



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

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-22:126	SUBJECT PROPERTY:	1560 CONCESSION 2 W, FLAMBOROUGH
ZONE:	“S1, A1, P7, P8” (Settlement Residential, Agriculture, Conservation/ Hazard Land Rural, Conservation/ Hazard Land Rural)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended 15-173

APPLICANTS: Owner: Orkney Acres Inc. c/o Michael Scharringa & Nicholas Scharringa
 Applicant: Michael Scharringa
 Agent: A.J. Clarke & Associates Ltd. c/o Ryan Ferrari

The following variances are requested:

Conveyed Lands (Part 1)

1. A minimum lot width of 26.97 metres shall be provided for the portion of the lands to be severed conveyed, instead of the minimum required lot width of 30.0 metres

Retained Lands (Part 2)

1. A minimum lot width of 8.5 metres shall be provided for the portion of the lands to be retained, instead of the minimum required lot width of 30.0 metres.
2. A minimum lot area of 13.0 hectares shall be provided for the portion of the lands to be retained, instead of the minimum required lot area of 40.4 hectares.

PURPOSE & EFFECT: To facilitate the creation of two (2) lots in conjunction with Severance Application FL/B-22:30, notwithstanding that:

Notes:

1. Please note this application is to be heard in conjunction with Severance Application FL/B-22:30.

2. Please note that specific details regarding the development of the portion of the lands to be severed/retained has not been indicated. It is noted that as per the submitted application and Cover Letter prepared by A.J. Clarke and Associates Ltd. and dated April 5, 2022, the intended use of the portion of the lands to be severed is indicated as a future Single Detached Dwelling which is permitted in the “S1” Zone, and the intended use of the portion of the lands to be retained is Agriculture, which is permitted in both the “S1”, “A1”, “P7” and “P8” Zone. Further variances may be required if compliance with Hamilton Zoning By-law No. 05-200 is not possible.
3. Please note the portion of the lands to be retained is subject to both the “S1”, “A1” “P7” and “P8” Zones. Note that each portion of the property shall be developed in accordance with the provisions of the applicable zone. As the portion of the lands to be retained that is to have frontage on Concession 2 West is located in the “S1” Zone, a variance was included to the minimum required lot width as required by the “S1” Zone.

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:

DATE:	Thursday, January 19, 2023
TIME:	1:45 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th 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.



 Subject Lands

DATED: January 3, 2023

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 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

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. 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 (2nd 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 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.



TECHNICAL MEMORANDUM

To: Mr. Ryan Ferrari – (ryan.ferrari@ajclarke.com)
Date: August 15, 2022
File No.: 22316
Subject: Grain Size Analysis
Proposed Severance, 1560 Concession 2 Road, Hamilton, Ontario

Landtek Limited (herein “Landtek”) is pleased to provide this technical memorandum on Grain Size analysis completed at the above proposed development (the Site or development). The Site location is shown on Figure 1, in Attachment 1.

On August 4, 2022, Landtek completed three (3) Auger Holes AH1, AH2, and AH3 at the Site to log the soil profile and collect samples for Grain Size Analysis. The Auger Holes were each completed to a depth of one (1) metre. The locations of the Auger Holes are shown on Figure 2 in Attachment 1.

The subsurface conditions in the Auger Holes were identified by visual examination and screening; and selected samples were transported to Landtek’s Geotechnical Laboratory for Grain size analysis (including hydrometer testing). Landtek is accredited by the *Canadian Council of Independent Laboratories (CCIL)*.

The Auger Holes logs are summarized below in Table 1:

Table 1. Summary of Auger Holes Logs

Auger Hole No.	AH1	AH2	AH3
Depth (mbgs)			
Organic Soil	0.00-0.05	0.00-0.04	0.00-0.05
Silty Sand	0.05-0.50	0.04-0.50	0.05-0.50
Silty Sand	0.50-1.00	0.50-1.00	0.50-1.00

Findings

Results of grain size analyses are summarized below and provided in Attachment 2.

AH1 @ 0.05 to 0.50 mbgs

- Soil Type: Clay. Gravel = 0.2%, Sand = 73.9%, Silt = 18.4%, Clay = 7.5%.

AH2 @ 0.04 to 0.50 mbgs

- Soil Type: Clay. Gravel = 1.5%, Sand = 49.5%, Silt = 42.5%, Clay = 6.5%.

