



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

Application for Consent/Land Severance

APPLICATION NUMBER: FL/B-20:73

SUBJECT PROPERTY: 2390 Hwy 5 W., Flamborough

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
-

APPLICANT(S): Agent Ian Jonkman
Owner Andy & Jenny Jonkman

PURPOSE OF APPLICATION: To permit the conveyance of a vacant parcel of to be added onto the property known as 2408 Hwy 5 W. as shown on the attached sketch.

Severed lands:
60.9m[±] x 106.9m[±] and an area of 0.6 ha[±]

Retained lands:
347.5m[±] x 159.9m[±] and an area of 4.7 ha[±]

The Committee of Adjustment will hear this application on:

DATE: Thursday, December 3rd, 2020
TIME: 2:10 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.

Important note: If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent does not make written or oral submission

to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal (LPAT) may dismiss the appeal.

MORE INFORMATION

For more information on this application, 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

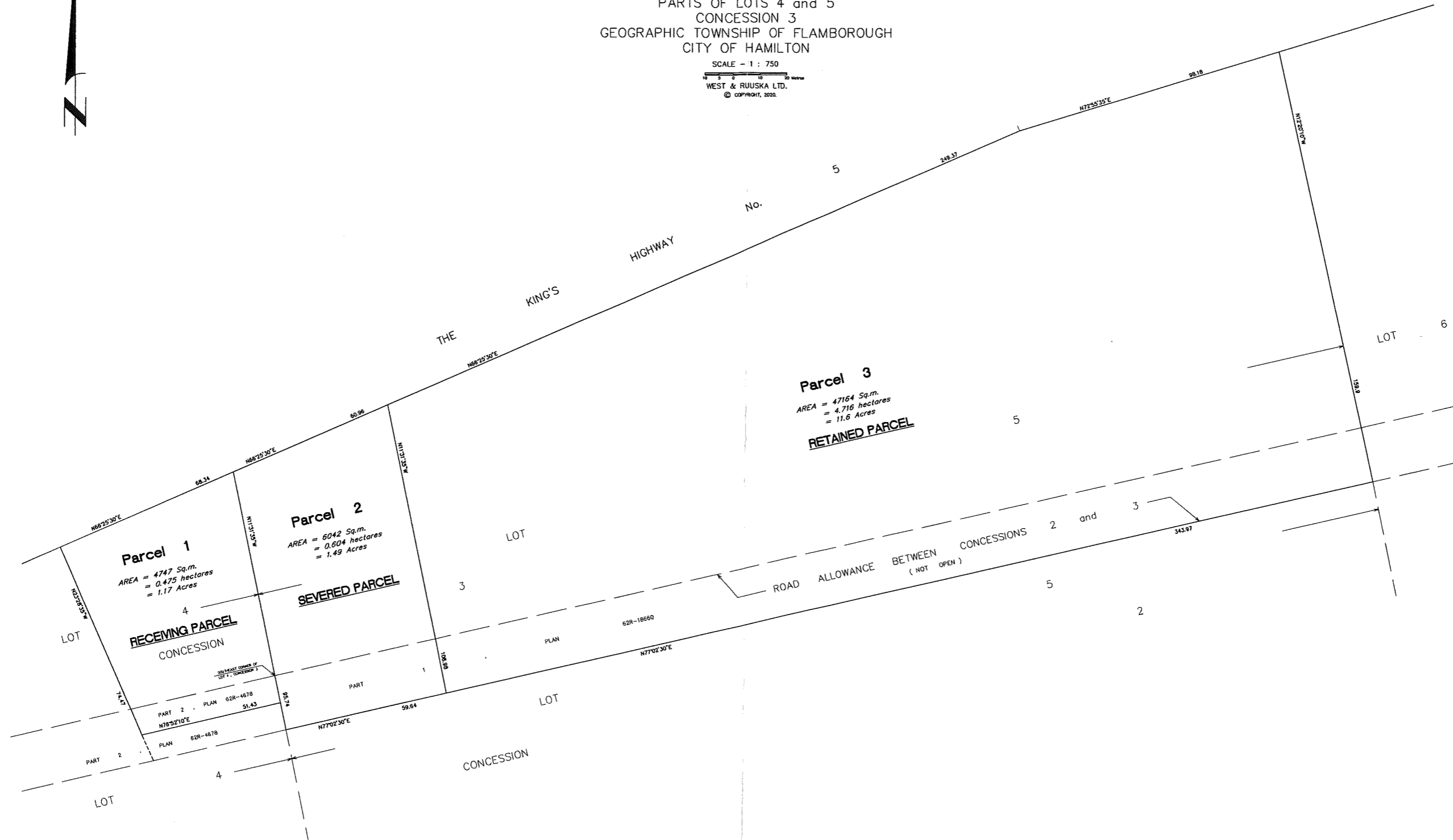
DATED: November 17th, 2020

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.

ILLUSTRATION OF
 PARTS OF LOTS 4 and 5
 CONCESSION 3
 GEOGRAPHIC TOWNSHIP OF FLAMBOROUGH
 CITY OF HAMILTON

SCALE - 1 : 750
 WEST & RUUSKA LTD.
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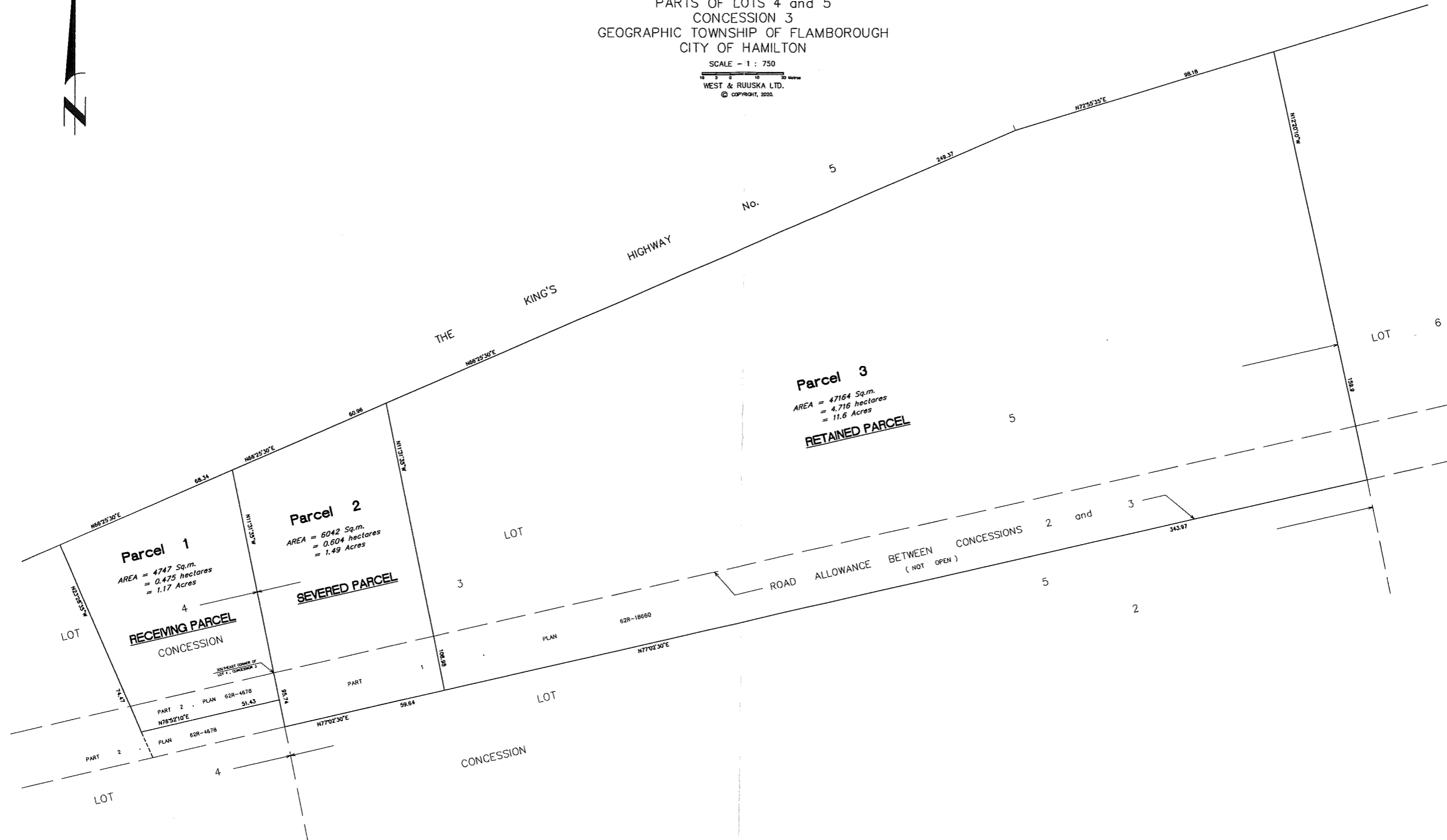
METRIC DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

