



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>FL/A-20:04</b>	<b>SUBJECT PROPERTY:</b>	177 HWY 8 , FLAMBOROUGH 330113 ONTARIO INCORPORATED
<b>ZONE:</b>	"R2-24(H)" & "CM" (of Flamborough Zoning By-Law 90-145-z) & "P6" (of Hamilton Zoning By-Law 05-200) (Settlement Residential & Conservation Management and Conservation/Hazard Lands)	<b>ZONING BY-LAW:</b>	Zoning By-law former Town of Flamborough 90-145-Z and Zoning By-law City of Hamilton 05- 200, as Amended

**APPLICANTS:** Owner: 330113 ONTARIO INCORPORATED  
Agent: FRANZ KLOIBHOFER- AJ CLARKE AND ASSOCIATES

The following variances are requested:

Lands to be Retained (Part 1):

1. A lot frontage of 24.0m shall be provided instead of the minimum required lot frontage of 30.0m.

Lands to be Severed (Part 2):

1. A lot frontage of 28.0m shall be provided instead of the minimum required lot frontage of 30.0m.

**PURPOSE & EFFECT:** So as to permit the creation of two new lots (known as Part 1 and Part 2) in accordance with Consent Application No. FL/B-20:01:

**Notes:**

- i. These variances are necessary to facilitate consent application no. FL/B-20:01.
- ii. The survey submitted shows a 0.3m reserve currently in place along Oak Avenue. These variances are based on the 0.3m reserves being removed. Otherwise, further variances will be required to permit the creation of a lot (Part 2) without frontage along a street.

- iii. In addition to comment ii above, the lot lines abutting Oak Avenue will be considered the front lot lines for each proposed lot as they are the shortest lot lines abutting a street.
- iv. The applicant shall ensure the intended Lot Frontages have been measured in accordance with the definition of Lot Frontage as contained in Flamborough Zoning By-law 90-145-Z.
- v. The southerly portion of the lands being served (Part 2) are under the Niagara Escarpment Commission's Development Control Area.

**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:

<b>DATE:</b>	<b>Thursday, October 5, 2023</b>
<b>TIME:</b>	<b>9:45 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

## **PUBLIC INPUT**

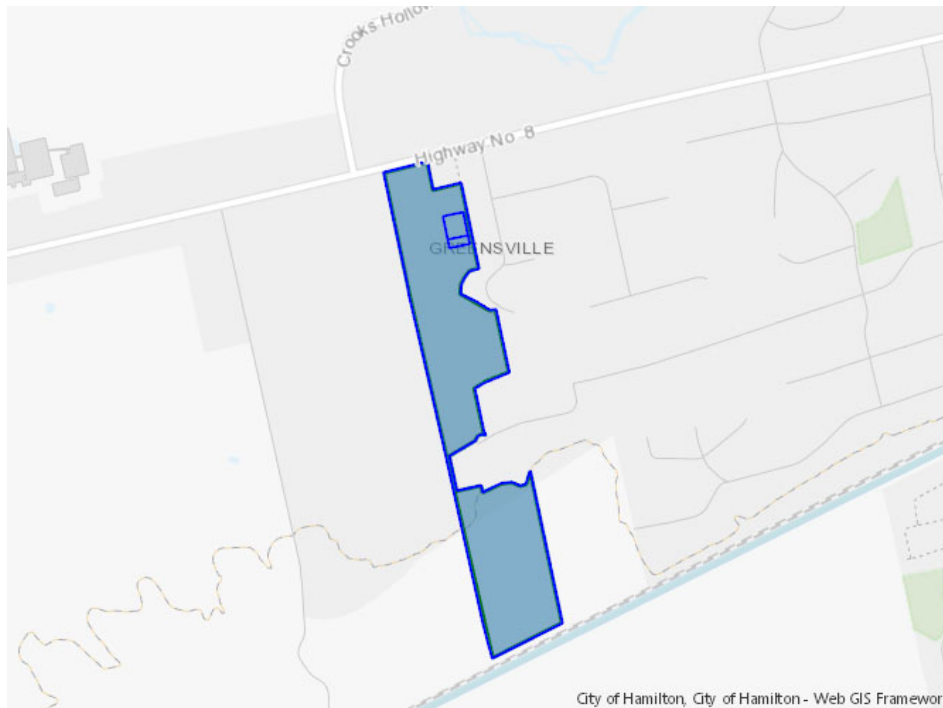
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

**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-20:04, you must submit a written request to [cofa@hamilton.ca](mailto: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](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



DATED: September 19, 2023

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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, 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](mailto: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](http://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](mailto: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 (2<sup>nd</sup> 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](mailto: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.





Legend

- Study Area: Part 1
- Study Area: Part 2
- Significant Wildlife Habitat / SAR Habitat (2016; Greenville Subwatershed Study)
- Parcels
- Soil Sampling Locations
- Breeding Bird Survey Locations
- Amphibian Survey Locations
- Building Envelope
- Site Area
- Block 9 Amenity

Vegetation Communities

- Phragmites Inclusion
- Ecological Land Classification
- CUH: Cultural Hedgerow
- CUM: Cultural Meadow
- CUT: Cultural Thicket
- CUW: Cultural Woodland
- FOD: Deciduous Forest
- FOD8-1: Fresh – Moist Poplar Deciduous Forest
- MAN: Manicured
- MAS: Shallow Marsh
- MAS2-1: Cattail Mineral Shallow Marsh
- SWD: Deciduous Swamp
- SWM: Stormwater Management Pond
- SWT2-5: Red-osier Dogwood Mineral Deciduous Thicket Swamp

Figure 4 | 177 Hwy 8 Flamborough:  
Survey Location and Ecological Land Classification

Project Number  
19-1134

Date:  
2022-06-29



0 50 100 Meters

Map Produced by North South Environmental (NSE) Inc.  
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Data Provided by: North South Environmental Inc. Imagery: First Base Solutions 2018







**Legend**

- Study Area: Part 1
- Study Area: Part 2
- Parcels
- Building Envelope
- Block 9 Amenity
- Significant Wildlife Habitat
- Significant Wildlife Habitat / SAR Habitat (2016; Greenville Subwatershed Study)
- Habitat for Endangered Species
- Significant Woodlands
- Wetland
- Significant Features 30m Buffer
- Woodland Buffer 15m

