

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.:	AN/A-22:399	SUBJECT PROPERTY:	1650 POWER LINE ROAD W, ANCASTER, ANCASTER, Ontario
ZONE:	"A1; A1, 253" (Agriculture Zone)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended 15-238 & 18-219

APPLICANTS: Owner: Walter & Maria Verhey
Agent: R. Angrish

The following variances are requested:

Lands to be Enlarged by Lot Addition (1650 Powerline Rd W)

1. A minimum lot area of 16.01 ha. shall be provided instead of the minimum required lot area of 40.4 ha.

Retained Lands (1584 Powerline Rd W)

2. A minimum lot area of 5.6 ha. shall be provided instead of the minimum required lot area of 40.4 ha.

PURPOSE & EFFECT: To permit a reduced lot area for two adjacent lots in order to facilitate a lot addition from 1584 Powerline Rd W to 1650 Powerline Rd W.

Notes:

- i. Condition 8.a) of the Notice of Decision for Consent Application No. AN/B-22:87 requires the dedication of lands to the City of Hamilton for purposes of a road widening. The applicant shall ensure that the proposed lot area figures subject to the requested variances reflect the lot area figures which will result from any road widening required as a condition of the Consent Decision, otherwise additional variances may be required.
- ii. A site plan drawing identifying setbacks from the new lot line to any adjacent buildings or structures on each lot, as well as the lot coverage proposed on each lot, has not been included and a complete zoning review could not be carried out. The applicant shall ensure that any existing buildings or

structures shall not be located within 15 m of the newly created lot line dividing 1584 and 1650 Powerline Rd W and that the total lot coverage on each lot shall not exceed 20%, otherwise additional variances may be required.

- iii. It is unclear whether 1584 Powerline Rd W, the retained lot, includes the rail trail parcel or the lands located to the south of the rail trail parcel. These lands appear to be separate lots for the purpose of conveyance under the Planning Act. As such, the proposed lot area for 1584 Powerline Rd W excludes these lands from the proposed lot area. The applicant may provide documentation confirming that one or both of these parcels form one lot together with the northerly parcel under the Planning Act in order to confirm the proposed lot area includes one or both of these parcels.

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, February 2, 2023
TIME:	4:05 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2 nd 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

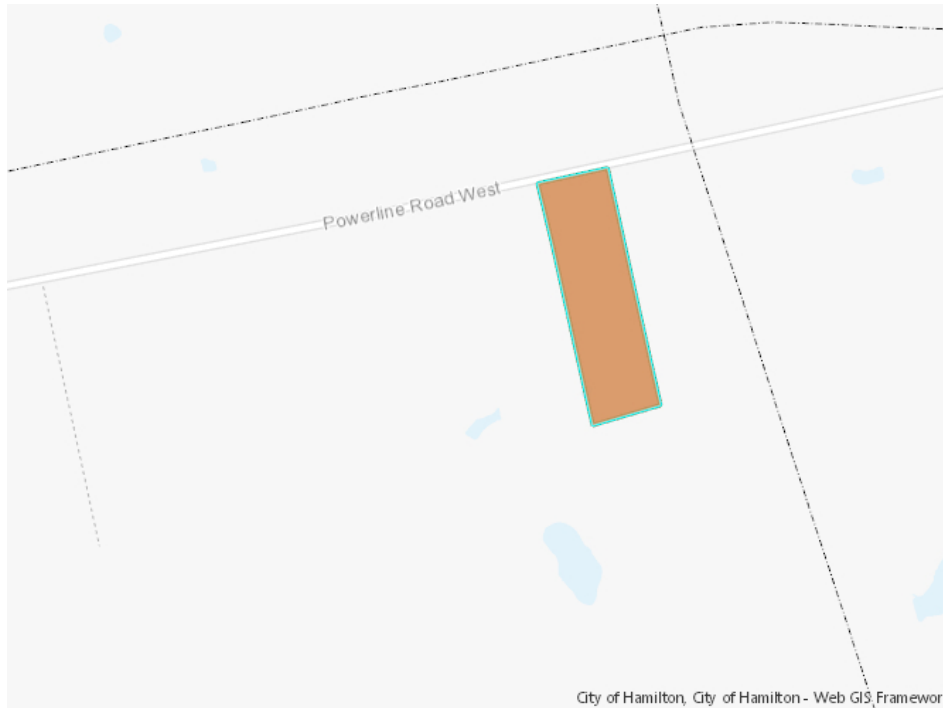
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding AN/A-22:399, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer 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.