AH3 @ 0.05 to 0.50 mbgs

- Soil Type: Clay. Gravel = 1.5%, Sand = 53.2%, Silt = 40.0%, Clay = 5.3%.

Based on Attachment 2, the shallow soil at the investigated area is classified as Sandy Loam. The best soils for drain fields are known to include the following:

- Sandy Soils
- Soils with low clay content
- Loamy Soil (soils with a mixture of particle sizes that allows spaces and pores)
- Non-Retentive or non-Adsorbing Soils

Conclusion

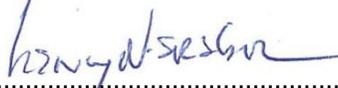
Based on the results of the grain size analysis completed at the Site, the shallow soil at the investigated area is classified as Sandy Loam.

LANDTEK LIMITED
Consulting Engineers

We trust this report is satisfactory for your purposes. If you have any questions regarding this memorandum, please do not hesitate to contact Landtek.

Kind regards,

LANDTEK LIMITED



Henry Erebor, M.Sc., P.Geo.
Senior Hydrogeologist.

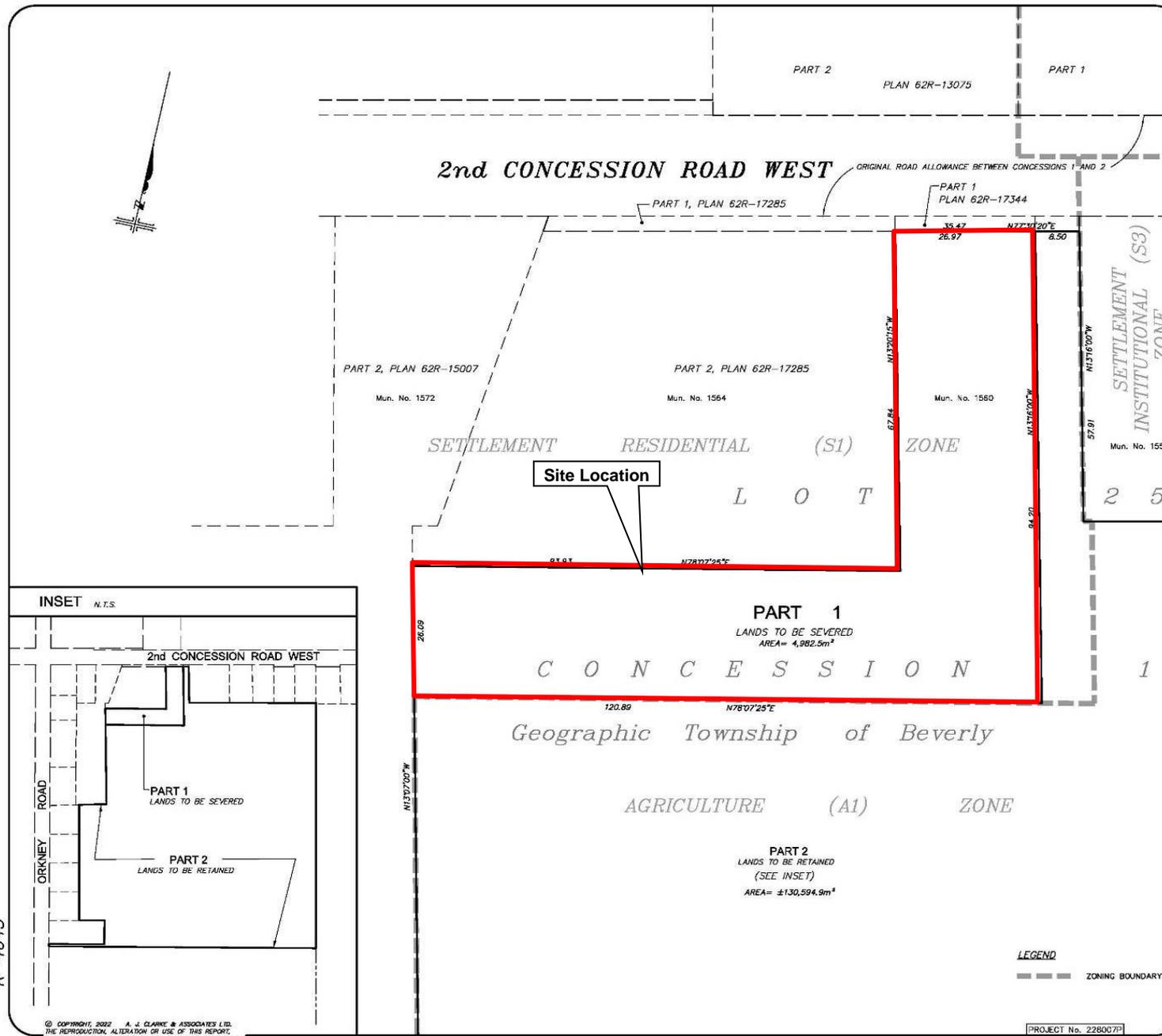


Encs:

- 1: Attachment 1 - Figures
- 2: Attachment 2 - Laboratory Report

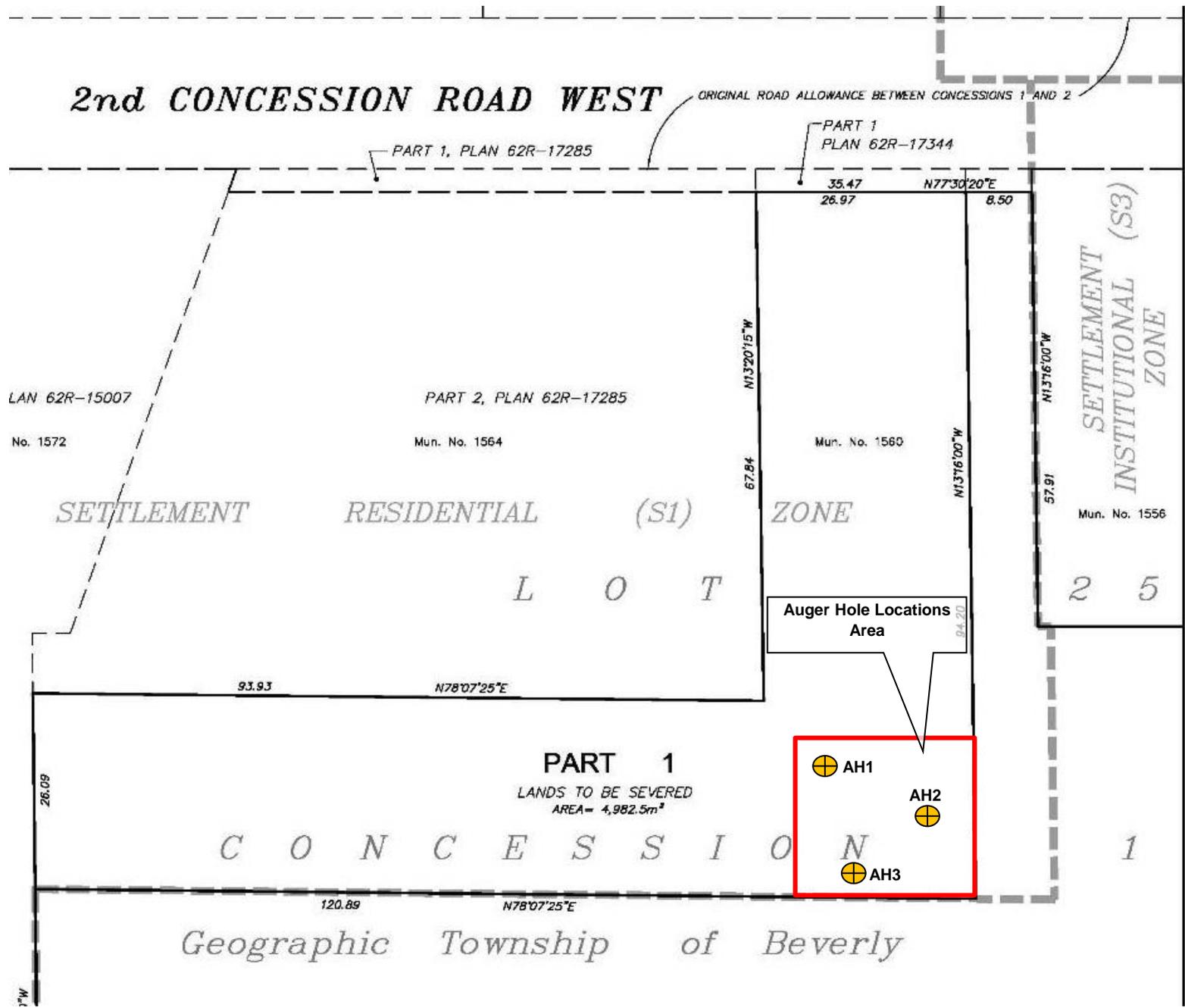
ATTACHMENT 1

FIGURES



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THE REPRODUCTION, ALTERATION OR USE OF THIS REPORT,
IN WHOLE OR IN PART, WITHOUT THE EXPRESS PERMISSION OF
A. J. CLARKE & ASSOCIATES LTD. IS STRICTLY PROHIBITED.

 LANDTEK LIMITED CONSULTING ENGINEERS	
205 NEBO ROAD, HAMILTON, ONTARIO, L8W 2E1	
Scale: See Figure Date: August 2022	
Project:	Grain Size Analysis 1560 Concession 2 Road Hamilton, Ontario
Title:	Figure 1: Site Location
Project No.	22316



LEGEND

Approximate Locations of Auger Holes

- AH1 5 m East and 5 m South of Northwest Corner
- AH2 11.5 m North and 8 m West of Southeast Corner
- AH3 5 m East and 5 m North of Southwest Corner

 LANDTEK LIMITED CONSULTING ENGINEERS	
205 NEBO ROAD, HAMILTON, ONTARIO, L8W 2E1	
Scale: See Figure Date: August 2022	
Project:	Grain Size Analysis 1560 Concession 2 Road Hamilton, Ontario
Title:	Figure 2: Auger Holes Locations
Project No.	22316

