



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.:	SC/A-12:117	SUBJECT PROPERTY:	106 Byron Avenue, Stoney Creek
ZONE:	"R2" (Single Residential)	ZONING BY-LAW:	Zoning By-law former City of Stoney Creek 3692-92, as Amended

APPLICANTS: Owner: ZDRAVKO MARINOVIC
Agent: A.J. Clarke & Associates c/o S. Fraser

The following variances are requested:

Part 2

1. A lot area of 462.0m² shall be provided instead of the minimum lot area of 505.0m² required for a corner lot.
2. A lot frontage of 15.0m shall be provided instead of the minimum lot frontage of 16.5m required for a corner lot.

PURPOSE & EFFECT: To create three (3) lots for residential purposes in accordance with consent applications no. SC/B-10:180 and SC/B-10:181.

Notes:

- i. The applicant shall be advised that each dwelling is required to provide a minimum of two (2) parking spaces in accordance with Sections 6.3.4, 6.1.8 and 4.10 of Stoney Creek Zoning By-law 3692-92. Insufficient information has been provided in order to determine zoning compliance. Further variances may be required if compliance cannot be achieved.
- ii. The current zoning designation permits a maximum building height of 11.0m. Details have not been provided in order to confirm zoning compliance.
- iii. These variances are necessary to facilitate land severance applications SC/B-10:180 and SC/B-10:181.

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 3, 2022
TIME:	1:25 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: October 18, 2022

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.



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

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. Please include your name and address, hearing date, and file number. 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

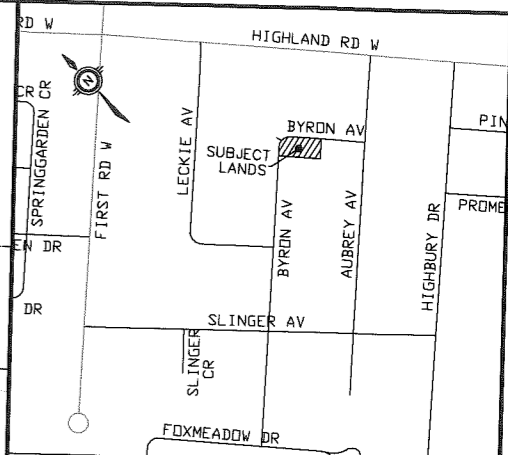
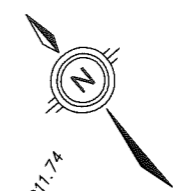
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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.

BYRON AVENUE

(BY REGISTERED PLAN 955, P.I.N. 17089-0137(LT))



KEY MAP - N.T.S.

VARIANCES

1. MINIMUM LOT AREA ON A CORNER LOT BE 462m² INSTEAD OF THE REQUIRED 505m².
2. MINIMUM LOT FRONTAGE ON A CORNER LOT BE 15m INSTEAD OF THE REQUIRED 16.5m.

IBI GROUP
 SUITE 200, EAST WING
 360 JAMES STREET NORTH
 HAMILTON, ONTARIO
 L8L 1H5
 (905) 546-1010
 www.ibigroup.com

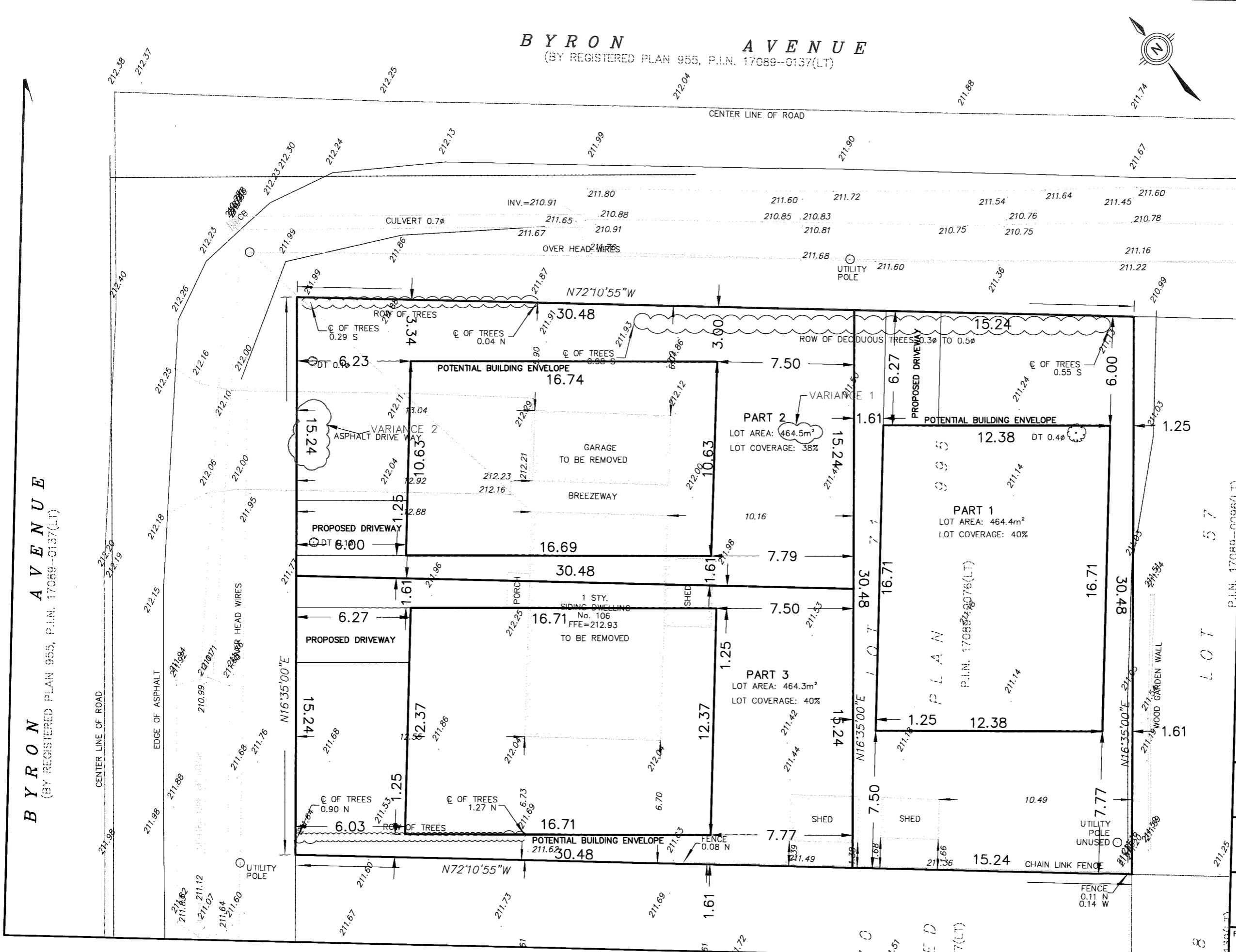
SCALE 1:200
 DATE 2012-04-17
 DRAWN BY A. BUONAMICI

CITY OF HAMILTON

106 BRYON AVENUE

MINOR VARIANCE SKETCH

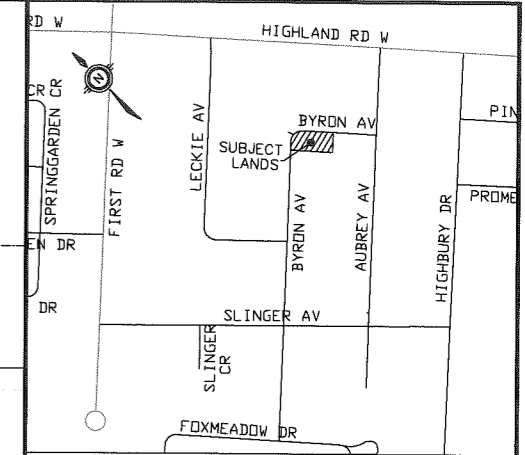
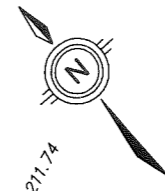
FILE No. 32153 FIGURE No. FIGURE 1



BYRON AVENUE
 (BY REGISTERED PLAN 955, P.I.N. 17089-0137(LT))

BYRON AVENUE

(BY REGISTERED PLAN 955, P.I.N. 17089-0137(LT))



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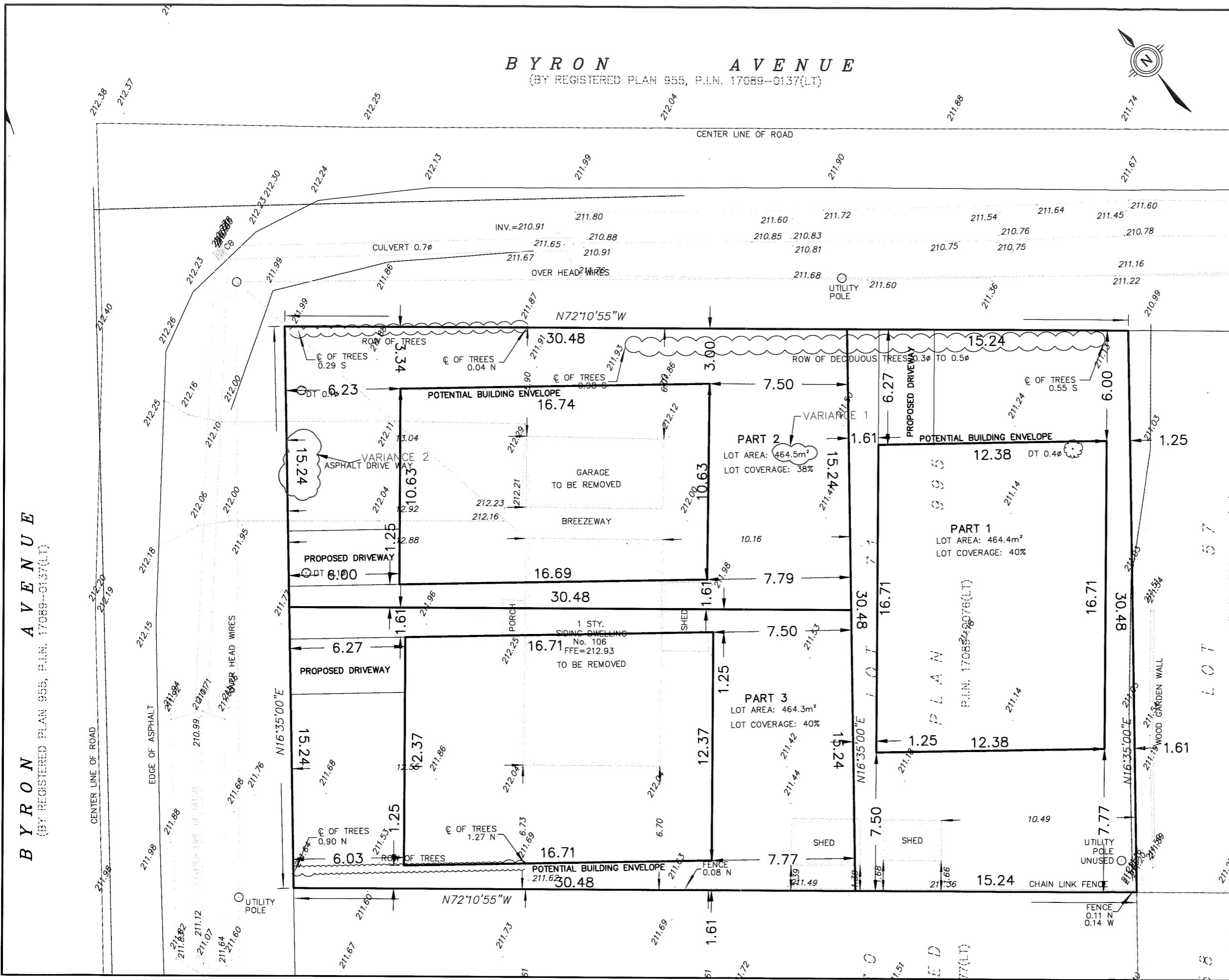
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 DATE 2012-04-17
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CITY OF
HAMILTON

106 BRYON AVENUE

MINOR VARIANCE
 SKETCH

FILE No. 32153
 FIGURE No. FIGURE 1



BYRON AVENUE
 (BY REGISTERED PLAN 955, P.I.N. 17089-0137(LT))

FLOODING CONCERNS OF
102 BYRON AVE
STONEY CREEK

PRESENTED TO:

HAMILTON COMMITTEE OF ADJUSTMENT
THURSDAY, MAY 31, 2012
HAMILTON CITY HALL

PRESENTED BY:

DON & SUE KNAP
102 BYRON AVENUE
STONEY CREEK, ON
L8J 2T2
905-578-9488

REGARDING

SEVERANCE APPLICATION NO. SC/B-10:180
SEVERANCE APPLICATION NO. SC/B-10:181
&
VARIANCE APPLICATION NO. SC/A-12:117

MUNICIPAL NUMBER
106 BYRON AVENUE
HAMILTON ON
(STONEY CREEK)

**RE: SEVERANCE APPLICATION NO. SC/B-10:180 & SC/B-10:181
APPLICATION FOR MINOR VARIANCE NO. SC/A-12:117**

We submit our opposition to the above applications for the following reasons;

- 1) There are no existing storm sewers on Byron Avenue.
..... "there is a history of flooding issues in this area. Since there is no suitable outlet for storm water drainage, we are concerned that the applicant/owner can not demonstrate that the pre-severance drainage flows will not exceed the post severance drainage flows which may result in additional flooding of the surrounding lands." (Development Planning-East, February 10th, 2011).
- 2) Consent to Severance Application NO.SC/A-10-181 and permit buildings and structures having a side yard of 1.25 m, will create a significant negative impact on the drainage between the lands of 106 and 102 Byron Avenue by not maintaining existing elevations and drainage patterns.
- 3) Consent to Severance Application SC/B-10:180 will cause major disruption of drainage from the following lands; 86, 92, and 98 Byron Ave. as well as 93, 95, 97, 99, and 101 Aubrey Ave. northerly through rear yards towards the southerly culvert of Byron Avenue.
This will result in severe detention ponding in the rear yard of 102 Byron Avenue.
- 4) The proposed severance and variance application locates proposed buildings and structures for the subject lands having a front yard 6.00 m and 6.03 m. This front yard allowance is inconsistent with the character of the existing neighbouring structures located on Byron Avenue having a front yard allowance of +/- 12.00 m.
- 5) The proposed front allowance of only 6.00 m would block and detract from the view residents of Byron Avenue currently have and enjoy of their streetscape.
- 6) Anything more than a one story dwelling for the new subject buildings may also not be in character.
- 7) "Staff is of the opinion that the proposal is not consistent with the existing neighbourhood character and lot fabric". (Development Planning-East, February 10th, 2011).