**Figure 6 | 177 Hwy 8 Flamborough:  
Significant Features**

Project Number  
19-1134

Date:  
2022-06-29



0 50 100 150 200 250 Meters

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This map is proprietary and confidential and must not be duplicated or  
distributed by any means without permission of NSE.  
Data Provided by: North South Environmental Inc. Imagery: First Base Solutions 2018





# Memorandum

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**To:** Ryan Ferrari, A. J. Clarke and Associates

**From:** North-South Environmental Inc.

**Date:** 18 August 2022

**File:** Proposed severance for 177 Highway 8, Flamborough

**cc:** Michael Zimmerman, Franz Kloibhofer

**Re:** Significant Wildlife Habitat Mapping

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## Introduction

North-South Environmental Inc. (NSE) has been retained to undertake an Environmental Impact Statement (EIS) for a proposed lot severance at 177 Highway 8, Flamborough, ON. The client wishes to sever the southern portion of the property and build a single dwelling in an open area near the terminus of Oak Avenue in a discrete building envelope outside areas of native trees. The proposed building site was formerly farmed, but areas to the east have been developed and the proposed building site is now adjacent to large lots supporting residential development.

An EIS was completed to support the severance proposal. The EIS was based on a Terms of Reference that was reviewed by the City of Hamilton and Hamilton Conservation Authority (HCA). Comments were provided by these agencies and the comments were incorporated into the EIS. Comments from City of Hamilton on Terms of Reference referred to the Mid-Spencer Creek-Greensville Rural Settlement Area Subwatershed Study, and this was referenced throughout the EIS. One of the first comments on the proposed Terms of Reference for the severance stated:

*"Generally, our policies do not allow new development (lots) within Core Areas - you would have to demonstrate no negative impacts. Even though the building envelope will be outside of the Core Areas, the new resident may remove vegetation and manicure the Core Area if it is within their ownership. I recommend that lot boundaries do not include Core Areas - there is a lot of room for the lot, so this should be possible."*

It appeared from these comments that development was not precluded entirely, but that impacts needed to be averted. There was no mention of SWH in these comments. The focus appeared to be on avoiding core areas. Therefore, the EIS focused on assessing the function of the surrounding treed areas as well as the development envelope, and finding a building envelope that had the fewest impacts on trees. The development envelope, and the proposed areas of tree removal, are shown in Figure 1.

It was determined through natural heritage studies that the woodlot to the north and hedgerow to the west did not support Significant Wildlife Habitat (SWH). The woodlot and hedgerow did not meet the criteria for SWH for bat maternity roosts, as the number of cavity trees was not sufficient. It did not support species of Conservation Concern such as Special Concern fauna or flora species.

Measures to protect core features centred on protection of surrounding features by delineation of a building envelope on the site within which site alteration was restricted. Site alteration will be strictly within the building envelope. An arborist report was completed that detailed efforts to avoid tree removal on the site. The proposed building envelope in relation to tree removal is shown in Figure 1 attached to this report. There is a small chance that Species at Risk bats may use the surrounding treed features for maternity roosts. However, trees that have a higher probability of supporting maternity roosts (trees over 25 cm diameter at breast height that support cavities) are rare, and outside the area proposed for tree removal.

The proposed building envelope avoided native trees in the hedgerow along the western portion of the property, which forms the primary linkage and significant wildlife habitat. Trees that were proposed for removal were primarily Manitoba Maple that had grown up around a berm that had been installed adjacent to the hedgerow. The building envelope also remains outside the woodlot on the northern portion of the proposed severance.

Through the delineation of the building envelope, our analysis indicated that impacts to the surrounding core features could be avoided.

## Comments from City of Hamilton on EIS

Comments on the EIS were received from the City of Hamilton on June 6<sup>th</sup>, 2022. Two primary comments were:

- *Lot creation is considered to be development, and it has not been demonstrated by the EIS completed by North-South Environmental that no negative impacts to the Natural Heritage system and features on the subject property can be achieved. Per RHOP Volume 1, Chapter C Section 2.3.3 Any development or site alteration within or adjacent to Core Areas shall not negatively impact their environmental features or ecological functions; and*
- *"the proposed severance currently shows the lot lines going through the mapped Significant Wildlife Habitat. This is not permissible through Policy, please see RHOP Volume 1, Chapter F – Section 1.14.2.1 h) ii)"*

This memo provides additional information on how the severance can be created while core features are protected and enhanced.

## Additional Mitigation of Impact on Core Features

The following mitigation measures were proposed in the EIS:

- Restriction of development to a building envelope largely outside treed areas
- Tree removal restricted to Manitoba Maple (a non-native species characteristic of disturbed areas) surrounding the berm on the west side of the proposed development envelope;
- Removal of vegetation outside the bird and bat activity time period
- Measures to limit erosion and sedimentation of surrounding features during construction
- Planting of shrubs and trees along the hedgerow (the primary area of linkage) on the west side of the property.

The following additional mitigation measures are proposed:

- Construction of a barrier fence around the building envelope and amenity area
- Additional tree planting to enhance linkage on the west side of the building envelope.

### Construction of a Barrier Fence

Construction of a barrier fence is recommended to create a clear boundary that limits the development and subsequent encroachment. It is recommended that a robust fence be constructed around the building envelope that is at least 2 m high. The fence should be built prior to construction. This will help to mitigate impacts as follows:

- It will prevent encroachment into the adjacent natural features by construction equipment, landscaping and soil disturbance
- It will prevent activities outside the building envelope such as tree removal, dumping of compost, dumping of swimming pool water, etc.