Date : 9 September, 2020.

WEST & RUUSKA LTD.
 Land Surveyors
 17 NELSON STREET, BRANTFORD, ONTARIO, N3T 2M6
 Telephone (519)752-8841
 DRAWN BY: Ted S. KUTILA, C.S., C.T. M200122

ILLUSTRATION OF
PARTS OF LOTS 4 and 5
CONCESSION 3
GEOGRAPHIC TOWNSHIP OF FLAMBOROUGH
CITY OF HAMILTON

SCALE - 1 : 750
0 5 10 20 Metres
 WEST & RUUSKA LTD.
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METRIC DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

Date : 9 September, 2020.

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DRAWN BY: Ted S. KUTILA, C.S., C.T.			M200122

September 9, 2020

Committee of Adjustment
5th Floor, 71 Main Street West
Hamilton, Ontario L8P 4Y5

Attn: Committee of Adjustment

Re: **Application for Consent to Sever Land**
0 Highway 5 West, Roll #30121002400000

This letter is to provide a brief explanation of the severance application for 0 Highway 5 West and is to accompany the application submission. After conversing with members of the City of Hamilton's planning department regarding this application we feel that it is necessary to look at real time photos vs. an empty black and white site plan and/or aerial map from the City's Provincial Plan(s). A real time photo can provide more context and insight on the subject lands. The subject land at 0 highway 5 West is a 13.09 acre plot of vacant land and has remained that way for as long as the current owner's knowledge. The portions of the lot that are flat enough to farm are used for crops (*corn, wheat, beans, hay*) but the areas that have a steep topography are not accessible by farm equipment and are left as overgrown grass. Refer to Figure 1 below for an aerial map of the subject lands. In the photo you can identify which areas of the property are usable for crops and what areas are overgrown grasses. This photo is taken from the east side of the property overlooking towards the west.

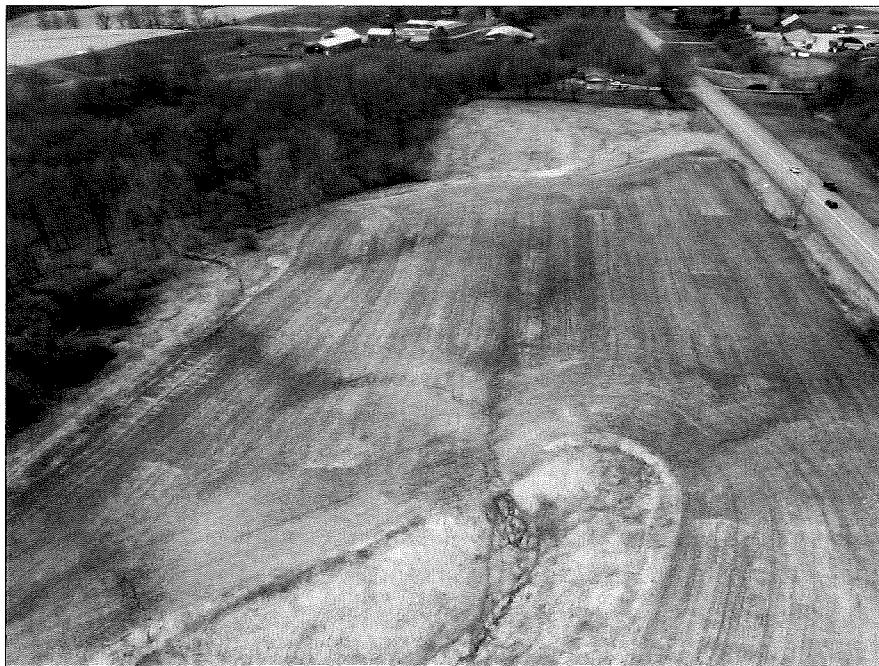


Figure 1: Aerial Map taken in the fall of 2019 of 0 Highway 5 West

This Application for Consent to Sever Land is not for the intent of dividing this property into multiple lots for single family dwellings. It is for the intent of severing off a small portion of the 13.09 acres belonging to 0 Highway 5 West and adding this small portion to the neighboring

purposes behind why each document was written may be different there seem to be two underlying principals behind each one. 1) protect agricultural land from misuse and fragmentation that may affect the future usability of currently good farmland and 2) protect key natural heritage features and hydrological features from misuse and fragmentation. This severance application does not interfere with either of these two principals.

This severed land parcel can and will never be used for crops due to the steep hills separating this parcel from the rest of the subject lands. Therefore no farmland is affected.

This severed land parcel is dry with no key heritage features. If there are no key heritage features on the property, then how can any heritage features be negatively affected?

To summarize we ask the Committee to reason with us on our request. We certainly appreciate the principals behind the government policies regulating farmland and heritage area but can not comprehend why the Planning department will not accept this application where it is clearly evident that neither farmland and/or heritage areas are being affected.

Sincerely the property owners of 0 Highway 5 West,
Andy & Jenny Jonkman



Hamilton

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

APPLICATION FOR CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE PLANNING ACT

Office Use Only

Date Application Received: <i>Sept. 10/20</i>	Date Application Deemed Complete:	Submission No.:	File No.:
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1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	<i>ANDY JONKMAN JENNY JONKMAN</i>	[REDACTED]	Business [REDACTED] Fax: [REDACTED] E-mail: [REDACTED]
Applicant(s)*			Business () Fax: () E-mail:
Agent or Solicitor	<i>TAD JONKMAN</i>	[REDACTED]	Business [REDACTED] Fax: () E-mail: [REDACTED]

* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to Owner Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality <i>CITY OF HAMILTON</i>	Lot <i>LOT 5</i>	Concession <i>BEVERLY CON 3 PT</i>	Former Township <i>FLAMBOROUGH</i>
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address <i>0 HIGHWAY 5 WEST</i>	<i>2390 HWY 5 W.</i>		Assessment Roll N°. <i>301210024000000</i>

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes No

If YES, describe the easement or covenant and its effect:

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

a) Urban Area Transfer (do not complete Section 10):

- creation of a new lot
- addition to a lot
- an easement

- Other: a charge
 a lease
 a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):

- | | |
|---|--|
| <input type="checkbox"/> creation of a new lot | Other: <input type="checkbox"/> a charge |
| <input type="checkbox"/> creation of a new non-farm parcel
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | <input type="checkbox"/> a lease |
| <input checked="" type="checkbox"/> addition to a lot | <input type="checkbox"/> a correction of title |
| | <input type="checkbox"/> an easement |

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

JOHN AND CASSANDRA MARSKAMP

3.3 If a lot addition, identify the lands to which the parcel will be added:

2408 HIGHWAY 5 WEST TROY ON LORZBO

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**:

Frontage (m)	Depth (m)	Area (m ² or ha)
60.96	106.98	0.604 HECTARES

Existing Use of Property to be severed:

- | | | |
|---|---|--|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input checked="" type="checkbox"/> Vacant |
| <input checked="" type="checkbox"/> Other (specify) <u>A PORTION OF THE SUBJECT LANDS IS USED FOR AGRICULTURAL CROPS BUT THE SEVERED PIECE IS TOO HILLY FOR FARM EQUIPMENT.</u> | | |

Proposed Use of Property to be severed:

- | | | |
|---|---|--|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input checked="" type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Building(s) or Structure(s):