HISTORY

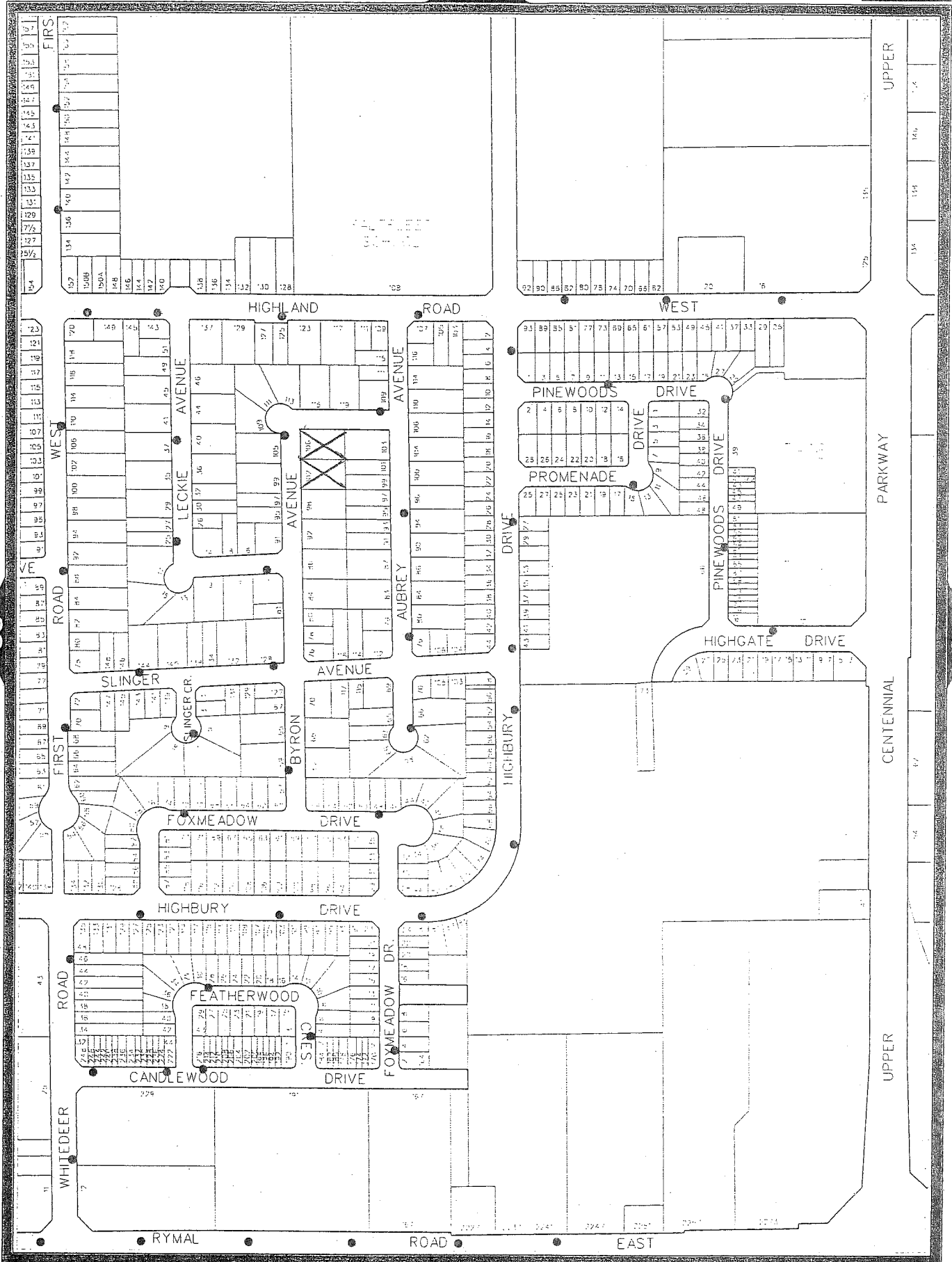
- Flooding of the lands of 102 Byron Avenue and surrounding lands often occur during the spring.
- Flooding may also occur during the summer and fall months during a moderate rainfall.
- We have included pictures of culverts in front of 91 Byron Ave. taken April 26, 2011, which acted as a detention pond to mitigate flooding of 102 Byron during 2011.

MAP INDEX

Map #1 - Leckie Park Survey street and site Map

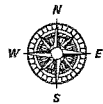
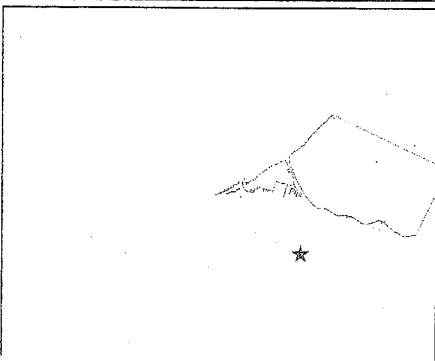
Map #2 - Local aerial view with culverts and water flows indicated

Map #3 - Aerial view indicating flooding and water flow over the
the lands of 102 and 106 Byron Avenue, Hamilton



Revised July 2000

MAP #1

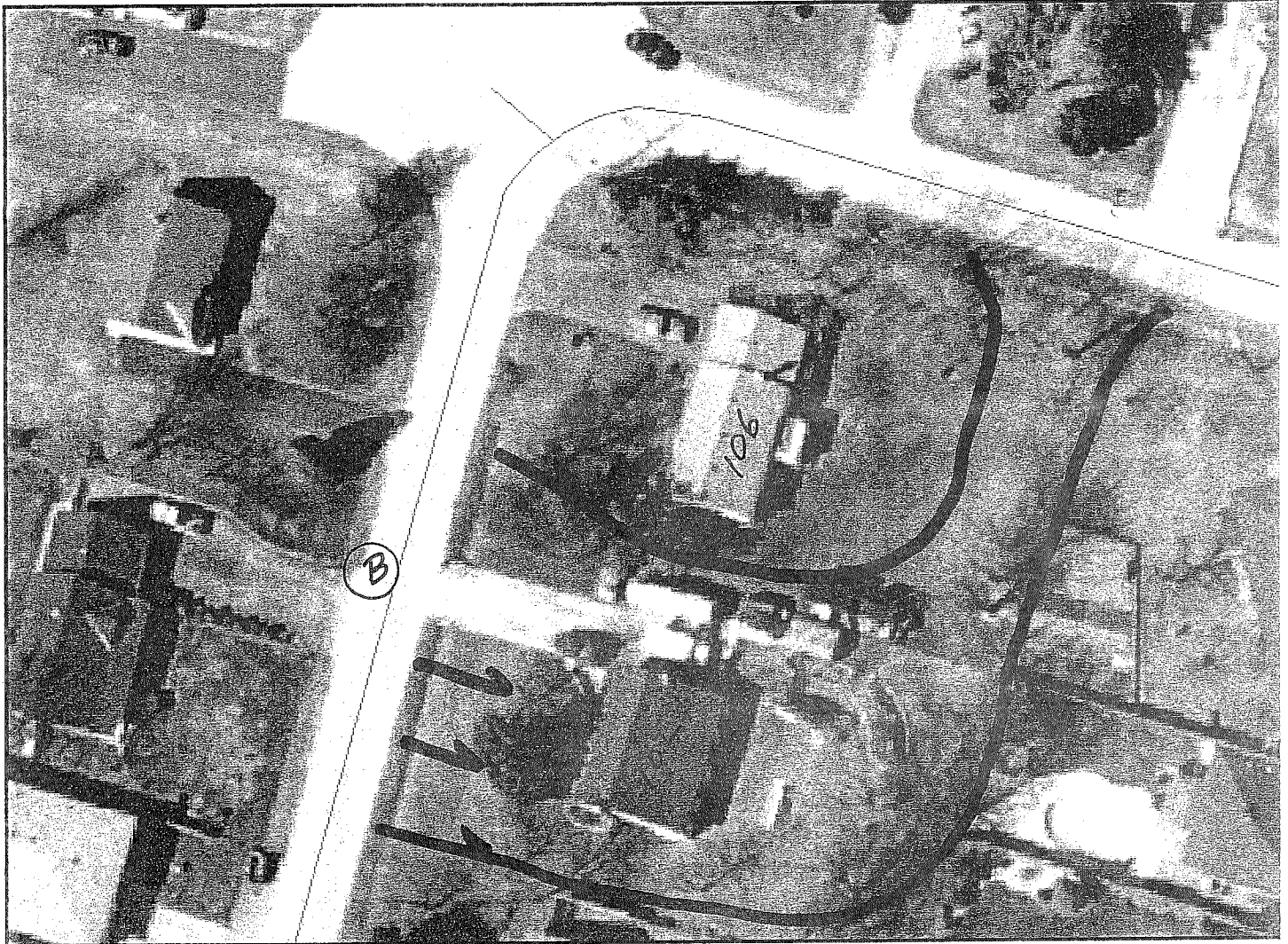


City of Hamilton
www.map.hamilton.ca



Aerial Photos captured in the spring of 2002, at a 20cm resolution.

MAP # 2



1 : 367

Produced by Guest 14:48 2/27/2006

MAP # 3

PHOTO INDEX

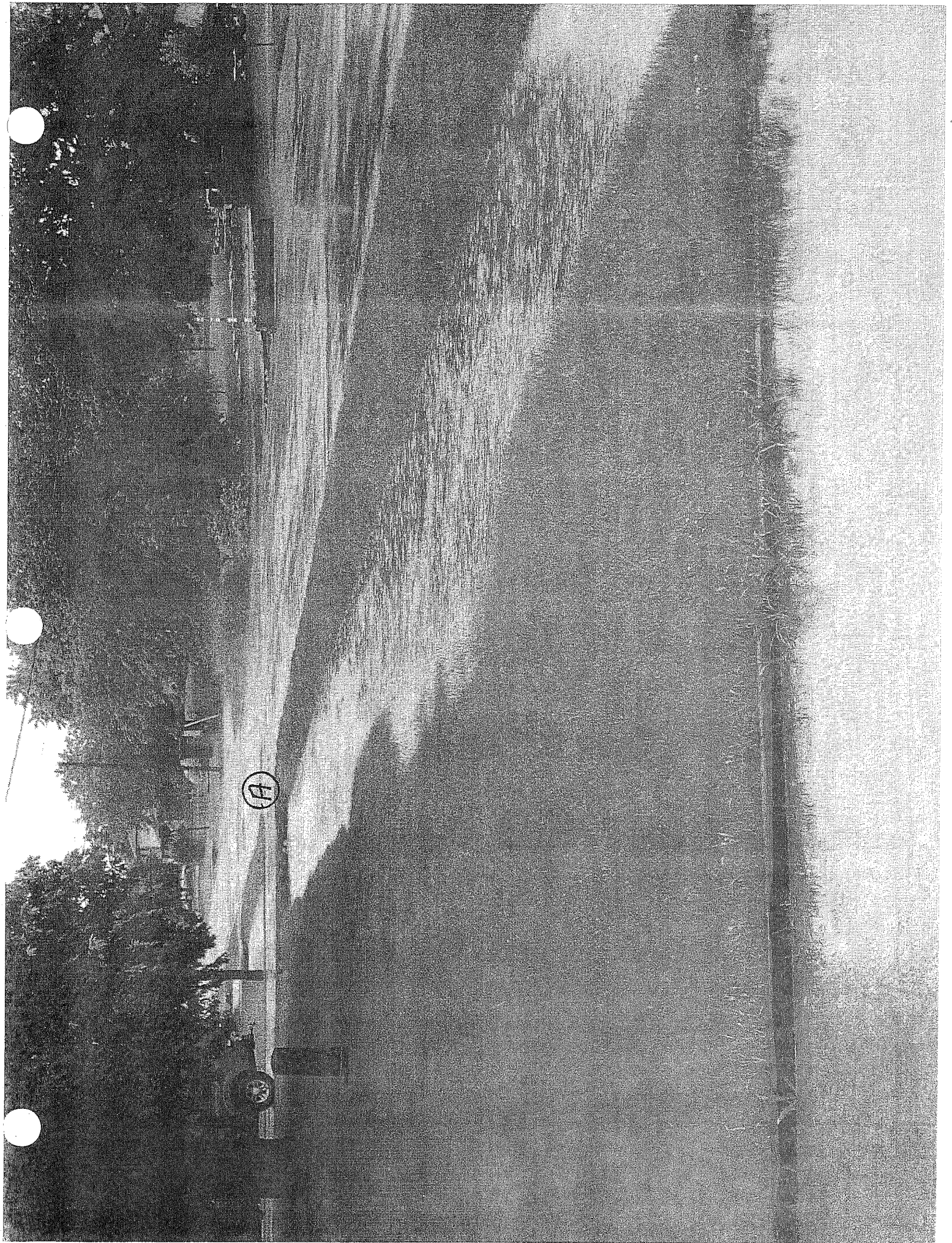
SERIES #1 - Roadside ditches, North/South portion of Byron Avenue

