



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
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.: AN/A-20:189

APPLICANTS: harrisonarchitecture Inc. on behalf of the owner Brandon V. Smith

SUBJECT PROPERTY: Municipal address **3549 Power Line Rd. W., (Ancaster)**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 18-266

ZONING: "A1" (Agriculture) district

PROPOSAL: To permit the expansion of an existing accessory building comprising 43 square metres of gross floor area located on a residential parcel of land, notwithstanding that;

1. A maximum gross floor area of 321m² shall be permitted for all building's accessory to the single detached dwelling instead of the requirement that all buildings accessory to a Single Detached Dwelling shall not exceed a maximum gross floor area of 200m²

NOTE:

1. This application is subsequent to variance application No. AN/A-19:325 granted by the Committee at a previous hearing.
2. The building that is the subject of the variance is referred to as a "barn" in the Application but is regarded as an accessory building because the property is used for residential purposes.
3. The portion of the property abutting the southerly side of the accessory building is regulated by the Grand River Conservation Authority and is within the A1 Zone.

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

DATE: Thursday, October 22nd, 2020

TIME: 1:25 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

PUBLIC INPUT

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

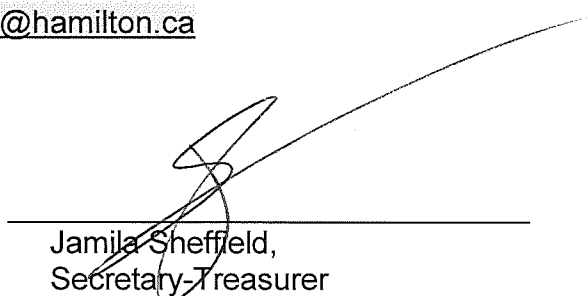
Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

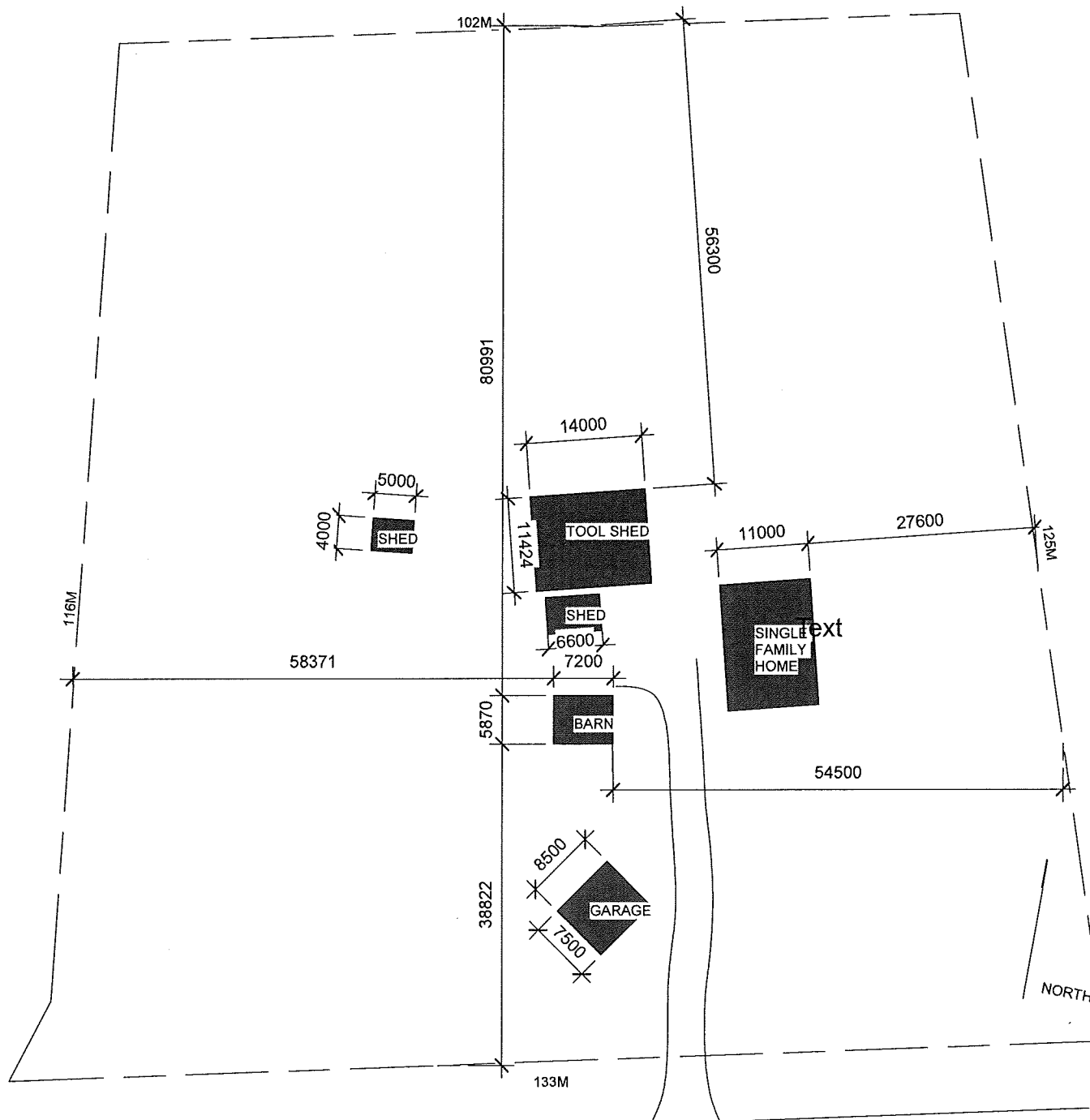
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: October 6th, 2020.