Existing: N/A

Proposed: N/A

Type of access: (check appropriate box)

- | | |
|--|--|
| <input checked="" type="checkbox"/> provincial highway | <input type="checkbox"/> right of way |
| <input type="checkbox"/> municipal road, seasonally maintained | <input type="checkbox"/> other public road |
| <input type="checkbox"/> municipal road, maintained all year | |

Type of water supply proposed: (check appropriate box)

- | | |
|--|--|
| <input type="checkbox"/> publicly owned and operated piped water system | <input type="checkbox"/> lake or other water body |
| <input checked="" type="checkbox"/> privately owned and operated individual well | <input type="checkbox"/> other means (specify) _____ |

Type of sewage disposal proposed: (check appropriate box)

- | |
|---|
| <input type="checkbox"/> publicly owned and operated sanitary sewage system |
| <input checked="" type="checkbox"/> privately owned and operated individual septic system |
| <input type="checkbox"/> other means (specify) _____ |

4.2 Description of land intended to be **Retained**:

Frontage (m)	Depth (m)	Area (m ² or ha)
347.55	159.90	4.716 HECTARES

Existing Use of Property to be retained:

- | | | |
|--|---|--|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input checked="" type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) <u>AGRICULTURE FARM LAND USED FOR CROPS</u> | | |

Proposed Use of Property to be retained:

- Residential
 Industrial
 Commercial
 Agriculture (includes a farm dwelling)
 Agricultural-Related
 Vacant
 Other (specify) AGRICULTURAL FARM LAND FOR CROPS

Building(s) or Structure(s):

Existing: N/A

Proposed: N/A

Type of access: (check appropriate box)

- provincial highway
 right of way
 municipal road, seasonally maintained
 other public road
 municipal road, maintained all year

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 lake or other water body
 privately owned and operated individual well
 other means (specify)
- ALREADY ON THE PROPERTY.

Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system
 privately owned and operated individual septic system
 other means (specify)
- ALREADY ON PROPERTY

4.3 Other Services: (check if the service is available)

- electricity
 telephone
 school bussing
 garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): PROTECTED COUNTRY SIDE

Urban Hamilton Official Plan designation (if applicable): N/A

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

THE PROPOSAL IS TO CREATE A LOT LINE ADJUSTMENT. ONE PLOT WILL BE Slightly INCREASED, ONE WILL BE Slightly DECREASED.

NO NEW LOTS WILL BE CREATED. THE BEFORE AND AFTER USES OF THE PROPERTY WILL REMAIN THE SAME AND MAINTAINED.

NO FARMLAND OR HERITAGE ALGAS ARE BEING FLAGGED. THE LOT LINE ADJUSTMENT DOES NOT INTERFERE WITH THE LOT LINE CREATION POLICIES SET UNDER F.I.M.2. LOT CREATION. IT WILL NOT HINDER AGRICULTURAL OPERATIONS, THE PROPERTY THE REMAINING PORTION WILL BE ADDED TO ALREADY HAS A PRIVATE SEPTIC TANK. SO A HYDRO GEOLOGICAL STUDY IS NOT NEEDED, BOTH LOTS RETAIN FRONTAGE. IT IS NOT FOR THE USE OF AN ADDITIONAL DWELLING OR OTHER NON-FARM USE.

5.2 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? ZONING A1-AGRICULTURE

5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard	<input type="checkbox"/>	140m

A land fill	<input type="checkbox"/>	N/A
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	N/A
A provincially significant wetland	<input type="checkbox"/>	65m
A provincially significant wetland within 120 metres	<input type="checkbox"/>	65m
A flood plain	<input type="checkbox"/>	N/A
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	N/A
An active railway line	<input type="checkbox"/>	N/A
A municipal or federal airport	<input type="checkbox"/>	N/A

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

6.1 If Industrial or Commercial, specify use N/A

6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown

6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown

6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown

6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown

6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown

6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown

6.8 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

6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown

6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown

6.11 What information did you use to determine the answers to 6.1 to 6.10 above?

BASED ON THE CURRENT OWNERS KNOWLEDGE, PREVIOUS OWNERS KNOWLEDGE, AND NEIGHBORS AROUND THE AREA.