### Additional Planting at Western and Northern Edges of Development

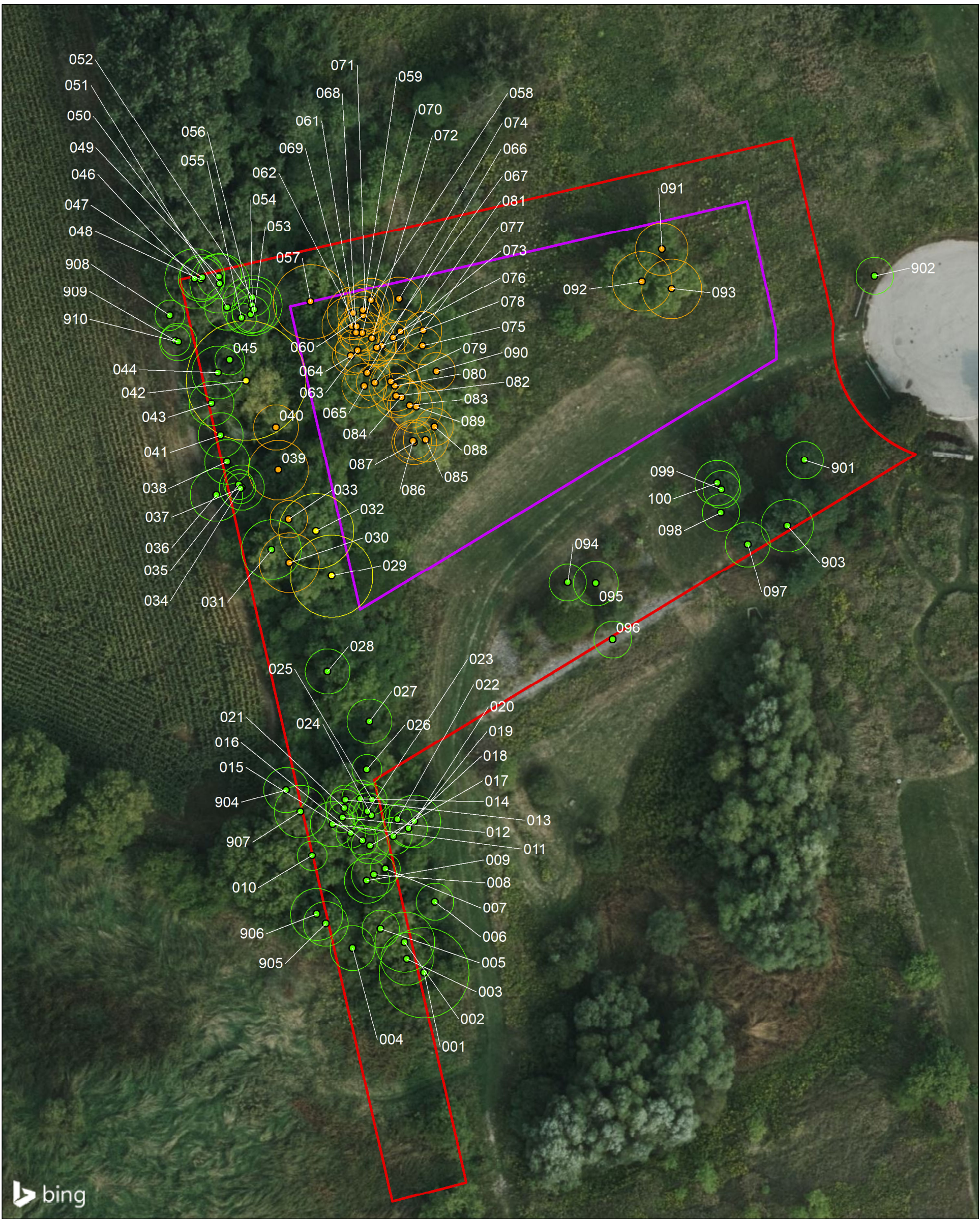
Additional planting is recommended to enhance the function of the surrounding core features. This should include:

- Planting of long-lived native tree species inside the western boundary fence (along the edge), as well as between the fence and the western hedgerow, is recommended to enhance the diversity and connectivity of the hedgerow.
- Additional planting of both trees and shrubs is recommended between the woodland to the north and the northern boundary fence.

## Conclusions

The creation of a clear-cut building envelope surrounded by a tall boundary fence will eliminate impacts on core features. Planting of long-lived native trees, as well as shrubs, will enhance the function of the northern woodland by increasing connectivity and diversity of core features.





Legend

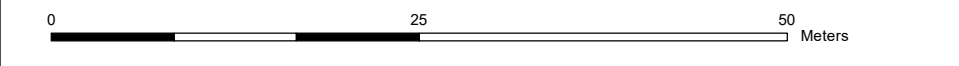
- Amenity Area Limit
- Building Envelope

Tree Status

- Removal
- Injured
- Retain

Map 1 | 177 Hwy 8 Flamborough : Tree Retention Plan

Project Number 20 - 1134	Date: 2022-02-08	N ↑
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Map Produced by North South Environmental (NSE) Inc.  
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Data Provided by: North South Environmental Inc. Imagery: Bing Maps





February 17, 2022

177 Highway 8,  
Flamborough,  
Ontario  
Tree Protection Plan Report

Prepared for

A.J. Clarke and Associates Limited



## **Project Study Team**

North-South Environmental Inc.

Sarah Mainguy – Project Manager, report editor

Will Van Hemessen – ISA Certified Arborist #ON-2459A, Report Author





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# 177 Highway 8, Flamborough, Ontario

## Tree Protection Plan Report

### 1. Introduction

In February of 2020, North-South Environmental Inc. (NSE) was retained to conduct environmental studies and prepare an Environmental Impact Statement (EIS) for a proposed land severance at 177 Highway 8 in the City of Hamilton. As part of the approved Terms of Reference (TOR) for the EIS, a Tree Protection Plan (TPP) is to be submitted as part of the Consent to Sever Land application. This report summarizes the results of the tree inventory on the amenity area of the site, describes the trees which will be removed in order to accommodate development in the building envelope area on site and provides an analysis of protection measures for trees to be retained. This report has been prepared following the City of Hamilton's Tree Protection Guidelines (2010). The building envelope was reduced in November 2021 to protect additional trees and this report has been revised to reflect the smaller building envelope. A minor modification of the northern boundary of the amenity area (which coincides with the proposed northern boundary of the property line) has also been incorporated into this report: the amenity area was extended north by 5 m, as the proposed building envelope was too close to the property line to provide sufficient room for construction. However, there is no additional tree removal proposed within the extended amenity area.

#### 1.1. Proposed Development

The owner of 177 Highway 8 is proposing to sever the parcel into two lots, which are mapped within the EIS (North-South Environmental 2021): Part 1 (northern) and Part 2 (southern) portions. The northern portion is not proposed for development. The southern lot will include an 0.565 ha amenity area at the end of Oak Avenue within which a hypothetical future development could be constructed in a smaller building envelope. The area within which trees are proposed to be removed is within the building area of 1,862 square meters, smaller than the amenity area. Currently, there are no structures on the property. The only infrastructure is a City-owned stormwater management facility located at the end of Oak Avenue immediately south of the location of the proposed new home. A map of the site showing the proposed amenity area can be found following **Page 6**.

