

## **NOTICE OF PUBLIC HEARING** **Minor Variance**

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**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.:** HM/A-20:234

**APPLICANTS:** Graham Day on behalf of the owner K. & D. Wilkinson

**SUBJECT PROPERTY:** Municipal address **18 Morden St., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended by By-laws 75-135 & 19:307

**ZONING:** "D/S-1787" (Urban Protected Residential – One and Two Family Dwellings) district

**PROPOSAL:** To permit the construction of a full 3rd storey addition to the existing single-family dwelling notwithstanding that;

1. A minimum front yard depth of 1.8 m shall be provided instead of the minimum required 6.0 m; and
2. A 0.0 m side yard width shall be provided on the easterly side lot line instead of the minimum required side yard width of 2.7 m; and
3. A minimum rear yard depth of 4.3 m shall be maintained instead of the minimum required rear yard of 10.5 m; and
4. A minimum of 2 parking spaces shall be maintained instead of the minimum required 3 spaces for a total of 9 habitable rooms; and
5. A minimum parking space size of 2.6 m in width by 4.7 m in length shall be maintained instead of the minimum required 2.7 m in width by 6.0 m in length.
6. Two parking spaces shall be provided in the required front yard instead of the requirement in the By-Law which states that only one of the required parking spaces may be located in the front yard; and
7. No manoeuvring shall be provided on site instead of the requirement in the By-Law, which states that parking space, loading space and manoeuvring space shall be provided and maintained only on the lot on which the principle use, building or structure is located.
8. Eaves and gutters shall be permitted to encroach the entire width of the easterly side lot line for the proposed new 3rd storey addition instead of the maximum permitted encroachment of one half of the required side yard or 1.0 m whichever is the lesser.

Notes:

Please note that no part of the eave/gutter shall encroach onto the adjacent private property. Otherwise, an Encroachment Agreement and a Maintenance Easement shall

be required which shall be entered into and registered on title for both the lot upon which the eave is encroaching onto and the subject lot.

An Encroachment Agreement with the Public Works Department may be required for existing porch shown to encroach on the Road Allowance. For further information, please contact [encroachment@hamilton.ca](mailto:encroachment@hamilton.ca).

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

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**DATE:** Thursday, December 3rd, 2020  
**TIME:** 3:15 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
**To be streamed at** [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
**for viewing purposes only**

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#### **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](http://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](mailto:cofa@hamilton.ca)

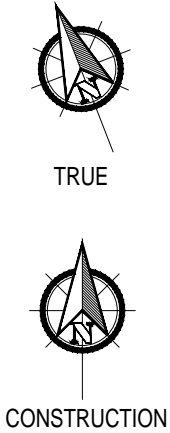
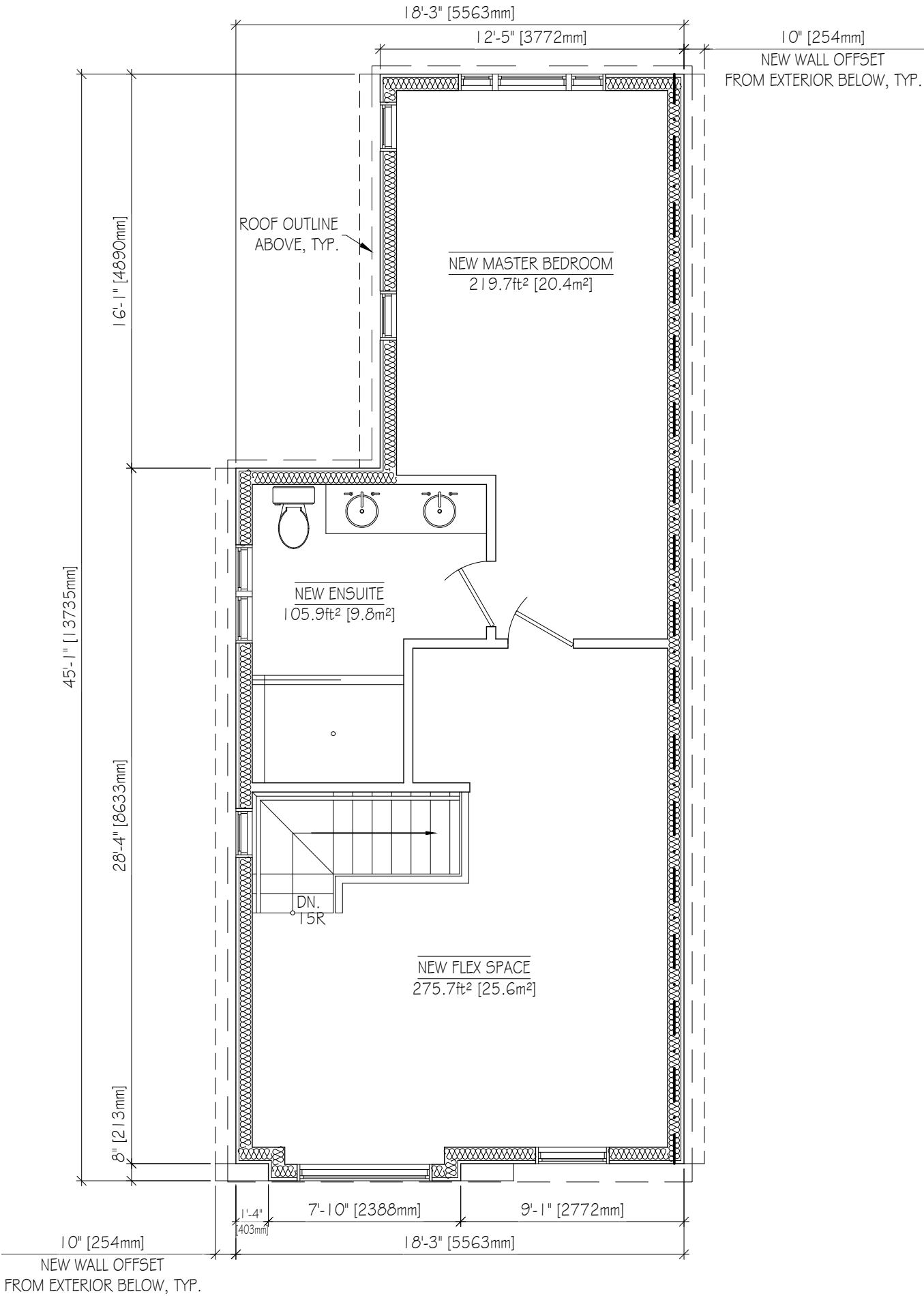
DATED: November 17th, 2020.

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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.***





Charles Linsey

& Associates Limited

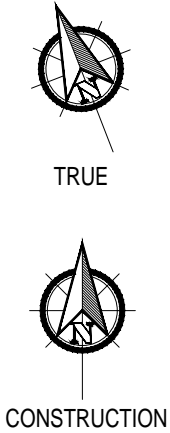
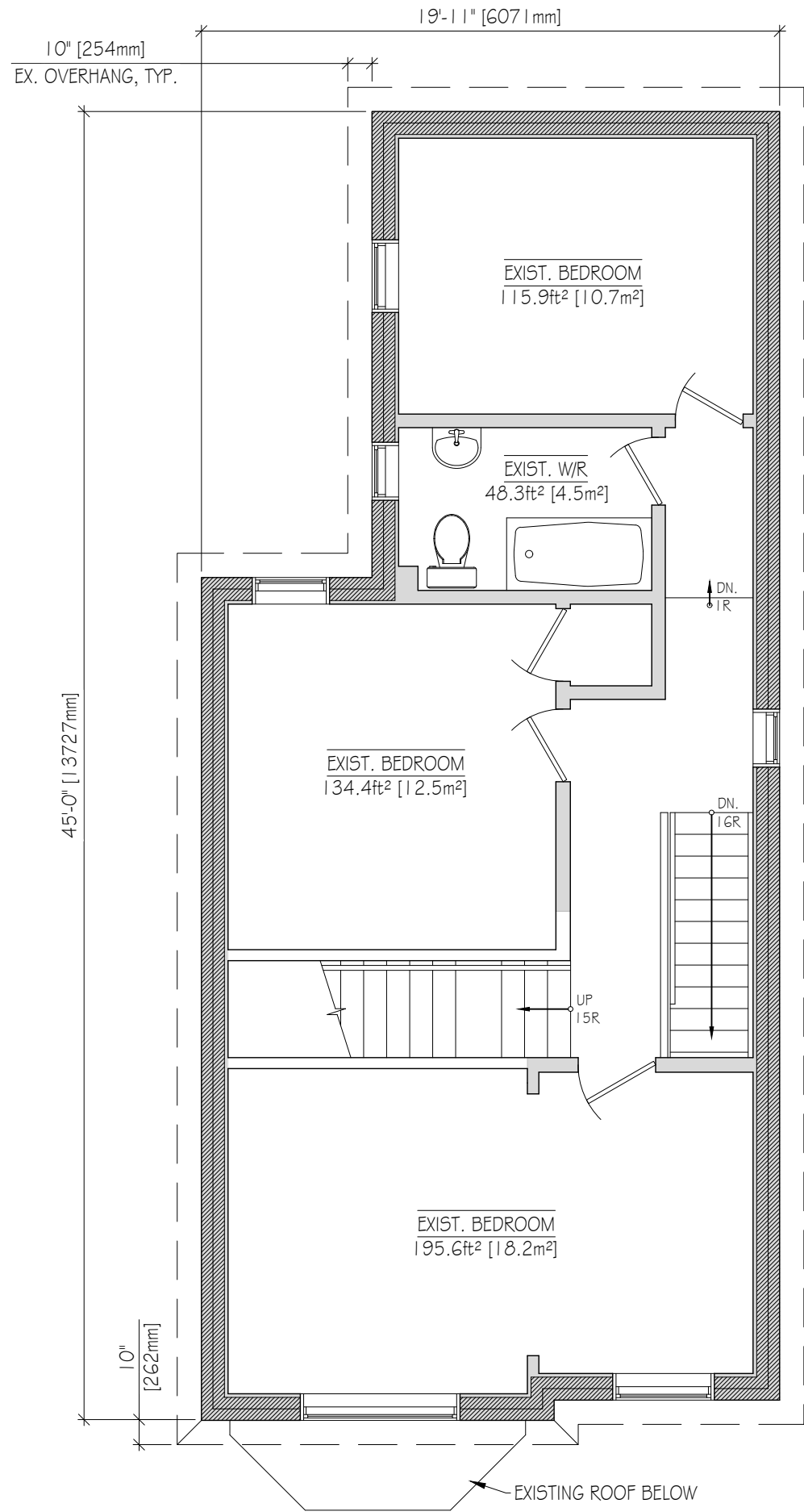
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ONLY