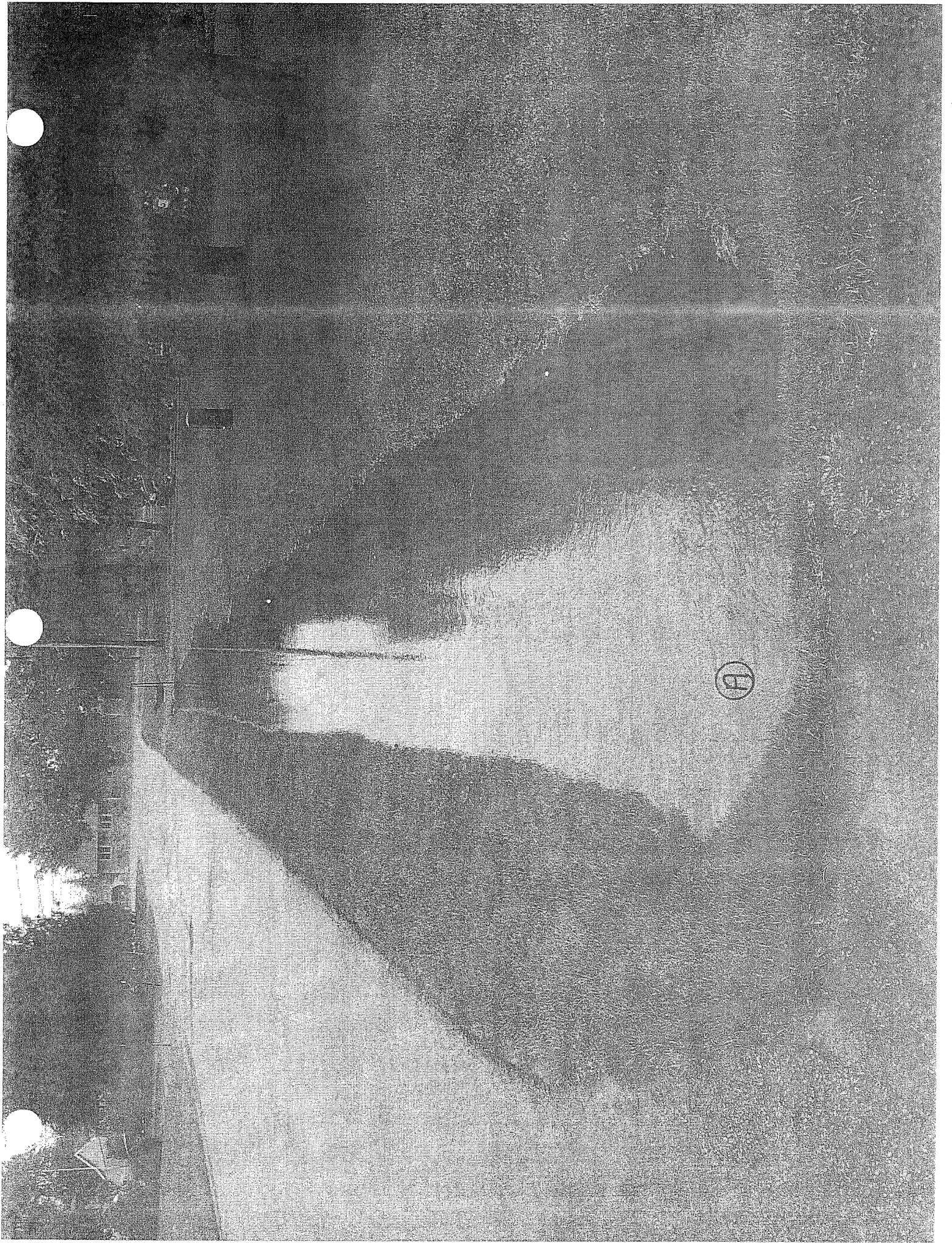
- 1/. View southerly from driveway 102 Byron Avenue towards 98 Byron Ave.
(A) on Map #2 locates convergence of 2 culverts.
 - Along East side of Byron Avenue
 - From West side of Byron Avenue conducting water under the road from the west side of Byron Avenue AND a portion of Leckie Avenue.
- 2/. Standing atop culvert convergence shown as (A) on Map #2 picture 1, looking northerly from driveway 98 Byron Avenue towards 102 Byron Avenue.
- 3/. For comparison purposes this photo from a position (B) Map #3 shows southerly flow of west side of Byron Avenue (opposite 102 Byron) towards under road culvert at (A) Map #2.
- 4/. Shows ditch east side of Byron Avenue between driveway culverts of 102 and 106 Byron Avenue (C) Map #2

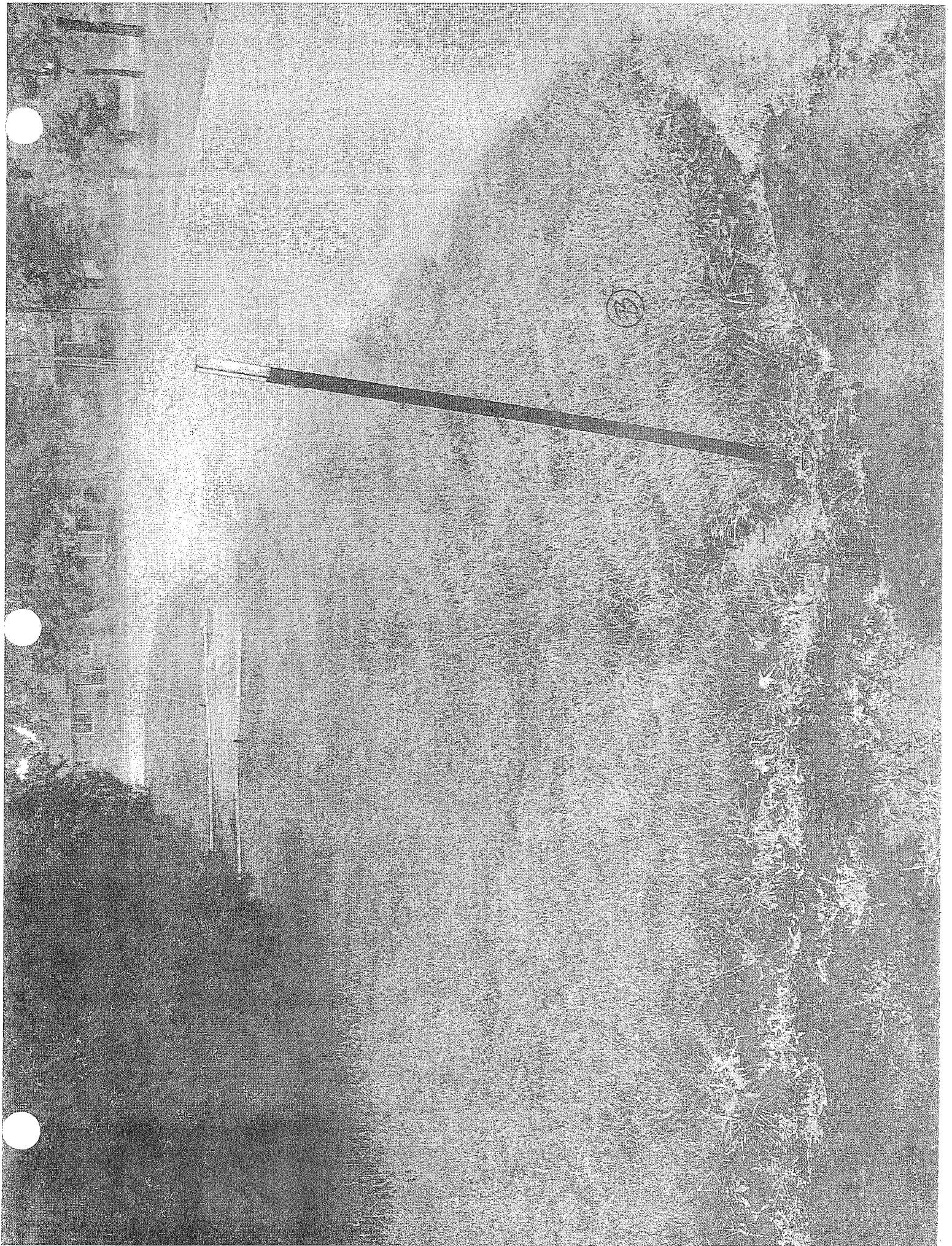
SERIES #2 - Views from front door of 102 Byron Avenue

SERIES #3 - Views of rear yards, 102 and 106 Byron Avenue

SERIES #4 - Restricted drainage past 91 BYRON AVENUE, April 2011









SERIES #2 - Views from front door of 102 Byron Avenue

- 5/. View of flooding Southerly portion of front yard
- 6/. Southern frontage. Water receding at time of photo.
- 7/, 8/, 9/, View of completely flooded central portion of front yard
- 10/. 11/. Flooding of northern portion of front yard

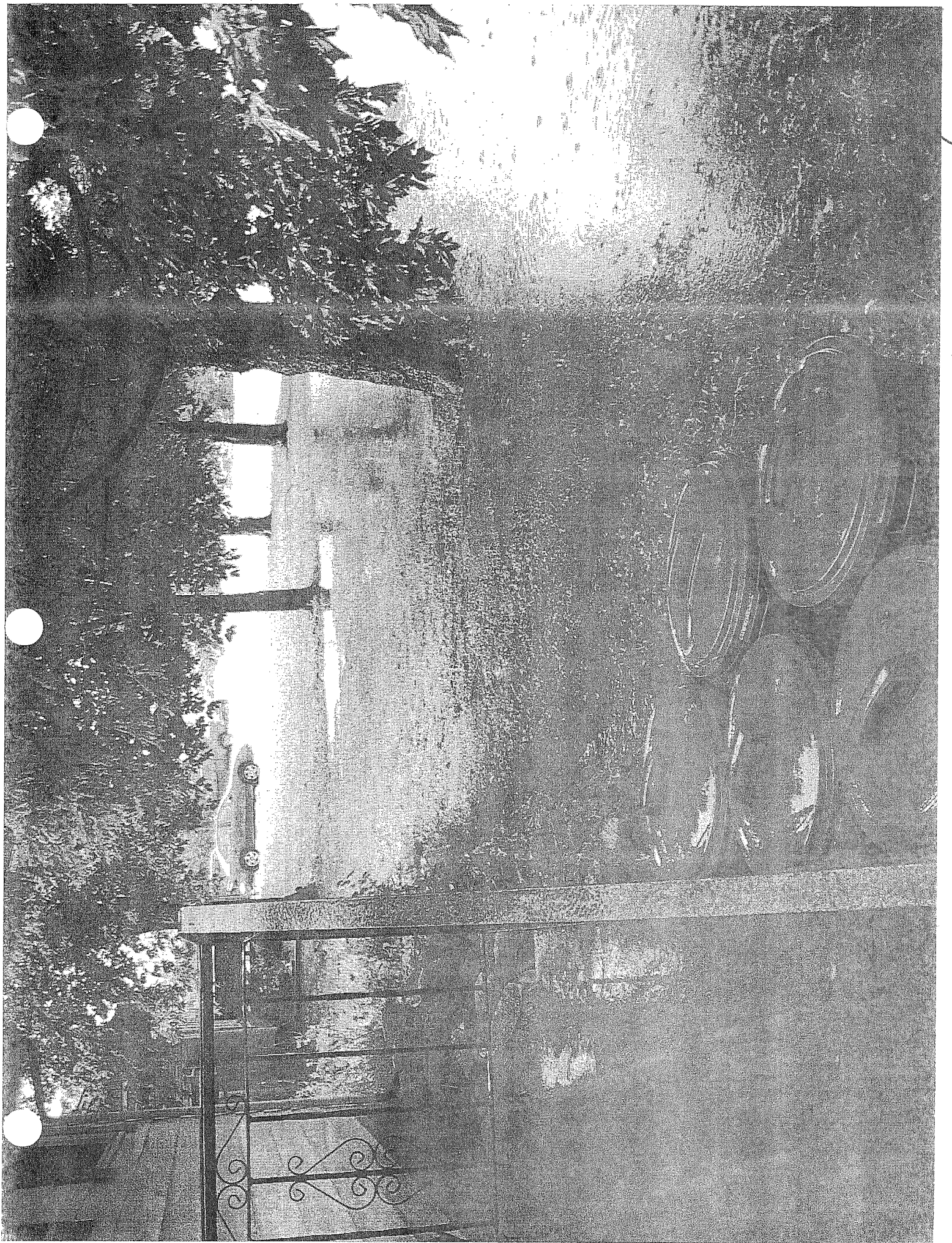
NOTE: - An 8 inch natural rock wall and raised garden was constructed in an effort to keep flood waters away from dwelling foundation of 102 Byron Ave.

