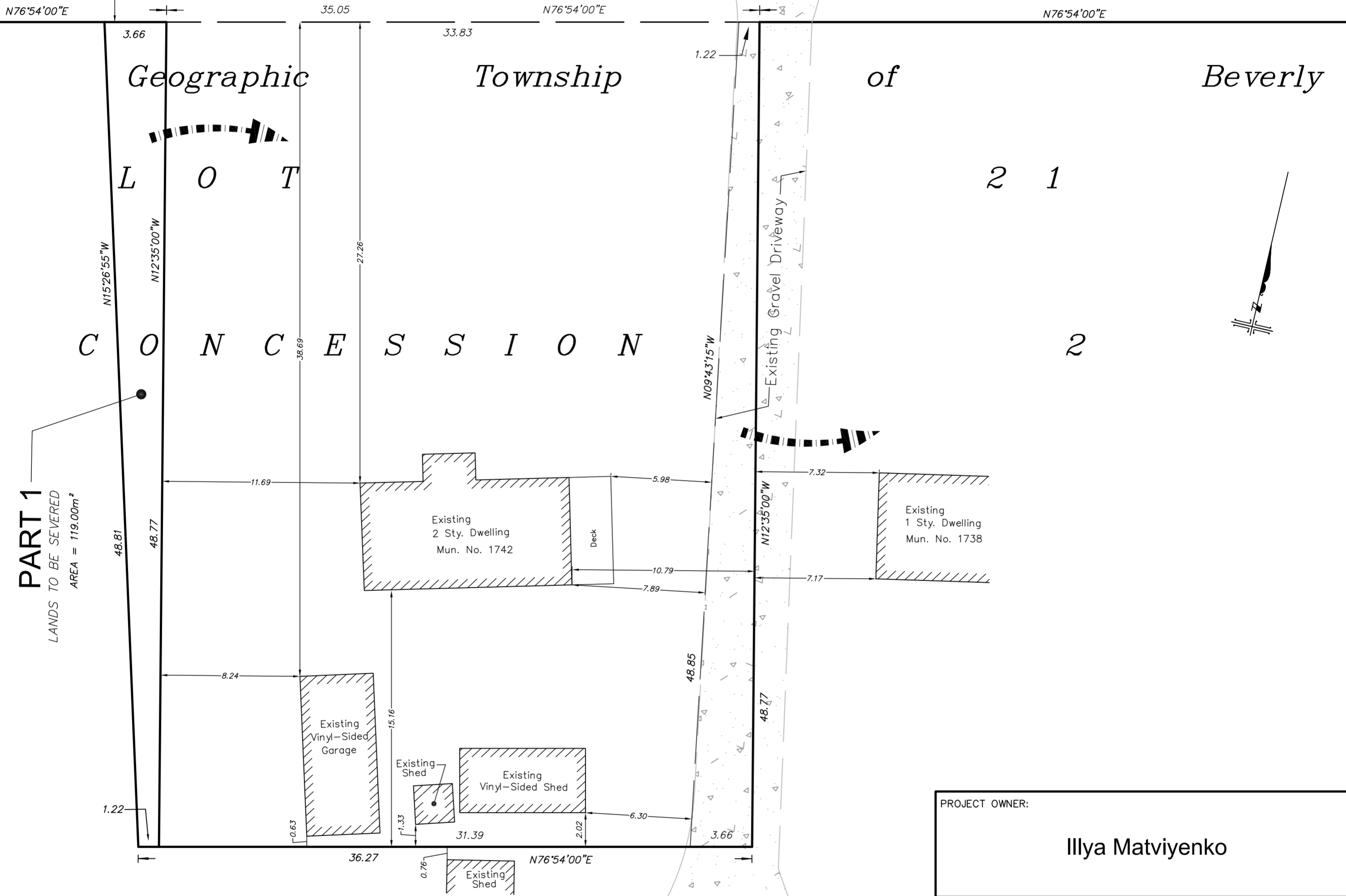
# HIGHWAY 5 WEST

(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 2 AND 3)  
(FORMERLY THE KING'S HIGHWAY No. 5, PART 1, PLAN P-1750-025A TRANSFERRED BY ORDER IN COUNCIL OC-2258/97, AMENDED BY OC-2164/98, REGISTERED AS INST. No. LT525931)



**KEY PLAN** NOT TO SCALE

WIDENING BY PLAN 390 MISC. (P-1750-6)



INSET N.T.S.

