

## **NOTICE OF PUBLIC HEARING** **Minor Variance**

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**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
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**APPLICATION NO.:** FL/A-21:172

**APPLICANTS:** Owners J. & R. Mcquade

**SUBJECT PROPERTY:** Municipal address **1571 5<sup>th</sup> Conc. Rd. W., Flamborough**

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

**ZONING:** "P7 and P8 and A2" (Conservation/Hazard Land Rural (P7) Zone; Conservation/Hazard Land - Rural (P8) Zone and Rural (A2) Zone

**PROPOSAL:** To permit the construction a 12.19m (40') x 18.29m (60') farm implement building for an Agriculture use on lot which also contains a single detached unotwithstanding that:

1. A new agricultural building (farm implement building) shall be permitted instead of the requirement that new buildings or structures shall not be permitted within a "P7" zone.

NOTE:

i) The lands are zoned "P7", "P8" and "A2" according to Hamilton Zoning By-law No. 05-200. The existing single detached dwelling including its accessory buildings and the proposed farm implement building are located or intended to be located within the portion of the lot zoned "P7".

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

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**DATE:** Thursday, June 3rd, 2021  
**TIME:** 2:25 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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### **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](http://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](mailto:cofa@hamilton.ca)

DATED: May 18th, 2021.

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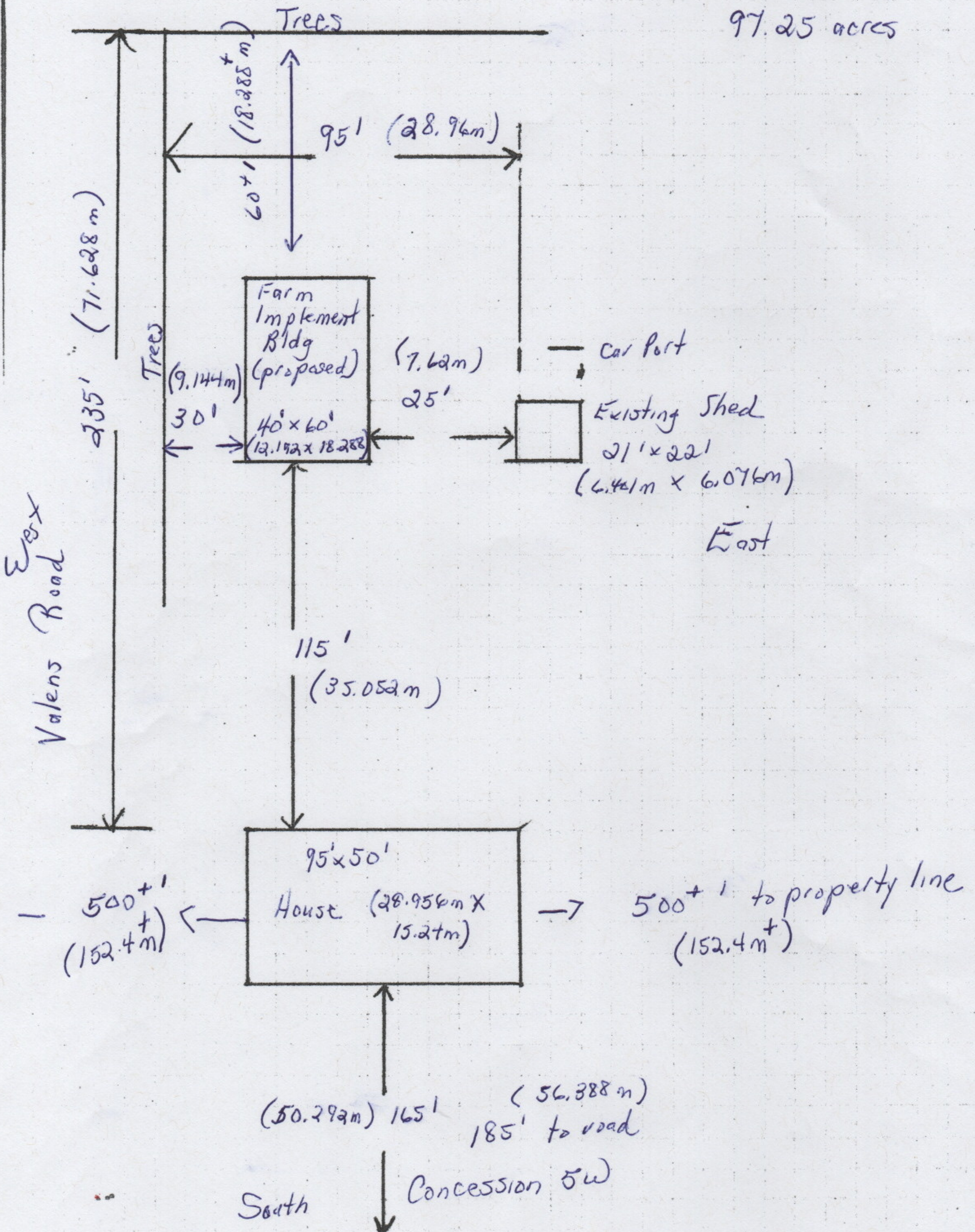
Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***

North

1571 Concession 5W

97.25 acres



LOT 25, CONCESSION 5  
TOWNSHIP OF BEVERLY  
TOWN OF FLAMBOROUGH  
REGIONAL MUNICIPALITY OF  
HAMILTON - WENTWORTH  
SCALE: 1 inch = 200 feet  
S.D. McLAREN O.L.S. - 1998

PART LOT CC INSTRUMENT No.  
RECORDED AND DEPOSITED  
DIVISION OF WENTWORTH REG. 22  
REQUIRE THIS PLAN TO BE  
LIFTED TO UNDER THE  
REQUIREMENT OF  
S.D. McLAREN  
11/1/1998



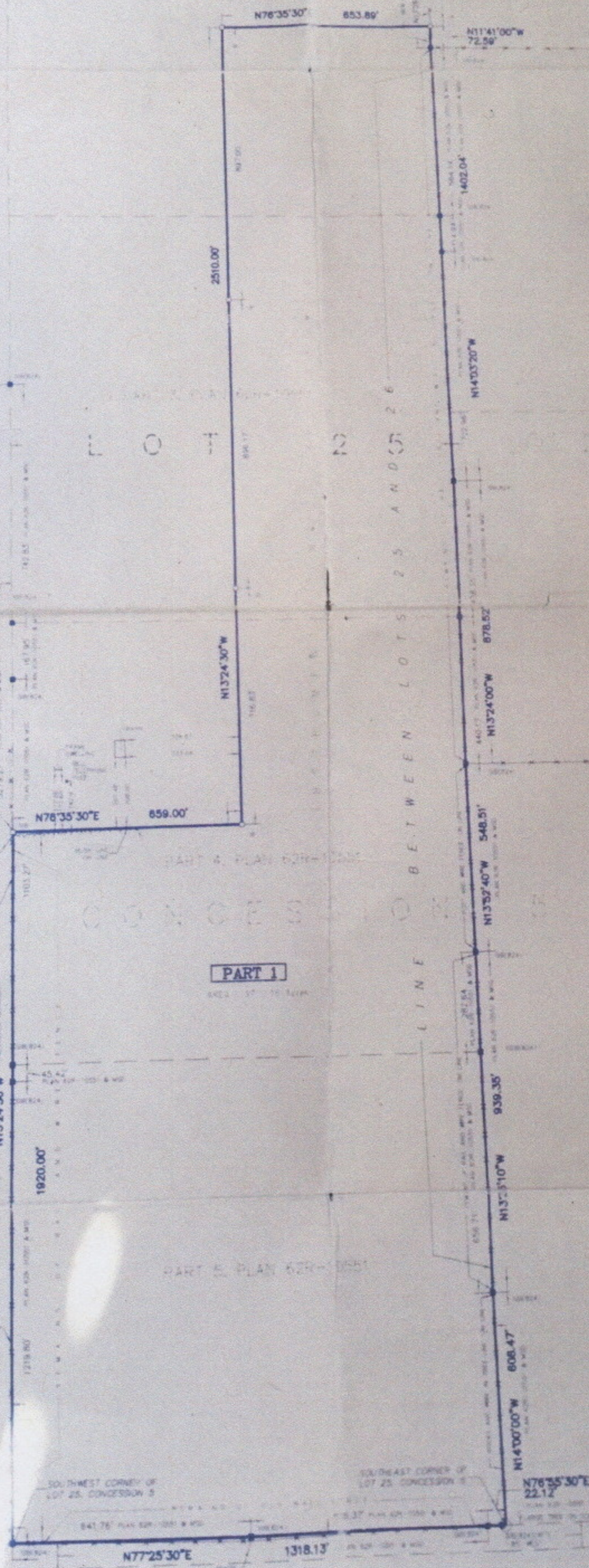
VALEN'S ROAD (AREA) ROAD ALLOWANCE BETWEEN LOTS 24 AND 25

LOT 2

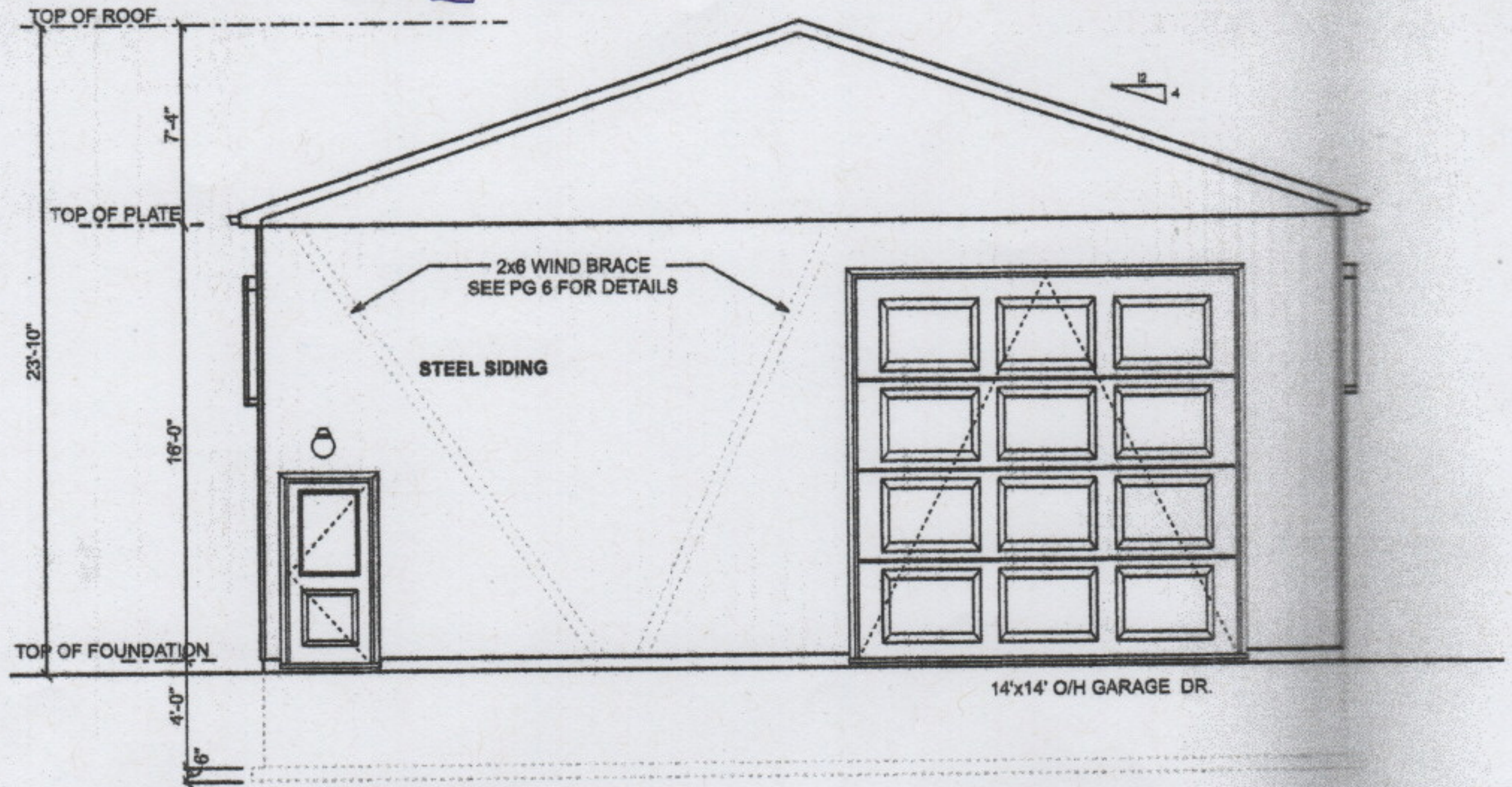
BETWEEN LOTS 25 AND 26

PART 1

PART E PLAN 62R-10551

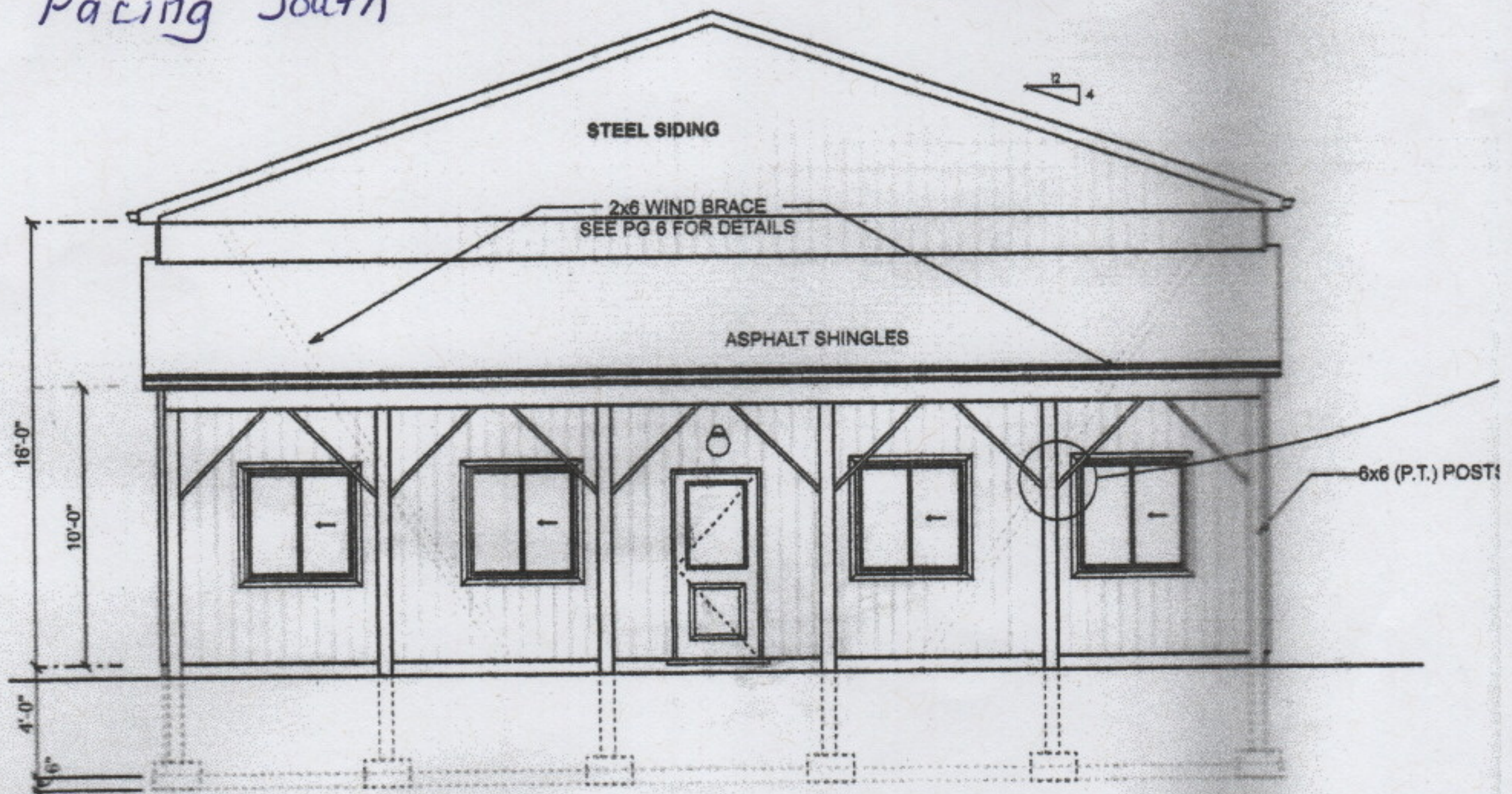


*Facing North*



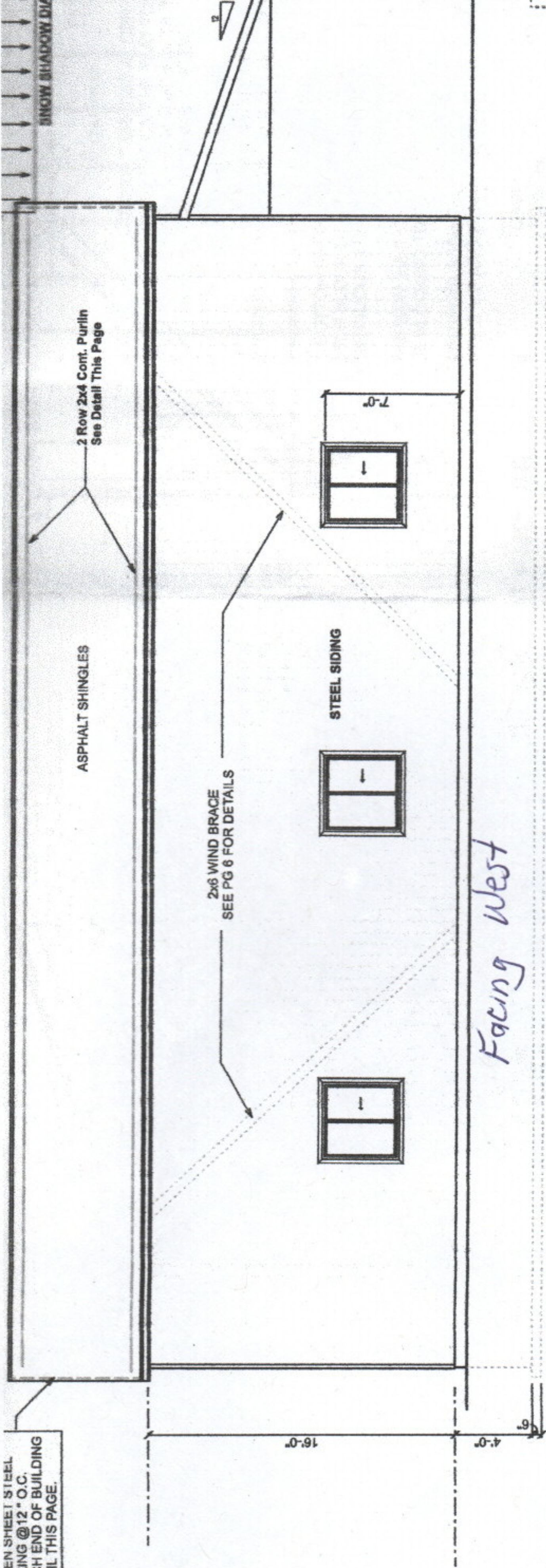
**REAR ELEVATION**

*Facing South*



**FRONT ELEVATION**

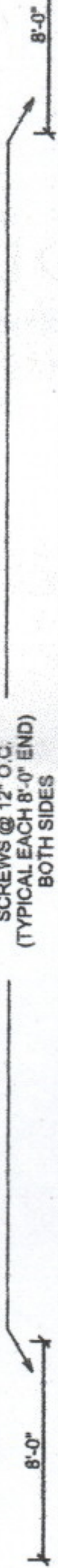
AND FASTEN SHEET STEEL  
TO BLOCKING @ 12" O.C.  
(TYP.) EACH END OF BUILDING  
SEE DETAIL THIS PAGE.



**LEFT SIDE ELEVATION**

*Facing West*

ROOF STITCH  
SCREWS @ 12" O.C.  
(TYPICAL EACH 8'-0" END)  
BOTH SIDES



2.10 KPa

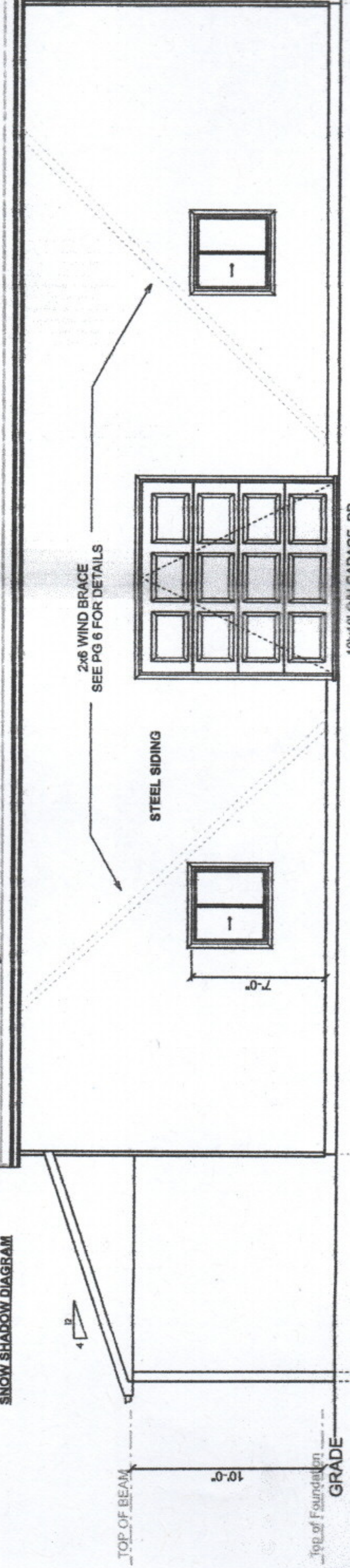
12'-6"

3.8 KPa

SNOW SHADOW DIAGRAM

2 Row 2x4 Cont. Purlin  
See Detail This Page

ASPHALT SHINGLES



*Facing East*

**RIGHT SIDE ELEVATION**

PURLIN SPLICE



TOP VIEW

2x4 Solid Blocking Between Roof Purlins  
(3 1/2" Arrows @ 8" O.C. Blocking to Truss Top Chord)

From: Elizabeth Reimer [ereimer@conservationhamilton.ca](mailto:ereimer@conservationhamilton.ca)  
Subject: RE: McQuade 1571 Concession 5W  
Date: Apr 8, 2021 at 8:42:05 PM  
To: John & Rosemary McQuade  
[mcquade3407@gmail.com](mailto:mcquade3407@gmail.com)

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Hello Rosemary,

Staff of the Hamilton Conservation Authority (HCA) has reviewed the enquiry submitted (in your email below, and drawings provided) and offers the following in this regard.