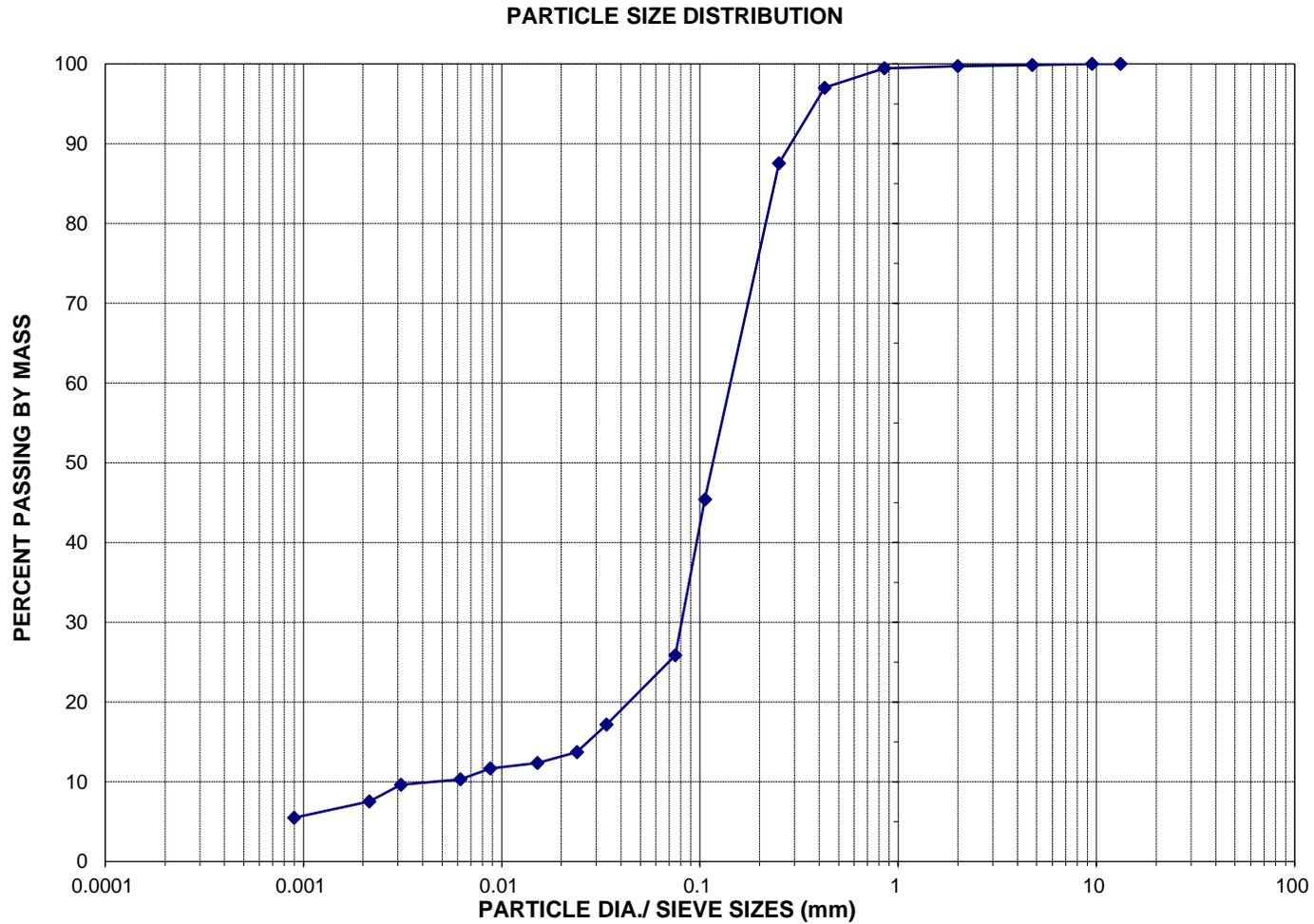
ATTACHMENT 2
LABORATORY REPORT



PROJECT: Grainsize Analysis
LOCATION: 1560 Concession 2 Road
CLIENT : A. J Clarke and Associates
SOIL TYPE: SM
SOURCE: 0.05m to 0.5m

FILE NO.: 22316
LAB SAMPLE NO.: S-153
SAMPLE DATE: August 4, 2022
SAMPLED BY: RH

AUGER HOLE 1



	FINE	MEDIUM	COARSE	FINE	MEDIUM	COARSE	FINE	COARSE
CLAY	SILT			SAND			GRAVEL	

SIEVE SIZE /PARTICLE DIA. (mm)	PERCENT PASSING		COMMENTS
	SAMPLE		
13.2	100.0		0.2% Gravel 73.9% Sand 18.4% Silt 7.5% Clay
9.5	100.0		
4.75	99.8		
2.0	99.7		
0.850	99.5		
0.425	97.0		
0.250	87.5		
0.106	45.4		
0.075	25.9		
0.0337	17.2		
0.0239	13.7		
0.0152	12.3		
0.0088	11.7		
0.0062	10.3		
0.0031	9.6		
0.0022	7.5		
0.0009	5.5		