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.



04 SEPT 2020
3549 POWERLINE RD
ANCASTER, ON



Committee of Adjustment

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

Planning and Economic Development Department
Planning Division

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

APPLICATION FOR A MINOR VARIANCE

ALL MINOR VARIANCE APPLICATIONS MUST INCLUDE:

1. Application Form
2. Fee
3. One survey plan or sketch plan
4. Authorization from owner if applicant is not the owner

NOTE: The application cannot be processed until it is considered to be complete. An application is considered to be complete when all of the above have been provided and the requisite sign has been posted on the subject lands and that all signage requirements have been satisfied.

1.0 APPLICATION FEE:

1. **Routine - \$595.00** (applies to pools, decks, sheds, accessory buildings, porches, eave projections and recognizing legal non-complying situations)
2. **Standard - \$2,738.00**
3. **After the Fact* - \$3,394.00** (Applicable fee if construction has taken place.)
4. **Recirculation Fee - \$260.00**

Please make Cheque payable to the "**City of Hamilton**".

Please Note: The application fee is **non-refundable** whether the application is approved or denied. Prior to submitting an application, it is strongly recommended that you contact the planner responsible for your particular area in order to determine the feasibility of your proposal. Please call the Committee of Adjustment office for further information.

5. CONSERVATION AUTHORITY PLAN REVIEW FEES

Conservation Authority	Minor	Major
Hamilton Conservation Authority	\$485.00 ¹	\$970.00 ²
Conservation Halton	\$590.00 ¹	\$1,810.00 ²
Niagara Peninsula Conservation Authority	\$410.00 ¹	TBD
Grand River Conservation Authority	\$270.00 ³	\$600.00 ⁴

Once an application is submitted, City of Hamilton staff will advise the proponent if their application requires Conservation Authority review, and if so, which Conservation Authority their project falls within. The fee is to be made payable to the appropriate Conservation Authority and submitted to the City of Hamilton upon request. The fee will be forwarded to the Conservation Authority along with the application.

Note: For lands located within the watershed boundaries of the Conservation Authority, combined applications will only be processed at the highest rate.

¹ In the area of interest to the Conservation Authority (Scoped EIS).

² Technical studies (i.e. Storm Water Management or Geotechnical) beyond a scoped EIS are required.