A portion of the property is regulated pursuant to *Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)* made under the *Conservation Authorities Act, R.S.O. 1990* due to the presence of West Spencer Creek and the associated flood and erosion hazards. However, the portion of the property where the farm equipment building is proposed is outside the hazards, and is **not affected** by HCA's Regulations. Written permission is **not** required from our office for the construction of the farm equipment building indicated on the drawings provided.

The property is within the Westover Southwest Complex Environmentally Significant Area (ESA). It is our understanding that you have spoken with the Natural Heritage Planner at the City of Hamilton, Cathy Plosz, who has indicated that an Environmental Impact Study is not required as the building is within an area already cleared for development. As it is our understanding that the proposed development is outside of the ESA, the Hamilton Conservation Authority has no objection to the issuance of a building permit.

You may provide a copy of this email to your contacts at the City of Hamilton to indicate that you have discussed the proposal with the HCA.

If you have any further questions, feel free to call or email.

Regards,

**Elizabeth Reimer**

Conservation Planner

Hamilton Conservation Authority

838 Mineral Springs Road, P.O. Box 81067

Ancaster, ON L9G 4X1

**Phone:** 905-525-2181 Ext. 165

From: Lazarevic, Velimir

Velimir.Lazarevic@hamilton.ca

Subject: RE: McQuade 1571 Concession 5W

Date: Apr 19, 2021 at 9:02:41 AM

To: John & Rosemary McQuade

mcquade3407@gmail.com

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Thanks, this is fine and can be submitted over to the Committee of Adjustment.

Just make sure that the document is notarized.

Also, please ensure that the Conservation Authority fees are paid directly to them.

Regards,  
Velimir

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**From:** John & Rosemary McQuade <[mcquade3407@gmail.com](mailto:mcquade3407@gmail.com)>

**Sent:** Monday, April 19, 2021 8:49 AM

**To:** Lazarevic, Velimir <[Velimir.Lazarevic@hamilton.ca](mailto:Velimir.Lazarevic@hamilton.ca)>

**Subject:** Fwd: McQuade 1571 Concession 5W

Have a great day.  
Rose and John

Begin forwarded message:

**From:** John McQuade <[mcquade3407@gmail.com](mailto:mcquade3407@gmail.com)>

**Date:** April 9, 2021 at 1:23:48 PM EDT

**To:** "Lazarevic, Velimir" <[Velimir.Lazarevic@hamilton.ca](mailto:Velimir.Lazarevic@hamilton.ca)>

**Subject:** McQuade 1571 Concession 5W

Velimir,

Attached for your perusal and comments is the draft minor variance application, minus the signed Commissioner's portion, siteplan, survey, cheque to the City of Hamilton, other supporting documents, including approval from the Conservation Authority. Also attached is a picture of the survey as the scanned version may be difficult to read.

From: Lazarevic, Velimir

Velimir.Lazarevic@hamilton.ca

Subject: RE: McQuade 1571 Concession 5W

Date: Apr 7, 2021 at 10:34:44 AM

To: John & Rosemary McQuade

mcquade3407@gmail.com

NOTE: As of March 18, all City of Hamilton offices and facilities have been closed to the public with the exception of the First Floor, City Hall, to help prevent the possible spread of COVID-19 virus.

Planning staff will continue to serve the community over the phone or by email.

I received direction from Cathy and she did confirm that the P7 zoning boundary is incorrect and that the location of the proposed structure is outside of the natural woodland. Therefore, this proposal can be supported by the Planning Department, however please note that the Committee of Adjustment is responsible for the approval of your proposal. I've attached more information detailing the process within this email.

For more information on Minor Variance applications please visit: <https://www.hamilton.ca/develop-property/planning-applications/minor-variance>

Please note that I've attached a brochure outlining the Committee of Adjustment process for your review, see the attached.