#### 1.2. Methodology

NSE's International Society of Arboriculture (ISA) Certified Arborist visited the site on September 3<sup>rd</sup>, 2020 and conducted an inventory of trees located in the 0.52 ha amenity area and within 3 m of this area. The methodology followed the City's Tree Protection Guidelines, specifically:

1. Trees larger than 10 centimetres (cm) in diameter at breast height (DBH) located within the amenity area were tagged with a numbered aluminum tree tag
2. Trees larger than 10 cm DBH located within 3 m of the amenity area were inventoried but not tagged
3. For all trees, the following information was documented:
  - a. Tag number (if applicable)
  - b. Species
  - c. DBH (cm)
  - d. Height (m)
  - e. Crown diameter (m)
  - f. Condition (trunk, crown and overall)
  - g. Ownership
  - h. Action (remove, injure, retain)

The information gathered using these methods was compiled to produce the tree inventory provided in **Appendix 2**.

## 2. Tree Inventory

A total of 103 trees were inventoried within the amenity area and an additional 7 trees were documented within 3 m of the amenity area. Of these trees, 103 were tagged with numbered tree tags. **Table 1** gives a breakdown of trees inventoried in the study area by overall condition.

The majority (97 individuals or 88%) of trees inventoried in the study area are considered native to Ontario, although the most common tree in the study area is Manitoba Maple (*Acer negundo*), which is generally considered to be introduced to the Hamilton area. Trees in the study area consist of 11 species of which Manitoba Maple is the most common (71 individuals or 65%) followed by Sassafras (*Sassafras albidum*) (13 individuals or 12%). About half of the trees in the study area were assessed as "excellent" or "good" condition (54 individuals or 49%) while the other half were determined to be in "fair", "poor" or "very poor" condition (56 individuals or 51%). There are no rare, unusual or designated heritage trees in the study area.

**Table 1. Summary of trees inventoried in the study area**

Species	Mean DBH (cm)	Overall Condition				
		Excellent	Good	Fair	Poor	Very Poor
Black Cherry <i>Prunus serotina</i>	21.7	3			1	
Black Locust <i>Robinia pseudoacacia</i>	29.2	5				
Common Buckthorn <i>Rhamnus cathartica</i>	17.2				4	1
Domestic Apple	61.7	1			1	

Species	Mean DBH (cm)	Overall Condition				
		Excellent	Good	Fair	Poor	Very Poor
<i>Malus pumila</i>						
Eastern Cottonwood <i>Populus deltoides</i>	19.3	1				
Hawthorns <i>Crataegus</i> spp.	19.7	3	1		1	1
Manitoba Maple <i>Acer negundo</i>	23.1	9	17	25	12	8
Norway Maple <i>Acer platanoides</i>	15.3				1	
Sassafras <i>Sassafras albidum</i>	28.2	12	1			
Trembling Aspen <i>Populus tremuloides</i>	15.0	1				
White Willow <i>Salix alba</i>	15.0					1
<b>TOTAL</b>		<b>35</b>	<b>19</b>	<b>25</b>	<b>18</b>	<b>11</b>

### 3. Impact Assessment and Mitigation

#### 3.1. Trees for Removal

For the purposes of the Tree Protection Plan, it has been assumed that all trees that fall within the proposed building area (see **Map 1** in **Appendix 1**) will be removed in order to accommodate a hypothetical future development. Trees and shrubs within and outside the larger proposed amenity area will not be removed. In addition, four trees in poor to very poor condition will be removed from the amenity area outside the building envelope, as they are likely to create a hazard. These included tree numbers 30, 33, 39 and 40 (see **Map 1** in **Appendix 1**).

Removal of all trees within the building area, as well as the hazard trees, would result in the removal of 41 trees. **Table 2** breaks down the trees for removal by species and overall condition. Almost all of the trees to be removed are Manitoba Maples (one Black Cherry in excellent condition is proposed to be removed). Most Manitoba Maples are in “fair”, “poor” or “very poor” condition. The other species, two Common Buckthorn and one Domestic Apple, are non-native, and in “poor” or “very poor” condition.

**Table 2. Summary of trees to be removed in the proposed amenity area**

Species	Overall Condition				
	Excellent	Good	Fair	Poor	Very Poor
Black Cherry <i>Prunus serotina</i>	1				
Manitoba Maple <i>Acer negundo</i>	6	8	12	5	6
Common Buckthorn				1	1

Species	Overall Condition				
	Excellent	Good	Fair	Poor	Very Poor
<i>Rhamnus cathartica</i>					
Domestic Apple <i>Malus pumila</i>				1	
<b>TOTAL</b>	<b>7</b>	<b>8</b>	<b>12</b>	<b>7</b>	<b>7</b>

### 3.2. Potential Impacts to Remaining Trees

A total of 70 trees will be retained outside of the proposed building area or on adjacent properties (see **Table 3**). Tree protection zones (TPZs), as described in **Section 3.3**, should be established around these trees, where possible, during construction activities on site. It is important to note that trees intended to be retained on site may still be affected by development either directly (e.g., damage to roots, branches, etc. resulting from construction activity) or indirectly (e.g., soil compaction or hydrological changes that alter water and/or nutrient availability). Some specific impacts include:

- **Excavation:** excavation within the root zones of trees which are retained on site could sever roots and cause long term injury. For most trees, 90% of roots are located within the top 15 cm of soil so any excavation within the root zone is likely to impact the tree.
- **Trunk or Crown Injuries:** construction equipment, especially heavy machinery, could accidentally damage the trunk or bark of trees which are not adequately protected.
- **Soil Compaction:** Movement of machinery and workers around the site and compact soil which can alter water infiltration patterns. This is especially likely to affect trees if it occurs within their root zones, as described above.
- **Hydrological Changes:** The proposed development may cause localized changes in hydrology due to an increase in impervious surfaces on the landscape (i.e. buildings, pavement). This may affect water availability which could harm sensitive trees.