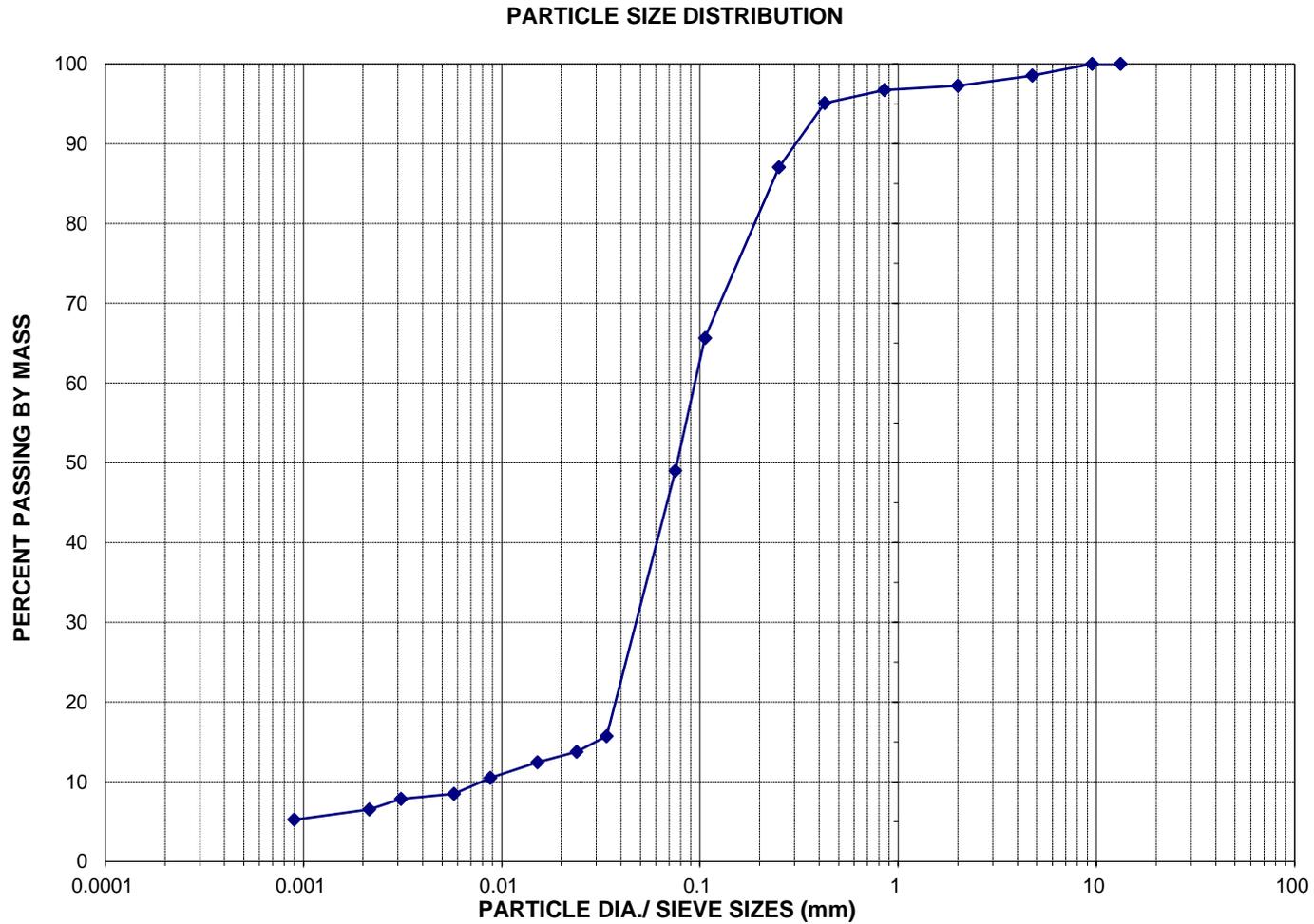




PROJECT: Grainsize Analysis
 LOCATION: 1560 Concession 2 Road
 CLIENT : A. J Clarke and Associates
 SOIL TYPE: SM
 SOURCE: 0.04m to 0.5m

FILE NO.: 22316
 LAB SAMPLE NO.: S-154
 SAMPLE DATE: August 4, 2022
 SAMPLED BY: RH

AUGER HOLE 2



	FINE	MEDIUM	COARSE	FINE	MEDIUM	COARSE	FINE	COARSE
CLAY	SILT			SAND			GRAVEL	

SIEVE SIZE /PARTICLE DIA. (mm)	PERCENT PASSING		COMMENTS
	SAMPLE		
13.2	100.0		1.5% Gravel 49.5% Sand 42.5% Silt 6.5% Clay
9.5	100.0		
4.75	98.5		
2.0	97.3		
0.850	96.7		
0.425	95.1		
0.250	87.0		
0.106	65.6		
0.075	49.0		
0.0338	15.7		
0.0239	13.7		
0.0151	12.4		
0.0088	10.5		
0.0057	8.5		
0.0031	7.9		
0.0022	6.5		
0.0009	5.2		