-----Original Message-----

For the application itself: <https://www.hamilton.ca/sites/default/files/media/browser/2015-05-12/minor-variance-application-form-jan2021.pdf>

To: Lazarevic, Velimir <Velimir.Lazarevic@hamilton.ca>

Part 25 of the application requires "Commissioning", please ensure that this section is completed by someone who has the authority to commission documents. Once you complete the application and are ready to submit you can send it over to me for review.

Also, the Hamilton Conservation Authority regulates the subject lands, you will need to call them and provide a payment to them after you have submitted your Minor Variance Application with us. Their review fee is \$495, although please ensure that you contact them to confirm. I would suggest that you contact them to inquire of their position since they also need to issue a permit.

Let me know if you have any questions.

Regards,

Velimir Lazarevic, BA, CPT  
Planning Technician I, Development Planning  
Planning and Economic Development, City of Hamilton  
71 Main Street West, 5th Floor

From: Plosz, Catherine Catherine.Plosz@hamilton.ca  
Subject: RE: McQuade 1571 Concession 5W  
Date: Mar 18, 2021 at 1:26:12 PM  
To: John & Rosemary McQuade  
mcquade3407@gmail.com  
Cc: Lazarevic, Velimir  
Velimir.Lazarevic@hamilton.ca

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Hi Rosemary

I received your message on the phone. I think you should follow up with Velimir about the Committee of Adjustment process - that would be your first step. Basically, the proposed building is within the P7 zone and you would need a minor variance to construct in this zone. It looks like the boundary to the P7 zone should be revised to exclude the manicured area around the house. I am generally okay with where you are proposing the new building, since it is within an existing manicured area and there is already existing development close to the woodland edge.

Yes, we can also include this on the list of properties to correct the zoning layer as a housekeeping amendment. (But this takes some time).

Cathy

## 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	ADDRESS	
Registered Owners(s)	John + Rosemary McQuade		
Applicant(s)*	Same as above		
Agent or Solicitor			E-mail:
			Phone:
			E-mail:

**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:

Minor Variance in order to have a Farm  
Implement Building erected.

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

Portion of property incorrectly zoned P7

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):

Con 5 PT Lot 25 Bev Flm RP  
62R13827 Part 1  
Irreg 97.25ac 1318.13 FR

1571 Concession 5W  
Branchton, ON  
NOB 140

7. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐

Agricultural ☐ Vacant ☐

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?

Personal residence  
Managed Forest Program

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 ☐ N/A

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

4/19/21  
Date

Signature Property Owner

John & Rosemary McQuade  
Print Name of Owner

10. Dimensions of lands affected:

Frontage

1318.13'

(survey attached)

Depth

4376.89'

(survey attached)

Area

97.25 acres

Width of street

Pavement 22' w

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:

See site plan attached

House single storey 95' x 50' (28.956m x 15.24m)

Shed 21' x 22' (6.401m x 6.076m)

Proposed

Site plan attached

Farm Implement Bldg 40' x 60' (12.192m x 18.288m)

Drawing attached

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

Existing:

Same as below except house 185' (56.388m) from road

Proposed:

over 500' (152.4m) from lot line to the east & over 500' (152.4m)

from lot line to the west

over 350' from road, over 1850' (563.88m) from closest north lot line  
(106.6m)

13. Date of acquisition of subject lands:  
2007
14. Date of construction of all buildings and structures on subject lands:  
House 2008/09 other existing prior to 2007
15. Existing uses of the subject property:  
Residential
16. Existing uses of abutting properties:  
Agricultural / Residential
17. Length of time the existing uses of the subject property have continued:  
Since purchase 2007
18. Municipal services available: (check the appropriate space or spaces)  
Water N/A Connected \_\_\_\_\_  
Sanitary Sewer N/A Connected \_\_\_\_\_  
Storm Sewers N/A
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Managed Forest & Residential
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Zoning 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.  
Survey attached