REV.	DESCRIPTION	DATE
0	FOR MINOR VARIANCE APPLICATION	OCT. 13/20
client		
HOME OWNER		
project		
18 MORDEN STREET HAMILTON, ONTARIO		
PROJECT No. 20-100		
title		
PROPOSED THIRD FLOOR PLAN		
drawn	G.D.	checked C.M.
date	OCTOBER 2020	scale 3/16" = 1'-0"
revision number	0	drawing number A9



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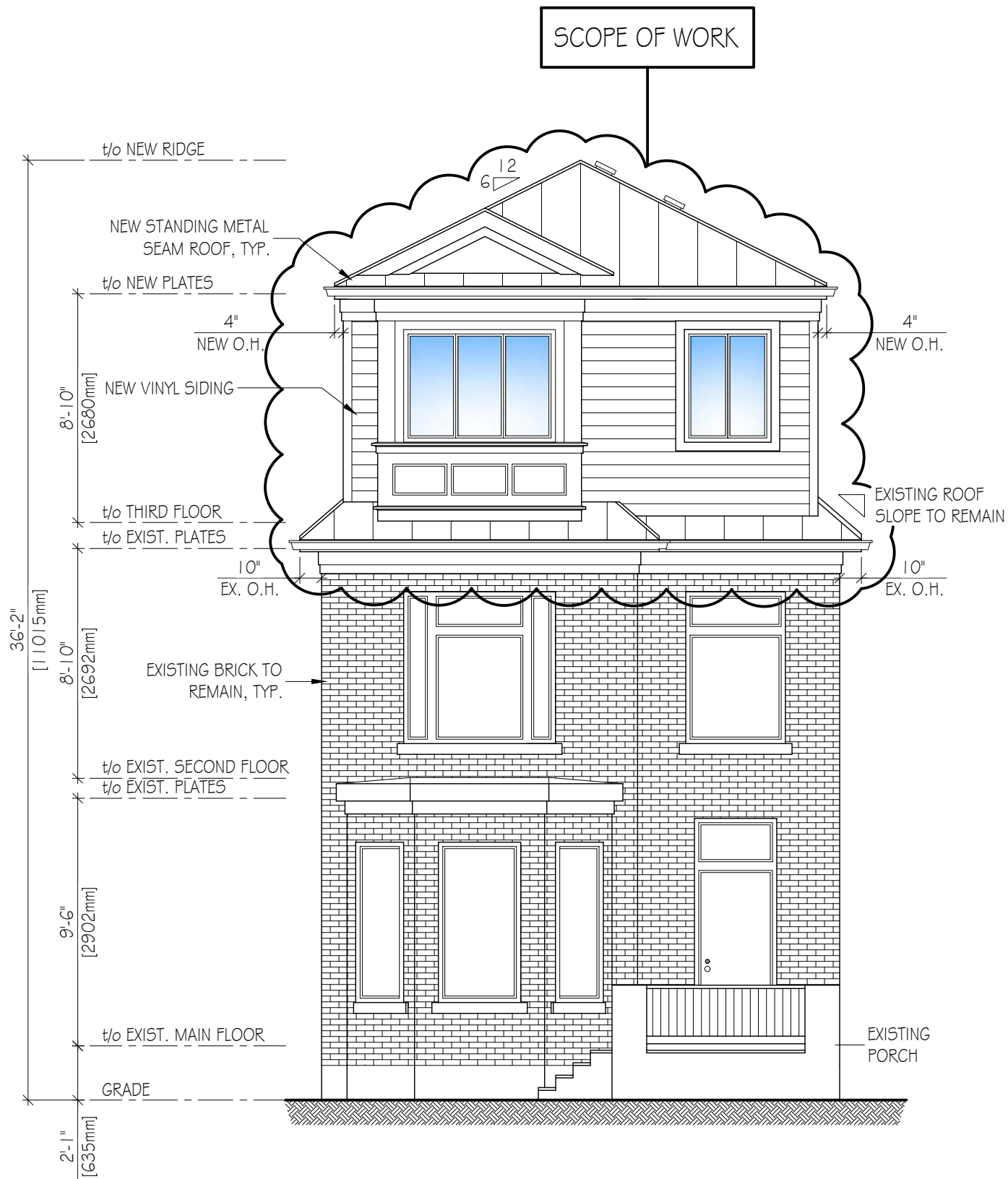
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PROPOSED SECOND FLOOR PLAN		
drawn	G.D.	checked C.M.
date	OCTOBER 2020	scale 3/16" = 1'-0"
revision number	0	drawing number A8



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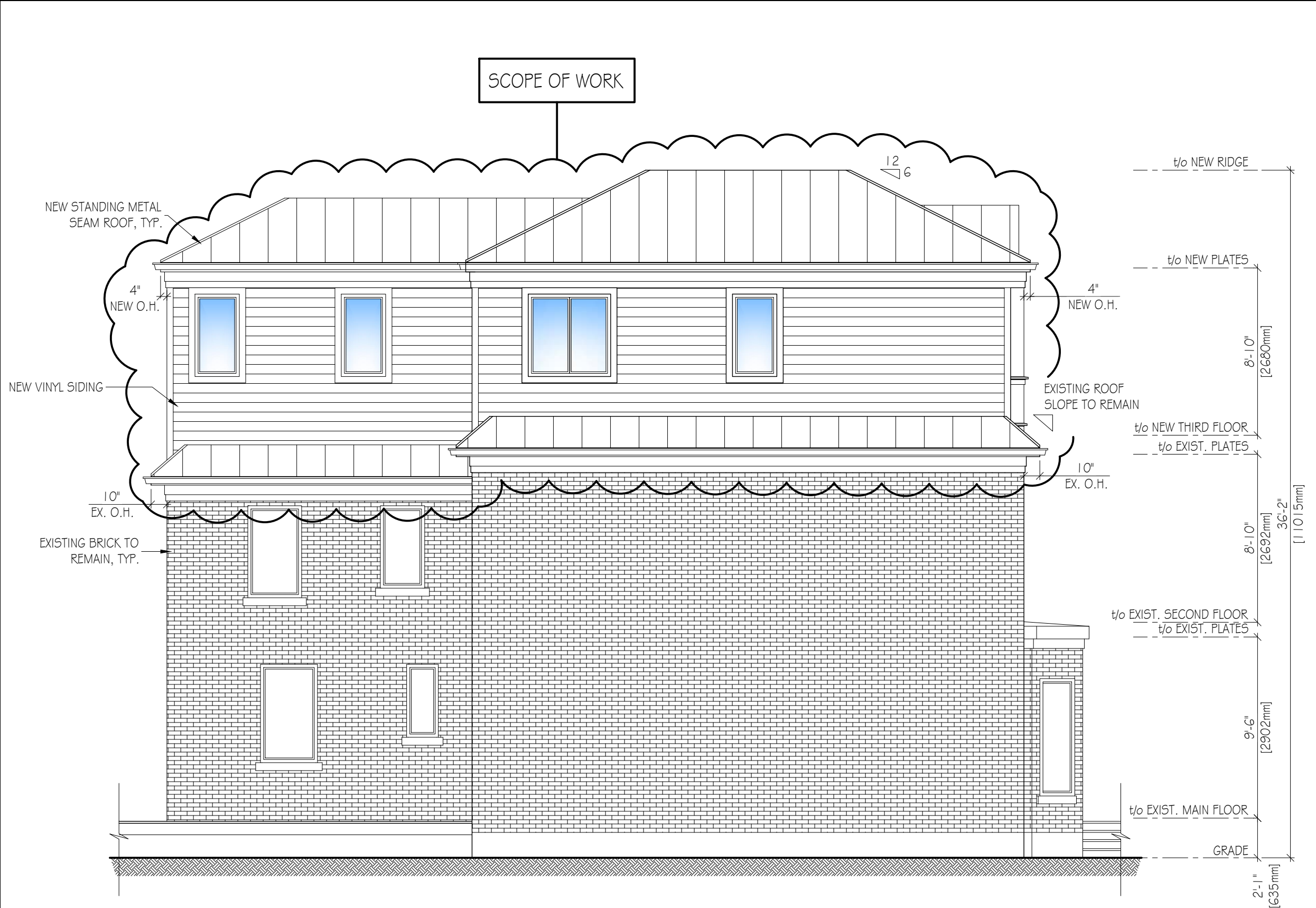
18 MORDEN STREET  
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PROJECT No. 20-100

title

FRONT (SOUTH) ELEVATION

drawn	G.D.	checked	C.M.
date	OCTOBER 2020	scale	3/16" = 1'-0"
revision number	0	drawing number	A2