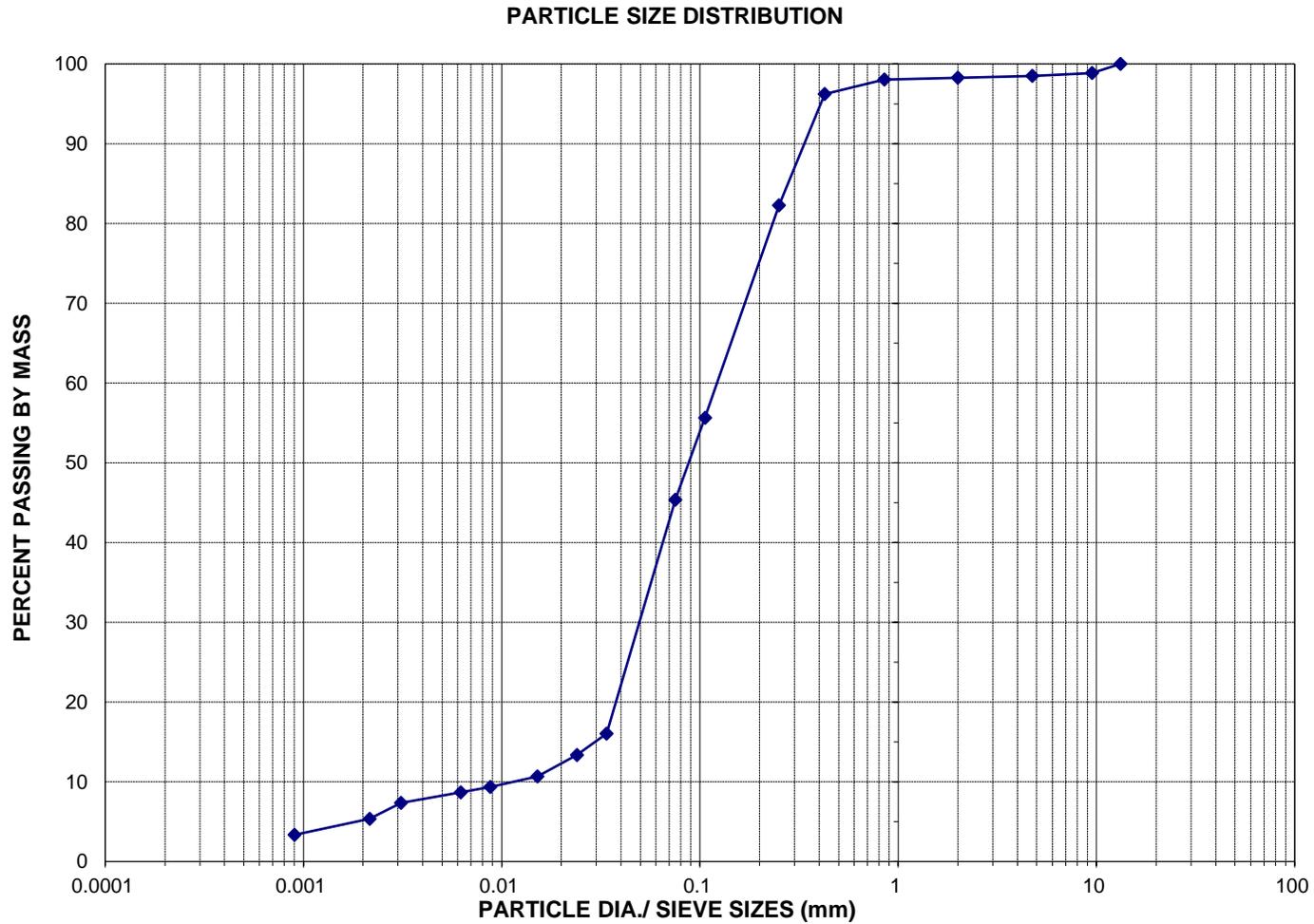




PROJECT: Grainsize Analysis
LOCATION: 1560 Concession 2 Road
CLIENT : A. J Clarke and Associates
SOIL TYPE: SM
SOURCE: 0.05m to 0.5m

FILE NO.: 22316
LAB SAMPLE NO.: S-155
SAMPLE DATE: August 4, 2022
SAMPLED BY: RH

AUGER HOLE 3



	FINE	MEDIUM	COARSE	FINE	MEDIUM	COARSE	FINE	COARSE
CLAY	SILT			SAND			GRAVEL	

SIEVE SIZE /PARTICLE DIA. (mm)	PERCENT PASSING		COMMENTS
	SAMPLE		
13.2	100.0		1.5% Gravel 53.2% Sand 40.0% Silt 5.3% Clay
9.5	98.9		
4.75	98.5		
2.0	98.3		
0.850	98.0		
0.425	96.2		
0.250	82.3		
0.106	55.6		
0.075	45.3		
0.0338	16.0		
0.0239	13.4		
0.0152	10.7		
0.0088	9.3		
0.0062	8.7		
0.0031	7.3		
0.0022	5.3		
0.0009	3.3		





City of Hamilton
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

November 22, 2022

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment (email: Jamila.Sheffield@hamilton.ca)