³ Low risk of impact on natural hazard or natural features, no technical reports required.

⁴ A hazard risk and/or potential impact to natural hazards or natural features and requires the review of one or more technical reports/studies.

* Addition fee for the review of a technical report, if required.

2.0 SIGNAGE REQUIREMENTS

1. A sign is required to be posted on the subject lands.
2. A sign will be mailed to the applicant 2 weeks prior to the scheduled hearing or the applicant will be contacted to pick up a sign for the subject property.
3. Once the application is processed a copy of the notice will be forwarded to the applicant/consultant.
4. The sign must be posted on the property so that it is visible to the public.
5. The sign must remain on the property until the appeal period has been completed.

3.0 APPLICATION FORM (ATTACHED)

1. Parts 1 to 27 and the Cost Acknowledgement Agreement to be completed. Please read the application form carefully and answer each item accurately and fully.
2. The signature on page 5 is to be validated by a Commissioner of Oaths. ie. City Clerk, Solicitor.
3. Two copies of the application are required by the Secretary for the Committee of Adjustment.
4. The application shall be signed by all owners registered on title of the land that is the subject of the application or a person authorized by the owner to make the application.
5. Where the application is signed by a person authorized by the owner, the owner's signed authorization in Part 24 of the application shall be completed.
6. Application to be submitted to: Secretary-Treasurer
Committee of Adjustment
Planning and Economic Development Department
5th floor, 71 Main Street West
Hamilton, ON L8P 4Y5

4.0 DETAILED INFORMATION REQUIRED FOR APPLICATIONS

1. Item 6 - This item is extremely important as this is the reason for the application. The Notice of Hearing for the application and the Decision are both formulated from this item. It is imperative that the applicant clearly indicate all of the variances being applied for in exact mathematical terms with proposed figures. If the applicant has any doubt as to why a variance application is necessary or as to the detail of the nature of the variances then the applicant should contact the Building Department or Secretary for the Committee of Adjustment for assistance.

The staff processing the minor variance application cannot look beyond the information provided in Item 6 and must process your application on the basis of information in Item 6. **This Is Your Application. Make Sure You Know The Details Of Exactly Why You Have To Apply To The Committee Of Adjustment.**

Any errors or omissions in Item 6 could result in discovery at the hearing that there is need for additional variances or a change requiring recirculation of your application resulting in further delay and in some cases the need for submission of an additional application with a further application fee.

2. Item 19 - Refers to the City's Official Plan land use designation of the subject property. This can be obtained from the Planning Department if the applicant does not know.
3. Item 20 - Is asking for the zoning of the subject property. This can be obtained from the Building Department if the applicant does not know.
4. Item 22 - An application for consent can also be referred to as a severance.