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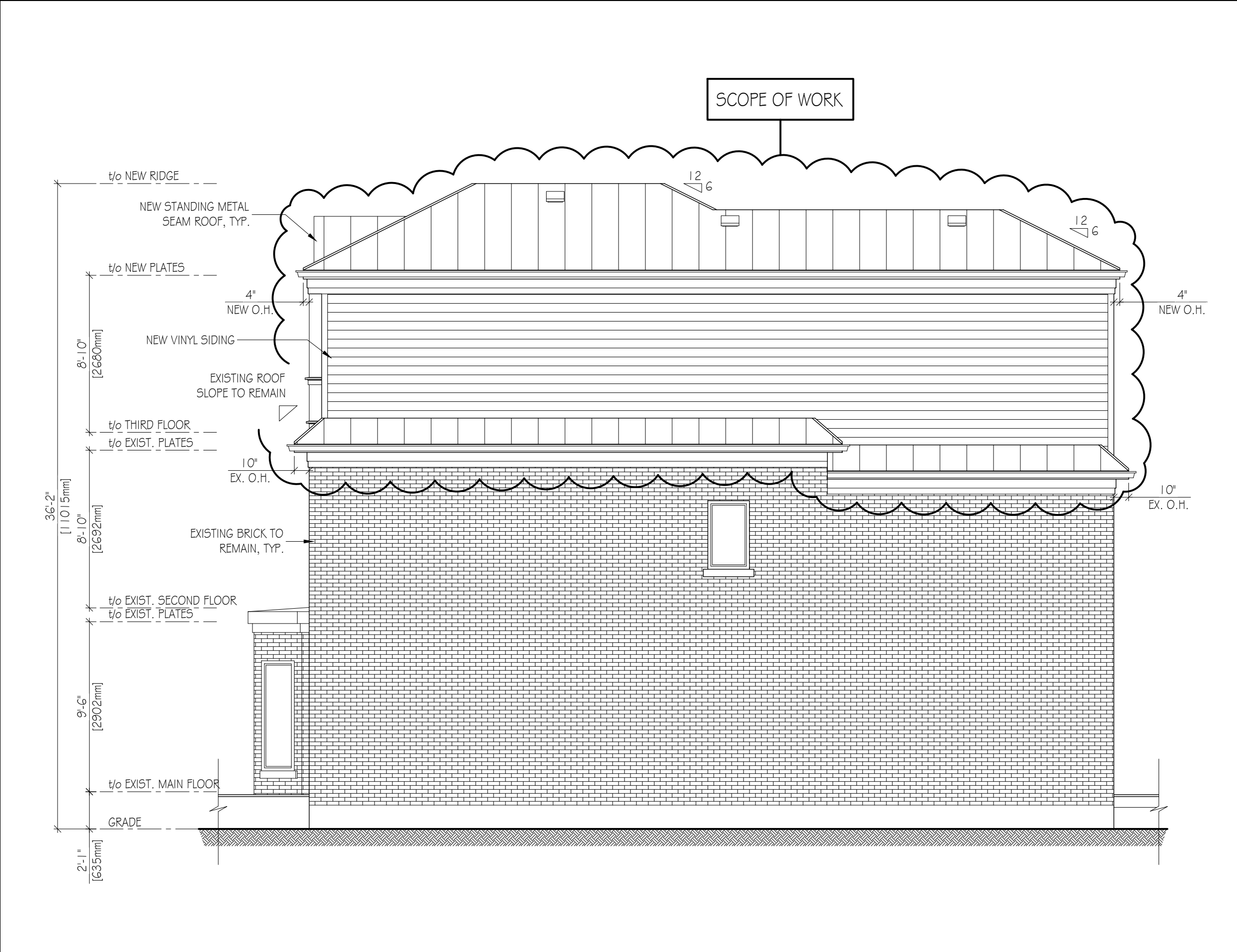
project

18 MORDEN STREET  
HAMILTON, ONTARIO  
  
PROJECT No. 20-100

title

SIDE (WEST) ELEVATION

drawn	G.D.	checked	C.M.
date	OCTOBER 2020	scale	3/16" = 1'-0"
revision number	0	drawing number	A3



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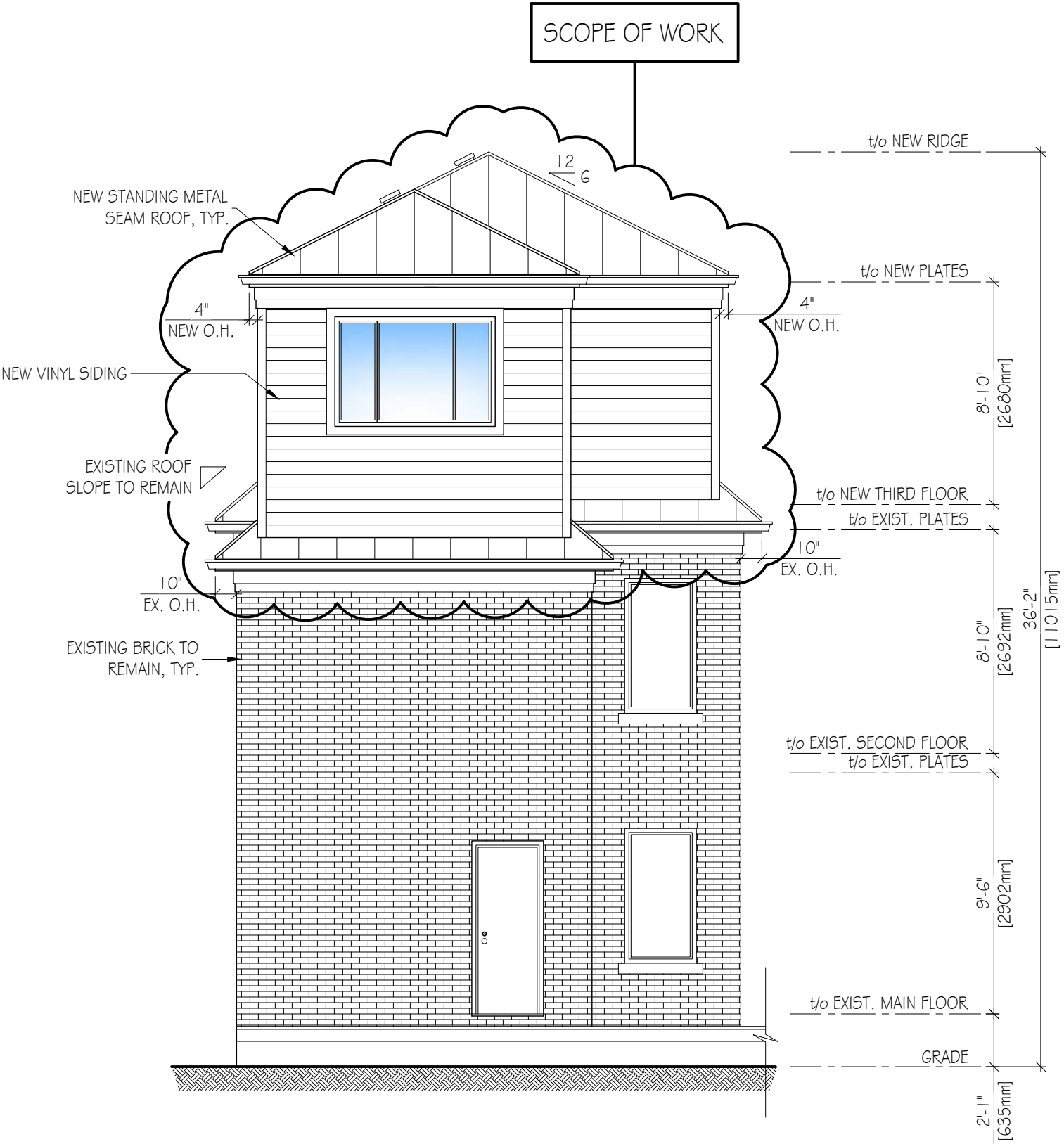
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SIDE (EAST) ELEVATION

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HOME OWNER

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18 MORDEN STREET  
HAMILTON, ONTARIO

PROJECT No. 20-100

title

REAR (NORTH) ELEVATION

drawn	G.D.	checked	C.M.
date	OCTOBER 2020	scale	3/16" = 1'-0"
revision number	0	drawing number	A4

# DRAWINGS FOR A THIRD STOREY ADDITION TO A SINGLE FAMILY DWELLING 18 MORDEN STREET HAMILTON, ONTARIO

1

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GENERAL NOTES

1.
- ALL CONSTRUCTION TO COMPLY WITH THE 2012 ONTARIO BUILDING CODE, AS AMENDED, AND ALL APPLICABLE LOCAL AND MUNICIPAL BY-LAWS AND REGULATIONS.
2.
- THESE DRAWINGS DO NOT INCLUDE ANY ELECTRICAL OR MECHANICAL WORK THAT MAY BE REQUIRED.
3.
- PRIOR TO THE START OF THE WORK, THE CONTRACTOR IS RESPONSIBLE FOR MAKING ARRANGEMENTS WITH THE CONSULTANT FOR THEIR REVIEW AS PER THE CONSULTANTS REQUIREMENTS.
4.
- THE CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AND NOTIFY THE DESIGNER OF ANY CONTEMPLATED DEVIATIONS FROM THESE DRAWINGS TO SUIT SITE CONDITIONS PRIOR TO MAKING CHANGES.
5.
- ANY PROPOSED DEVIATION FROM THESE DRAWINGS THAT WOULD BE CONSIDERED A MATERIAL CHANGE SHALL BE SUBMITTED TO THE DESIGNER FOR REVIEW AND APPROVAL, AND THEN TO THE AUTHORITY HAVING JURISDICTION FOR REVIEW AND APPROVAL, PRIOR TO THE CHANGES BEING CARRIED OUT.
6.
- REQUIRED INSPECTIONS BY THE AUTHORITIES HAVING JURISDICTION TO BE ARRANGED BY THE CONTRACTOR. ALL INSPECTIONS TO BE CARRIED OUT, AND THE CONSTRUCTION APPROVED, BEFORE PROCEEDING TO THE NEXT STAGE.
7.
- ACCESS TO EXITS AND STAIRWAYS SHALL BE MAINTAINED FREE OF DEBRIS AND ACCESSIBLE AT ALL TIMES.
8.
- ALL DEBRIS SHALL BE REMOVED FROM THE SITE AND LEGALLY DISPOSED OF.

2

A0

CONSTRUCTION NOTES

1.
- IT IS THE CONTRACTORS RESPONSIBILITY TO INSURE THAT ANY NECESSARY SHORING OR TEMPORARY SUPPORTS THAT MAY BE REQUIRED ARE INSTALLED PRIOR TO THE START OF ANY WORK.
2.
- NEW FOOTINGS TO BEAR ON UNDISTURBED SOILS WITH A MINIMUM BEARING CAPACITY OF 100 kPa.
3.
- CONCRETE TO BE DESIGNED, MIXED, PLACED, CURED AND TESTED IN ACCORDANCE WITH THE REQUIREMENTS FOR "R" CLASS CONCRETE STATED IN CLAUSE 8.13 OF CSA A23.1,"CONCRETE MATERIALS AND METHODS OF CONCRETE CONSTRUCTION".
4.
- CONCRETE TO HAVE MINIMUM 20MPa 28 DAY COMPRESSIVE STRENGTH.
5.
- ALL CONCRETE TO HAVE A SLUMP OF 100 MM (4") MAX.
6.
- SAWN LUMBER TO BE S-P-F No. 2 OR BETTER.
7.
- ANY WOOD THAT WILL BE IN CONTACT WITH CONCRETE OR MASONRY TO BE PRESSURE TREATED OR SEPARATED WITH 6mil. POLY, OR EQUIV.
8.
- SHEATHING TO MEET THE REQUIREMENTS OF CSA O151, "CANADIAN SOFTWOOD PLYWOOD".
9.
- FASTENING AS PER OBC ARTICLE 9.23.3.4 & 9.23.3.5. U.N.O.
10.
- BUILT-UP WOOD MEMBERS TO BE FASTENED TOGETHER WITH A DOUBLE ROW OF 3 1/2" NAILS SPACED @ 173/4" WITH END NAILS LOCATED 4" AND 57/8" FROM EACH END.
11.
- STRUCTURAL STEEL ROLLED SHAPES & HSS TO MEET THE REQUIREMENTS OF CAN/CSA G40.21-04, GRADE 350W. STEEL PLATES TO BE GRADE 300W.
12.
- STEEL COLUMNS TO BE AS NOTED ON DRAWINGS, MINIMUM 3/16" WALL THICKNESS, w/ MINIMUM 1/4" THICK END PLATES.
13.
- FABRICATION AND ERECTION SHALL BE IN COMPLIANCE WITH CSA S16. WELDING TO BE PERFORMED BY A COMPANY CERTIFIED TO CSA W47.1 IN EITHER DIVISION 1 OR DIVISION 2. ALL WELDING TO CSA W59-03.
14.
- STRUCTURAL STEEL TO BE PRIMED, PAINTED, OR OTHERWISE PROTECTED FROM CORROSION.
15.
- ALL GYPSUM BOARD TO MEET THE REQUIREMENTS OF CAN/CSA-A82.27-M91, "GYPSUM BOARD".
16.
- PROVIDE INTERCONNECTED SMOKE ALARMS AS NOTED ON PLANS IN ACCORDANCE WITH SUB-SECTION 9.10.19 OF THE 2012 OBC, AS AMENDED. NEW SMOKE ALARMS TO HAVE A VISUAL SIGNALING COMPONENT CONFORMING TO THE REQUIREMENTS IN 18.5.3. (LIGHT, COLOUR AND PULSE CHARACTERISTICS) OF NFPA 72, "NATIONAL FIRE ALARM AND SIGNALING CODE. SMOKE ALARMS TO BE HARD WIRED AND INTERCONNECTED.
17.
- EXCEPT WHERE A RECEPTACLE CONTROLLED BY A WALL SWITCH IS PROVIDED IN BEDROOMS OR LIVING ROOMS A LIGHTING OUTLET WITH FIXTURE CONTROLLED BY A WALL SWITCH SHALL BE PROVIDED IN KITCHENS, BEDROOMS, LIVING ROOMS, UTILITY ROOMS, LAUNDRY ROOMS, DINING ROOMS, BATHROOMS, WATER CLOSET ROOMS, VESTIBULES AND HALLWAYS.
18.
- SEE DRAWINGS FOR ADDITIONAL NOTES.

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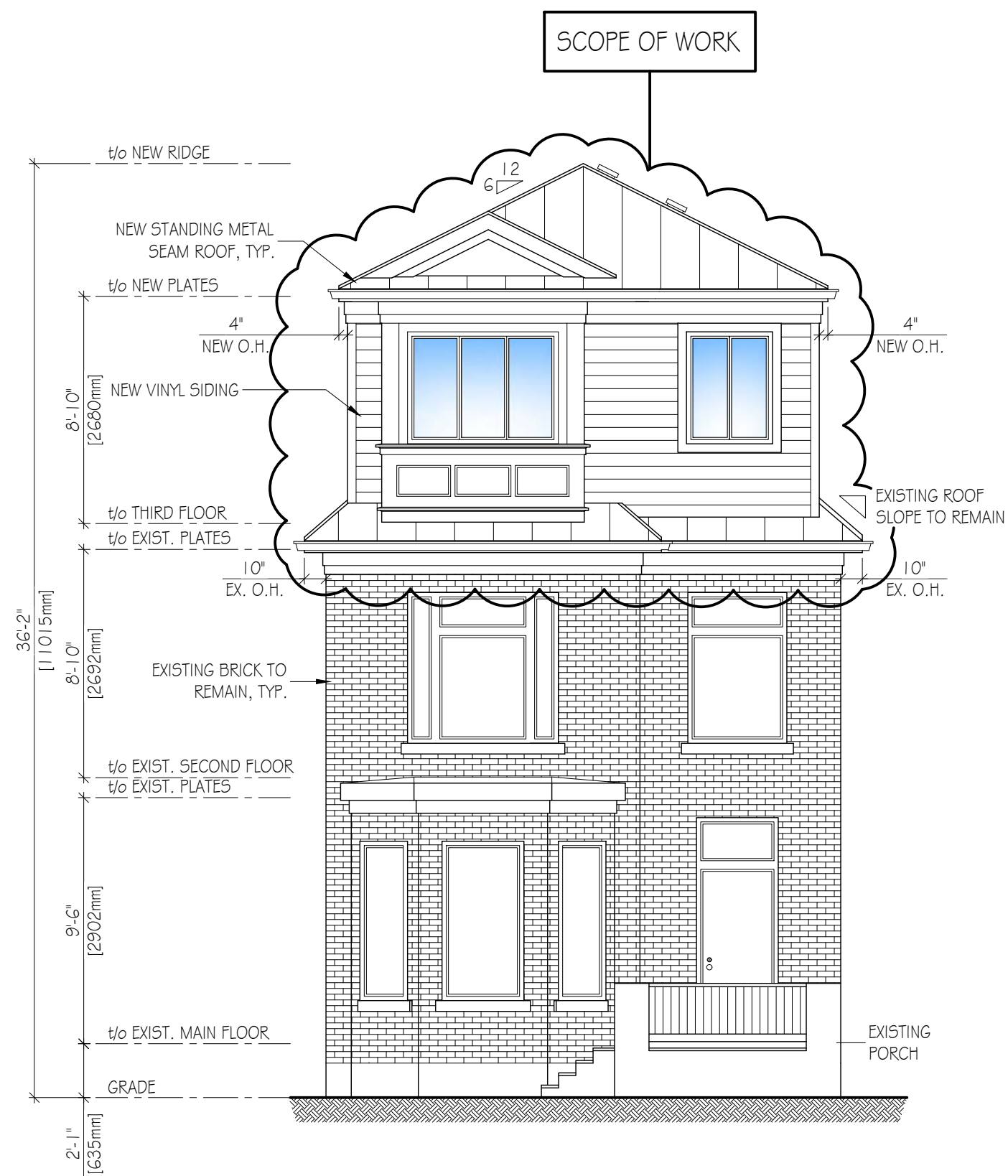
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client		
HOME OWNER		
project		
18 MORDEN STREET HAMILTON, ONTARIO		
PROJECT No. 20-100		
title		
SCOPE OF WORK, GENERAL AND CONSTRUCTION NOTES		
drawn	G.D.	checked C.M.
date	OCTOBER 2020	scale AS NOTED
revision number	0	drawing number A0