6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, 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

7 PROVINCIAL POLICY

7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)

- Yes No

YES, THIS APPLICATION CONFORMS WITH THE PROVINCIAL PLANS THAT ARE IN EFFECT AND DOES NOT CONFLICT WITH THEM AND MEETS ALL POLICY STATEMENTS.

- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

THE PPS DOES NOT ALLOW FOR LOT LINES ON PRIME AGRICULTURAL LAND. THIS IS NOT PRIME AGRICULTURAL LAND.

THE PROPERTY IS TOO STEEP FOR FARM EQUIPMENT TO ACCESS. THE CITY IS CATEGORIZING THIS PROPERTY WITH THE NATURAL HERITAGE LAND LOCATED SOUTH OF THE SUBJECT LANDS. THIS PROPERTY DOES NOT HAVE NATURAL HERITAGE FEATURES.

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

THE PROPOSED LOT LINE ADJUSTMENT IS NOT AFFECTING THE RURAL ECONOMY (AGRICULTURE) OR

HAVING ANY IMPACT ON ANY NATURAL HERITAGE LANDSCAPES OR FEATURES. THE CITY OF HAMILTON CLAIMS THIS IS A FRAGMENTATION OF A KEY NATURAL HERITAGE FEATURE OR HYDROLOGICAL FEATURE. HOW AND WHY? AERIAL PHOTOS AND A SITE VISIT MAKE IT VERY CLEAR WHERE THESE HERITAGE AND HYDROLOGICAL FEATURES

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
 Yes No

YES THIS PROPERTY IS PROTECTED COUNTRY SIDE UNDER THE GREENBELT PLAN. IT DOES NOT

CONFLICT WITH THE GREENBELT PLAN AS NOTED BELOW.

- e) Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

- Yes No
(Provide Explanation)

- f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

- Yes No (Provide Explanation)

- g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

If yes, does this application conform with the Greenbelt Plan?

- Yes No (Provide Explanation)

THE INTENT OF THE GREENBELT LAW IS TO PROTECT FRAGMENTATION OF AGRICULTURAL LAND AND TO PROTECT NATURAL RESOURCES TO SUSTAIN ECOLOGICAL HEALTH. THE PROPOSED LOT LINE ADJUSTMENT WILL NOT AFFECT THIS. THE RETAINED PORTION OF LAND HAS NO AGRICULTURAL USE BECAUSE OF THE ROLLING TOPOGRAPHY. THE RETAINED PORTION IS NOT A KEY HERITAGE FEATURE; THERE ARE NO TREES AND STREAMS TO PROTECT. THIS RETAINED PORTION IS VACANT WITH LOW GASSES. THIS IS NOT A NEW LOT CREATION; THIS IS NOT FOR DEVELOPMENT. THE RETAINED PORTION WILL BE ADDED TO AN EXISTING PROPERTY THAT ALREADY HAS AN EXISTING HOME, SEPTIC, AND WELL.

- Rural Settlement Area Severance or Lot Addition
- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from in Section 4.1)
----------------------------------	--

Existing Land Use: VACANT Proposed Land Use: VACANT

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: AGRICULTURE - CROPS Proposed Land Use: AGRICULTURE - CROPS

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

 (Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of consolidated farm (excluding lands intended to be severed for the surplus dwelling):

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use: _____ Proposed Land Use: _____

d) Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

e) Surplus farm dwelling date of construction:

- Prior to December 16, 2004
- After December 16, 2004

f) Condition of surplus farm dwelling:

- Habitable
- Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

 (Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m2 or ha):
---------------	------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m2 or ha): (from Section 4.1)
----------------------------------	-------------------------------------

Front yard set back: _____

d) Surplus farm dwelling date of construction:

- Prior to December 16, 2004 After December 16, 2004

e) Condition of surplus farm dwelling:

- Habitable Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)
----------------------------------	-------------------------------------

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

PLEASE SEE ATTACHED FOR ACCOMPANYING COVER LETTER.

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - i) are located on the subject land and on land that is adjacent to it, and
 - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private