HIGHWAY No. 5 WEST

PART 1  
LANDS TO BE SEVERED

PART 2  
LANDS TO BE RETAINED

PART 2  
LANDS TO BE RETAINED  
AREA = ±202,714.00m²

PROJECT OWNER:		Iliya Matviyenko	
MUNICIPALITY:		CITY OF HAMILTON	
PROJECT NAME:		1738 HIGHWAY 5 WEST	
TITLE:		SKETCH FOR MINOR VARIANCE	
SCALE:	1: 200	DATE:	Nov. 10, 2022
DESIGN:		DRAWN:	L.H.
DWG:	228075P	SHT:	



*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

25 MAIN STREET WEST, SUITE 300  
HAMILTON, ONTARIO L8P 1H1  
Tel: 905 528-8761 Fax: 905 528-2289  
email: ajc@ajclarke.com

H:\Jobs\2022 Projects\228075 (1738 Hwy 5 W)\Planning\SKETCH FOR MINOR VARIANCE.dwg



*A. J. Clarke and Associates Ltd.*  
SURVEYORS • PLANNERS • ENGINEERS

November 10, 2022

The City of Hamilton  
Committee of Adjustment  
Planning and Economic Development Department  
71 Main Street West, 5th Floor  
Hamilton, Ontario  
L8P 4Y5

Attn: Ms. Jamila Sheffield  
Secretary-Treasurer, Committee of Adjustment

**Re: Minor Variance Application Submission  
1738 Highway 5, Troy**

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Dear Madam,

On behalf of our client, we are pleased to provide you with the enclosed submission in support of an application for minor variances for the subject lands. Please find the following enclosed materials:

1. A cheque in the amount of \$3,465.00 made payable to the City of Hamilton, in payment of the requisite application fees.
2. One (1) copy of the filled and signed Minor Variance Application Form, digital copy to follow via email.
3. One (1) copy of a Minor Variance Sketch, prepared by A.J. Clarke and Associates Ltd., digital copy to follow via email.

I trust this is satisfactory for your purposes and thank you for your co-operation in this matter.

We look forward to being scheduled for the next available Committee date. Should you have any questions or require additional information, please do not hesitate to contact our office.

Yours very truly,

Liam Doherty, MCIP, RPP  
Senior Planner  
**A.J. Clarke and Associates Ltd.**  
Encl.

Copy via email: Mr. Herman Vandermeulen



Hamilton

Committee of Adjustment  
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## APPLICATION FOR A MINOR VARIANCE/PERMISSION UNDER SECTION 45 OF THE *PLANNING ACT*

### 1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS
Registered Owners(s)	Herman John Vander Meulen & Evelyn Vander Meulen	[REDACTED]
Applicant(s)	Same as above	
Agent or Solicitor	A.J. Clarke and Associates Ltd. c/o Liam Doherty	

- 1.2 All correspondence should be sent to  Owner  Applicant  
 Agent/Solicitor
- 1.2 All correspondence should be sent to  Purchaser  Owner  
 Applicant  Agent/Solicitor
- 1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  Agent/Solicitor
- 1.4 Request for digital copy of sign  Yes\*  No  
 If YES, provide email address where sign is to be sent \_\_\_\_\_
- 1.5 All correspondence may be sent by email  Yes\*  No  
 If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

### 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	1738 Highway 5 West, Troy, ON		
Assessment Roll Number			
Former Municipality	Flamborough		
Lot	Pt Lt 21	Concession	2, Beverly
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	251830124001600

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes  No

If YES, describe the easement or covenant and its effect:

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### 3. PURPOSE OF THE APPLICATION

**Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled**

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Minimum Lot Area, Agriculture, of 20.27 ha, reduced from 40.0 hectares.

Minimum Side Yard to Dwelling, Agriculture, of 7.17 metres, reduced from 15 metres.

Minimum Side Yard to Accessory Building, Agriculture, of

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

The lot and use are existing. There are no additional lands to add to the lot.

3.3 Is this an application 45(2) of the Planning Act.

Yes  No

If yes, please provide an explanation:

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
291.5 m	515.8 m	20.3 ha	30.48 m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling	26.6	478.8	7.17 & 185.8	
Barn	74.9	426.7	123.6 & 270.5	
Sheds	49.5	459.8	0.76 & 128.5 & 269.8	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Same			10.02* & 185.8	*after land swap
Same				
Same				

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling	230 m2	230 m2	1	
Barn	121 m2	121 m2	1	
Sheds	59 m2	59 m2	1	

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Same				
Same				
Same				

- 4.4 Type of water supply: (check appropriate box)  
 publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify)
- 

- 4.5 Type of storm drainage: (check appropriate boxes)  
 publicly owned and operated storm sewers  
 swales

- ditches  
 other means (specify)
- 

- 4.6 Type of sewage disposal proposed: (check appropriate box)



- publicly owned and operated sanitary sewage system
  - privately owned and operated individual septic system
  - other means (specify)
- 

4.7 Type of access: (check appropriate box)

- provincial highway
  - municipal road, seasonally maintained
  - municipal road, maintained all year
  - right of way
  - other public road
- 

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

Agriculture

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4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

Agriculture, Single Detached Dwelling

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## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

January 5, 2000.

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7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Agriculture

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7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Agriculture.

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7.4 Length of time the existing uses of the subject property have continued:

100+ years

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7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): Agriculture

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Rural Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) \_\_\_\_\_

Please provide an explanation of how the application conforms with the Official Plan.

7.6 What is the existing zoning of the subject land? A1

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7.8 Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)

Yes  No

If yes, please provide the file number: