



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-23:262	SUBJECT PROPERTY:	1142 CONCESSION 4 W, FLAMBOROUGH
ZONE:	"A1" (Agricultural)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: **Owner:** RONALD & MARY SEALEY

The following variances are requested:

1. A minimum lot area of the retained lands shall be 3.0 hectares instead of the minimum required lot area of 40.4 hectares required for an agricultural use.

PURPOSE & EFFECT: So as to permit the conveyance of land in accordance with Land Severance Application No. FL/B-23:45.

Notes:

- i. This variance is necessary to facilitate Land Severance Application No. FL/B-23:45.

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, November 2, 2023
TIME:	10:00 a.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

FL/A-23:262

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

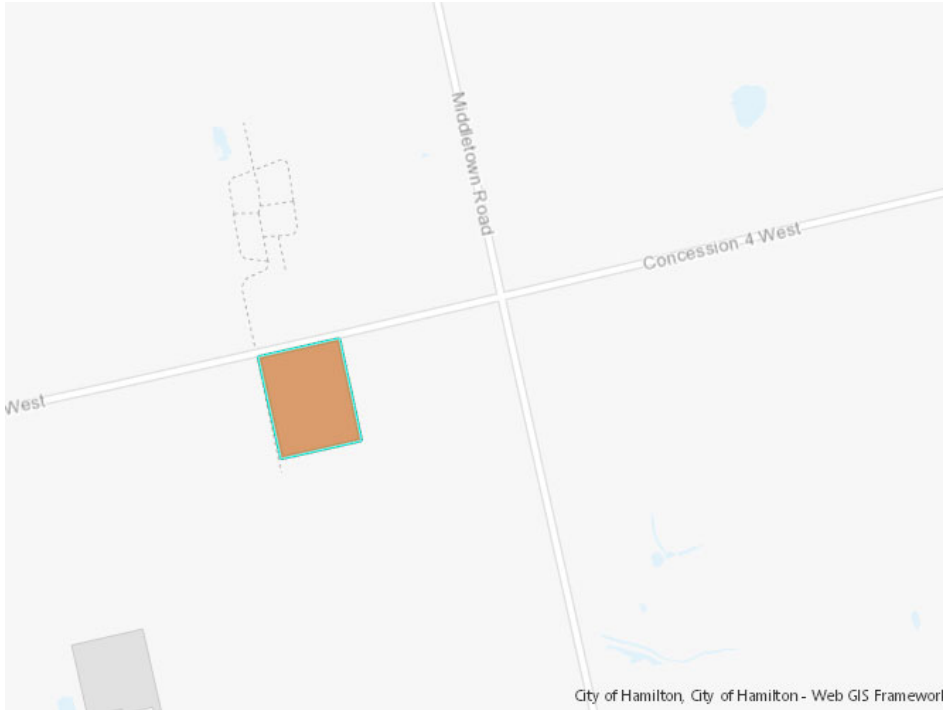
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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 FL/A-23:262, 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.



DATED: October 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.



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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.

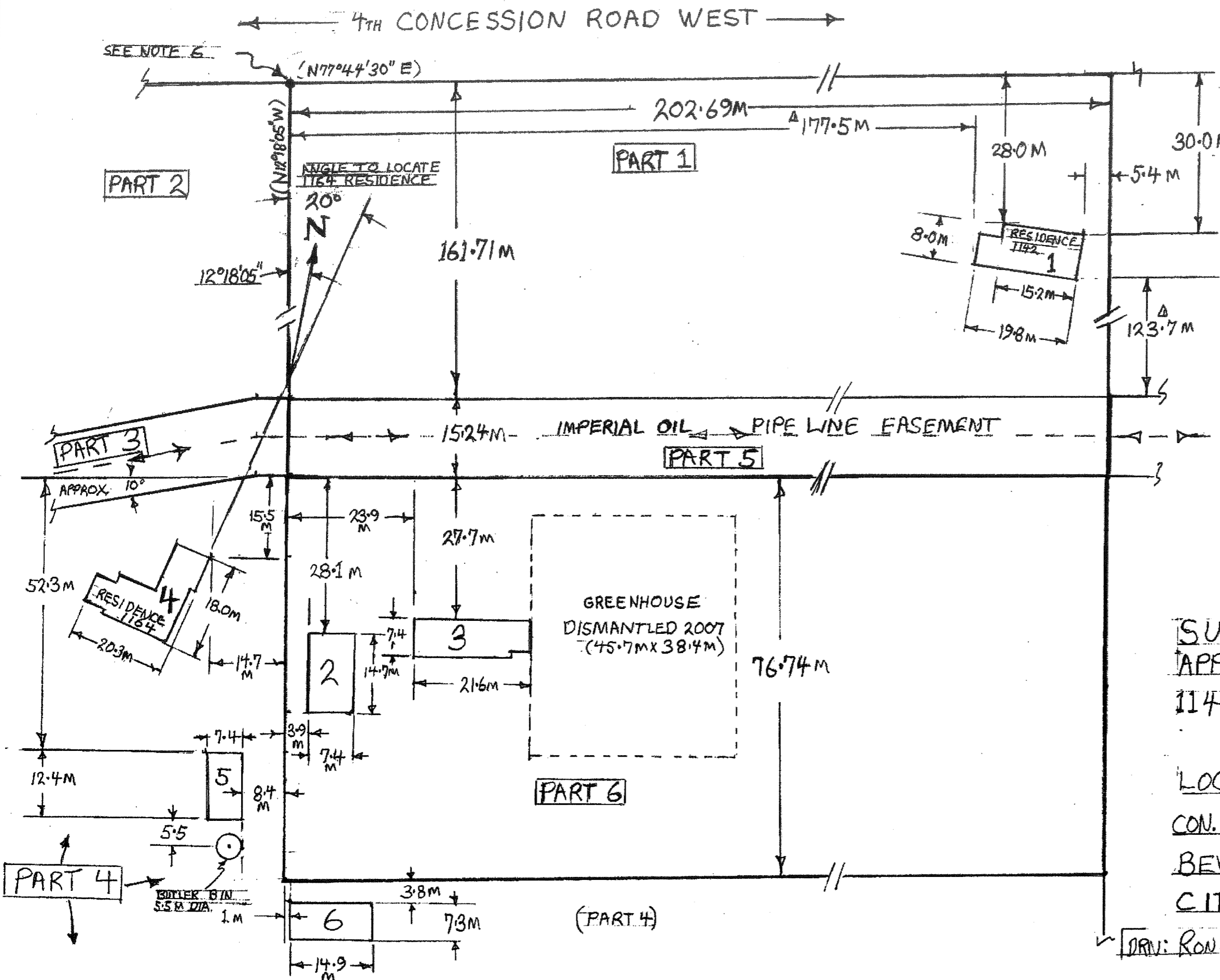
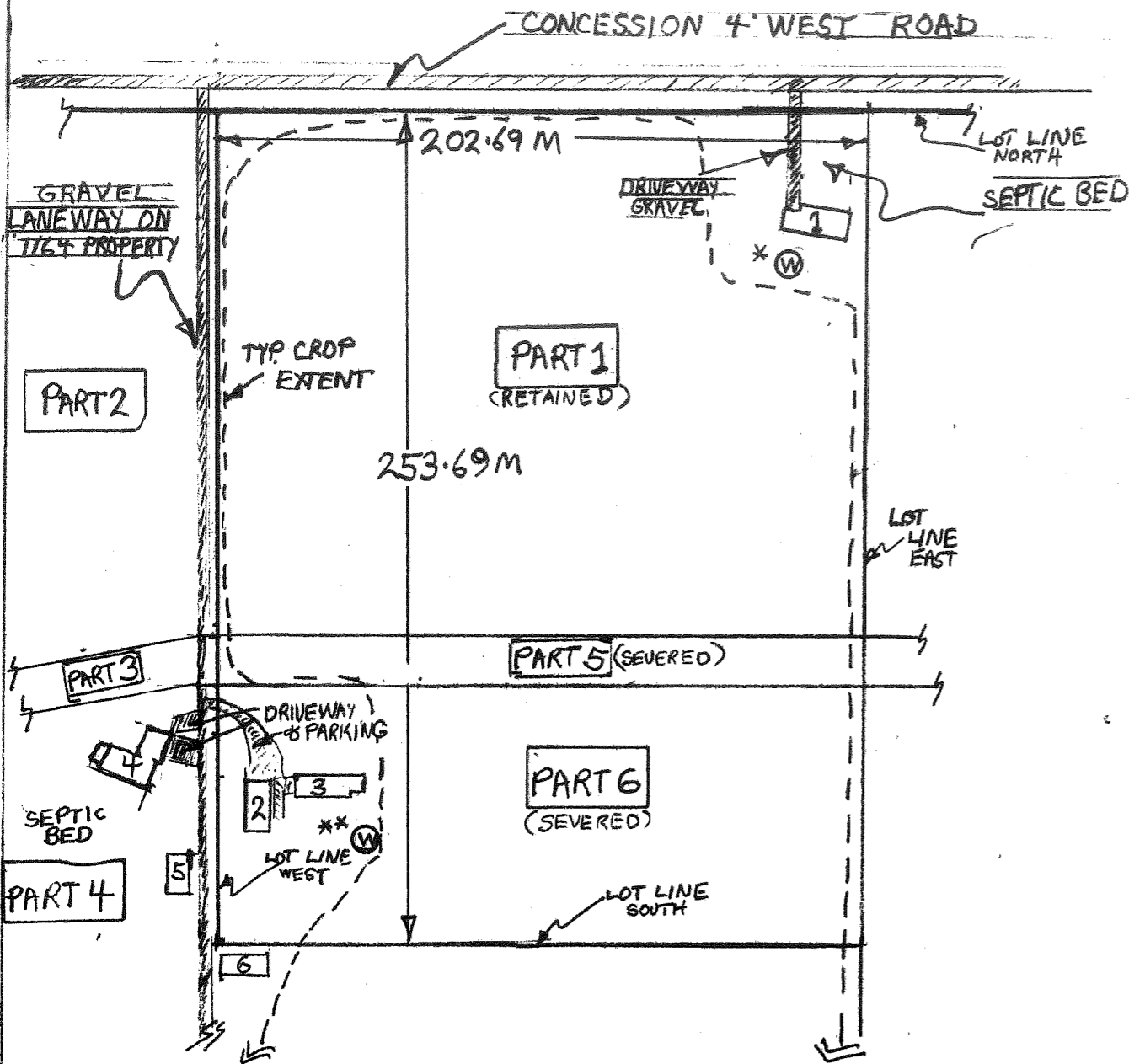


TABLE OF EXISTING STRUCTURES				
#	NAME / OWNER	PRESENT USE	DATE BUILT	BLDG PERMIT
1	1142 HOUSE R.M. SEALEY	HOME R.M. SEALEY	1979	NEVEN (ANDREW) CONSTRUCTION
2	RED SHED (COLD STORAGE)	TRACTOR/ STORAGE	1983	DETAILED FARM BUILDINGS
3	PACKING RM BOILER RM HYDROPONICS	STORAGE/ WORKSHOP	1996 1987 1986	960 286 R SEALEY 492-87 " 605-86 "
4	1164 HOUSE IMPERIAL OIL	VACANT CONTAMINATED	2004	NEVEN (GARY) CONSTRUCTION
5	IMPLEMENT SHED	TRACTOR/ STORAGE	BEFORE 1967	UNKNOWN
6	CHICKEN COOP	STORAGE	BEFORE 1967	UNKNOWN

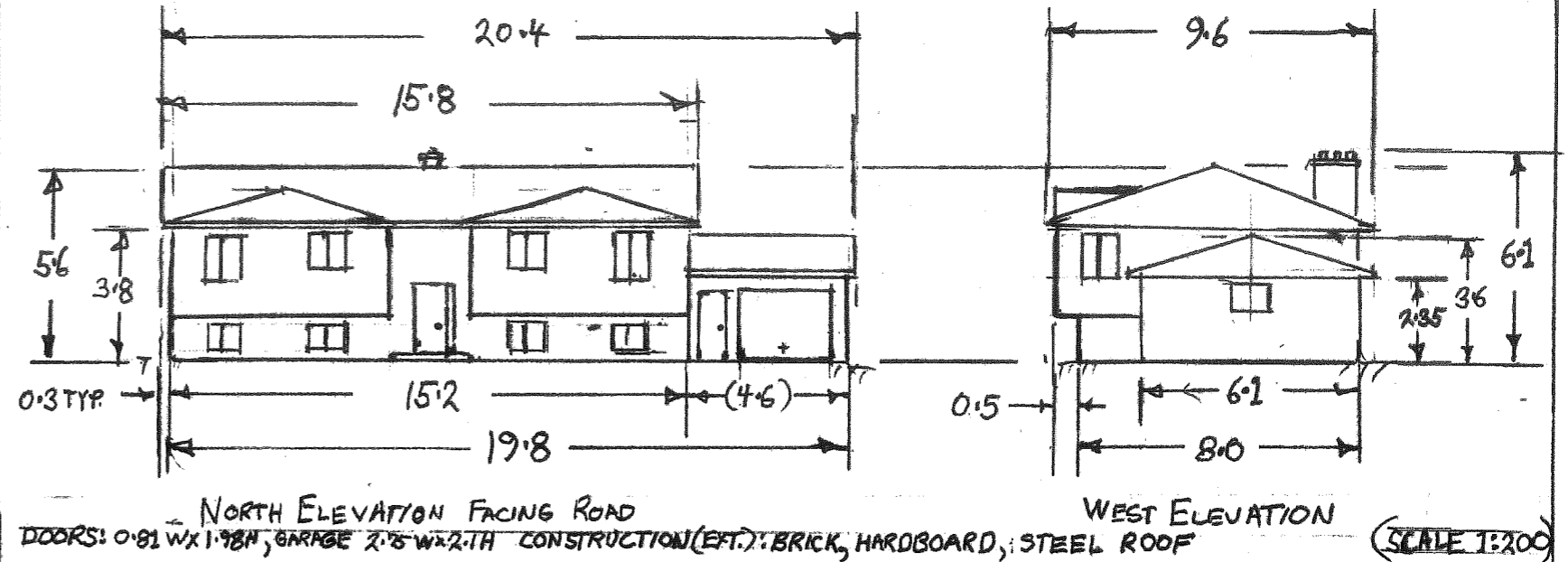
SUPPORT:
 APPLICATION FL/B-23:45
 1142 CONC. 4 W., FLAMBOROUGH

LOCATION OF EXISTING STRUCTURES
 CON. 3 PART LOT 35 PARTS 1 TO 6
 BEVERLY TOWNSHIP
 CITY OF HAMILTON, ON

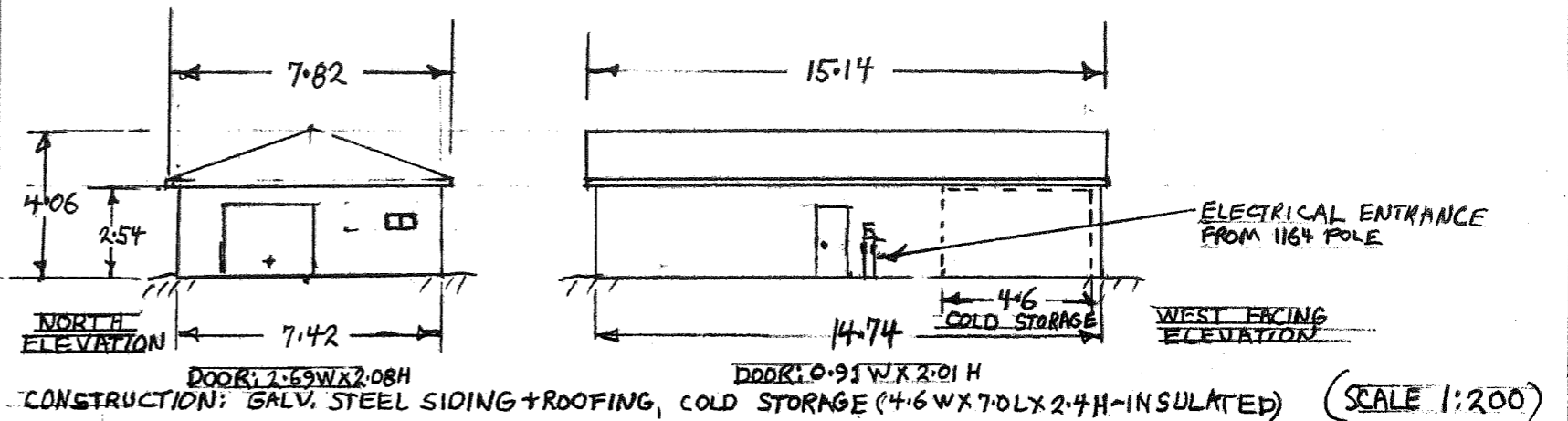
DRW: RON SEALEY | AUG 30, 2023 | SCALE 1:750
 Δ REVISED 2023-10-2-SET BACKS SHOWN



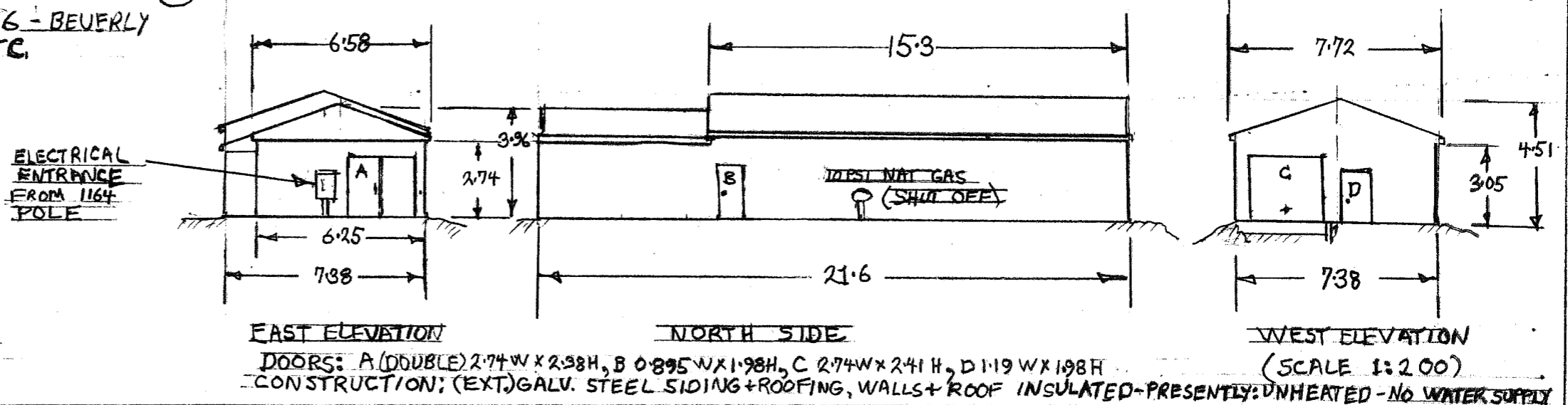
① 1142 CONCESSION 4 W. HOUSE (RETAINED ON PART 1)



② RED SHED / COLD STORAGE (INCLUDED IN PART 6 - TO BE SEVERED & ADDED TO 1164 PROPERTY - POWER SERVICED FROM 1164 SERVICE POLE)



③ FORMER HYDROPONIC / BOILER / PACKING SHED (INCLUDED IN PART 6 - TO BE SEVERED & ADDED TO 1164 PROPERTY)

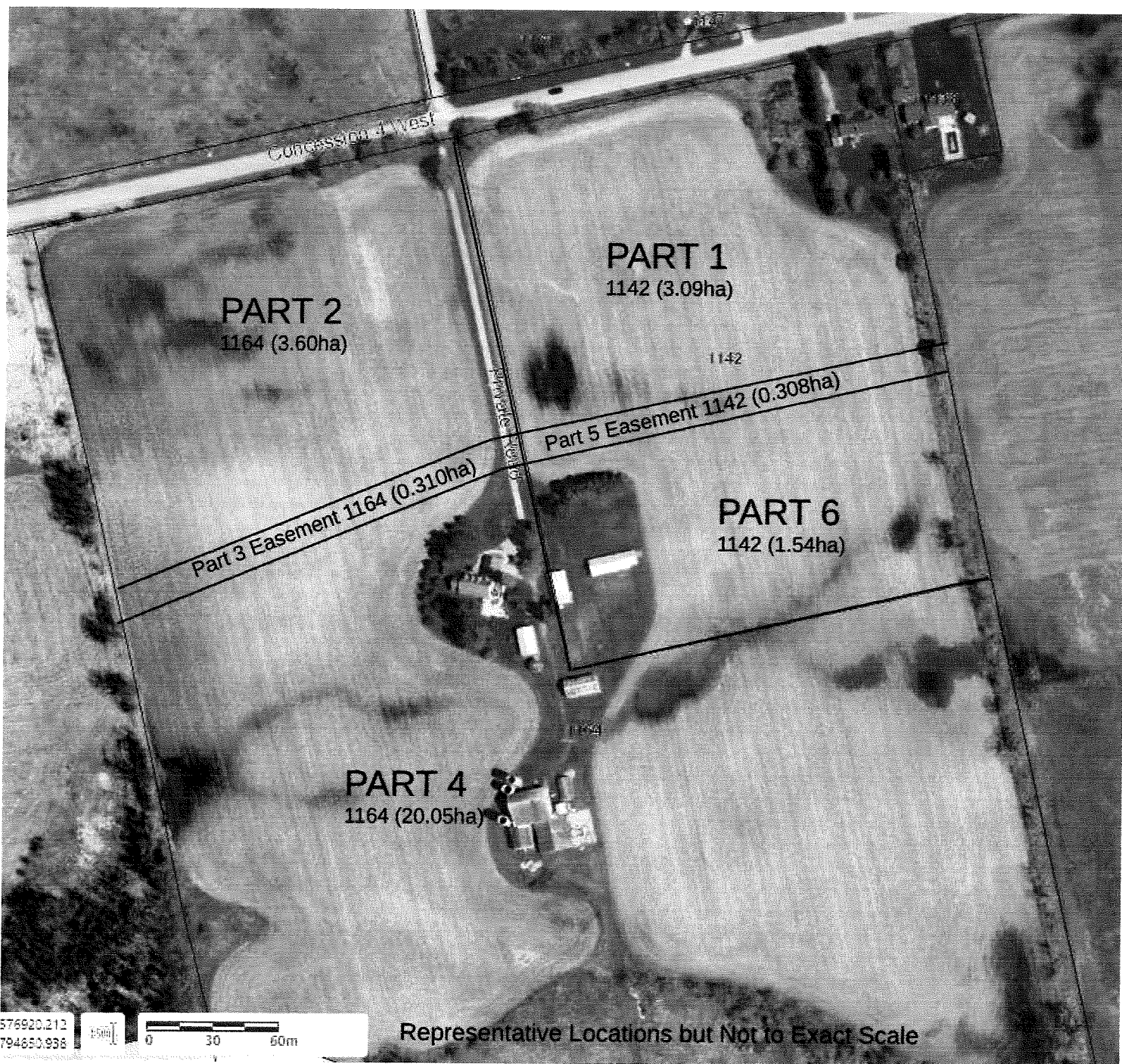


LOT 35 CONCESSION 3 PARTS 1 TO 6 - BEVERLY SHOWING ROAD ACCESS PARKING ETC. SCALE 1:2000

- NOTES
1. ALL DIMENSIONS ARE IN METERS
 2. SCALE: AS INDICATED.
 3. * INDICATES WELL AT 1142 - 20' DEEP IN USE
 4. ** INDICATES WELL IN PART 6 - 40' DEEP - NOT IN USE SINCE 2007 WHEN GREENHOUSE WAS SHUT DOWN. (PIPE DISCONNECTED)
 5. OUTLINES OF BUILDINGS ARE FOUNDATION OUTSIDE DIMENSIONS.
 6. LOT 35 IS NOT PERFECTLY SQUARE. DIMENSIONS ARE CHAINED FROM THE N. W. CORNER OF PART 1.

Photos of Buildings and Features
of 1142/1164 Concession 4 W. Waterdown, ON L8B 1K3
Located on Part of Lot 35, Concession 3, former Township of Beverly, City of Hamilton

1. Google Satellite view of Part of Lot 35 Concession 3.



1. 1142 Conc. 4 W Residence, Looking South from Conc. 4 W.
Located in the NE corner of Part 1 on Lot 35



2. Entrance Laneway to 1164 Conc. 4 W.



1. 1142 Conc. 4 W Residence, Looking South from Conc. 4 W.
Located in the NE corner of Part 1 on Lot 35



2. Entrance Laneway to 1164 Conc. 4 W.



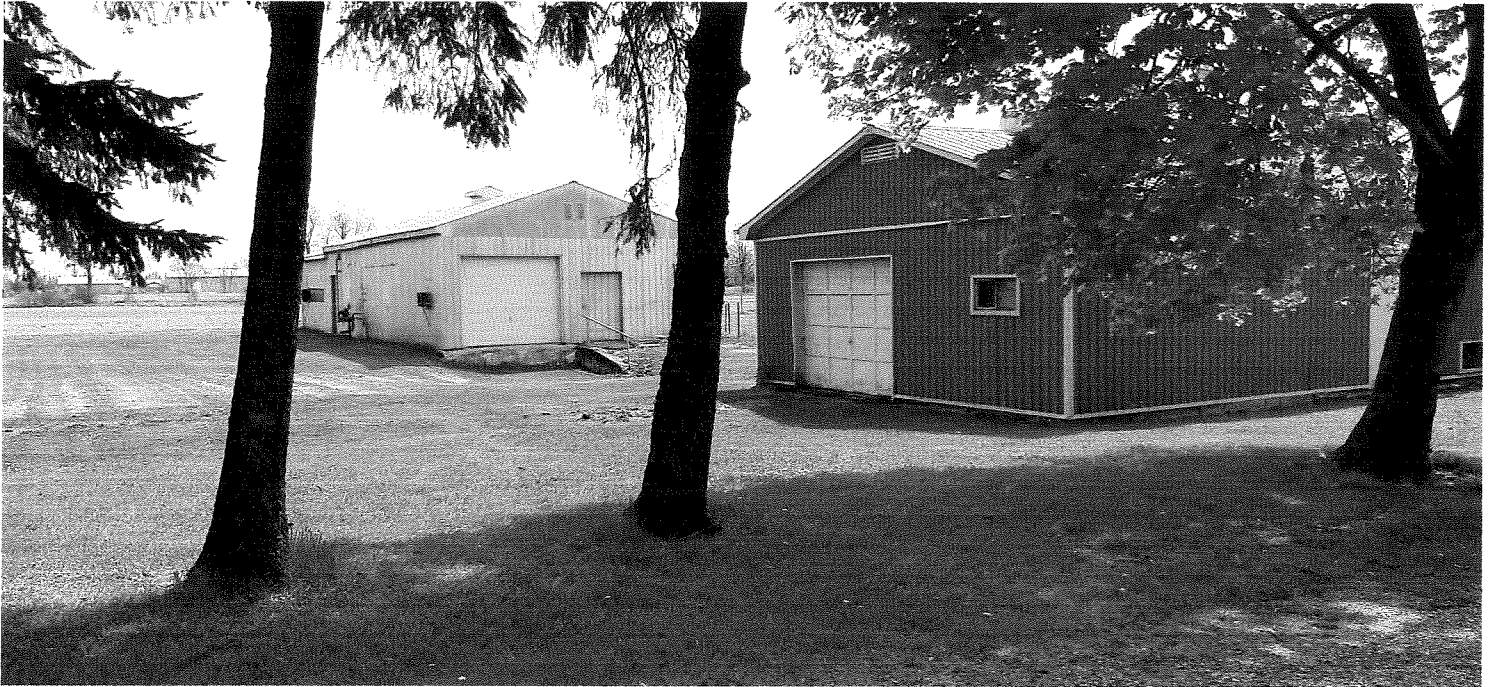
3. 1164 Conc. 4 W. residence located approx. 225 M South of Conc. 4 W. on the West side of the lane way in Part 4 of Lot 35. A shed and barns in background are also in located in Part 4



4. View of shed and barns located South of 1164 residence, all are located in Part 4 of Lot 35



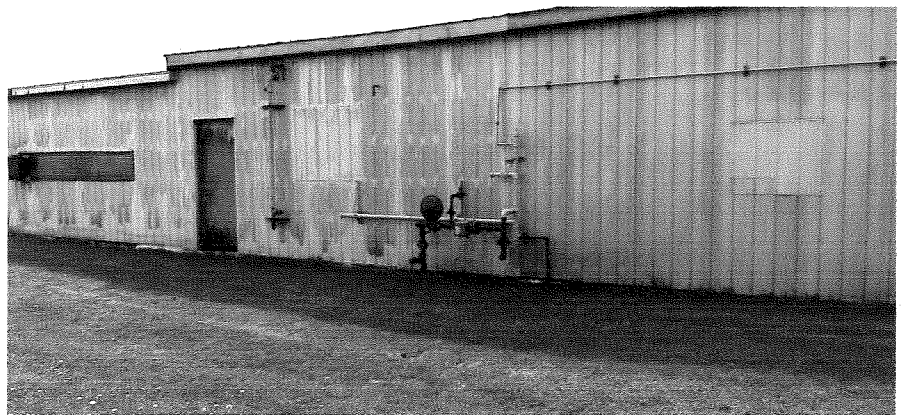
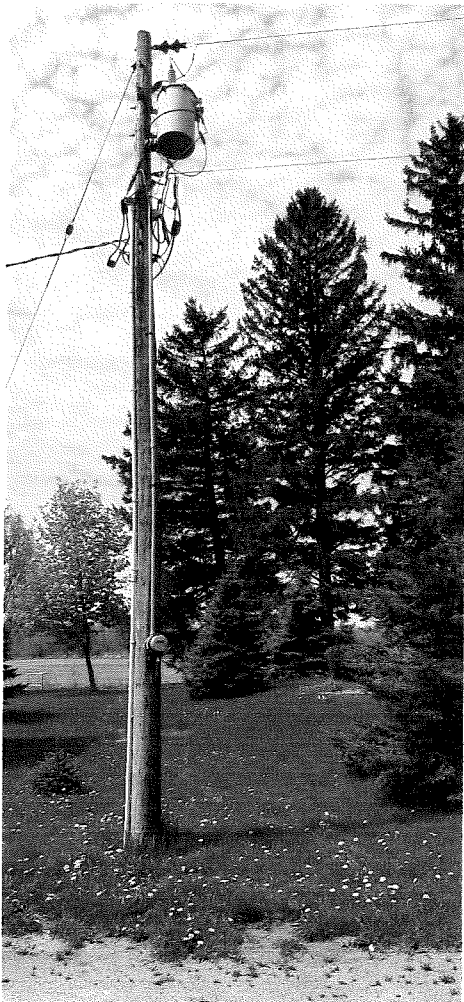
5. The red shed and former greenhouse packing shed are located to the East of the 1164 residence but are located in Part 6 of Lot 35