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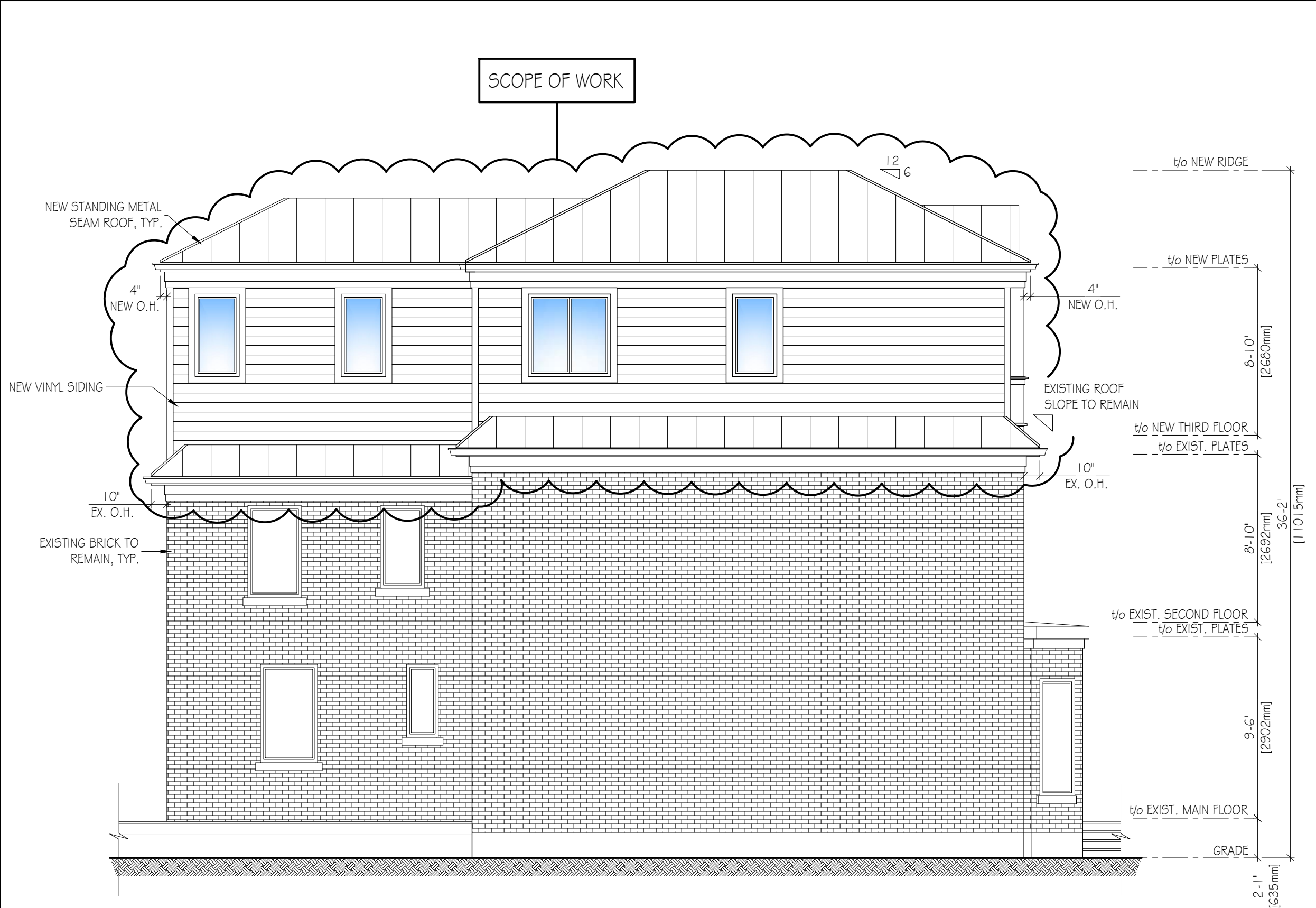
18 MORDEN STREET  
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PROJECT No. 20-100

title

FRONT (SOUTH) ELEVATION

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date	OCTOBER 2020	scale	3/16" = 1'-0"
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HOME OWNER