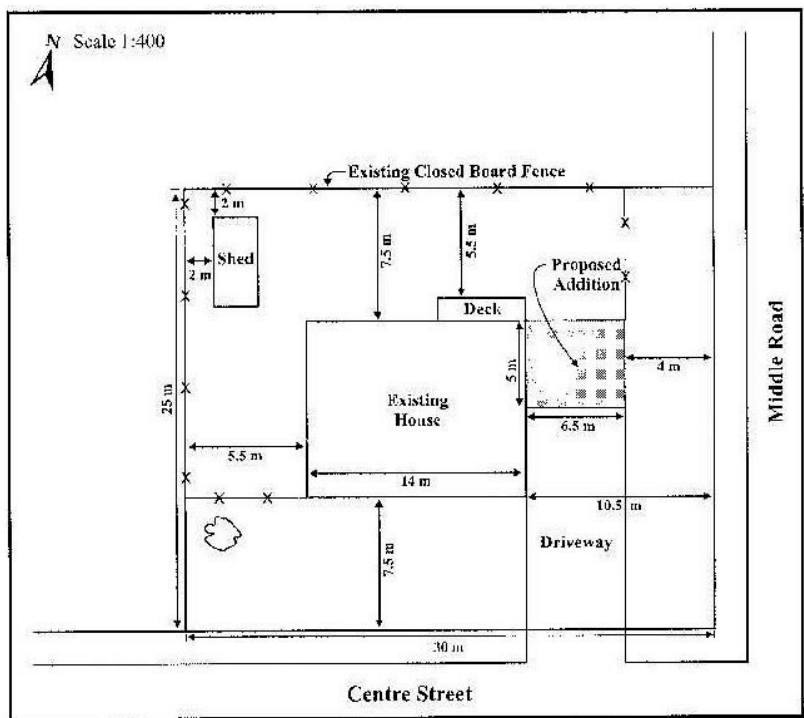
5.0 SKETCH MAP

If a survey plan of the subject property is not available, then a sketch plan may be submitted.

The sketch plan must be submitted with the minor variance application to provide clarification of the variance being applied for. The following details must be supplied:

1. the true dimensions of the property for which the application is being made;
2. the location and dimensions of all existing buildings, structures or uses on the subject property;
3. the setback measurements from the lot lines to the existing or proposed building on the subject property (ie. front yard, rear yard, side yard setbacks). If applicable, the distance of building on neighbouring lots;
4. clearly demonstrate the difference between the existing building and the proposed addition (if applicable);
5. the location and name of the street should be shown;
6. the location must be drawn to scale utilizing good drafting techniques;
7. a scale and north arrow should be shown on the sketch; and
8. the Committee reserves the right to reject sketches for insufficient or poorly presented information.
9. the size has to be a minimum of 8.5 “ x 11” and a maximum of 11” x 17”.

Example:



6.0 ADDITIONAL INFORMATION FOR THE APPLICANT

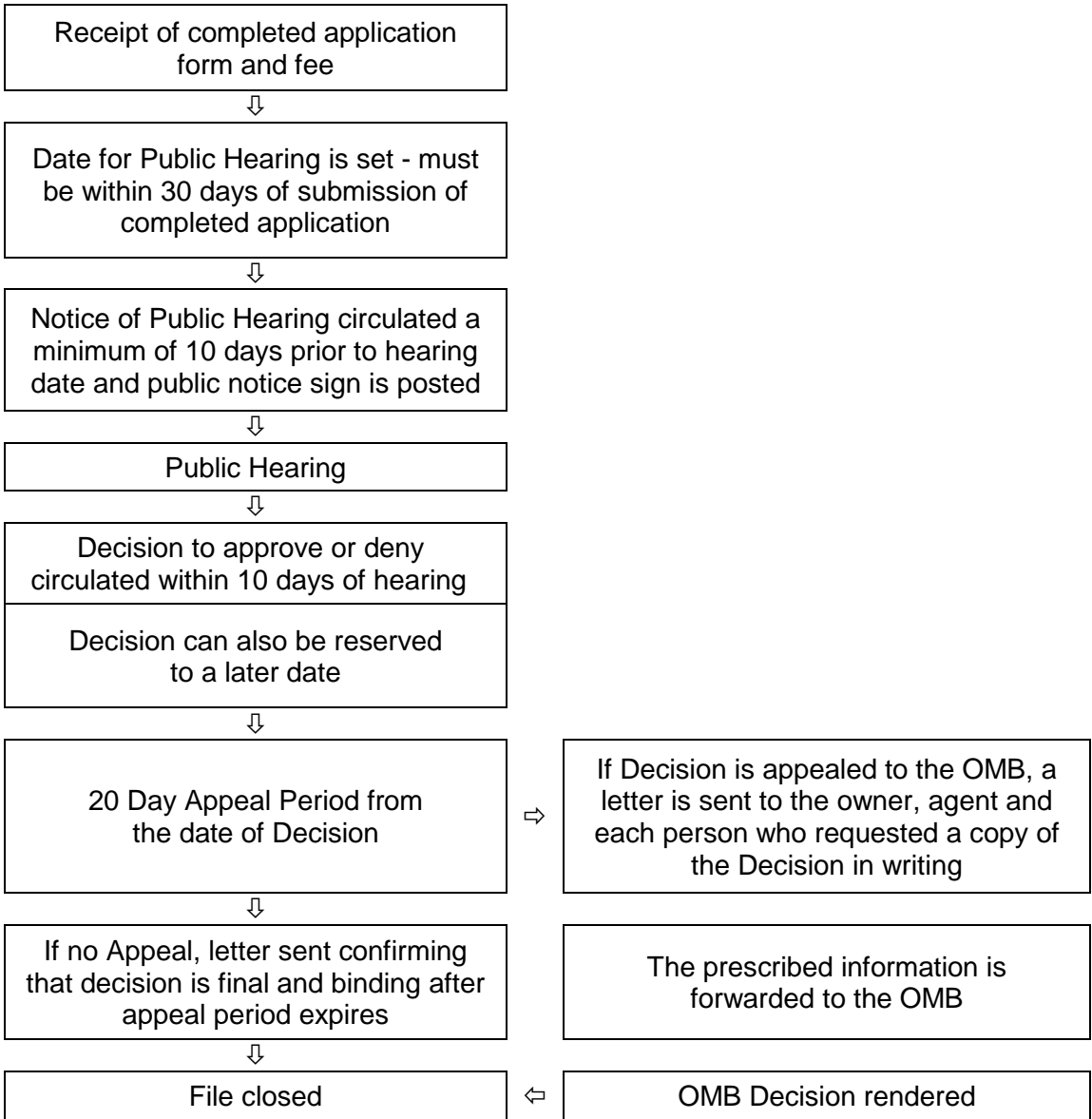
1. All information submitted in support of this application will be considered public information, including any reports, studies, drawings or other documentation submitted by applicant(s), agent(s), consultants(s) or solicitor(s). The City of Hamilton is permitted to make the application and any associated supporting information available to the general public, including posting electronic versions of the application form and associated studies and reports online. The City of Hamilton is also permitted to provide copies of the application and any supporting information to any member of the public or other third party that requests the information.
2. The Committee of Adjustment generally meets on Thursday afternoons. The Secretary schedules the applications and will advise the applicant of the actual hearing date by way of notice.