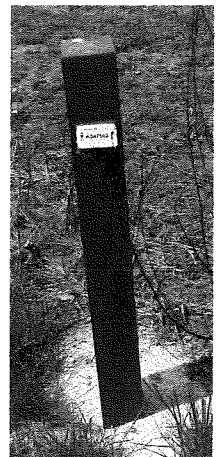
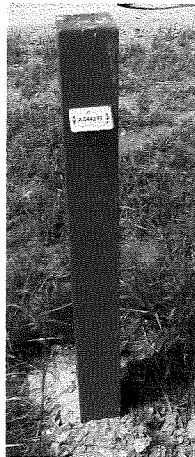
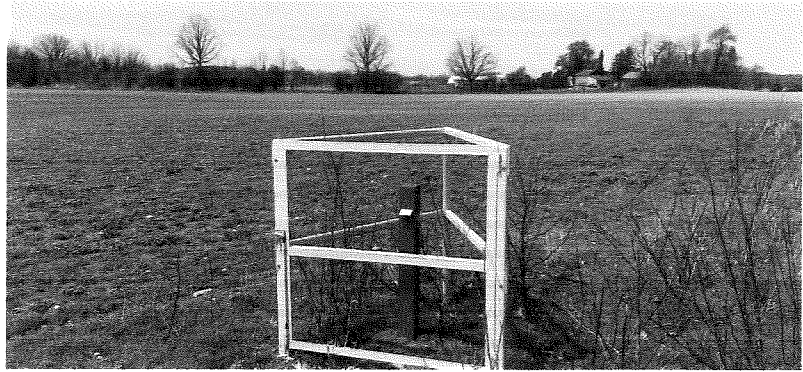
View from South



6. The red shed and former packing room were designed to be an integral part of the 1164 Conc. 4 W property. Note how close the shed is to the house. Also all the buildings are supplied electrical power from one common hydro meter on a pole maintained by the 1164 property. Additionally the high pressure natural gas service is billed through a meter on the former packing room which is now part of the 1142 Conc. 4 W holdings.



7. Imperial Oil is committed to testing ground water contaminated by the pipeline failure. These photos show some of the many test wells drilled and maintained by Imperial oil on the property. Imperial Oil Ltd is committed to keeping the property in agricultural production and will sell the property for such when it is safe to do so.



**1142/1164 Concession 4 West, Waterdown, ON
Photos of Imperial Oil Pipeline Leak Response and Repair**



**Screen Shots of Fire Department Response to Oil leak the night of April 10 ,2022.
(from video taken by Robert Sealey former owner of 1164 Concession. 4 W)**



**Imperial Oil Line Repair Sleeve on borderline of 1142/1164 Properties, April 17, 2022.
Several hundred feet of pipeline were eventually replaced in this area.
(taken by Ron Sealey on phone)**

October 2, 2023

1142 Concession 4 West, Waterdown ON

Justification Letter for Minor Variance Application

Application FL/B-23:45 Clear Condition 6 in Notice of Decision

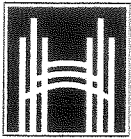
Please refer to registered plan 62R16738. Severance Application FL/B-23:45 seeks to sever Parts 5 and 6 from property 1142 Conc. 4 West owned by Mary and Ron Sealey and add them to adjacent property 1164 Conc. 4 W now owned by Imperial Oil, subsequent to a pipeline leak which contaminated the properties.

Mary and Ron Sealey would retain Part 1 and their existing residence. The severance application is conditionally approved by the Committee of Adjustment; the conditions have all been cleared except that this Minor Variance remains to be approved.

These properties are zoned A1 Agricultural and all of the parts to be severed and retained are (and were before this severance) less than the 40.4 ha required by the Hamilton Zoning Bylaw 05-200. This Minor Variance application requests relief from the provisions of the zoning bylaw regarding lot size.

Please note that the laneway access to the buildings on Parts 5 and 6 is now on property owned by Imperial Oil Ltd. The electrical and gas services for the buildings are connected with the residence on Part 4 owned by Imperial Oil, and the buildings and 1164 residence are all close together.

Mary and Ron Sealey



Hamilton

September 28, 2023

FILE: ALR
FOLDER: 23-138848-00 ALR
ATTENTION OF: Matthew Stavroff
TELEPHONE NO: (905) 546-2424
EXTENSION: 5716

RONALD JAMES SEALEY
1142 4TH CON ROAD WEST
WATERDOWN, ON L8B 1K3

Attention:

Re: Zoning District: A1 (AGRICULTURAL)
File Number: FL/B-23:45
Address: 1142 CONCESSION 4 WEST, FLAMBOROUGH

The following comments are provided respecting the Zoning Section's conditions for the above noted application:

COMMENTS:

The current zoning of the subject property is 'A1' (Agricultural) of Hamilton Zoning By-law 05-200 which requires a minimum lot area of 40.4ha for an agricultural use.

The lands known currently as 1164 and 1142 Concession 4 West, Flamborough are each less than the minimum required 40.4 hectares.

By way of this severance application (FL/B-23:45), a review of the proposed lot areas are triggered for zoning compliance. As the lands being retained (Part 1) and known municipally as 1142 Concession 4 West, Flamborough is being further reduced through this application, a successful minor variance through the Committee of Adjustment will be required in order to permit the reduced lot area.

At such time that a successful application is obtained, Condition No. 6 of Land Severance Application FL/B-23:45 can be cleared.