 **Subject Lands**

DATED: January 17, 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.

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.

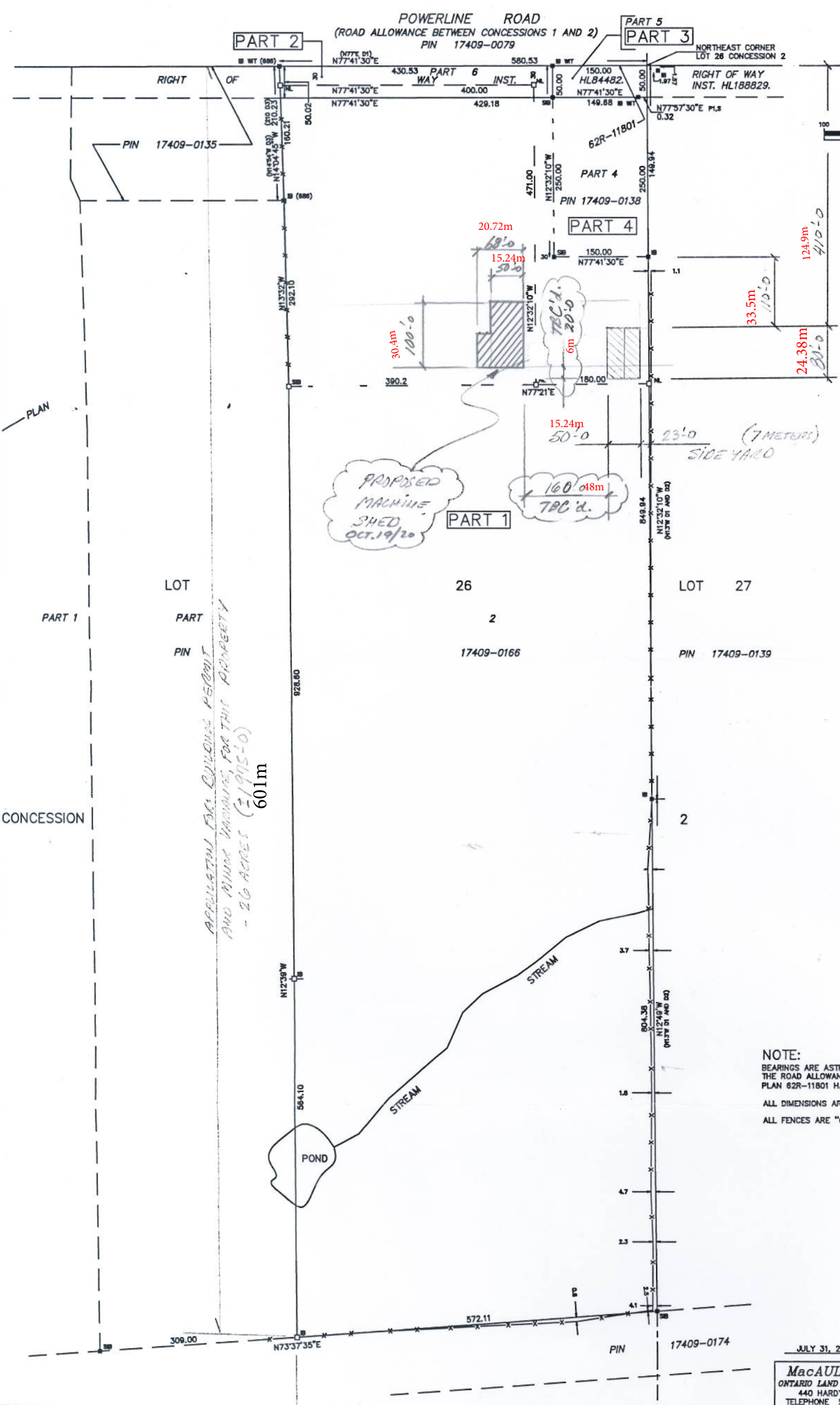
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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.