- 3. The applicant/agent will receive a public notice stating the time and place of their hearing.
- 4. The applicant/agent is required to attend the hearing on the date and time stated in the public notice to represent his application.
- 5. The applicant/agent should be prepared to present their application before the Committee if required, explaining the necessity for the variance. The applicant/agent should be prepared to answer any questions by the Committee or members of the public.
- 6. Once the application has been heard and the Committee members have made a decision the Secretary will send the applicant/agent a notice of decision.
- 7. There will be a 20 day appeal period after the decision has been made. No construction may occur until this appeal period has expired. A final letter will be received by the applicant at the time of expiration explaining whether or not an appeal to the Local Planning Appeal Tribunal has been lodged. If the applicant, the City or surrounding residents are dissatisfied with the decision of the Committee of Adjustment they may, within the 20 day appeal period, deliver personally to the secretary or send by registered mail a Notice of Appeal, with reason for appeal, together with a cheque in the amount of \$300.00 made payable to the "Minister of Finance". The appeal is then forwarded, with all necessary material, to the Local Planning Appeal Tribunal. The Office of the Local Planning Appeal Tribunal will notify you of a hearing date at which time you must attend.

Note: The approximate total processing time for an application without an appeal is about 7-9 weeks.

7.0 COMMITTEE OF ADJUSTMENT PROCESS

MINOR VARIANCE PROCEDURES





Planning and Economic Development Department
Planning Division

Committee of Adjustment

City Hall
5th 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** _____

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.

agent, if any.

any mortgagees, holders of charges or other

6. Nature and extent of relief applied for:

7. Why it is not possible to comply with the provisions of 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):

9. PREVIOUS USE OF PROPERTY

Residential _____ Industrial _____ Commercial _____

Agricultural _____ 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 _____ 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 _____ 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 _____ 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 _____ Unknown _____

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

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.