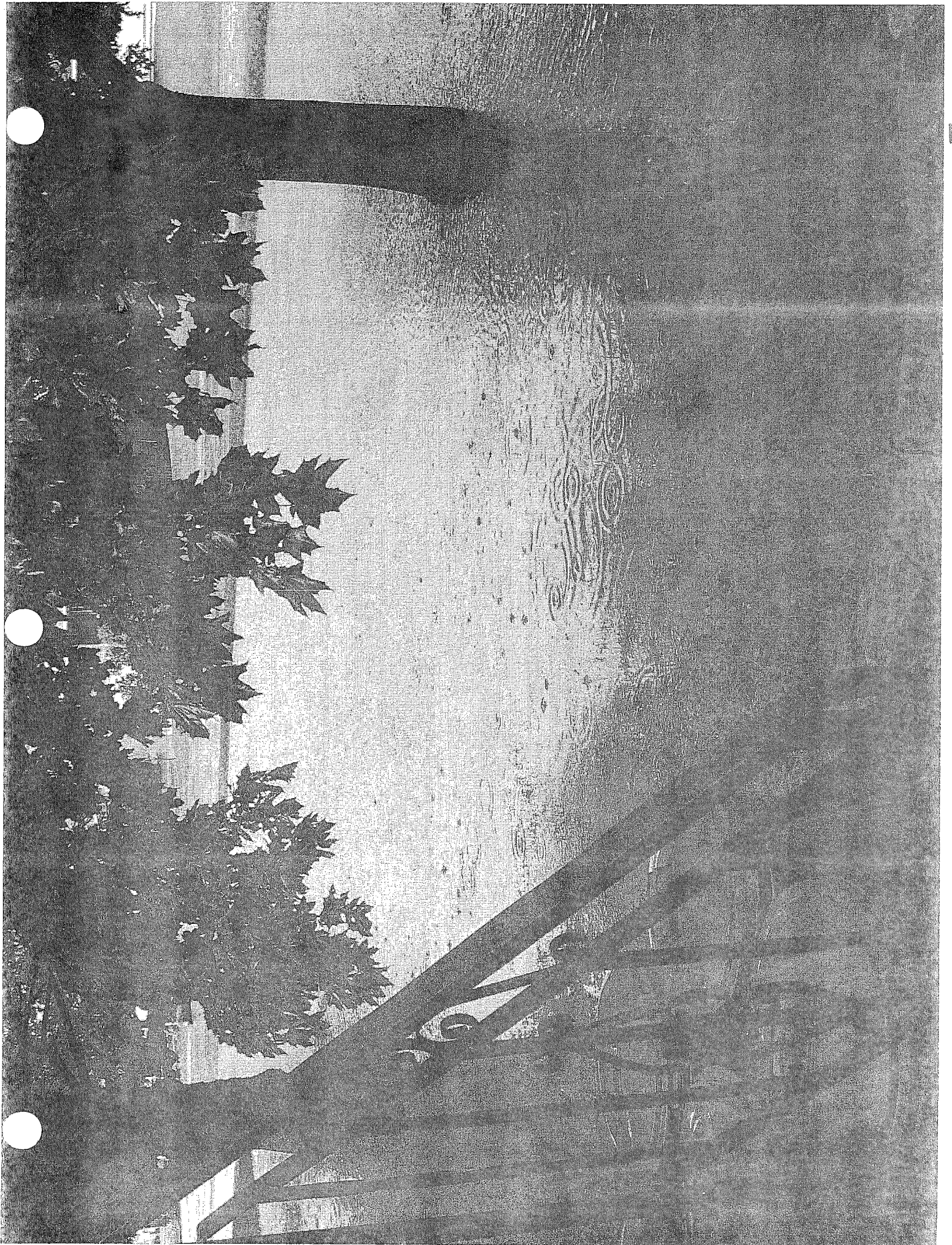
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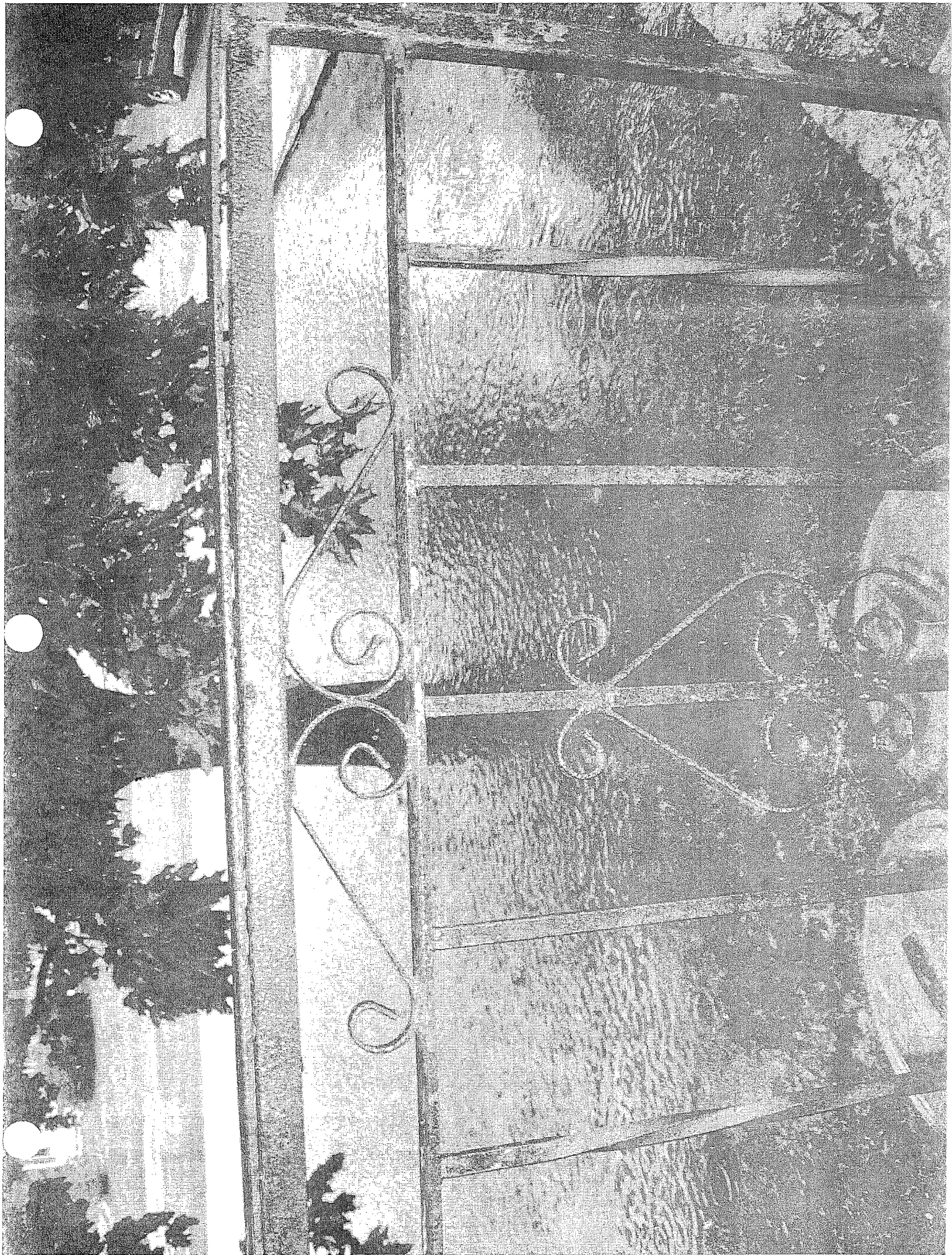
SERIES #3 - Views of rear yards, 102 and 106 Byron Avenue

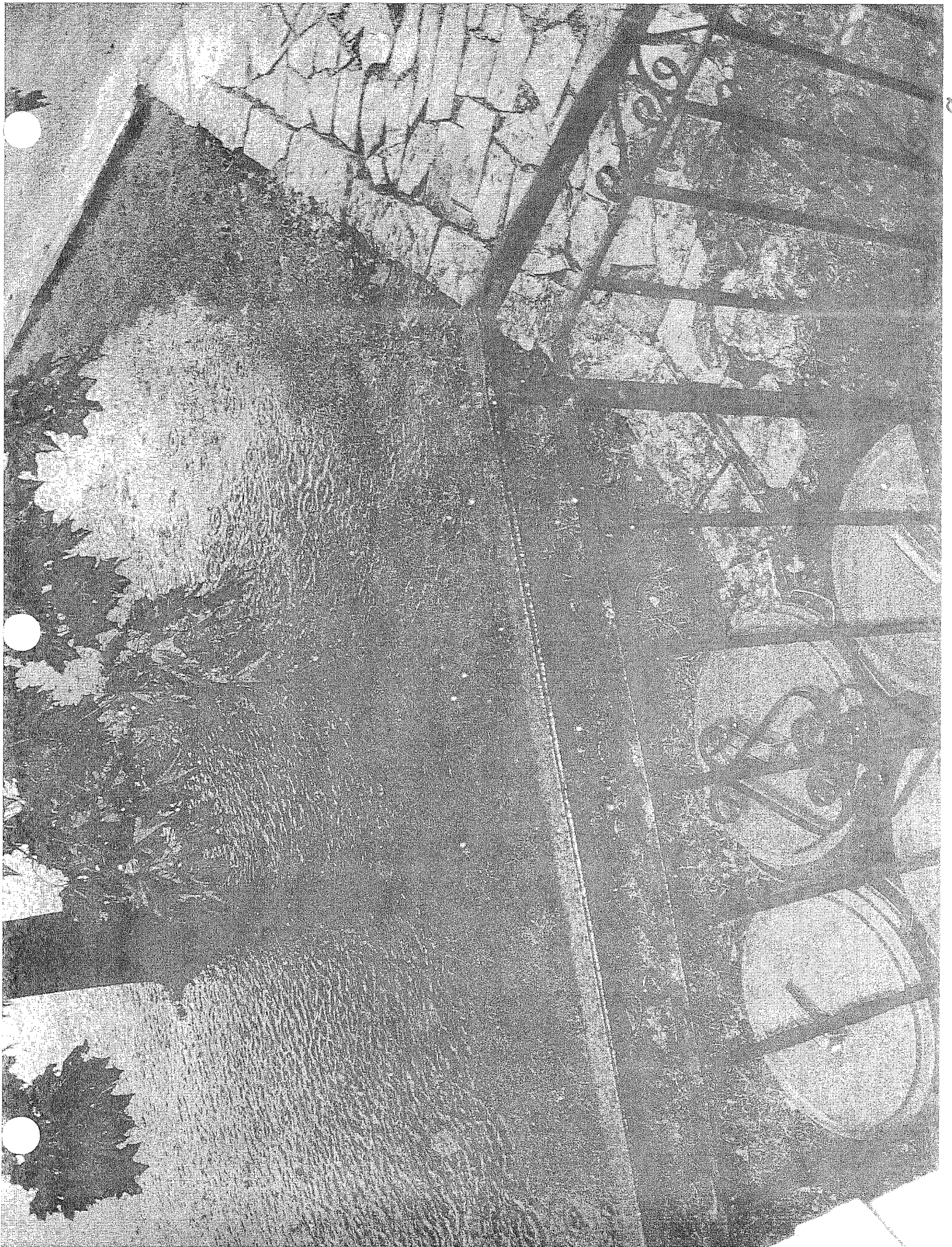
SERIES #4 - Restricted drainage past 91 BYRON AVENUE, April 2011

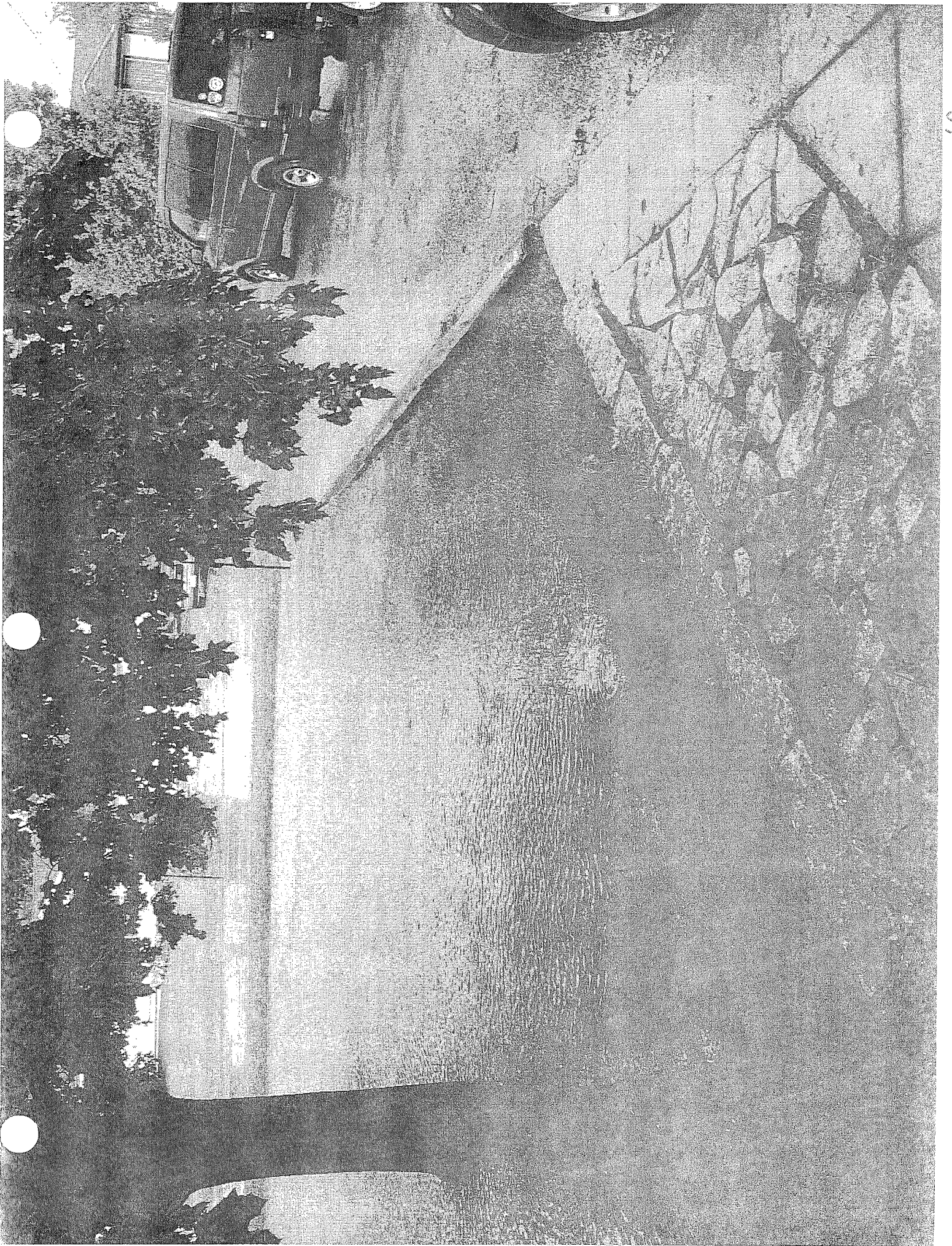


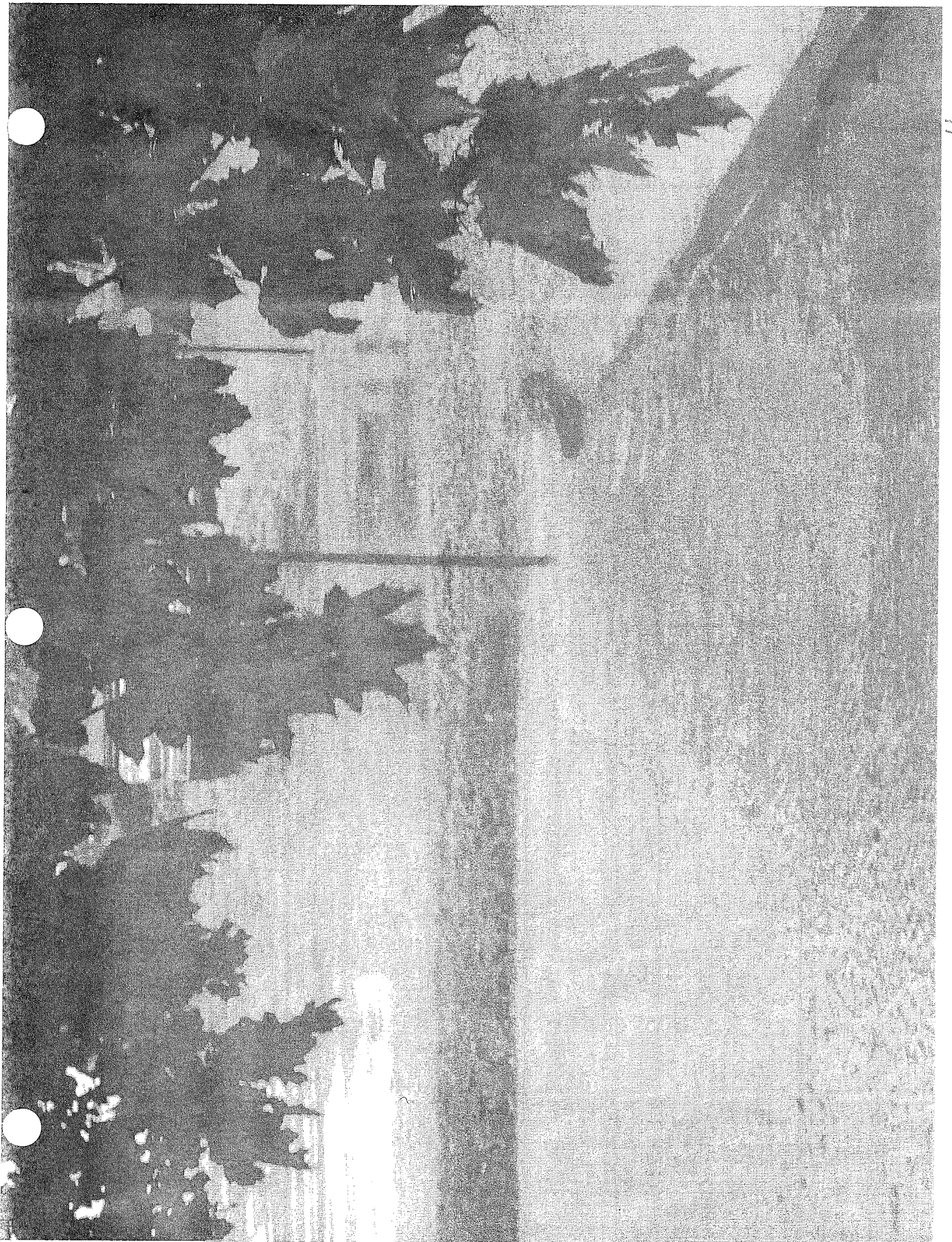












SERIES #3 - Views of rear yards, 102 and 106 Byron Avenue

12/. 13/. Showing water flow, east boundary, rear yard of 102 Byron toward lands of 106 Byron.

NOTE: Elevation differential, neighbouring property of 101 Aubrey Avenue

14/. Flow and ponding of water between 106 Byron Avenue and 103 Aubrey Avenue.

NOTE: Elevation differential of approximately 0.96 m (3.15 feet) between centre line of road and bottom of open culvert at rear yard land of 106 Byron Avenue.

15/. Flow and ponding of water on the lands of 106 and 102 Byron Avenue and 103 Aubrey Avenue.

NOTE: Elevation differential across entire rear yard line of 106 Byron Ave. is 0.06 m (2 inches)

16/. Water flow north side of lands of 106 Byron Avenue looking East from a position (E) on Map #2

17/. South roadside ditch of the East/West portion of Byron Avenue. (D) on this photo and Map #1 show entrance to 2 under road culverts leading to the North side.

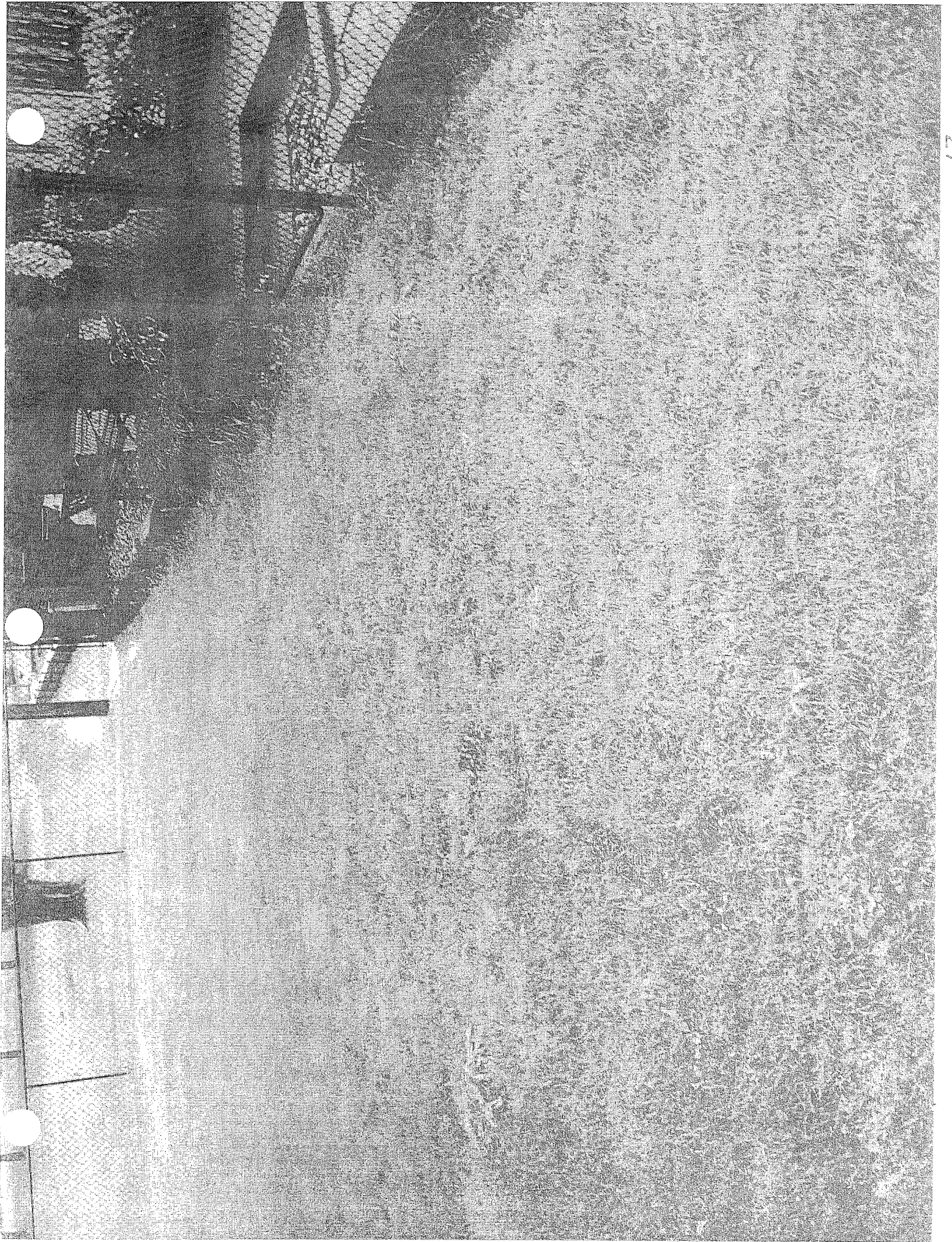
18/. Entrance to the 2 under road culverts shown in photo 16 and indicated on Map #2

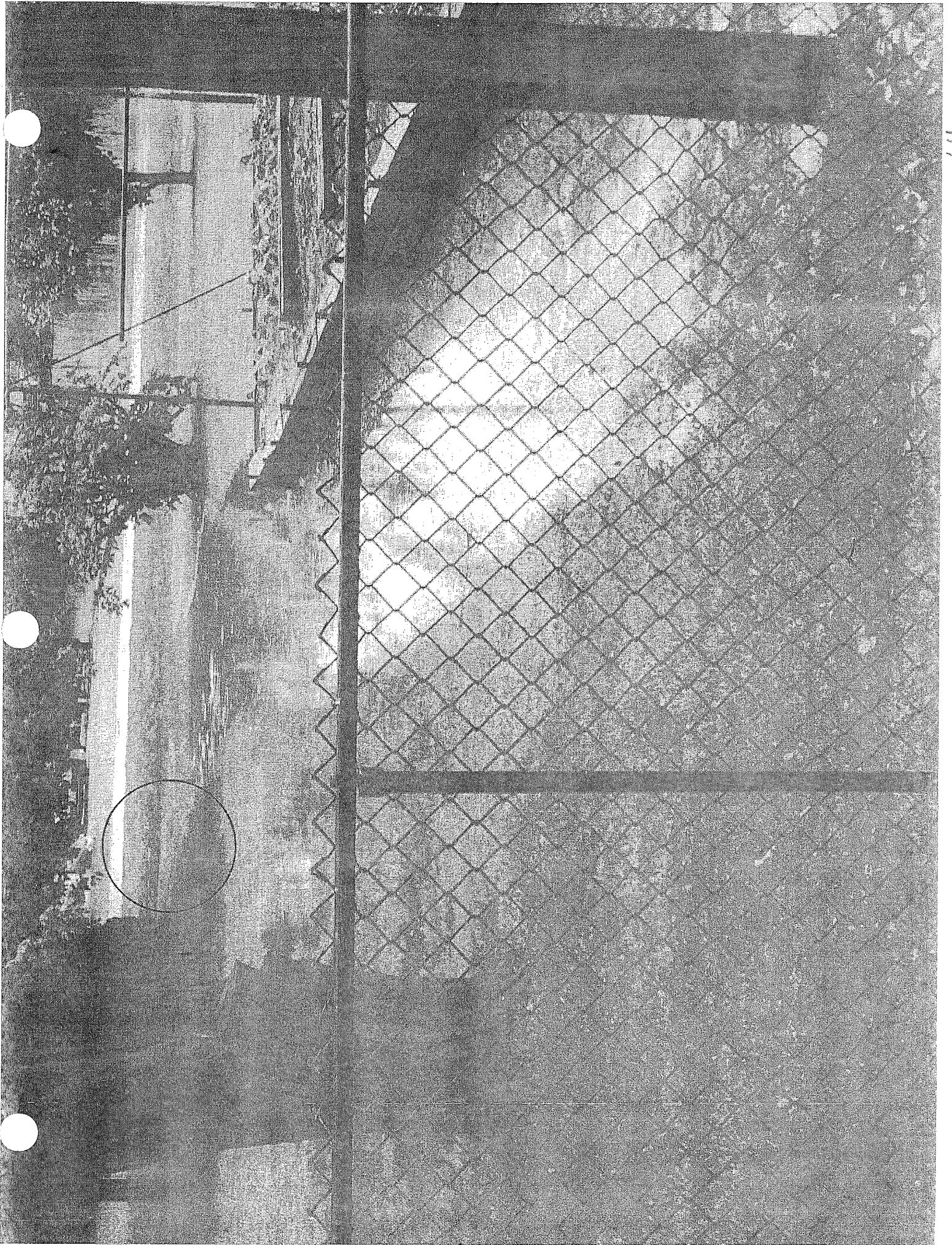
SERIES #1 - Roadside ditches, North/South portion of Byron Avenue

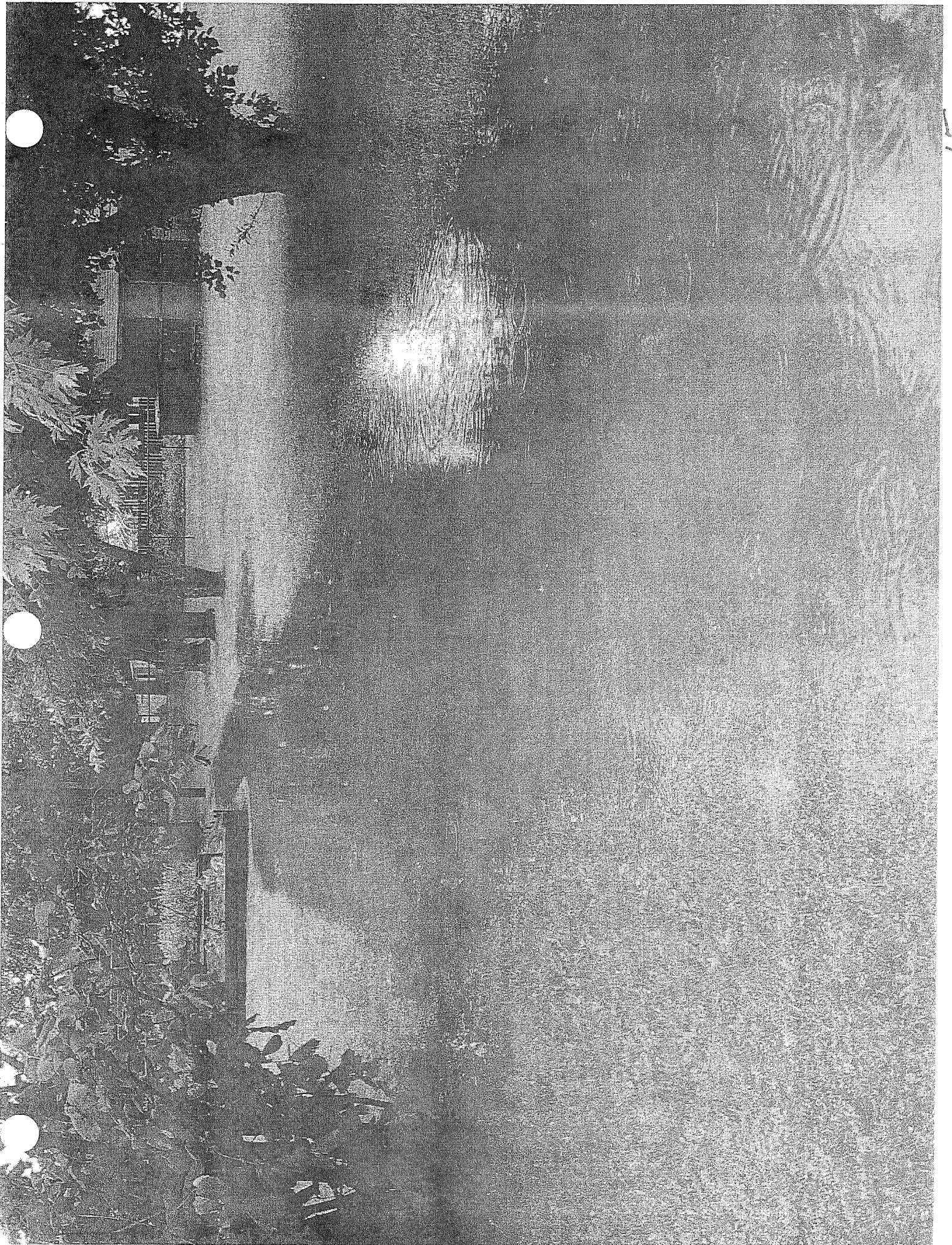
SERIES #2 - Views from front door of 102 Byron Avenue

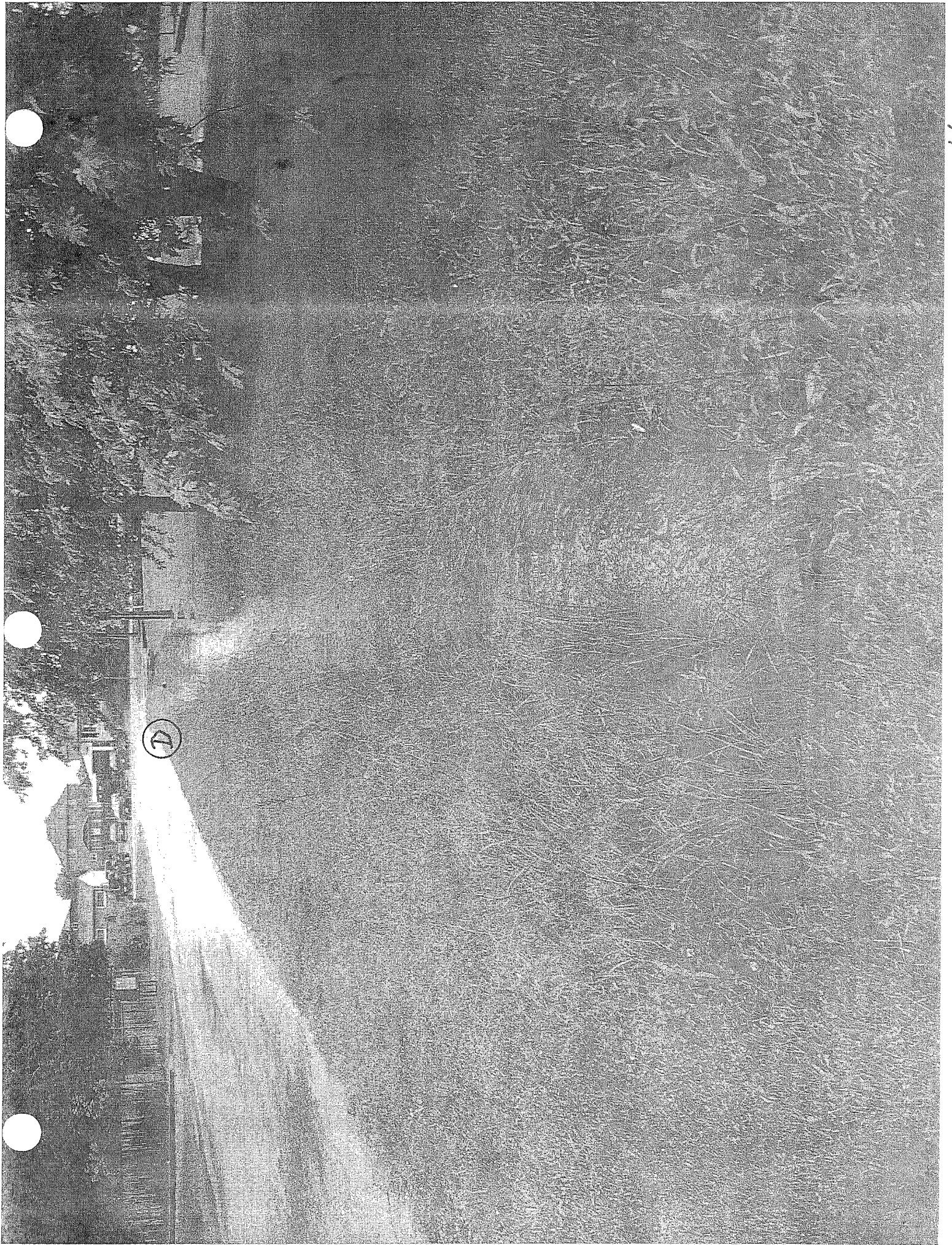
SERIES #4 - Restricted drainage past 91 BYRON AVENUE, April 2011