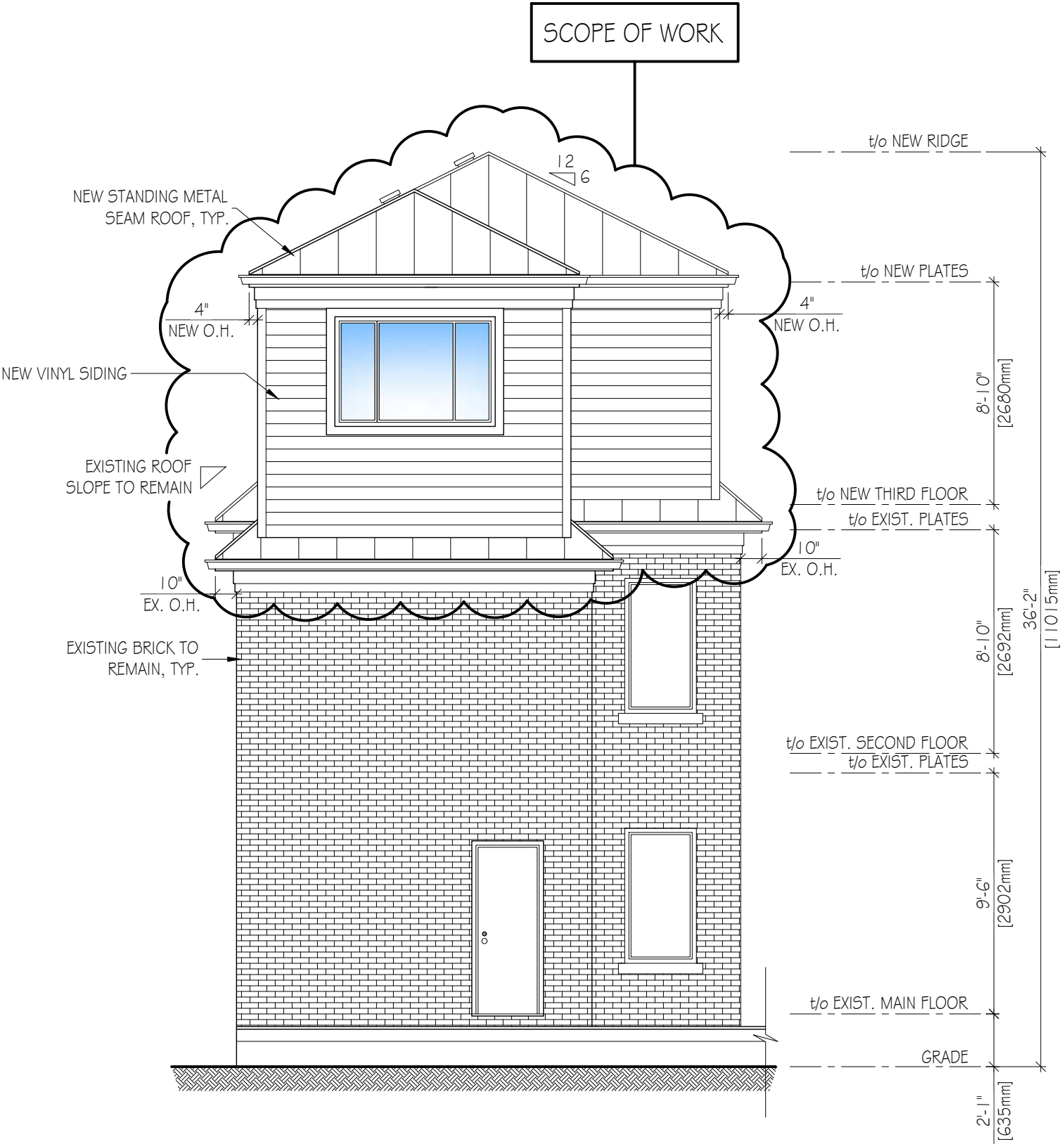
project

18 MORDEN STREET  
HAMILTON, ONTARIO  
  
PROJECT No. 20-100

title

SIDE (WEST) ELEVATION

drawn	G.D.	checked	C.M.
date	OCTOBER 2020	scale	3/16" = 1'-0"
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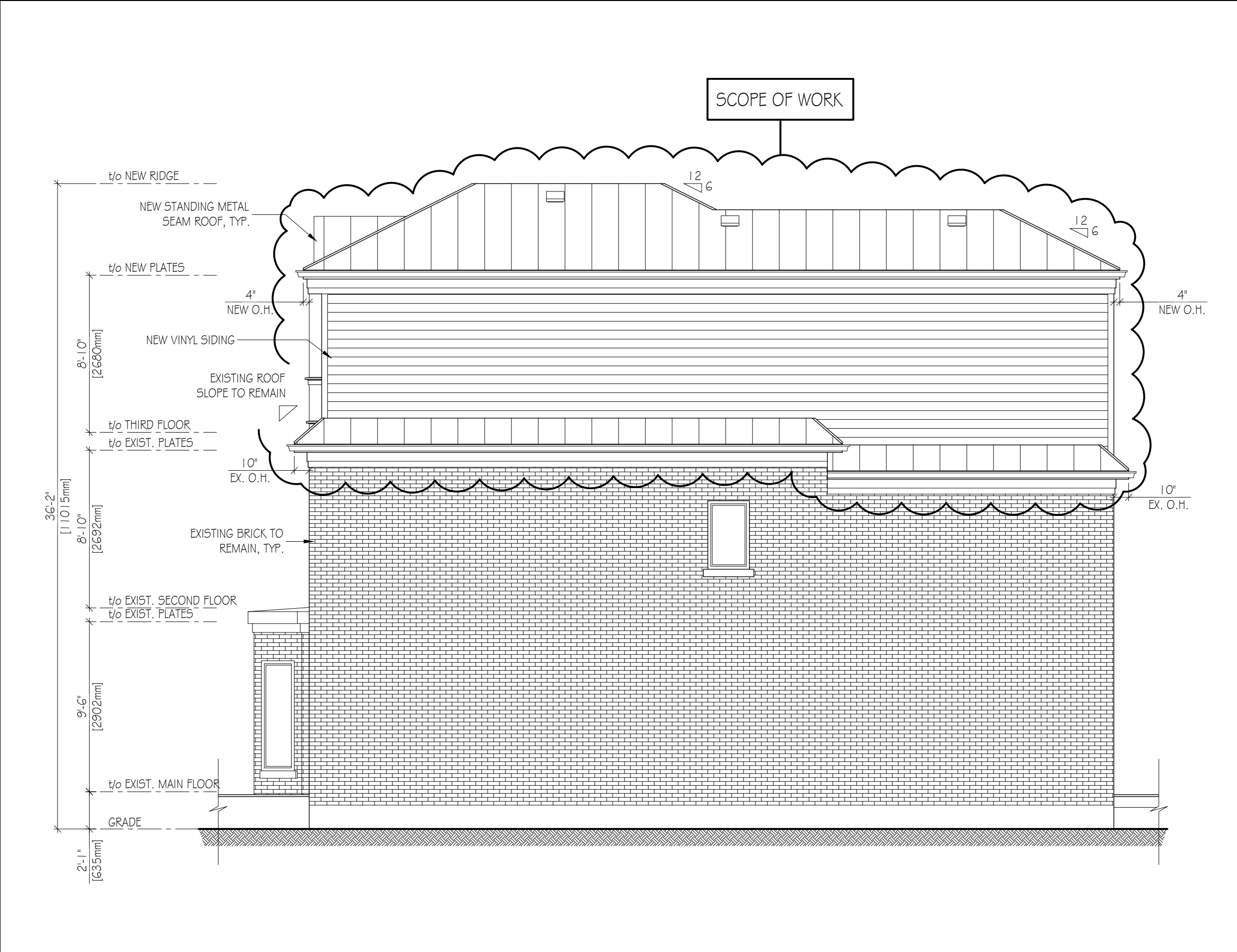
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client	HOME OWNER
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project	18 MORDEN STREET HAMILTON, ONTARIO  PROJECT No. 20-100
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title	REAR (NORTH) ELEVATION
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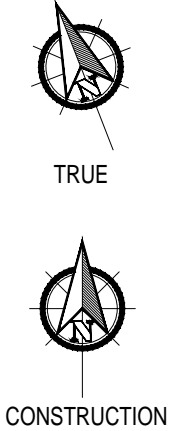
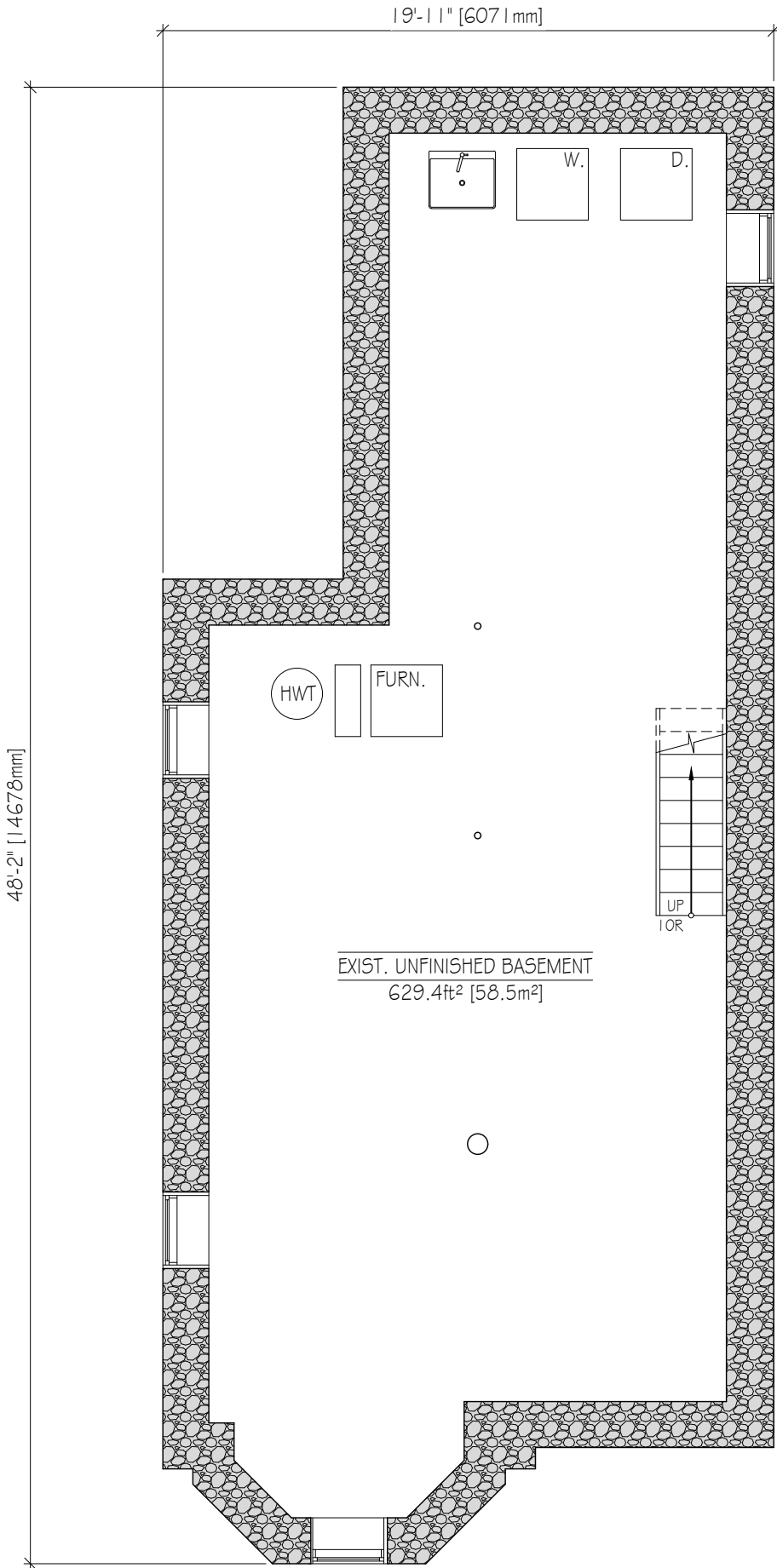


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SIDE (EAST) ELEVATION		
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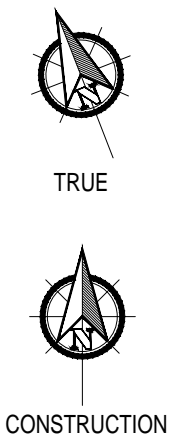
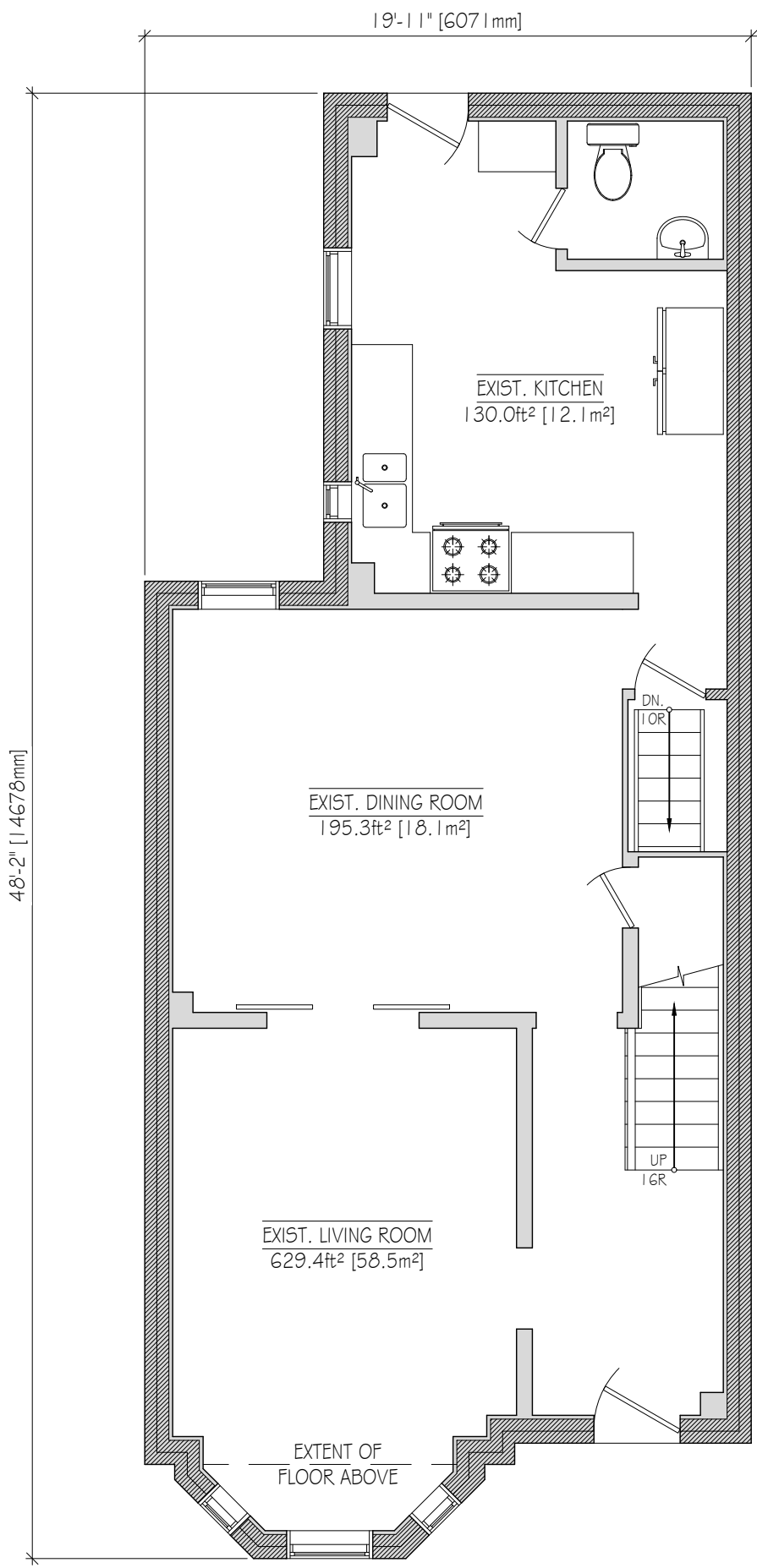
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EXISTING BASEMENT FLOOR PLAN		
drawn	G.D.	checked C.M.
date	OCTOBER 2020	scale 3/16" = 1'-0"
revision number	0	drawing number A6