Date

Signature Property Owner

Print Name of Owner

10. Dimensions of lands affected:

Frontage _____
Depth _____
Area _____
Width of street _____

11. Particulars of all buildings and structures on or proposed for the subject lands:
(Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _____

Proposed: _____

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

Existing: _____

Proposed: _____

13. Date of acquisition of subject lands:

14. Date of construction of all buildings and structures on subject lands:

15. Existing uses of the subject property: _____

16. Existing uses of abutting properties: _____

17. Length of time the existing uses of the subject property have continued:

18. Municipal services available: (check the appropriate space or spaces)
Water _____ Connected _____
Sanitary Sewer _____ Connected _____
Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

21. Has the owner previously applied for relief in respect of the subject property?
Yes No
If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
Yes No
23. 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.

PART 24 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.

I, _____ of the _____ of
_____ in the _____ of _____

solemnly declare that:

All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the

at the _____ of _____)

)

in the _____)

)

of _____)

)

this ____ day of _____ A.D. 20 ____)

Applicant

A Commissioner, etc.

registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE _____ SIGNED _____

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted

_____, the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Date

Signature of Owner

Date: _____

Dear Secretary/Treasurer;
Re: Application to Committee of Adjustment

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.

Signature of Owner or Authorized agent

Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 28 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario. Telephone: 905-546-2424, ext.1284.

CITY OF HAMILTON
COST ACKNOWLEDGEMENT AGREEMENT

This Agreement made this _____ day of _____, 20_____.

BETWEEN:

Applicant's name(s)
hereinafter referred to as the "Developer"

-and-

City of Hamilton
hereinafter referred to as the "City"

WHEREAS the Developer represents that he/she is the registered owner of the lands described in Schedule "A" attached hereto, and which lands are hereinafter referred to as the "lands";

AND WHEREAS the Developer has filed for an application for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval/minor variance.

AND WHEREAS it is a policy of the City that any City costs associated with an appeal to the Local Planning Appeal Tribunal, by a party other than the Developer, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, and/or minor variance, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Developer.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of two dollars (\$2.00) now paid by the City to the Developer, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. In this Agreement:

- (a) "application" means the application(s) for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval or minor variance dated _____ with respect to the lands described in Schedule "A" hereto.
- (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Local Planning Appeal Tribunal by a party other than the developer; and (c) the City appears before the Local Planning Appeal Tribunal or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses

2. The City agrees to process the application and, where the application is approved by the City but appealed to the Local Planning Appeal Tribunal by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.

3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole discretion, of taking no further steps in supporting the Developer's application before the Local Planning Appeal Tribunal.

4. It is hereby acknowledged that all expenses shall be paid for by the Developer. The Developer shall reimburse the City for all expenses the City may be put to in respect of the application upon demand.
5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Local Planning Appeal Tribunal or any other tribunal or Court in obtaining approval for their application.
6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.
7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.
8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.
9. In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.
10. Within 60 days of: (a) a decision being rendered in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.
14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,
16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.
17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer's obligations hereunder have been assumed by its successor,

assignee or transferee by way of written agreement in the form set out in Schedule “B” to this Agreement.

IN WITNESS WHEREOF the parties hereto have set their corporate seals under the hands of their duly authorized officers.

DATED at _____ this _____ day of _____, 20 ____.

WITNESS

Per:
I have authority to bind the corporation.

WITNESS

Per:
I have authority to bind the corporation

DATED at Hamilton, Ontario this ____ day of _____, 20 ____.

City of Hamilton

Per: _____
Mayor

Per: _____
Clerk

Schedule "A"
Description of Lands

SCHEDULE "B"
FORM OF ASSUMPTION AGREEMENT

THIS AGREEMENT dated the _____ day of _____ 20 ____ .

BETWEEN

(hereinafter called the "Owner")

OF THE FIRST PART

-and-

(hereinafter called the "Assignee")

-and-

OF THE SECOND PART

CITY OF HAMILTON
(hereinafter called the "Municipality")

OF THE THIRD PART

WHEREAS the owner and the Municipality entered into and executed a Cost Acknowledgement Agreement dated _____.