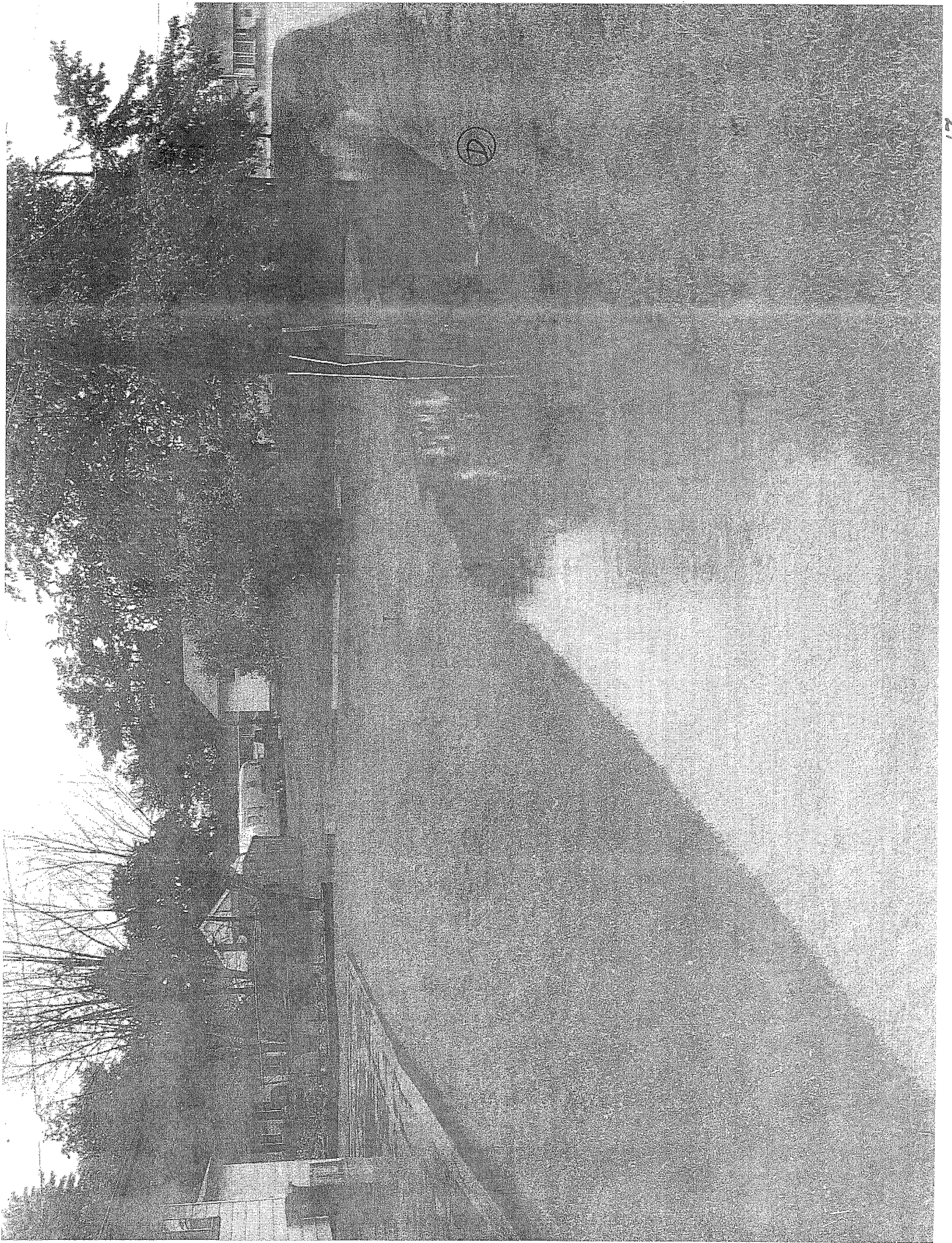


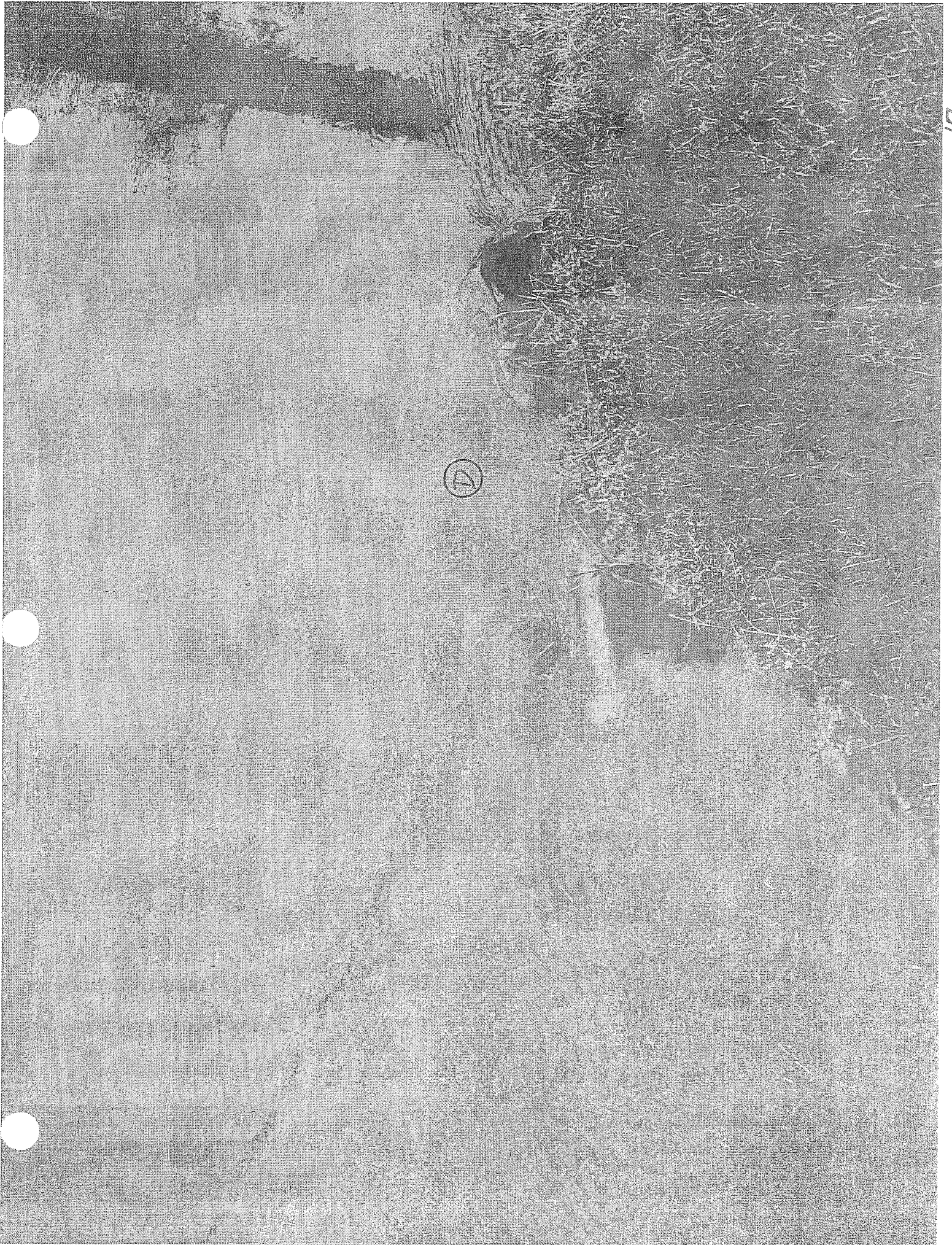












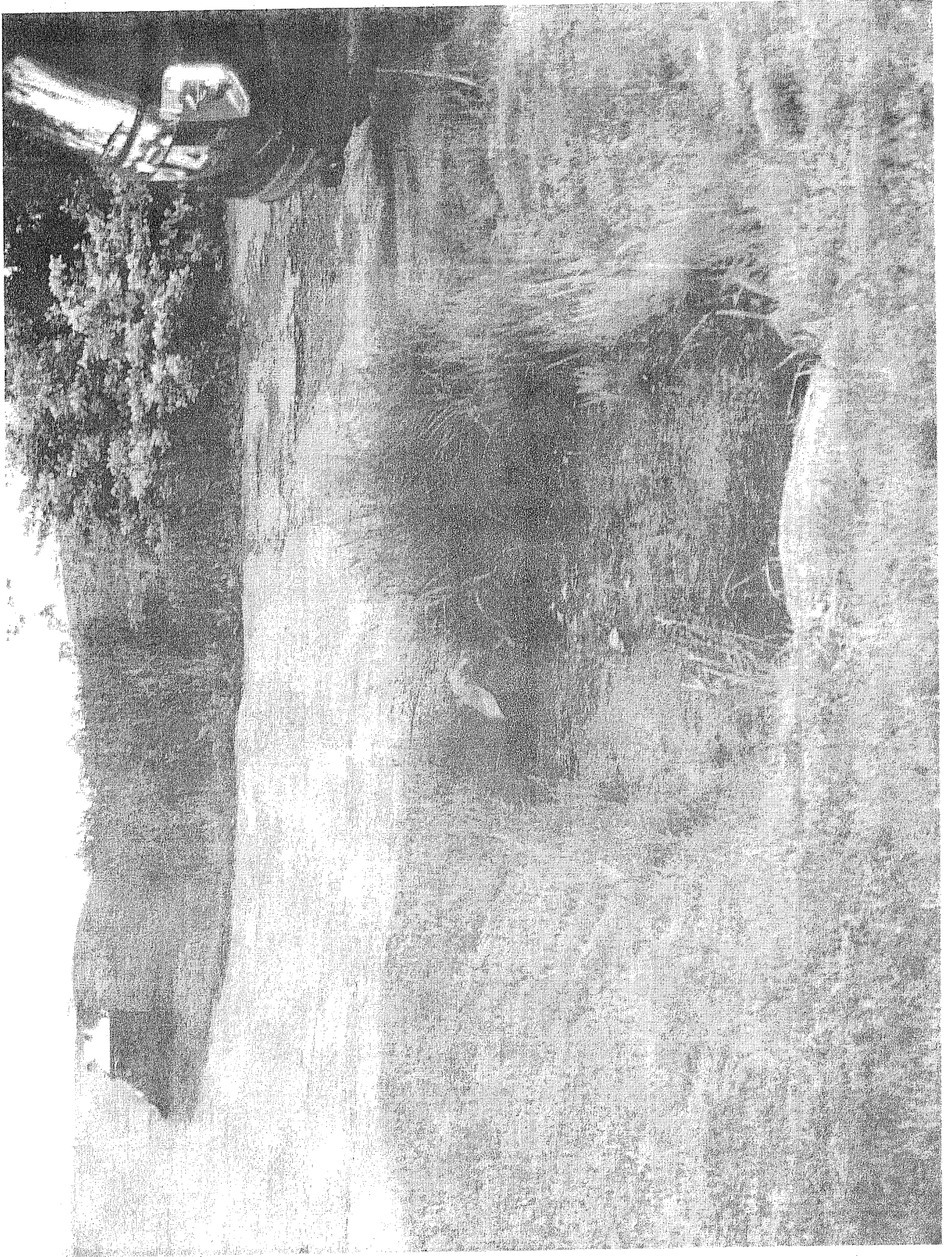
SERIES #4 – Restricted drainage past 91 BYRON AVENUE, April 2011

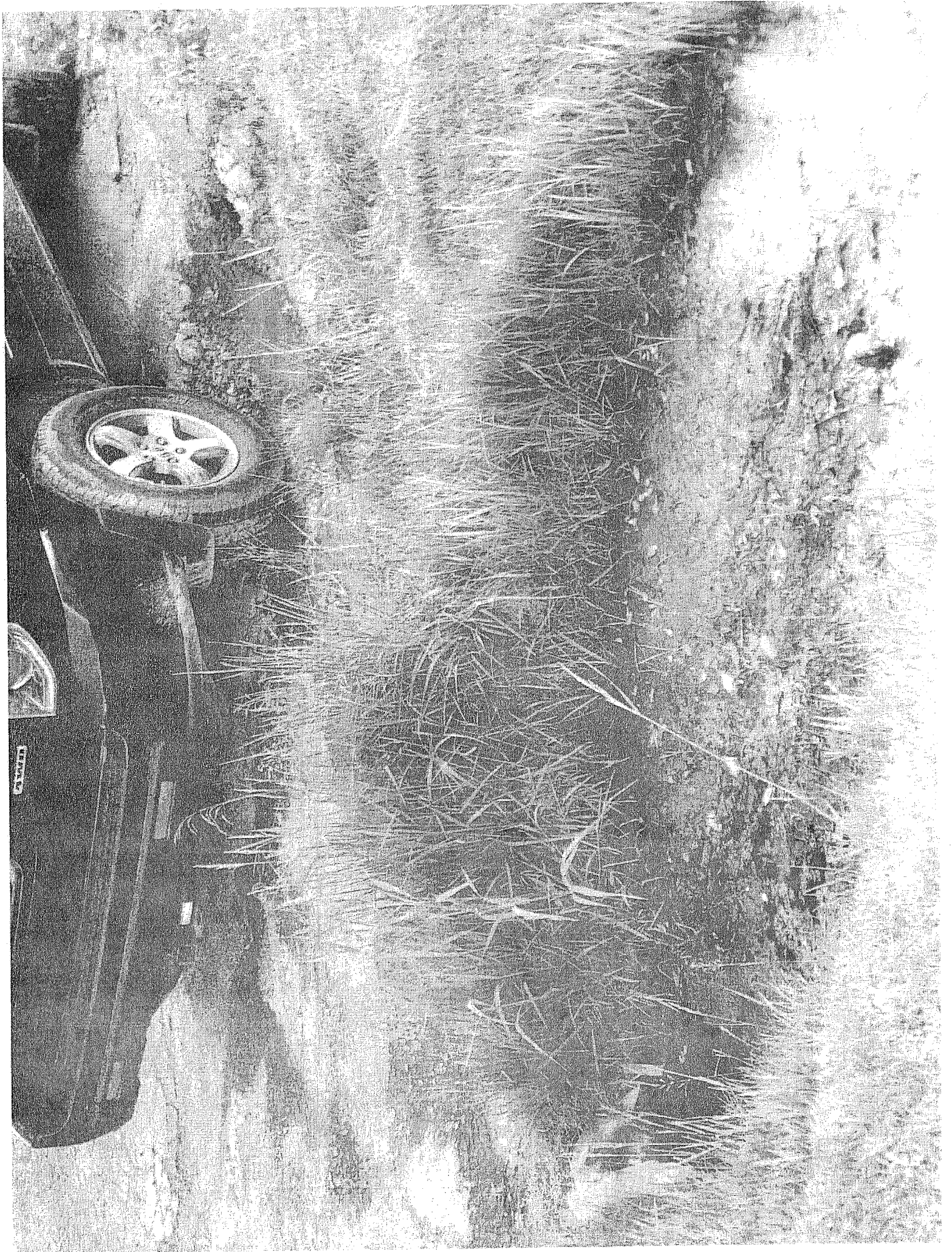
- The under driveway culvert of 91 Byron is plugged,
- The 24 inch culvert running from under the driveway of 95 Byron Avenue, easterly under Byron Avenue to the open east ditch in front of 98 Byron Avenue is partially plugged.
- This condition is currently causing flooding conditions to 91 and 95 Byron Avenue as well as permitting constant standing water in the open ditch in front of 91 Byron Avenue.
- **Mitigated flooding conditions at 102 Byron Ave during 2011.**

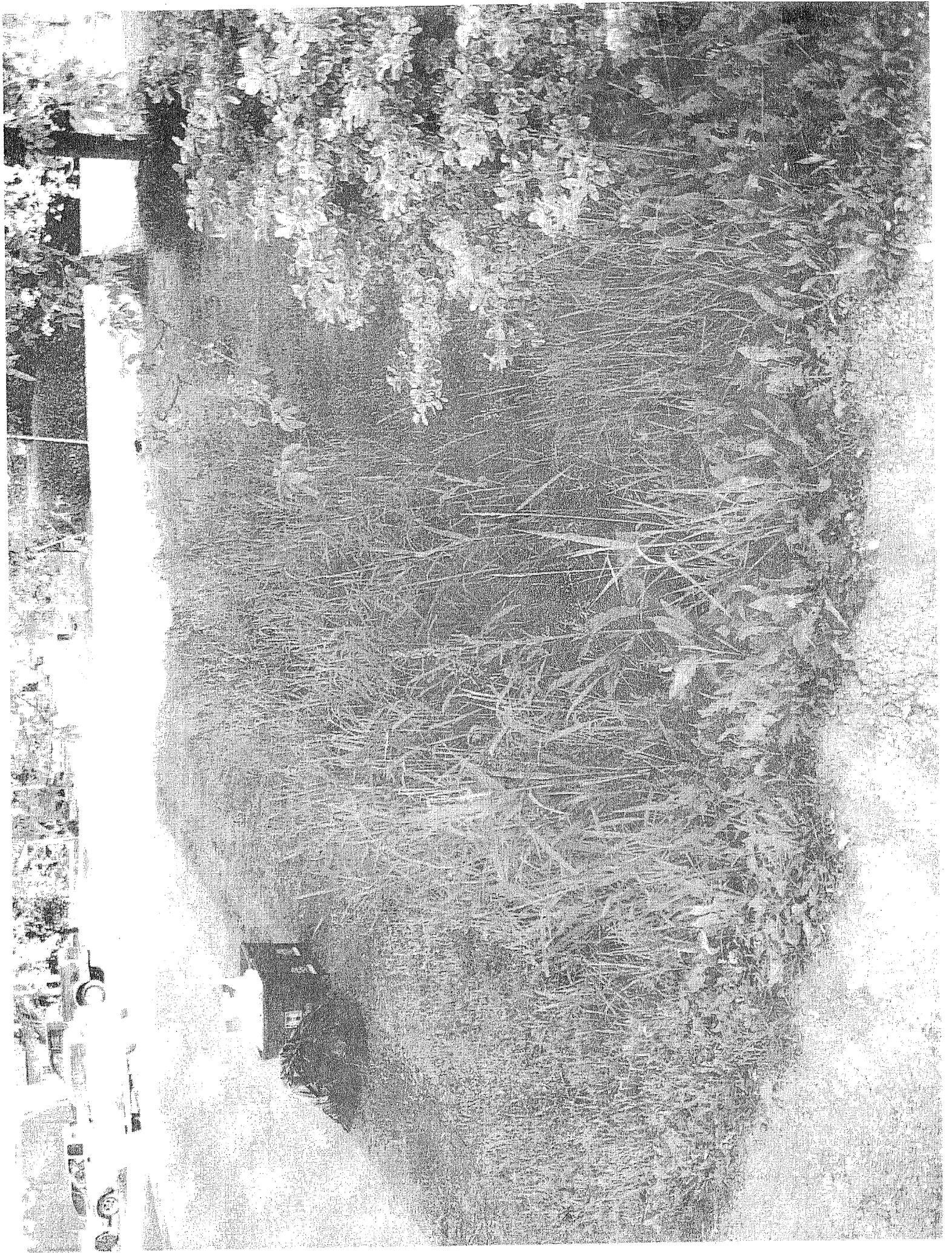
SERIES #1 - Roadside ditches, North/South portion of Byron Avenue

SERIES #2 - Views from front door of 102 Byron Avenue

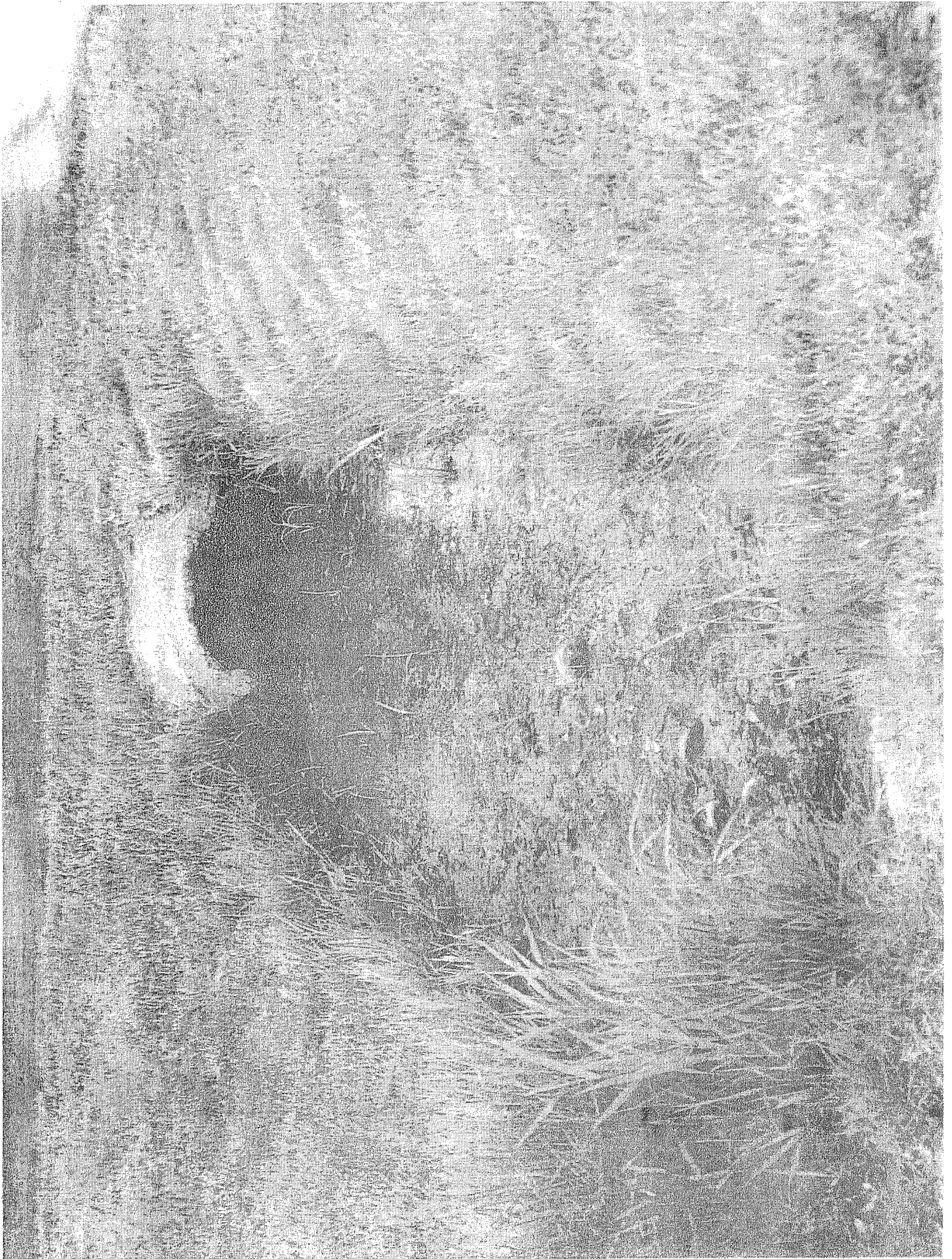
SERIES #3 - Views of rear yards, 102 and 106 Byron Avenue













IN THE MATTER OF The Planning Act, 1990, c. P. 13 **AND**
IN THE MATTER OF an application for a minor variance from the City of
Hamilton (formerly Stoney Creek) Restricted Area By-Law (Zoning By-
Law) No. 3692-92, with respect to the premises known as:

Premises: 106 Byron Ave.