**Re: File FL/B-22:30, 1560 Concession 2 West, Orkney
Minor Variance and Severance Application Addendum**

Dear Ms. Sheffield:

A.J Clarke and Associates Ltd. has been retained by Orkney Acres Inc., for the purposes of submitting the enclosed Minor Variance and Severance (Consent) Applications for the subject lands, municipally known as 1560 Concession 2 West, in the Town of Flamborough. The subject application was heard at the May 26, 2022 Committee Hearing and was subsequently tabled. Since tabling, our client has engaged in discussions with Staff and a Geotechnical Consultant to justify the proposed lot size through this application. In support of the revised resubmission, the following is included:

- Grain Size Analysis, Lantek Ltd., dated August 15, 2022;
- Correspondence with City Staff (Hamilton Water) respecting minimum sustainable lot size;

The pertinent staff comments were as follows:

Hamilton Water

It is understood that the applicant wishes to sever an irregularly shaped 4,982 m² lot for residential purposes, closely following the RSA boundary of Orkney. Unfortunately, 4982 m² is an insufficient lot area for the proposed use, as our desktop review indicates pollution from the severed lot's septic system would not meet policies within Rural Hamilton Official plan C.5.1, and put neighbouring properties at increased water quality/health risk. Based on local soils and typical wastewater flows from a 3 bedroom dwelling, 5475 m² represents the minimum sustainable lot size. From our desktop review, the amount of land available within the subject property that also falls within the Orkney Rural Settlement Area boundary is approximately 5745 m².

In response to the above noted Comment, Landtek was retained to conduct a preliminary Soils Test. The results suggested that the proposed lot could support a private septic system in accordance with MoE Guidelines. However, it is acknowledged that a scoped Hydrogeological Study is necessary and is an appropriate condition to add to the application. Staff have indicated that they are comfortable with the findings of the preliminary soils test.



Development Planning

We also noted Staff's comment regarding the required lot width for the remaining farm parcel.

The adjacent farm use is currently for the growing and harvesting of potted mums. As such, the agricultural equipment used to harvest the crop in the fall has adequate access through the 8.5m width left over from the lot severance. The combine folds to 18 ft (5.4m) which is adequate to provide access to the farm parcel. We do not anticipate any negative impact on the farming operation as a result.

Conclusion

With respect to the above, we are of professional opinion that the proposed severance is appropriate for the development of the subject lands and has sufficient regard for the matters listed under Section 51 (24) of the *Planning Act*.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

Ryan Ferrari, MCIP, RPP, CPT
Planner
A.J. Clarke and Associates Ltd.

Encl.

Cc: Mike Scharringa mike@dutchmillgardens.ca



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

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:

Farm Credit Canada

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:

See attached Cover Letter.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

See attached Cover Letter.

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 25 Con 1 Beverly, As In Cd269448; Save & Except Pts 1 & 2 62r17285 And Pt 1 62r17344; Flamborough, City Of Hamilton
1560 Concession 2 West

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other N/A

8.1 If Industrial or Commercial, specify use N/A

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?

Online mapping and property owner information.

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.

March 30 2022
Date


Signature Property Owner(s)

Michael and Nicholas Scharringa
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>+/- 35.47 m</u>
Depth	<u>+/- 97.25</u>
Area	<u>+/- 0.23 ha</u>
Width of street	<u>+/- 24 m</u>

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:

Existing farm for potted plants and accessory structure for potted plants.

Proposed

Future single detached dwelling.

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

Existing:

Existing farm for potted plants and accessory structure for potted plants.

Proposed:

Future single detached dwelling.

13. Date of acquisition of subject lands:
 Unknown
-
14. Date of construction of all buildings and structures on subject lands:
 Unknown
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
 Small farm for potted plants
-
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
 Residential and agriculture
-
17. Length of time the existing uses of the subject property have continued:
 Unknown
-
18. Municipal services available: (check the appropriate space or spaces)
 Water _____ Connected _____
 Sanitary Sewer _____ Connected _____
 Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
 Rural Settlement Area and Agriculture (RHOP), Settlement Residential (Orkney)
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
 S1 - Settlement Residential, A1 - Agriculture (Zoning By-law 05-200)
21. 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:
 N/A
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 (please include separate sheet if needed)
 See attached Cover Letter.
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.