Yours truly

for the Manager of Zoning and Committee of Adjustment



Hamilton

Planning and Economic
Development Department
Planning Division
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5
P: 905.546.2424 x 2719
F: 905.546.4202

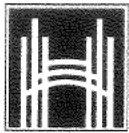
ZONING COMPLIANCE REVIEW AND ADMINISTRATION

NOTE: FEES ARE NON-REFUNDABLE

APPLICATION TYPE					
<input type="checkbox"/> Applicable Law Review <input checked="" type="checkbox"/> Committee of Adjustment – Clearance of Zoning Conditions – List the application number and condition numbers you wish to clear: Application Number FL/B-23:45 Condition 6 <input checked="" type="checkbox"/> Determination of a Legally Established Non-Conforming Use <input type="checkbox"/> In Support of a Building Permit Application <input type="checkbox"/> In Support of a Minor Variance Application <input type="checkbox"/> In Support of a Site Plan Application <input type="checkbox"/> In Support of a Zoning By-law Amendment Application					
Project Location					
Municipal Number: 1142	Street Name: Concession 4 West			Street Type: Rd (Rd, St, Ave)	Street Direction: (N, S, E, W) W
Unit #:	Lot #: 35	Community: <input type="checkbox"/> Ancaster <input type="checkbox"/> Dundas <input checked="" type="checkbox"/> Flamborough <input type="checkbox"/> Glanbrook <input type="checkbox"/> Hamilton-Proper <input type="checkbox"/> Stoney Creek <input type="checkbox"/>			
Legal Description (optional): CON 3 PT LOT 35 RP 62R16738, PARTS 1 5 AND 6 RP 62R4707, PART 1 REG 12.65AC FR D					
Applicant Information					
Applicant Name: Ronald James Sealey and Mary Kathleen Sealey					
Mailing Address: 1142 Concession 4 West		City: Waterdown		Postal Code: L8B 1K3	
Phone Number: 905-627-3333		Fax Number:		Email Address: ronmary.sealey@gmail.com	
Applicant Signature: _____				Date: August 30, 2023	
PLEASE NOTE: ALLOW FOR A 15 BUSINESS DAY REVIEW PERIOD					
Description of Development/Construction/Use					
Proposed Use: Oil contaminated Parts 5 and 6 to be sold to Imperial Oil and re-mediated for agricultural use.					
Project Description/ Scope of Work: Application FL/B-23:45 requests that oil contaminated Parts 5 and 6 (with two storage sheds/workshop) be severed, sold and amalgamated with PARTS 2, 3 and 4 (and residence) in th 1164 Concession 4 W property now owned by Imperial Oil Ltd. Imperial Oil Ltd has the goal of re-mediating this property and reselling it when remediation is complete for agricultural purposes. PART 1 of Lot 35 with the 1142 residence in the NE corner was not contaminated and will be retained by Ron and Mary Sealey and land kept in agricultural production. Note that the severed PARTS will remain in agricultural zoning and that both properties are legally "non-conforming" to the size bylaw, each being less than 40.4 hectares before and after the severance and possible amalgamation.					

FOR OFFICE USE ONLY					
Receipt Number:	Payment Type:	Folder Number:	Date Received:	Deemed Complete:	Staff Initials:

The personal information collected on this form will be used to contact you for the administration of performing record searches as authorized under the *Municipal Act, 2001, section 227*. If you have any questions regarding the collection of the information, please contact 905.546.2720.



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/PERMISSION
UNDER SECTION 45 OF THE PLANNING ACT**

1. APPLICANT INFORMATION

	NAME		
Registered Owners(s)	Ronald James Sealey and M		
Applicant(s)	Ronald James Sealey and Mary Kathleen Sealey		
Agent or Solicitor			
		Phone:	
		E-mail:	

1.2 All correspondence should be sent to Purchaser Applicant Owner Agent/Solicitor

1.3 Sign should be sent to Purchaser Applicant Owner 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	1142 Concession 4 W, Waterdown, ON L8B 1K3		
Assessment Roll Number	#301340683000000		
Former Municipality	Township of Beverly		
Lot	Part Lot 35	Concession	3
Registered Plan Number	62R16738	Lot(s)	
Reference Plan Number (s)	62R4707	Part(s)	1,5,6

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:

Lot 35 Part 5 - Easement to Imperial Oil Ltd. -petroleum pipeline see 62R16738

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:

Hamilton Zoning By-law 05-200 which requires a minimum lot area of 40.4ha for an agricultural use.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

A conditionally approved severance application FL/B-23:45 proposes to move Parts 5 and 6 (see Plan) from Property 1142 Concession 4 W to Property 1164 Concession 4 W. Both existing properties (also the parts to be severed) are non conforming to the bylaw, being less than 40.4 ha

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
202.69M	161.71M	3.088ha	20.1M

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
Residence (Part 1 Retained)	28M	123.7M	East: 5.4M, West:177.5M	10/01/1979
See Also Existing Structures Dwg.				

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction

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
Residence (Part 1 Retained)	149.7 sq M	155.3 sq M	1	5.6 M
See Also Existing Structures Dwg.				

Proposed:

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

- 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.):

Residence and farmland

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

Residence and farmland

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

1986

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

Farmland

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

Residence and farmland

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

This property has always been farmland

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

Rural Hamilton Official Plan designation (if applicable): Agriculture (A1)

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) _____

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

This request asks that ownership of Parts 5 and 6 be transferred from 1142 Concession. 4W, to 1164 Concession 4 W with no change in land use.

7.6 What is the existing zoning of the subject land? ~~FL/B-03:206~~ Agriculture (A1) ✓

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: FL/B-03:206 Agriculture (A1)

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes No

If yes, please provide the file number: FL/B-23:45

7.10 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

7.11 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.

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 0

8.3 Additional Information (please include separate sheet if needed):

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
 - Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
 - Minimum Distance Separation Formulae (data sheet available upon request)
 - Hydrogeological Assessment
 - Septic Assessment
 - Archeological Assessment
 - Noise Study
 - Parking Study
-
-