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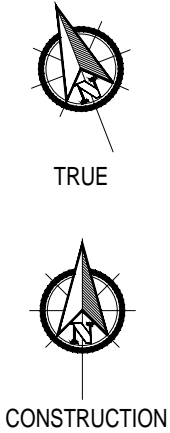
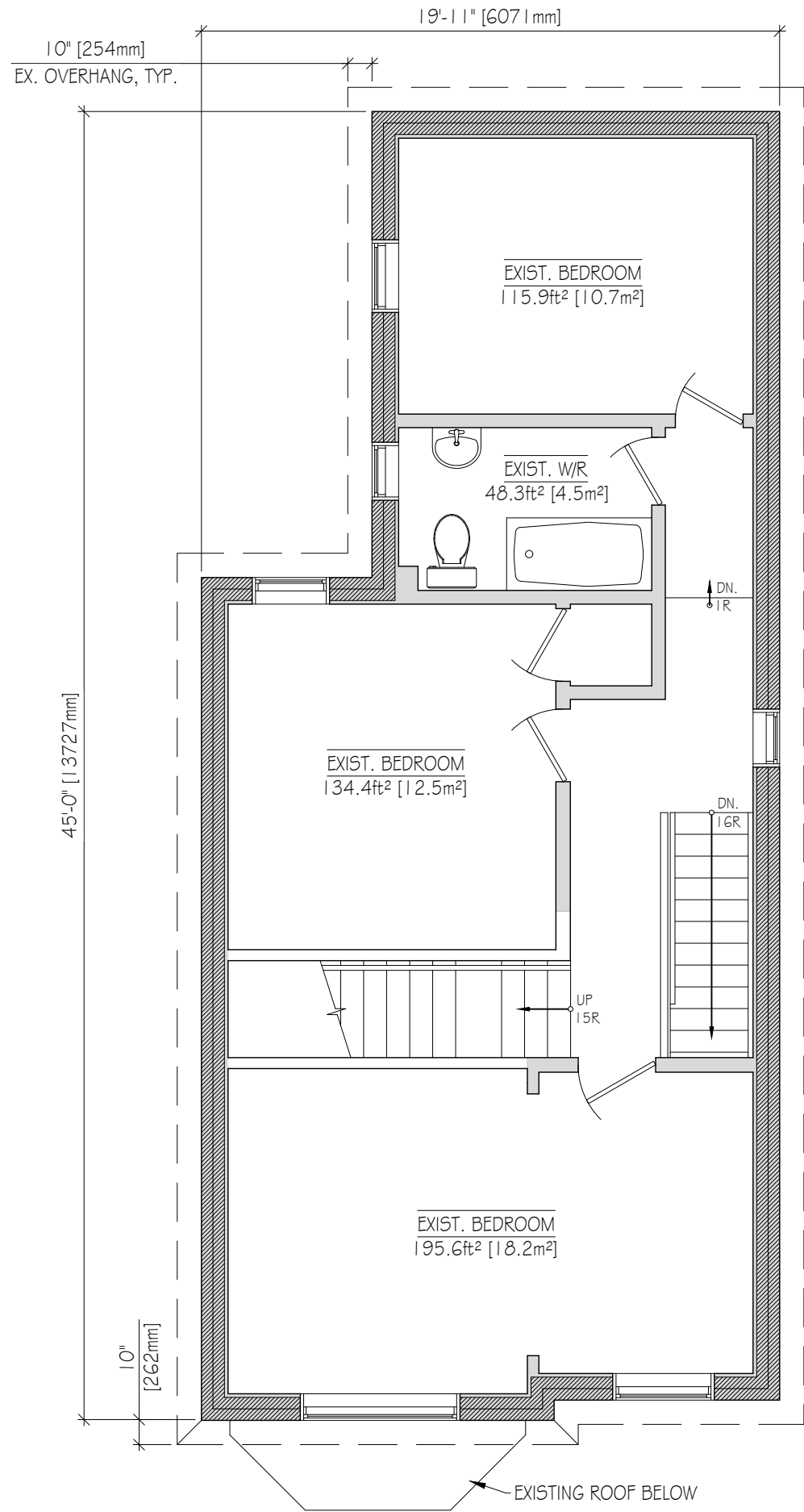
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EXISTING MAIN FLOOR PLAN		
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date	OCTOBER 2020	scale 3/16" = 1'-0"
revision number	0	drawing number A7



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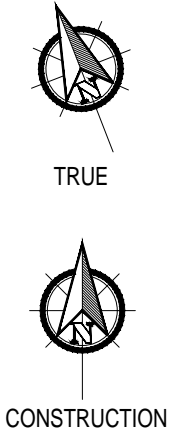
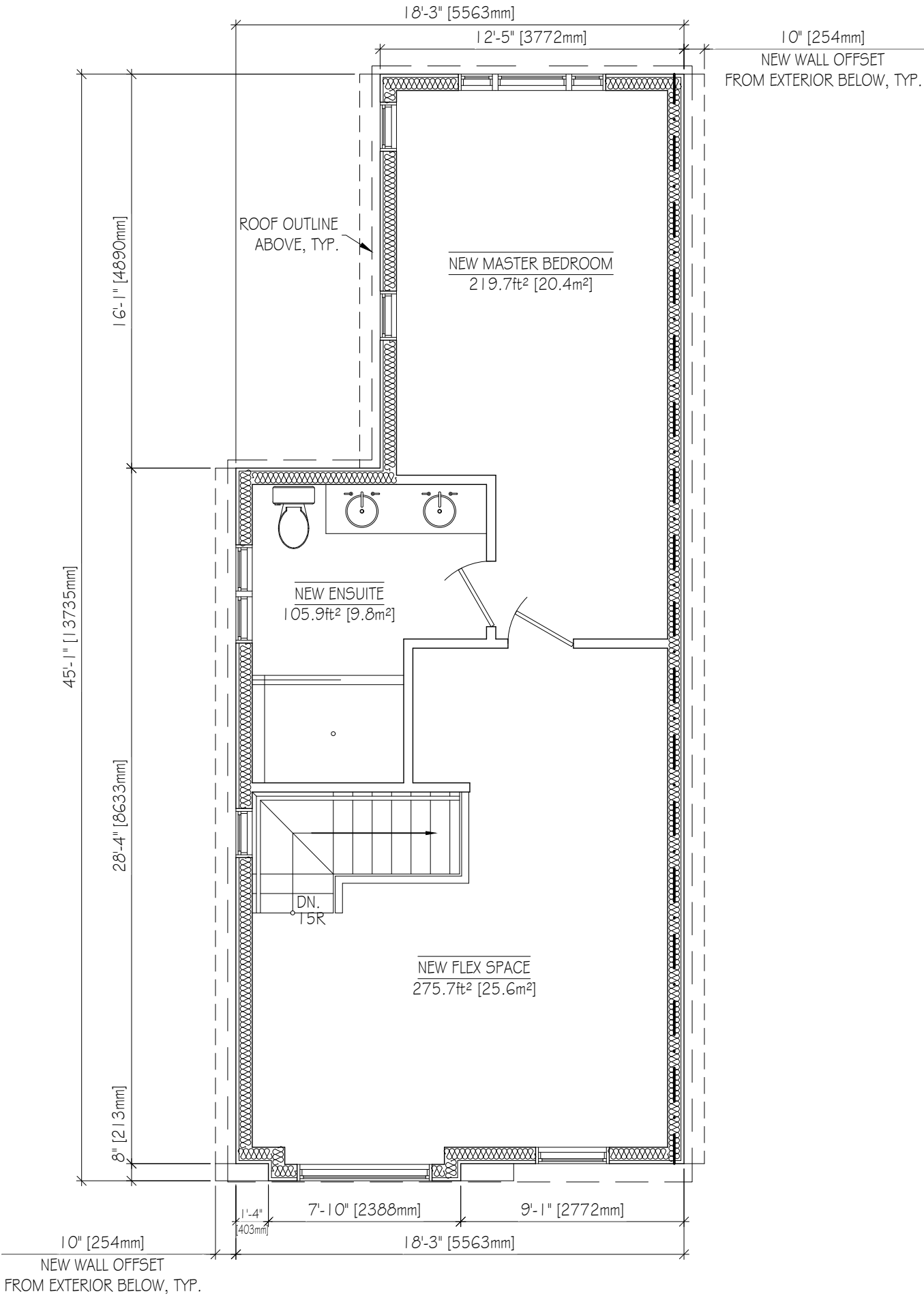
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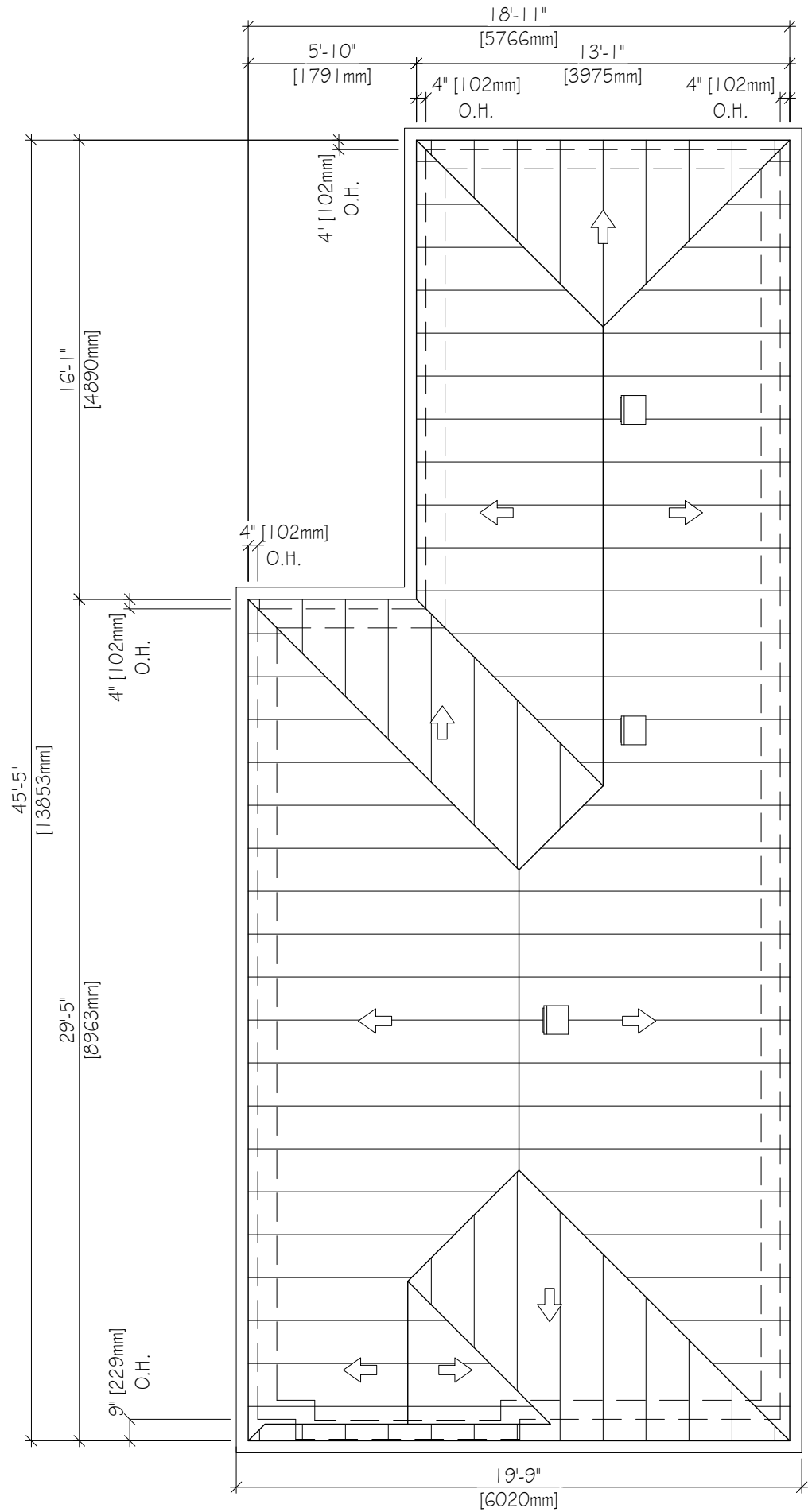
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drawn	G.D.	checked C.M.
date	OCTOBER 2020	scale 3/16" = 1'-0"
revision number	0	drawing number A9