AND WHEREAS Assignee has indicated that it will assume all of the Owner's duties, liabilities and responsibilities as set out in the Cost Acknowledgement Agreement.

AND WHEREAS Council for the Municipality has consented to releasing the Owner from its duties, liabilities and responsibilities under said Cost Acknowledgement Agreement subject to the Assignee accepting and assuming the Owner's duties, liabilities and responsibilities and subject to the Assignee the Owner and the Municipality entering into and executing an Assumption Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the parties hereto agree as follows.

1. The Assignee covenants and agrees to accept, assume and to carry out the Owner's duties, liabilities and responsibilities under the Cost Acknowledgement Agreement and in all respects to be bound under said Cost Acknowledgement Agreement as if the Assignee had been the original party to the agreement in place of the Owner.
2. The Municipality hereby releases the Owner from all claims and demands of any nature whatsoever against the Owner in respect of the Cost Acknowledgement Agreement. The Municipality hereby accepts the Assignee as a party to the Cost Acknowledge Agreement in substitution of the Owner, and agrees with the Assignee that the Assignee will be bound by all the terms and conditions of the Cost Acknowledgement Agreement as if the Assignee had been the original executing party in place of the Owner.
3. All of the terms, covenants, provisos and stipulations in the said Cost Acknowledgement Agreement are hereby confirmed in full force save and except for such modifications as are necessary to make said clauses applicable to the Assignee.

IN WITNESS WHEREOF the Parties have hereunto affixed their corporate seals duly attested to by their proper signing officers in that behalf.

SIGNED, SEALED AND DELIVERED

Owner:
Title:
I have authority to bind the corporation

Assignee:
Title:
I have authority to bind the corporation

CITY OF HAMILTON

Mayor

Clerk

PART 24 AFFIDAVIT OR SWORN DECLARATION

This declaration is made under the Oath of Office of the

[REDACTED]

of

solemnly declare that:

All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Witness as to Signature ONLY



[REDACTED]

Witness to
Signature of

225 WELLINGTON STREET NORTH
HAMILTON, ON L8L 5A2

[REDACTED]

NLY.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted

[REDACTED]

PART 27 PERMISSION TO ENTER

Date: Sept 4, 2020

Secretary/Treasurer
Committee of Adjustment
City of Hamilton,
City Hall

Dear Secretary/Treasurer,

Re: Application to Committee of Adjustment

Location of Land: 3549 Powerline Rd W, RR#2
(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purpose of evaluating the merits of this application.



Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 28 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.

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 ☒ _____

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?
_observations and age of existing structures (circa 1850-1940) _____

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 _____ by _____
reason of its approval to this Application.