Three (3) Manitoba Maples which are located outside of the proposed amenity area but whose root zones enter the amenity area may be injured due to excavation, soil compaction, etc. These trees are denoted as “Retain (Injury)” in the table below and in the tree inventory table in **Appendix 2**. However, two of these trees are in poor condition and should be removed, as they are close to the building envelope.

**Table 3. Trees to be retained during construction**

Species	Retain	Retain (Injury)
Domestic Apple <i>Malus pumila</i>	1	
Hawthorns <i>Crataegus</i> spp.	6	
Manitoba Maple <i>Acer negundo</i>	31	3 (2 in poor condition)

Species	Retain	Retain (Injury)
Norway Maple <i>Acer platanoides</i>	1	
Sassafras <i>Sassafras albidum</i>	13	
Trembling Aspen <i>Populus tremuloides</i>	1	
Eastern Cottonwood ( <i>Populus deltoides</i> )	1	
Black Cherry ( <i>Prunus serotina</i> )	3	
Common Buckthorn ( <i>Rhamnus cathartica</i> )	3	
Black Locust ( <i>Robinia pseudoacacia</i> )	5	
<b>TOTAL</b>	<b>69</b>	<b>3</b>

### 3.3. Tree Protection and Mitigation Measures

In order to prevent or minimize the impacts described above, the following tree protection measures should be implemented during construction:

- **Tree Protection Zone (TPZ):** The most important, and preferred, tree protection measure is total avoidance of the TPZ of trees to be retained. This should be achieved by clearly demarcating the TPZ around trees to be retained and prohibiting entry into the TPZ by workers and equipment during construction. The TPZ is defined as the dripline (i.e., canopy width) of a tree plus 1 m. TPZs of trees to be retained on site are identified in the table in **Appendix 2**.
- **Tree Protection Fencing:** TPZs of trees to be retained shall be demarcated with Paige wire farm fencing, at a minimum.
- **Signage:** Signs should be installed on tree protection fencing to inform contractors of prohibited activities within the TPZ.
- **Access Route Situation:** Access routes for construction equipment on site shall be situated as far away from TPZs as possible to avoid soil compaction and potential spills of oil and other substances which could harm trees.
- **Root and Branch Pruning:** Where minimum TPZs cannot be provided around trees to be retained (e.g., if they would restrict construction access), branch or root pruning may be required. Where excavation is required within TPZs, major roots should be pruned in a controlled manner and should be supervised by a tree management professional. If branch pruning is required (e.g., to allow construction equipment access), pruning should be done according to standard arboricultural methodology and should be supervised by a tree management professional.

Tree protection measures and any maintenance of trees to be retained on site should be done under the supervision of a tree management professional.

## 4. Compensation Requirements

Trees recommended for removal in **Section 3.1** and in **Appendix 2** were determined under the assumption that all trees within the proposed building envelope on site will be removed to accommodate a hypothetical future development. The City of Hamilton requires 1 to 1 compensation for any trees removed. Since compensation requirements will depend on the number of trees removed, they should be determined as part of a site plan application for any future development on site. Removal of all trees in the proposed amenity area, including the four hazard trees within the amenity area and three Manitoba Maples that could be injured as they are just outside the building area, would require that 44 trees be planted on site as compensation.

The site is large enough that compensation plantings can be accommodated on site outside the building area. Compensation plantings should consist of species native to the Hamilton area and should be suited to soil texture and moisture conditions on site. Consult Appendix 4 of the City of Hamilton's Tree Protection Guidelines (2010) for a list of recommended species for compensation plantings.

## 5. Monitoring Requirements

The City of Hamilton requires that a tree management professional be retained to supervise the installation of tree protection measures, pruning and other maintenance of trees retained on site and planting of new trees. The tree management professional shall provide a Verification of Tree Protection Letter to the City of Hamilton's Director of Planning to confirm that the tree protection and mitigation requirements have been properly implemented on site. After construction, the tree management professional shall provide the City with a Post-grading Tree Management Report to document any damage to trees on site and recommend any additional maintenance or compensation requirements.

Compensation plantings on site shall be monitored throughout their warranty period and should be replaced under warranty if required.

## 6. Summary

The proposed building envelope in the proposed south parcel of 177 Highway 8 contains 41 trees which may be removed in order to accommodate a potential future development. An additional 3 trees are located in proximity to the proposed building area (two in poor condition), and would likely be injured to accommodate construction of a hypothetical future development. Forty-four trees should be planted as compensation for removal. For trees to be retained, tree protection measures should be implemented as described in **Section 3.3**. The one Black Cherry tree in good condition should be

