

## **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
- 

**APPLICATION NO.:** FL/A-21:93

**APPLICANTS:** A. Klaas

**SUBJECT PROPERTY:** Municipal address **1806 8<sup>th</sup> Con. Rd. W., Flamborough**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended 15-173

**ZONING:** "S1, 53", "P8" & "A1" (Settlement Residential  
Conservation/Hazard Land - Rural & Agriculture) district

**PROPOSAL:** To permit the creation of 4 lots through land severance application  
FL/B-19:133 and FL/B-19:134 notwithstanding that;

Lands to be Retained:

A minimum lot area of 15.17 Hectares shall be provided for the lands to be retained  
instead of the minimum required lot area of 40.4 hectares.

Notes:

This Variance is necessary to facilitate Land severance application FL/B-19: 133 & FL/B-19: 134.

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

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**DATE:** Thursday, April 22nd, 2021  
**TIME:** 1:20 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:

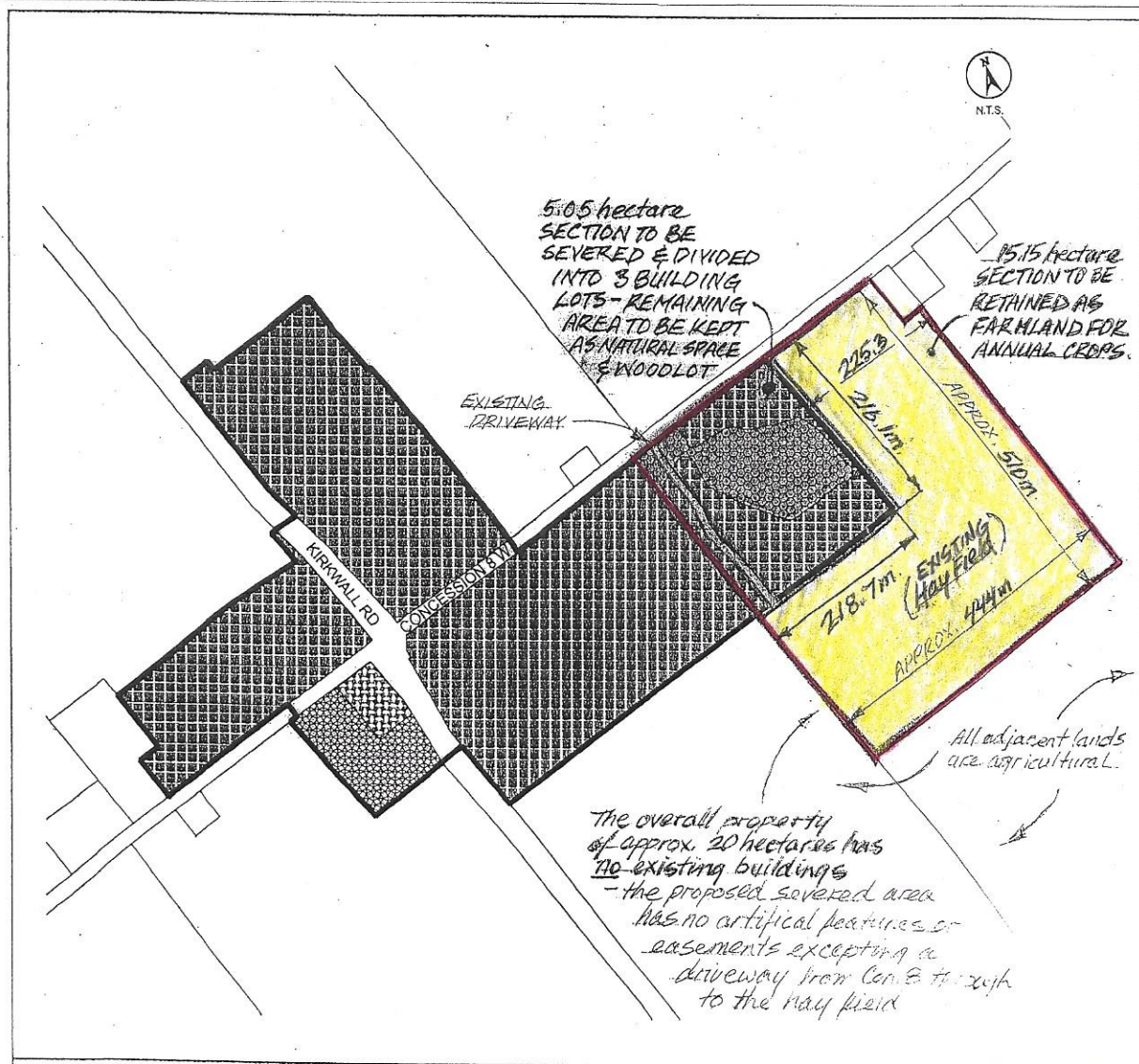
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: April 6th, 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.***



Legend

Settlement Area Boundary

LAND USE DESIGNATIONS

Settlement Residential

Settlement Institutional

Open Space and Parks Designations

General Open Space

Natural Open Space (Hazard Lands)

Volume 2: Map 9  
Kirkwall Rural Settlement Area Plan

Rural Hamilton Official Plan

Council Adoption: September 27, 2006  
Ministerial Approval: December 24, 2006  
Effective Date: May 3, 2016



1806 Con. 8 West, Flamborough  
KLAAS FAMILY  
(CHRISTMAS TREE FARM)  
MARCH 3RD/21

- MINOR VARIANCE APPLIES TO THE APPROXIMATE 37.5 acre section TO BE RETAINED AS FARMLAND (YELLOW COLOUR).

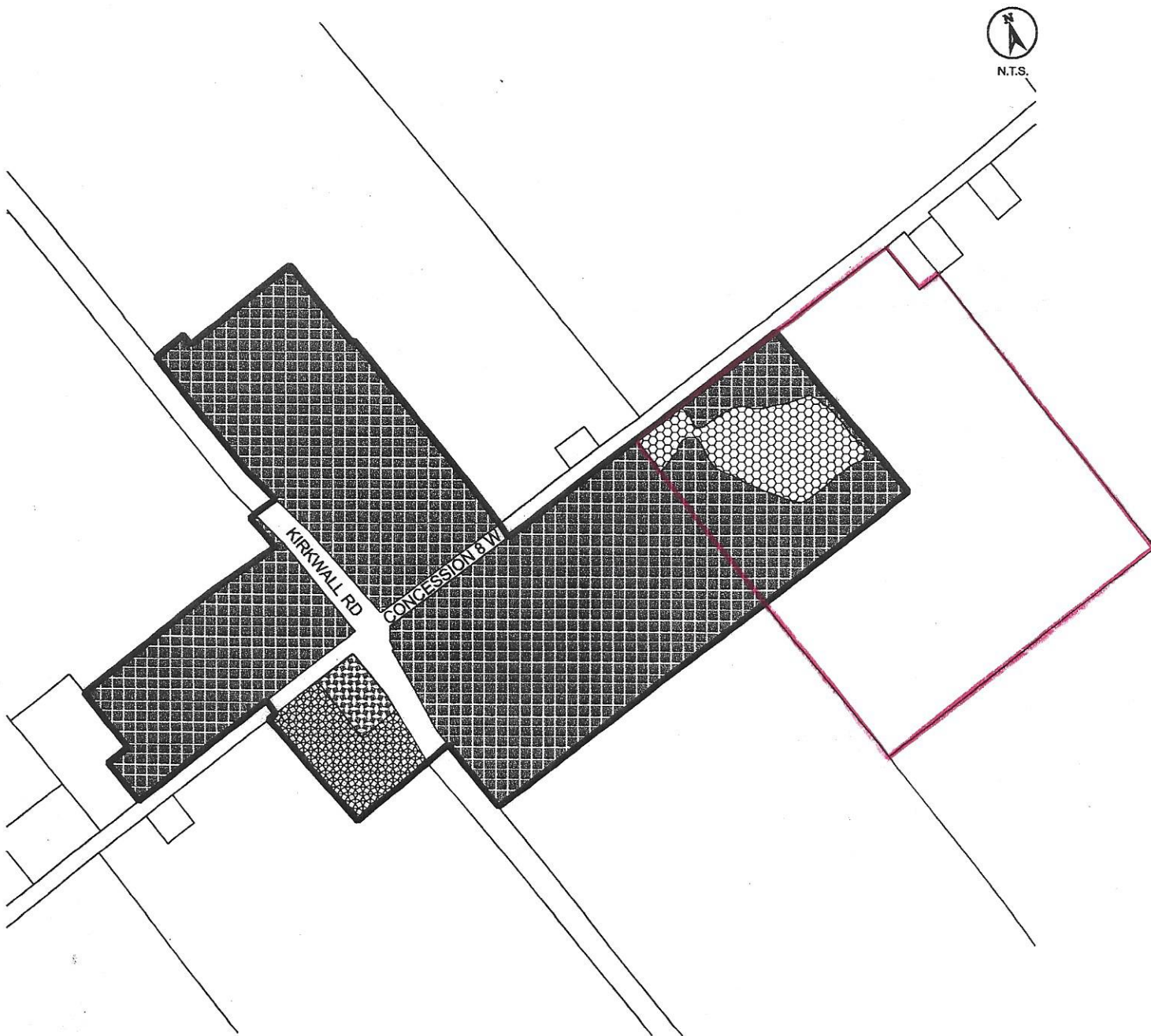
- PREVIOUS USE: FARMING

- FUTURE USE: FARMING

- NO EXISTING BUILDINGS (PAST OR PRESENT)

*Handwritten signatures and initials*





### Legend

— Settlement Area Boundary

### LAND USE DESIGNATIONS

 Settlement Residential

 Settlement Institutional

### Open Space and Parks Designations

 General Open Space

 Natural Open Space (Hazard Lands)

## Volume 2: Map 9 Kirkwall Rural Settlement Area Plan

### Rural Hamilton Official Plan

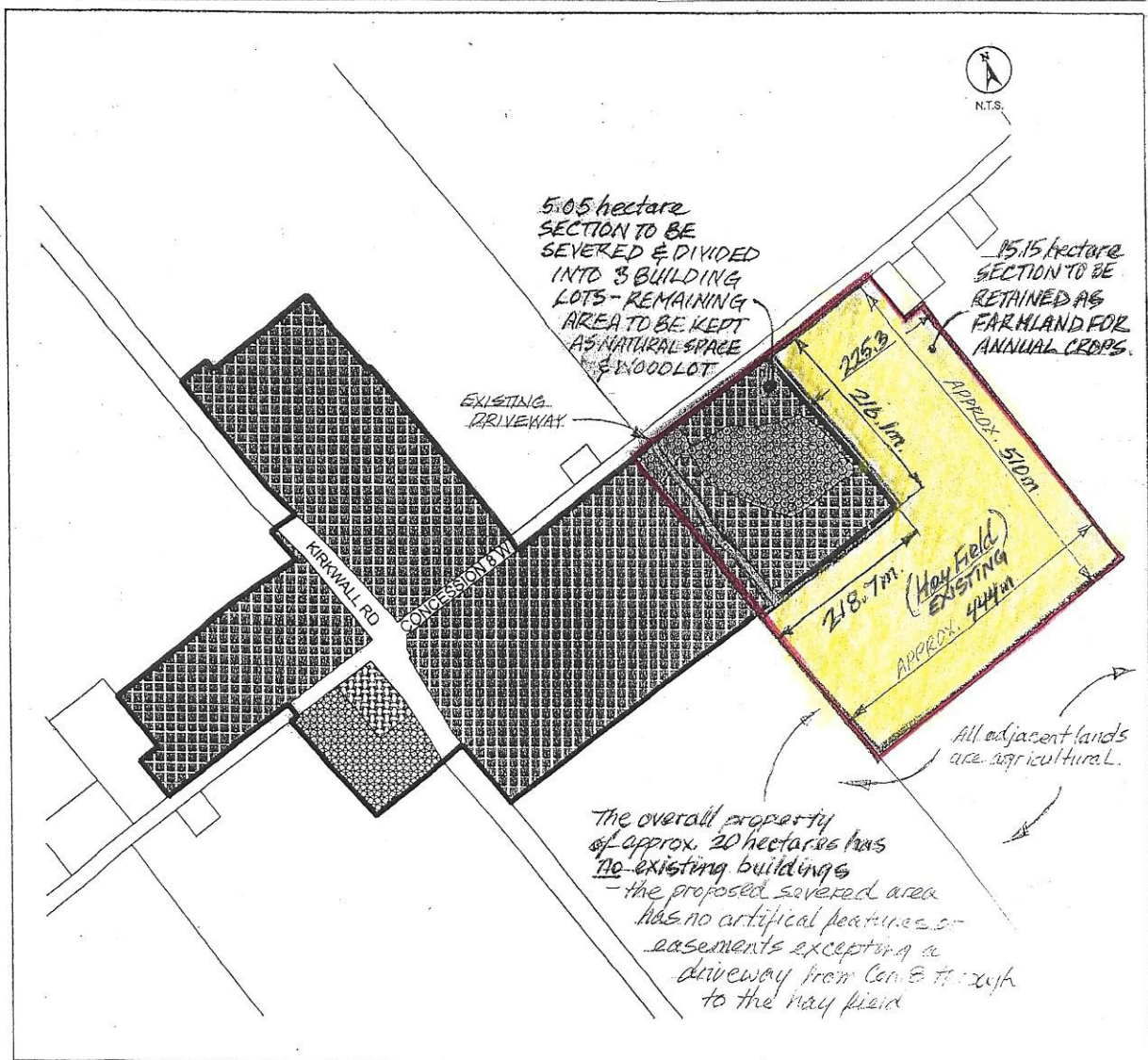
Council Adoption: September 27, 2006

Ministerial Approval: December 24, 2008

Effective Date: May 3, 2016

*1806 Con 8 W. FLAM.  
KLAAS FAMILY FARM  
March 3<sup>RD</sup>/21*





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KLAAS FAMILY

(CHRISTMAS TREE FARM)

MARCH 3RD/21



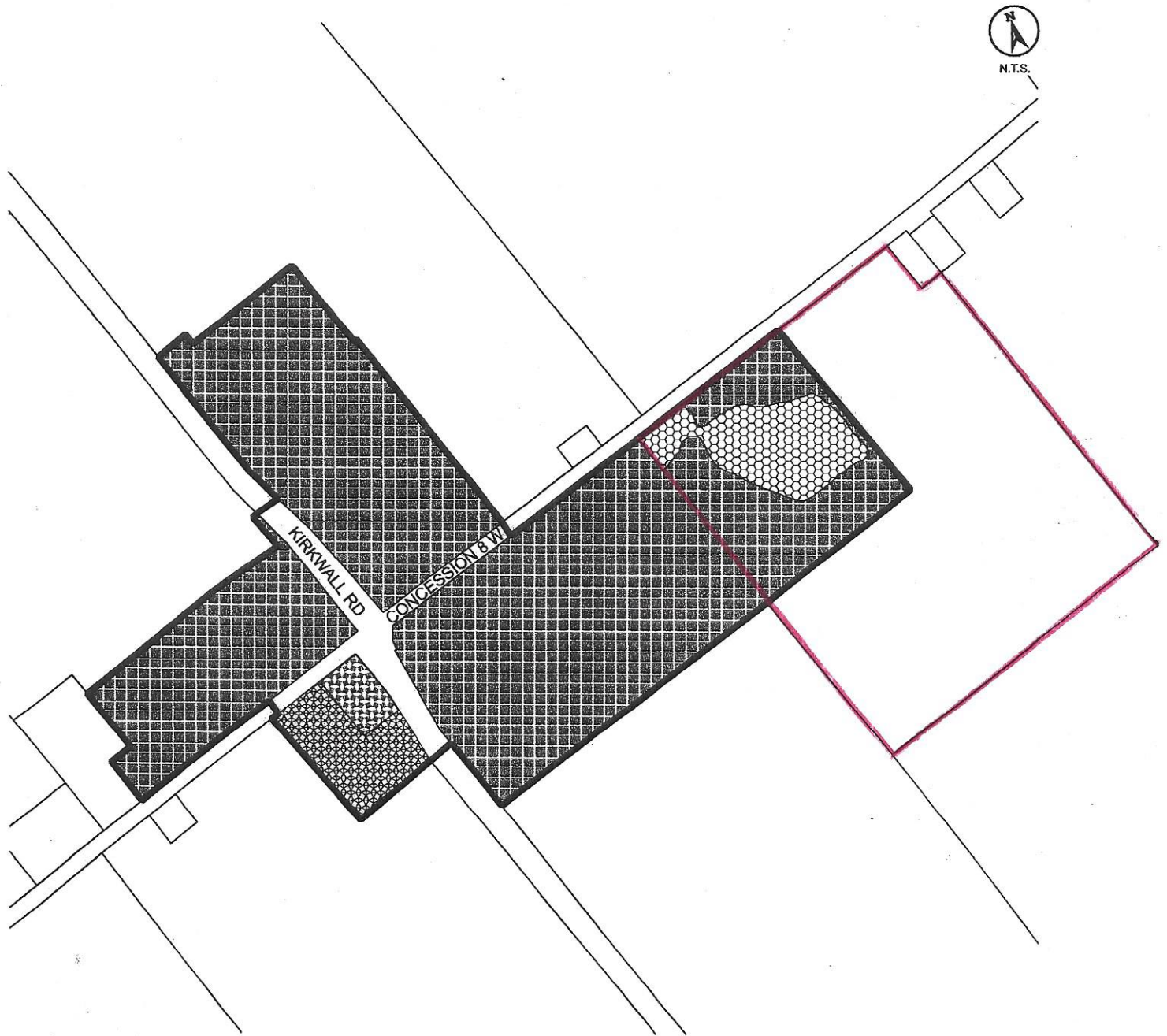
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*1806 CON 8 W. FLAM.  
KLAAS FAMILY FARM  
MARCH 3<sup>RD</sup>/21*



Hamilton

**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto: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	ADDRESS	
Registered Owners(s)	ACHIM KLAAS	[REDACTED]	Phone: [REDACTED]
	AARON KLAAS		E-mail: [REDACTED]
	RYAN KLAAS		
	NATHAN KLAAS		
Applicant(s)*	ACHIM KLAAS	[REDACTED]	Phone: SAME
			E-mail: "
Agent or Solicitor	ACHIM KLAAS	[REDACTED]	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:

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:

*The 37.5 acre retained portion of the subject 50 acre farm does not comply with the 40 hectare minimum requirement.*

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

*Because there are 12.5 acres being severed & we would like to maintain the remaining acreage for agricultural purposes.*

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**):

*1806 CON. 8 W. FLAM.*

7. PREVIOUS USE OF PROPERTY

Residential ☐ Industrial ☐ Commercial ☐

Agricultural ☒ Vacant ☐

Other \_\_\_\_\_

- 8.1 If Industrial or Commercial, specify use \_\_\_\_\_

- 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 9.1 to 9.10 above?

*No buildings past or present.  
We have owned the property for almost 50 yrs.  
Family has lived close by since 1957.*

- 8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, 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.

*Feb. 26/21*  
Date

*Achim Klaas*  
Signature Property Owner

*Ryan Klaas*  
RYAN KLAAS

*ACHIM KLAAS*  
Print Name of Owner

*Aaron Klaas*  
AARON KLAAS

10. Dimensions of lands affected:

Frontage 225.3 m.  
Depth 510 m.  
Area 37.5 acres  
Width of street \_\_\_\_\_

*Nathan Klaas*  
NATHAN KLAAS

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: \_\_\_\_\_

Proposed

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

Existing: \_\_\_\_\_

Proposed:

13. Date of acquisition of subject lands:  
FAMILY FARM SINCE APPROX. 1978
14. Date of construction of all buildings and structures on subject lands:  
Ø
15. Existing uses of the subject property:  
CHRISTMAS TREE FARM & CASH CROP (Hay or Corn).
16. Existing uses of abutting properties: Farming.
17. Length of time the existing uses of the subject property have continued: More than 50 years
18. Municipal services available: (check the appropriate space or spaces)  
 Water Ø Connected Ø  
 Sanitary Sewer Ø Connected Ø  
 Storm Sewers Ø
19. Present Official Plan/Secondary Plan provisions applying to the land: Farming
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Ø
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.  
There are no existing buildings  
the land is being used as farmland  
-- See attached maps/site layouts. --