
232 Mountain Park Avenue
Hamilton, ON L8V 1A3
Tel: (905) 318-7443

July 5, 2015

Planning Committee
Hamilton City Hall
71 Main Street West
Hamilton, ON
L8P 4Y5

Dear members of the City of Hamilton Planning Committee:

Subject: 8.1 Agenda-Rural Zoning By-Law Amendment

I am writing to you in regards to the proposed Rural Zoning By-Law Amendment that will be discussed by the Planning Committee on July 7th, 2015. I am requesting a repeal to the zoning changes to Lot 18, Roll No. 25-18-301-610-62800-0000, Kirkwall Road, in order to assist operations with my family-owned Christmas tree farm business. This plot and surrounding acreage is currently zoned as A2 but will be changed to P6 and P7 designations upon approval at the Rural Zoning By-Law Amendment meeting (as shown in Figure 1).

This proposed by-law has huge implications on the livelihood of our business. Our farm is a family-owned and run Christmas tree operation that has been in service for approximately sixty years and four generations. Our farm is currently run by my father, Winfried Klaas, who is approaching eighty years of age and now requires assistance in order to upkeep the land. In the 1990's, Winfried severed 9.86 acres as a building lot under his name as well as my own, Oliver Klaas. In order to help maintain the farm and provide assistance to my father, I intended on living on the farm by building a single detached residential home for my family on the severed plot. I have recently pursued this objective and have been granted approval by the Grand River Conservation Authority (GRCA) and Hydro One. I have also finalized my house design, which is ready to be submitted to obtain a building permit by the city. The upcoming meeting for the proposed new P6 and P7 zoning has halted my proposal because these changes would make this impossible to accomplish. As posted on www.hamilton.ca, Appendixes D8 and D9 of Draft Rural Zones states that "new buildings or structures shall not be permitted" under the following sections:

- Appendix D8: Section 7: Open Space and Park Zones - 7.6 Conservation/Hazard Land Rural (P6) Zone, 7.6.2 Regulations (2015)
- Appendix D9: Section 7: Open Space and Park Zones - 7.7 Conservation/Hazard Land Rural (P7) Zone, 7.7.2 Regulations (2015)

A residence built on the 9.86 acre lot will have insignificant environmental impact. This

plot is not located close to any designated wetlands, in contrast, it is positioned on high elevation in regards to the surrounding area. Little to no topsoil and exposed rock exists on the proposed building site, which can be observed in Figure 2. This section of land has little agricultural value and is stated to be of no interest to the Grand River Conservation Authority as agreed by Mr. Drew Cherry, a planner for this municipality. Mr. Cherry is familiar with our farm and is willing to substantiate these claims to you by letter upon request. Furthermore, it has been established by the Planning Division that it is not an environmentally significant area and an ESA waiver will not be required under current A2 zoning.

The City of Hamilton has proposed these new rural-zoning changes in order to comply with the Rural Hamilton Official Plan and to create consistent zoning throughout the rural area. I would like to emphasize that the Klaas family shares your values to keep the land environmentally safe. Our vision is to build a house that is perfectly keyed into the environment, without disrupting surrounding landscape. I fully understand that the City of Hamilton wants to protect this land, as do I. By permitting a residence on this lot my family will be able to tend to the Christmas tree farm and preserve our land.

I look forward to the solutions you will propose. Please keep me informed of your decision. Do not hesitate to contact me if I can be of any assistant to you.

Respectfully,

A handwritten signature in cursive script, appearing to read "O. Klaas".

Oliver Klaas



Environment and Land Tribunals Ontario
Ontario Municipal Board
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
 FAX: (416) 326-5370
 www.elt.o.gov.on.ca

**APPELLANT FORM (A1):
 PLANNING ACT**

**SUBMIT COMPLETED FORM
 TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp - Appeal Received by Municipality

OFFICE OF THE CITY CLERK

AUG 10 2015

Receipt Number (OMB Office Use Only)

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
	<input type="checkbox"/> Appeal conditions imposed	53(19)
Consent/Severance	<input type="checkbox"/> Appeal a decision	53(19)
	<input type="checkbox"/> Appeal conditions imposed	53(27)
	<input type="checkbox"/> Appeal changed conditions	53(14)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	34(19)
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input checked="" type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

Part 2: Location Information

Lot 18 # 25-18-301-610-62800 - Kirkwall Rd.

Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: Beverly - FLAMBOROUGH

Part 3: Appellant Information

First Name: OLIVER Last Name: KLAAS

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable):

E-mail Address: N/A
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 905-318-7443 Alternate Telephone #: N/A

Fax #: N/A

Mailing Address: 232 Mountain Park Ave HAMILTON
Street Address Apt/Suite/Unit# City/Town

Ont L8U-1A3
Province Country (if not Canada) Postal Code

Signature of Appellant: [Signature] Date: Aug 9/15
(Signature not required if the appeal is submitted by a law office.)

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: Last Name:

Company Name:

Professional Title:

E-mail Address:
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: Alternate Telephone #:

Fax #:

Mailing Address: Street Address Apt/Suite/Unit# City/Town

Province Country (if not Canada) Postal Code

Signature of Appellant: Date:

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

Part 5: Language and Accessibility

Please choose preferred language: English French

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print) By-law No. 15-172, official Plan Amendment No. 9 to Rural Hamilton Official Plan act.

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.

(Please print) Objection to rural zoning by-law Amendment that has changed the zoning on Lot 18, Roll # 25-18-301-610-62800-0000. Please see the attached letter that was previously submitted prior to the zoning changes.

THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE *PLANNING ACT*.

a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: _____
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:
**if more space is required, please continue in Part 9 or attach a separate page.

[Empty box for explanatory note]

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES NO

Are there other planning matters related to this appeal? YES NO
(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)
[Empty box for OMB Reference Number(s) and/or Municipal File Number(s)]

Part 8: Scheduling Information

How many days do you estimate are needed for hearing this appeal? half day 1 day 2 days 3 days
 4 days 1 week More than 1 week – please specify number of days: _____

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):

Do you believe this matter would benefit from mediation? YES NO
(Mediation is generally scheduled only when all parties agree to participate)

Do you believe this matter would benefit from a prehearing conference? YES NO
(Prehearing conferences are generally not scheduled for variances or consents)

If yes, why? _____

Part 9: Other Applicable Information **Attach a separate page if more space is required.

Summary:
Our severed 10 acre building lot has been rezoned to PC6 after 60 years of tree farming (formerly A2). We request a repeal of the zoning change in order to build our residence.
please see the attached letter.

Part 10: Required Fee

Total Fee Submitted: \$ 125.00

Payment Method: Certified cheque Money Order Solicitor's general or trust account cheque

- The payment must be in Canadian funds, payable to the Minister of Finance.
- Do not send cash.
- PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.