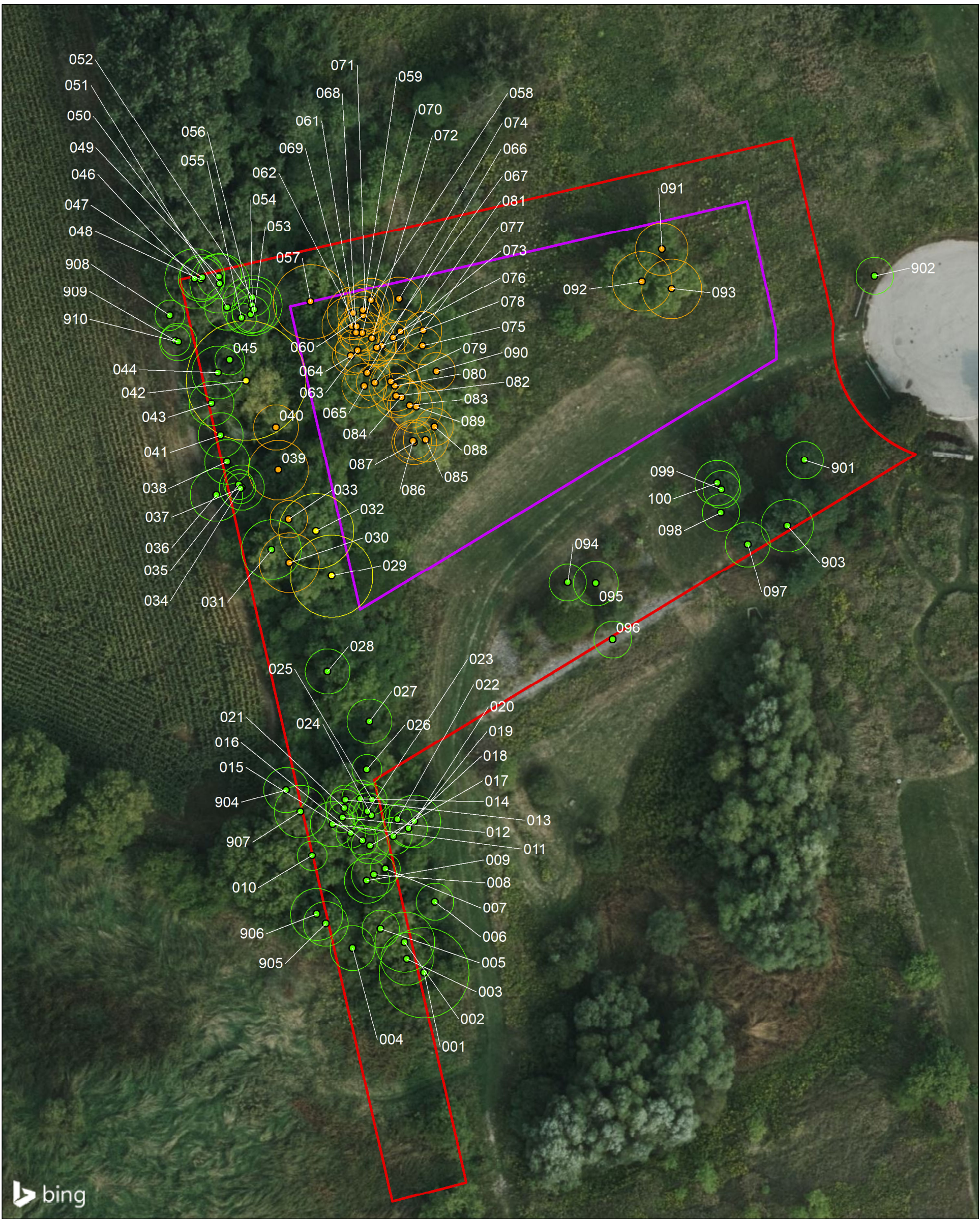


retained within the building envelope if feasible, but trees in poor condition, especially Manitoba Maples, can be removed. Compensation requirements for trees to be removed will depend on the exact number of trees removed and should be determined as part of a site plan application package for any future development proposal on site.

## **7. References**

City of Hamilton. 2010. Tree Protection Guidelines - City Wide.





Legend

- Amenity Area Limit
- Building Envelope

Tree Status

- Removal
- Injured
- Retain

Map 1 | 177 Hwy 8 Flamborough : Tree Retention Plan

Project Number  
20 - 1134

Date:  
2022-02-08



0 25 50 Meters

Map Produced by North South Environmental (NSE) Inc.  
This map is proprietary and confidential and must not be duplicated or  
distributed by any means without permission of NSE.  
Data Provided by: North South Environmental Inc. Imagery: Bing Maps





## APPENDIX 1 | Tree Inventory

## Appendix 1. Tree Inventory

Latitude	Longitude	Tag Number	Scientific Name	Common Name	Condition	Ownership	Action	Comments
43.27	-80.01	001	<i>Acer negundo</i>	Manitoba Maple	Good	Adjacent landowner	Retain	
43.27	-80.01	002	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Retain	
43.27	-80.01	003	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Retain	
43.27	-80.01	005	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Retain	
43.27	-80.01	006	<i>Acer negundo</i>	Manitoba Maple	Fair	Adjacent landowner	Retain	
43.27	-80.01	007	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Retain	
43.27	-80.01	008	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Retain	
43.27	-80.01	009	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Retain	
43.27	-80.01	010	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Retain	
43.27	-80.01	011	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Retain	
43.27	-80.01	012	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Retain	
43.27	-80.01	013	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Retain	
43.27	-80.01	014	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Retain	
43.27	-80.01	015	<i>Acer negundo</i>	Manitoba Maple	Very Poor	Proponent	Retain	
43.27	-80.01	016	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Retain	

Latitude	Longitude	Tag Number	Scientific Name	Common Name	Condition	Ownership	Action	Comments
43.27	-80.01	017	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Retain	
43.27	-80.01	018	<i>Acer negundo</i>	Manitoba Maple	Fair	Adjacent landowner	Retain	
43.27	-80.01	019	<i>Acer negundo</i>	Manitoba Maple	Good	Adjacent landowner	Retain	
43.27	-80.01	020	<i>Acer negundo</i>	Manitoba Maple	Fair	Adjacent landowner	Retain	
43.27	-80.01	021	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Retain	
43.27	-80.01	022	<i>Acer negundo</i>	Manitoba Maple	Fair	Adjacent landowner	Retain	
43.27	-80.01	023	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Retain	
43.27	-80.01	024	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Retain	
43.27	-80.01	025	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Retain	
43.27	-80.01	026	<i>Acer negundo</i>	Manitoba Maple	Very Poor	Proponent	Retain	
43.27	-80.01	027	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Retain	
43.27	-80.01	028	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Retain	
43.27	-80.01	029	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Injured	Remove: within 3 m of amenity area and in poor condition
43.27	-80.01	030	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Remove	
43.27	-80.01	031	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Retain	
43.27	-80.01	032	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Injured	Protect: within 3 m of building

Latitude	Longitude	Tag Number	Scientific Name	Common Name	Condition	Ownership	Action	Comments
								area and in good condition
43.27	-80.01	042	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Injured	Remove: within 3 m of building area and in poor condition
43.27	-80.01	057	<i>Acer negundo</i>	Manitoba Maple	Very Poor	Proponent	Remove	
43.27	-80.01	058	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Remove	
43.27	-80.01	059	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	060	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Remove	
43.27	-80.01	061	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	062	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Remove	
43.27	-80.01	063	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Remove	
43.27	-80.01	064	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Remove	
43.27	-80.01	065	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	066	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Remove	
43.27	-80.01	067	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Remove	
43.27	-80.01	068	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Remove	
43.27	-80.01	069	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	070	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Remove	