SKETCH OF
PART OF LOT 26
CONCESSION 2
CITY OF HAMILTON
(GEOGRAPHIC TOWNSHIP OF ANCASTER)
SCALE: 1 INCH = 100 FEET
MacAULAY, WHITE & MUIR LTD.

IMPERIAL
DISTANCES SHOWN ON THIS PLAN ARE
IN FEET AND CAN BE CONVERTED
TO METRES BY MULTIPLYING BY 0.3048.

- LEGEND
- NL - NAIL
 - SIB - STANDARD IRON BAR
 - IB - IRON BAR
 - CC - CUT CROSS
 - CP - CONCRETE PIN
 - - PLANTED
 - - FOUND (1511) UNLESS NOTED
 - - ROUND
 - WIT - WITNESS
 - X- - POST AND WIRE FENCE
 - P1 - PLAN 62R-11801
 - D1 - PIN 17409-0166 (INST. 197193 A.B.)
 - D2 - PIN 17409-0139 (INST. 123113 A.B.)
 - D3 - PIN 17409-0135 (INST. VM2219739)
 - S - SET

NOTE:
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF
THE ROAD ALLOWANCE BETWEEN CONCESSIONS 1 AND 2, AS SHOWN ON
PLAN 62R-11801 HAVING A BEARING OF N77°41'30"E.

ALL DIMENSIONS ARE MEASURED UNLESS QUALIFIED.

ALL FENCES ARE "ON LINE" UNLESS TIES TO THE PROPERTY LINE ARE SHOWN.

1" = 100'

JULY 31, 2006
MacAULAY, WHITE & MUIR LTD.
ONTARIO LAND SURVEYORS - CANADA LANDS SURVEYORS
440 HARDY ROAD, BRANTFORD, ONTARIO N3T 5L8
TELEPHONE 519-752-0040 FAX 519-752-0087

06-118SK

APPLICATION FOR: BUILDING PERMIT
AND MINOR VARIANCE, FOR THIS
PROPERTY - 26 ACRES. (±1575±0)
175m



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)	Walter and Maria Verhey	
Applicant(s)*	Ruchika Angrish	
Agent or Solicitor	Ruchika Angrish	

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:

N/A

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:

Relief from Section 12.3.1 of the Zoning By-Law to allow a reduced lot area of 16.09 hectares for 1650 Powerline Road West and a reduced lot area of 29.33 hectares for 1584 Powerline Road West as a result of a lot addition.

☐ Second Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

The lot addition for the expansion of a nursery operation was conditionally approved by CoA Application AN.B.22.87. Both parcels currently are undersized and will continue to remain as such.

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**):

1650 Powerline Road West, Hamilton
Assessment Roll #: 251814021042200
Pt Lot 26, Con 2 RPlan 62R 11801 Pt 4 & 5, RPlan 62R 17585 Pt 1,2,3 & 4

7. PREVIOUS USE OF PROPERTY

Residential ☐ Industrial ☐ Commercial ☐
Agricultural ☒ Vacant ☐
Farmland
Other _____

- 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?

The lands have been used for agricultural uses specifically farming for decades.

- 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 15 2022
Date

[Signature]
Signature Property Owner(s)

Walter & Maria Verhey
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage _____
Depth _____
Area _____
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: _____

Both parcels contain agricultural buildings and structures along with single detached dwellings, which are not impacted by the proposed application.

Proposed _____

Agricultural related. Expansion of plantations related to a greenhouse business.

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 attached site plan

Proposed: _____

No buildings proposed.

13. Date of acquisition of subject lands:
-
14. Date of construction of all buildings and structures on subject lands:
NA
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:
many decades
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:
Agricultural and Natural Heritage
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
1584 Powerline -A1, P4, P7 and P8 and 1650 Powerline: A1, A1-253
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:
Unknown
- 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)
The Minor Variance is required as a result of a provisionally approved Consent Application AN.B.22.87 required for the expansion of an existing agricultural use located at 1650 Powerline Road West, Ancaster
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.