Date

Sept. 4, 2020

10. Dimensions of lands affected:

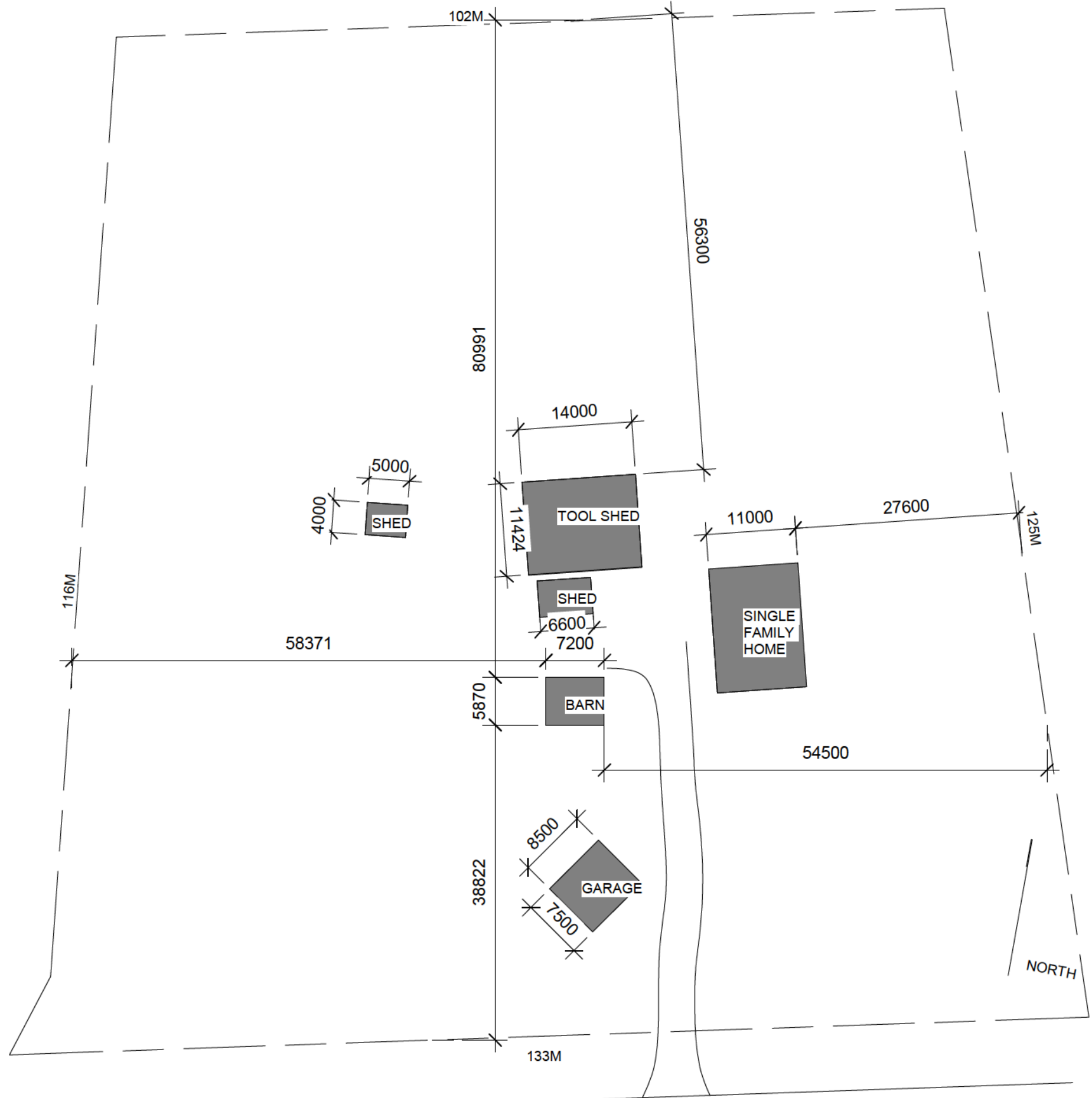
Frontage	133M
Depth	125M
Area	16625M ²
Width of street	+/- 10M

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:	existing 1 story house:	existing Garage:
_____	11M W x 15.3M L x 7.5M H	_____ 7.5 M W x 8.5M L x 4M H
_____	168.3M ² ground floor area	_____ 63.75M ² ground floor area
_____	168.3M ² gross floor area	_____ 63.75M ² gross floor area
_____	existing Barn to be renovated:	existing Tool Shed:
_____	6.1M W x 7.05M L x 8.84M H	_____ 11.533M W x 14ML x 5.6M H
Proposed:	43M ² ground floor area	_____ 161.46M ² ground floor area
_____	43M ² gross floor area	_____ 161.46M ² gross floor area

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

Existing:	Single Family House:	Tool Shed:	Barn:	Garage:
_____	east side: 26.3 M	east side: 45 M	east side: 54.5M	east side: 51 M
_____	west side: 77 M	west side: 53 M	west side: 58.37M	west side: 59 M
_____	north side: 66.5 M	north side: 81 M	north side: 80.99M	north side: 99 M
_____	south side: 41 M	south side: 56 M	south side: 38.82M	south side: 11.5 M
Proposed:	proposed Barn			
_____	same as existing			



EXIST'G SITE PLAN

3549 POWERLINE RD WEST

1

1 : 500