Latitude	Longitude	Tag Number	Scientific Name	Common Name	Condition	Ownership	Action	Comments
43.27	-80.01	071	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Remove	
43.27	-80.01	072	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	073	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Remove	
43.27	-80.01	074	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	076	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	077	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	078	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	079	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Remove	
43.27	-80.01	080	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	081	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Remove	
43.27	-80.01	082	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	083	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Remove	
43.27	-80.01	084	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Remove	
43.27	-80.01	085	<i>Acer negundo</i>	Manitoba Maple	Very Poor	Proponent	Remove	
43.27	-80.01	086	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Remove	
43.27	-80.01	087	<i>Acer negundo</i>	Manitoba Maple	Very Poor	Proponent	Remove	
43.27	-80.01	088	<i>Acer negundo</i>	Manitoba Maple	Very Poor	Proponent	Remove	

Latitude	Longitude	Tag Number	Scientific Name	Common Name	Condition	Ownership	Action	Comments
43.27	-80.01	089	<i>Acer negundo</i>	Manitoba Maple	Very Poor	Proponent	Remove	
43.27	-80.01	090	<i>Acer negundo</i>	Manitoba Maple	Very Poor	Proponent	Remove	
43.27	-80.01	091	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Remove	
43.27	-80.01	092	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Remove	
43.27	-80.01	093	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	905	<i>Acer negundo</i>	Manitoba Maple	Fair	Adjacent landowner	Retain	
43.27	-80.01	906	<i>Acer negundo</i>	Manitoba Maple	Fair	Adjacent landowner	Retain	
43.27	-80.01	907	<i>Acer negundo</i>	Manitoba Maple	Fair	Adjacent landowner	Retain	
43.27	-80.01	902	<i>Acer platanoides</i>	Norway Maple	Poor	City	Retain	
43.27	-80.01	004	<i>Crataegus</i>	Hawthorn	Very Poor	Proponent	Retain	
43.27	-80.01	036	<i>Crataegus</i>	Hawthorn	Excellent	Proponent	Retain	
43.27	-80.01	037	<i>Crataegus</i>	Hawthorn	Excellent	Proponent	Retain	
43.27	-80.01	038	<i>Crataegus</i>	Hawthorn	Excellent	Proponent	Retain	
43.27	-80.01	041	<i>Crataegus</i>	Hawthorn	Poor	Proponent	Retain	
43.27	-80.01	043	<i>Crataegus</i>	Hawthorn	Good	Proponent	Retain	
43.27	-80.01	039	<i>Malus pumila</i>	Domestic Apple	Poor	Proponent	Remove	
43.27	-80.01	904	<i>Malus pumila</i>	Domestic Apple	Excellent	Adjacent landowner	Retain	
43.27	-80.01	094	<i>Populus deltoides</i>	Eastern Cottonwood	Excellent	Proponent	Retain	
43.27	-80.01	096	<i>Populus tremuloides</i>	Trembling Aspen	Excellent	Adjacent landowner	Retain	



Latitude	Longitude	Tag Number	Scientific Name	Common Name	Condition	Ownership	Action	Comments
43.27	-80.01	053	<i>Prunus serotina</i>	Black Cherry	Excellent	Proponent	Retain	
43.27	-80.01	054	<i>Prunus serotina</i>	Black Cherry	Poor	Proponent	Retain	
43.27	-80.01	075	<i>Prunus serotina</i>	Black Cherry	Excellent	Proponent	Remove	
43.27	-80.01	100	<i>Prunus serotina</i>	Black Cherry	Excellent	Proponent	Retain	
43.27	-80.01	033	<i>Rhamnus cathartica</i>	Common Buckthorn	Poor	Proponent	Remove	
43.27	-80.01	034	<i>Rhamnus cathartica</i>	Common Buckthorn	Poor	Proponent	Retain	
43.27	-80.01	035	<i>Rhamnus cathartica</i>	Common Buckthorn	Poor	Proponent	Retain	
43.27	-80.01	040	<i>Rhamnus cathartica</i>	Common Buckthorn	Very Poor	Proponent	Remove	
43.27	-80.01	044	<i>Rhamnus cathartica</i>	Common Buckthorn	Poor	Proponent	Retain	
43.27	-80.01	097	<i>Robinia pseudoacacia</i>	Black Locust	Excellent	Proponent	Retain	
43.27	-80.01	098	<i>Robinia pseudoacacia</i>	Black Locust	Excellent	Proponent	Retain	
43.27	-80.01	099	<i>Robinia pseudoacacia</i>	Black Locust	Excellent	Proponent	Retain	
43.27	-80.01	901	<i>Robinia pseudoacacia</i>	Black Locust	Excellent	Proponent	Retain	
43.27	-80.01	903	<i>Robinia pseudoacacia</i>	Black Locust	Excellent	Proponent	Retain	
43.27	-80.01	095	<i>Salix alba</i>	White Willow	Very Poor	Proponent	Retain	
43.27	-80.01	045	<i>Sassafras albidum</i>	Sassafras	Good	Proponent	Retain	
43.27	-80.01	046	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	

Latitude	Longitude	Tag Number	Scientific Name	Common Name	Condition	Ownership	Action	Comments
43.27	-80.01	047	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	
43.27	-80.01	048	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	
43.27	-80.01	049	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	
43.27	-80.01	050	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	
43.27	-80.01	051	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	
43.27	-80.01	052	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	
43.27	-80.01	055	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	
43.27	-80.01	056	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	
43.27	-80.01	908	<i>Sassafras albidum</i>	Sassafras	Excellent	Adjacent landowner	Retain	
43.27	-80.01	909	<i>Sassafras albidum</i>	Sassafras	Excellent	Adjacent landowner	Retain	
43.27	-80.01	910	<i>Sassafras albidum</i>	Sassafras	Excellent	Adjacent landowner	Retain	

30, 33, 39 and 40



September 1, 2023

The City of Hamilton  
Committee of Adjustment  
Planning and Economic Development Department  
71 Main Street West, 5th Floor  
Hamilton, Ontario  
L8P 4Y5

***Delivered via e-mail***

Attn: Ms. Jamila Sheffield  
Secretary-Treasurer

**Re: Severance Application – Recirculation (FL/B-20:01)  
Minor Variance Application – Recirculation (FL/A-20:04)  
Pt Lot 6, Con 1, Flamborough (177 Hwy No. 8), City of Hamilton**

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On behalf of our client, 330113 Ontario Incorporated, we are pleased to provide you with the enclosed resubmission package in support of existing applications for consent to sever (FL/B-20:01) and minor variance (FL/A-20:04) for the subject lands. Please find the following enclosed materials:

1. A cheque in the amount of \$520.00 made payable to the City of Hamilton, in payment of the requisite recirculation fee;
2. One (1) digital copy of the Arborist Report, prepared by North-South Environmental, dated February 2022;
3. One (1) digital copy of a Memorandum, prepared by North-South Environmental, dated August 2022, regarding Mitigation Measures for the proposed severance application.