TRUE



CONSTRUCTION

Charles Linsey  
& Associates Limited

37 Main Street South, Tel: (905) 548-7607  
PO Box 1479 Info@charleslinsey.com  
Waterdown, On L0R 2H0 www.charleslinsey.com

THIS DRAWING IS NOT  
TO BE USED AS PART OF A  
BUILDING PERMIT  
APPLICATION

THIS DRAWING IS FOR  
DISCUSSION PURPOSES  
ONLY

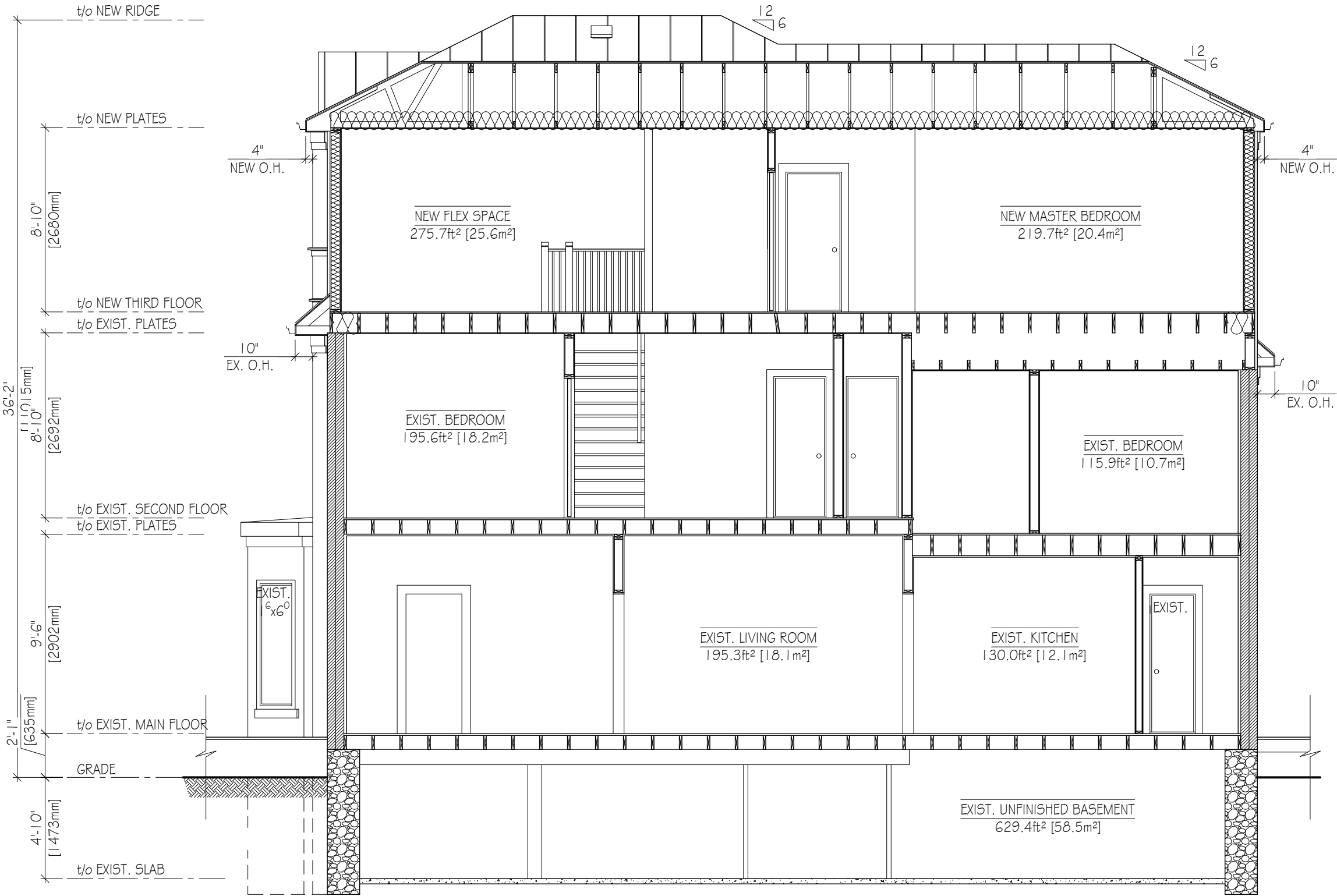
REV.	DESCRIPTION	DATE
0	FOR MINOR VARIANCE APPLICATION	OCT. 13/20

client  
HOME OWNER

project  
18 MORDEN STREET  
HAMILTON, ONTARIO  
PROJECT No. 20-100

title  
PROPOSED ROOF PLAN

drawn	G.D.	checked	C.M.
date	OCTOBER 2020	scale	3/16" = 1'-0"
revision number	0	drawing number	A10



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REV.	DESCRIPTION	DATE
0	FOR MINOR VARIANCE APPLICATION	OCT. 13/20
client		
HOME OWNER		
project		
18 MORDEN STREET HAMILTON, ONTARIO		
PROJECT No. 20-100		
title		
CROSS SECTION		
drawn	G.D.	checked C.M.
date	OCTOBER 2020	scale 3/16" = 1'-0"
revision number	0	drawing number A11

OCT 29 2020

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 \_\_\_\_\_

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.

- Kerri Wilkinson*  
1. Name of Owner DAVID WILKINSON Telephone No. [REDACTED]  
FAX NO. \_\_\_\_\_ E-mail address. [REDACTED]
2. Address [REDACTED]  
[REDACTED] Postal Code [REDACTED]
3. Name of Agent GRAHAM DAY Telephone No. [REDACTED]  
FAX NO. \_\_\_\_\_ E-mail address. [REDACTED]
4. Address [REDACTED]  
[REDACTED] Postal Code [REDACTED]

**Note: Unless otherwise requested all communications will be sent to the**

6. Nature and extent of relief applied for:

### Applying for a third floor addition atop the existing dwelling

Applying for relief from front yard set back from 6m to 1.84m (less than existing 0.91m)

Applying for relief from side yard set backs from 2.7m to 0.25m (less than existing 0.0m)

Applying for relief from rear yard set back from 7.5m to 4.36m (same as existing 4.36m)

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

Existing dwelling already does not comply to the by-law.

The proposed 3rd floor addition is in keeping with the overall dwelling and does not encroach any further than the existing dwelling.

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

Urban Protected Residential - One And Two Family Dwellings, Etc.

D/S - 1787

18 MORDEN STREET

- ## 9. PREVIOUS USE OF PROPERTY

Residential X 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 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   ☒                      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?

Owners knowledge and Google Maps

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.

Oct 20, 2020  
Date

  
Signature Property Owner

Doreen Wilkinson Kemi Wilkinson  
Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>11.7m</u>
Depth	<u>19.92m / 20.03m</u>
Area	<u>221.1m<sup>2</sup></u>
Width of street	<u>6.5m</u>

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: GROUND FLOOR AREA = 76.4m<sup>2</sup>, GROSS FLOOR AREA = 152.8m<sup>2</sup>

(2) STORIES, 9.42m HEIGHT

6m WIDTH, 14.6m LENGTH

Proposed: GROUND FLOOR AREA = 76.4m<sup>2</sup>, GROSS FLOOR AREA = 219.8m<sup>2</sup>



Proposed: FRONT (SOUTH) = 1.84m, REAR (NORTH) = 4.36m  
SIDE (EAST) = 0.25m, SIDE (WEST) = 5.16m

13. Date of acquisition of subject lands:

July 10, 2006

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

1850

15. Existing uses of the subject property: SINGLE FAMILY DWELLING

16. Existing uses of abutting properties: SINGLE FAMILY DWELLINGS

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

on going

18. Municipal services available: (check the appropriate space or spaces)

Water YES

Connected YES

Sanitary Sewer YES

Connected YES

Storm Sewers YES

19. Present Official Plan/Secondary Plan provisions applying to the land:

D/S-1787, S-1787

Urban Protected Residential - One And Two Family Dwellings, Etc.

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 X

If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 50 of the Planning Act?