Application No. SC/A-12:117

AFFIDAVIT OF SERVICE

I, Scott Baldry, of the City of Hamilton make oath and say as follows:

1. A copy of the sample Notice of Hearing addressed to "BLANK [computer generated for assessed owners of land]" herein is attached hereto and marked Exhibit "A" to this my Affidavit.

2. A copy of the "Notice of Public Hearing [signed] and with sketch", herein is attached hereto and marked Exhibit "B" to this my Affidavit.

3. On or before, Tuesday, May 15th, 2012 I served the signed Notice of Public Hearing and sketch by regular mail and interdepartmental mail to those persons and corporations shown on the list attached hereto and marked Exhibit "C" and also served computer generated Notices of Hearing by regular mail to the persons and corporations shown on the circularization master list attached hereto and marked Exhibit "D".

SWORN BEFORE ME at the)
)
City of Hamilton this)
)
15th day of May, 2012)
)
A Commissioner of Oaths) _____
)
)
)
)



Committee of Adjustment
City Hall
5th floor, 71 Main Street West
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221
Fax (905) 546-4202

EXHIBIT "A"

EXHIBIT "B"

COMMITTEE OF ADJUSTMENT

NOTICE OF PUBLIC HEARING

APPLICATION FOR MINOR VARIANCE

APPLICATION NO. SC/A-12:117

IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 3692-92, of the City of Hamilton (formerly Stoney Creek), Section 6.3.

AND IN THE MATTER OF the Premises known as Municipal number 106 Byron Avenue Formerly in the City of Stoney Creek, now in the City of Hamilton and in an "R2" (Single Residential) district;

AND IN THE MATTER OF AN APPLICATION by the agent IBI Group on behalf of the owner Zdravko Marinovic, for relief from the provisions of the Zoning By-Law No. 3692-92, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the creation of two (2) new lots for residential purposes, notwithstanding that:

1. A minimum lot frontage of 15.0m shall be permitted for a corner lot instead of the minimum required lot frontage of 16.5m for a corner lot; and
2. A minimum lot area of 462.0m² shall be permitted for a corner lot instead of the minimum required lot area of 505.0m² for a corner lot.

NOTE:

This application is necessary to facilitate consent applications SC/B-10:180 and SC/B-10:181.

The proposed lots appear to conform to the requirements for side yards; however, it has not been indicated on the submitted plans if the proposed dwelling units will be provided with attached garages or carports. As such, further variances may be required

The proposed single family dwellings will be subject to the issuance of a building permit in the normal manner,

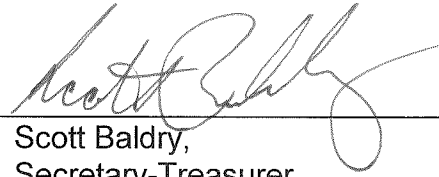
TAKE NOTICE that this application will be heard by the Committee as shown below:

DATE:	Thursday, May 31st, 2012
TIME:	1:35 p.m.
PLACE:	Rooms 192 & 193, 1st floor Hamilton City Hall

If there is any further information you may require on this application please contact this office, at (905) 546-2424, ext. 4130 or 4221.

By order of the Committee of Adjustment,

DATED: May 15th, 2012



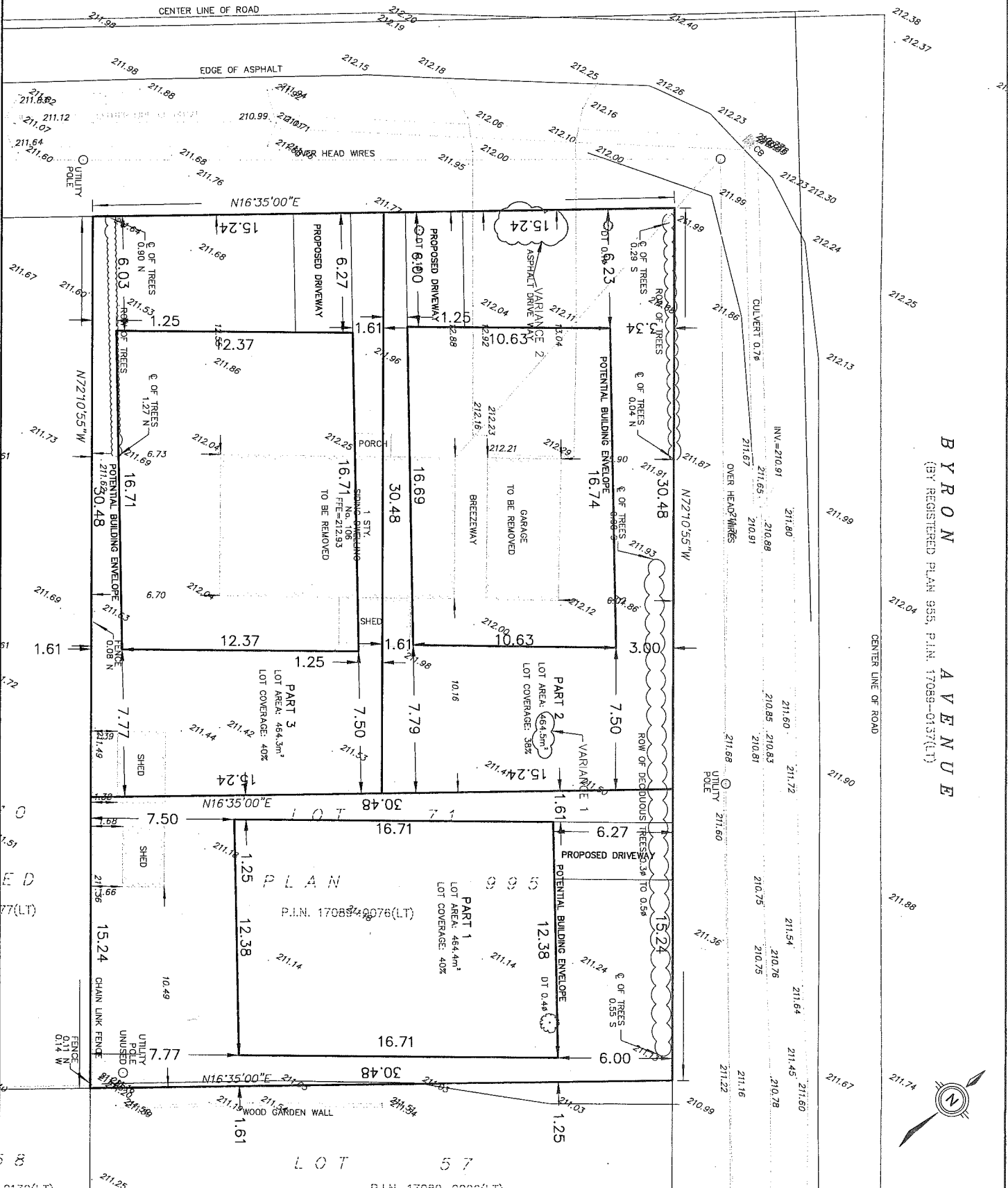
Scott Baldry,
Secretary-Treasurer

Note: If you wish to be notified of the decision of the Committee in respect of this application, you must submit a written request to the Committee of Adjustment. This will also entitle you to be advised of a possible Ontario Municipal Board hearing. Even if you are the successful party, you should request a copy of the decision since the Committee's decision may be appealed to the Ontario Municipal Board by the applicant or another member of the public.

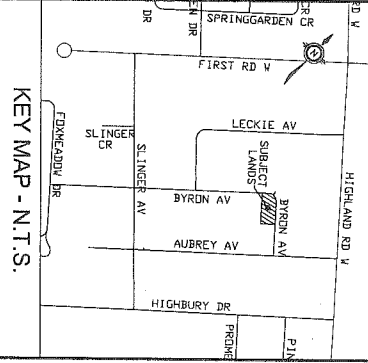
Information respecting this application is being collected under the authority of The Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

Note to Applicant: In default of appearance of yourself or of any person duly authorized by you to appear on your behalf, the Committee may dismiss the application for lack of prosecution.

BYRON AVENUE
(BY REGISTERED PLAN 955, P.L.N. 17089-0137(LT))



BYRON AVENUE
(BY REGISTERED PLAN 955, P.L.N. 17089-0137(LT))



- VARIANCES**
1. MINIMUM LOT AREA ON A CORNER LOT BE 462m² INSTEAD OF THE REQUIRED 505m².
 2. MINIMUM LOT FRONTAGE ON A CORNER LOT BE 15m INSTEAD OF THE REQUIRED 16.5m.

BI GROUP

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HAMILTON, ONTARIO
L8L 1H5
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SCALE 1:200
DATE 2012-04-17
DRAWN BY A. BUONAMICI
CITY OF
HAMILTON
106 BRYON AVENUE
MINOR VARIANCE
SKETCH

FILE NO. 32153
FIGURE NO. FIGURE 1

SL14-12:117
SKETCH

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COMMITTEE OF ADJUSTMENT EXHIBIT "C"

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AGENDA, NOTICE OF HEARING AND SKETCH

Planning and Development
4th floor, Hamilton City Centre
Attention: Mr. J. Morgante

Mr. M. Dudzic, Barrister
Chairman
Committee of Adjustment

Planning and Development
4th floor, Hamilton City Centre
Attention: Mr. R. Lee, M.C.I.P.

Mr. D. Drury
Committee Member

Planning and Development
4th floor, Hamilton City Centre
Attention: Mr. J. Thompson

Mr. I. Dunlop
Committee Member

Mr. H. Solomon
Public Works & Traffic Department
Traffic Division

Mr. V. Abraham
Committee Member

Mr. J. Spolnik, Acting Director
Building Department

Mr. D. Serwatuk
Committee Member

Building Department
Attention: Mrs. Z. Race

Mr. W. Pearce
Committee Member

Mr. V. Ormond
Building Department

Mr. K. Audziss
Committee Member

Ms. Kathryn Deiter
Urban Municipal Librarian
2nd Floor
Hamilton Public Library

Mr. V. Gaddy
Committee Member

Durand Neighbourhood Association
c/o Cathy Gazzola
17 Bruce Street
Hamilton, Ontario L8P 3M5

Mr. D. Smith
Committee Member

Mr. Neil Everson
Business Development Officer
Economic Development Department

M.T.O. Corridor Management Office
1st Floor, Atrium Tower
Ministry of Transportation
1201 Wilson Avenue
Downsview, ON M3M 1J8

The Hamilton Spectator
c/o City Clerk's Department

Mr. Martin Hazell
Manager of Traffic Services
Noise Control
c/o Public Works Department

Hazel Milsome
Planning and Development Dept.
Downtown Renewal Division

Field Services Division
Building Department

Mr. P. Delulio
Planning and Development Dept.
Stoney Creek Office

Mr. M. Morris
Hamilton Hydro
55 John Street North
P.O. Box 2249, Station LCD1
Hamilton, ON L8N 3E4

COUNCILLOR

MORTGAGEE

AGENT

Councillor Brad Clark

IBI Group



Hamilton

Committee of Adjustment

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

Planning and Economic Development Department
Development and Real Estate Division

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>SC/A-12-117</u>	DATE APPLICATION RECEIVED <u>1/14/12</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

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.

- Name of Owner Zdravko Marinovic Telephone [REDACTED]
- Address 106 Byron Ave
Stoney Creek Postal Code L8J 2T2
- Name of Agent IBI Group Telephone No. 905-546-1010
FAX NO. 905-546-1011 E-mail address. sergio.manchia@ibigroup.com
- Address 360 James Street North, Suite 200
Hamilton Postal Code L8L 1H5

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:
- 1. To permit a minimum lot area on a corner of 462m² instead of the required 505m².**
- 2. To permit a minimum lot frontage on a corner lot to be 15.0m instead of the required 16.5m.**
-

7. Why it is not possible to comply with the provisions of the By-law?
- Due to the proposed severance it is not able to comply with the by-law.**

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

Lot 71, Registered Plan 955, in the City of Hamilton

9. PREVIOUS USE OF PROPERTY

Residential Industrial _____ Commercial _____

Farmland _____ Vacant _____

Other _____

- 9.1 If Industrial or Commercial, specify use _____

- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes _____ No Unknown _____

- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes _____ No Unknown _____

- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes _____ No Unknown _____

- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes _____ No Unknown _____

- 9.6 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 _____

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes _____ No X Unknown _____

9.8 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 X Unknown _____

9.9 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 X Unknown _____

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes _____ No X Unknown _____

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Previous discussions with the owner.

9.12 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 _____

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.

April 30, 2012
Date


Signature Property Owner

Zdravko Marinovic

Print Name of Owner