For the Committee's information, we have met with staff and understand that they are not supportive of lot creation within a Core Area. In this instance, the issue is the lot line that will be created because of the proposed property line that will run across the wildlife corridor. Below is the diagram showing the limits of the severance application.

**History**

The proposed development consists of a severance application to sever one (1) parcel of land from the existing property. The proposed severed and retained parcels are identified as Parts 1 & 2, respectively, on the enclosed severance sketch. The intent of the severance is to facilitate the development of the severed lands with a single dwelling on the northernmost portion of the severed lands.



The retained lands (Part 1), will have a total area of approximately  $\pm 10.4$  hectares, as well as approximately  $\pm 111$  metres of frontage along Highway 8 and  $\pm 24$  metres of frontage along Oak Avenue. The retained lands will include the existing frontage along Oak Avenue in order to facilitate a potential future right-of-way extension from Oak Avenue northwards.

It is therefore intended to merge the severed lands (Part 2) on title with Block 9 of Registered Plan of Subdivision 62M-903 to the south, which is under the same ownership. Block 9 has a total area of approximately  $\pm 1,578$  square metres, as well as  $\pm 20$  metres of frontage along Oak Avenue. The severed lands (Part 2) will have a total area of approximately 8 hectares (incl. Block 9). The width of the severed lands will be  $\pm 38$  metres, although only  $\pm 20$  metres will have frontage on Oak Avenue. The portion of the severed lands to be developed for residential use has an area of approximately 4,513 square metres (incl. Block 9) and 2,935 square metres (excl. Block 9).

### Response to Staff Comments

In response, we have listed several mitigation measures for the purpose of alleviating staff's concerns respecting the surrounding environmental features.

We propose that staff add a condition should the application be approved to read as follows:

*"That the owner shall prepare a Mitigation Strategy by a qualified Ecologist to ensure that the existing Wildlife Corridor will not be impacted as a result of the severance application, to the satisfaction of the Chief Planner, City Planning"*





It should be noted that the apprehension of a negative impact is not sufficient to justify whether an impact will occur because of the severance. The intent is to leave the Core Area in-situ and construct a new dwelling far enough away from the Core Area such that there will be no impacts with the mitigation measures proposed. The red lines denote existing property lines. There are existing property lines running through the Core Area.

Further, both the NEC and HCA have previously commented on the proposal and indicate no issues from a Natural Heritage Perspective.

I trust this is satisfactory for your purposes and thank you for your co-operation in this matter. Should you have any questions or require additional information, please do not hesitate to contact our office.

Yours very truly,

Ryan Ferrari, MCIP, RPP

Senior Planner

**A. J. Clarke and Associates Ltd.**

Encl.

Copy: 330113 Ontario Incorporated



Hamilton

Planning and Economic Development Department  
Planning Division

**Committee of Adjustment**

City Hall  
5<sup>th</sup> floor 71 Main Street West  
Hamilton, Ontario L8P 4Y5

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. \_\_\_\_\_ DATE APPLICATION RECEIVED Dec 12/19

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.

1. Name of Owner 330113 Ontario Incorporated Telephone No. [REDACTED]

3. Name of Agent A.J. Clarke & Associates Ltd.  
c/o Franz Kloibhofer Telephone No. [REDACTED]

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Postal Code \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_ Postal Code \_\_\_\_\_

6. Nature and extent of relief applied for:

Relief from the minimum lot frontage requirement of 30 metres is requested. The applicant proposes a minimum lot frontage of 20 metres.

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

Please refer to the concurrently submitted covering letter, which provides a detailed description of the subject lands and justification for the proposed minor variance.

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

Part of Lot 6, Concession 1, Geographic Township of West Flamborough, City of Hamilton

9. PREVIOUS USE OF PROPERTY

Residential \_\_\_\_\_ Industrial \_\_\_\_\_ Commercial \_\_\_\_\_

Agricultural \_\_\_\_\_ Vacant   x  

Other \_\_\_\_\_

9.1 If Industrial or Commercial, specify use

  N/A  

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

Yes \_\_\_\_\_ No   x   Unknown \_\_\_\_\_

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

Yes \_\_\_\_\_ No   x   Unknown \_\_\_\_\_

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

Yes \_\_\_\_\_ No   x   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   x   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   x   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?

Applicant knowledge and historical context of surrounding area.

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 x

#### 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.

DECEMBER 6, 2019  
Date

  
Signature Property Owner

330113 Ontario Incorporated per Michael Zimmerman  
Print Name of Owner

10. Dimensions of lands affected:

Frontage +/- 20 metres along Oak Avenue  
Depth Irregularly shaped parcel - please refer to concurrently submitted Severance Sketch  
Area +/- 8.4 ha  
Width of street +/- 20 metres

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: None

Proposed: None at this time.

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

Existing: None

Proposed: None at this time.



13. Date of acquisition of subject lands:  
+ - 48 years ago
14. Date of construction of all buildings and structures on subject lands:  
N/A
15. Existing uses of the subject property: Vacant
16. Existing uses of abutting properties: Residential
17. Length of time the existing uses of the subject property have continued:  
Unknown
18. Municipal services available: (check the appropriate space or spaces)  
Water \_\_\_\_\_ Connected \_\_\_\_\_  
Sanitary Sewer \_\_\_\_\_ Connected \_\_\_\_\_  
Storm Sewers x
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Rural Settlement Area (Greensville) and Natural Open Space (Hazard Lands) - Schedule D
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
"R2-24(H)" Zone & "CM" Zone - Former Town of Flamborough Zoning By-law 90-145-Z  
"P6" Zone - Comprehensive City of Hamilton Zoning By-law 05-200
21. Has the owner previously applied for relief in respect of the subject property?  
Yes \_\_\_\_\_ No x  
If the answer is yes, describe briefly.  
N/A
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?  
Yes x An application for consent has been submitted concurrently. No file number has yet been assigned. No
23. 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.

**NOTE:** It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.