

## **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.:** AN/A-20:56

**APPLICANTS:** J.H. Cohoon Engineering Limited on behalf of the owner Neven Produce

**SUBJECT PROPERTY:** Municipal address **2928 Governor's Road (Ancaster) City of Hamilton**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended 15-173

**ZONING:** "A1" (Agricultural) district

**PROPOSAL:** To the construction of new greenhouses comprising 4.1 hectares of gross floor area and a new farm labour residence, notwithstanding that:

1. The minimum easterly side yard shall be 7.9 metres instead of the required 15 metre side yard.
2. The minimum westerly side yard shall be 8.2 metres instead of the required 15 metre side yard.
3. A farm labour residence (bunkhouse) shall be permitted to be located within a distance of 400 metres from the existing farm dwelling, instead of the requirement for a farm labour residence to be located within a distance of 30 metres of a farm dwelling.
4. A farm labour residence shall be permitted to utilize a 7.5 metre wide secondary driveway access, instead of the requirement for a farm labour residence to utilize the existing driveway access to the farm dwelling.
5. A farm labour residence shall be permitted to comprise 511 square metres of gross floor area instead of the maximum floor area of 116.2 square metres.

**NOTES:**

1. The proposed greenhouses and bunkhouse are currently under Site Plan Review for site plan application SPAR-18-196. The Site Plan has been revised to address the requested variances; however, it has not yet been formally submitted for further review. Therefore, additional variances may apply.
2. The property was the subject of a previous Committee of Adjustment decision for minor variances (AN/A-07:276) under the former Ancaster Zoning By-law to address increased lot coverage, reduced side yards and the construction of a parking area. These variances were obtained to facilitate Site Plan Application DA-07-196 for the greenhouses that are currently located in the building cluster near the front of the property.

3. The Zoning By-law defines a “Farm Labour Residence” as follows:

*“Farm Labour Residence shall mean accommodation Accessory to Agriculture and on the same lot as an existing permanent principal farm Dwelling, provided for full-time farm labour where the size and nature of the farm operation requires additional employment, in the form of any of the following:*

- a) An Accessory apartment attached to and forming part of the principal farm Dwelling; or,*
- b) An Accessory detached dwelling of temporary construction, such as a mobile home; or,*
- c) An Accessory detached bunk house of temporary construction, where cooking and sanitary facilities are shared.”*

4. The Zoning By-law would permit a maximum height of 10.5 metres for a farm labour residence (bunk house). As Elevation plans were not provided for review for the proposed one storey farm labour residence, the owner shall ensure that the building height is in compliance with this requirement or additional variances will be required.

5. The number of persons to be accommodated within the proposed farm labour residence has not been identified. The Zoning By-law requires a temporary bunkhouse to have a minimum gross floor area of 65.06m<sup>2</sup> or 8.36m<sup>2</sup> per resident, whichever is greater.

6. The site would not require additional parking for the proposed greenhouses and farm labour residence.

7. The portion of the property where the new greenhouses are proposed are under the regulation of the Grand River Conservation Authority and are subject to development permits.

8. The southerly portion of the property along the rear property line is zoned “P7” (Conservation/Hazard) Zone but is outside of the area being developed for new greenhouses.

9. The variances are generally written as requested by the applicant. The variances for side yards for the greenhouses have been written to reflect the setbacks shown on the revised site plan. In addition, the applicant has advised that the gross floor area of the proposed farm labour residence is 511 square metres. A further variance was included to address the second access driveway for the proposed farm labour residence.

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

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**DATE:** Thursday, January 21<sup>st</sup>, 2021

**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](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.

***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 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 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: January 5<sup>th</sup>, 2021.

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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.***

# SITE STATISTICS

ITEM	PROPOSAL	ZONING BYLAW REQUIREMENTS	COMPLIANCE
EXISTING ZONING	A1	A1	✓
LOT AREA (sq. m.)	63.39	63.39	✓
GROUND FLOOR AREA (sq. m.)	EX - 2242.33 PROP. FLOOR - 2242.33 PROP. GARAGE - 100.00	N/A	✓
LOT COVERAGE	63.39	70% MIN.	✓
FRONT YARD (%)	PROP. 418.30	13.0% MIN.	✓
REAR YARD (%)	179.32	13.0% MIN.	✓
SIDE YARD (%)	6.21	13.0% MIN.	✓
NUMBER OF PARKING SPACES	N/A	N/A	✓
NUMBER OF SURFACE PAVED SPACES	N/A	N/A	✓
NUMBER OF LOADING SPACES	N/A	N/A	✓

\*\* LEG. NON-COMPLIANCE

## UNDERSTANDING

1. THE DIRECTOR OF THE LAND, VEGETATION AND SOILS DEPARTMENT (LVS) HAS REVIEWED THE PROPOSAL AND IS OF THE OPINION THAT THE PROPOSAL IS IN ACCORDANCE WITH THE ZONING BYLAW AND THE CITY OF HAMILTON ACT. THE DIRECTOR HAS REVIEWED THE PROPOSAL AND IS OF THE OPINION THAT THE PROPOSAL IS IN ACCORDANCE WITH THE ZONING BYLAW AND THE CITY OF HAMILTON ACT. THE DIRECTOR HAS REVIEWED THE PROPOSAL AND IS OF THE OPINION THAT THE PROPOSAL IS IN ACCORDANCE WITH THE ZONING BYLAW AND THE CITY OF HAMILTON ACT.

## GENERAL NOTES

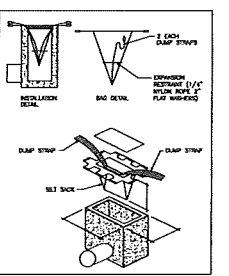
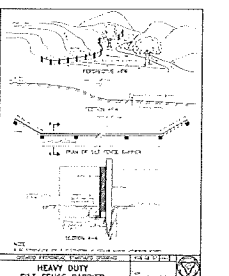
1. ALL ELEVATIONS SHOWN ARE METRIC.  
2. BUILDING/OWNER TO VERIFY COMPLIANCE WITH ZONING BYLAW (A1 ZONING) AND THE CITY OF HAMILTON ACT.  
3. ALL ELEVATIONS SHOWN ARE METRIC.  
4. THE PROPOSAL IS IN ACCORDANCE WITH THE ZONING BYLAW AND THE CITY OF HAMILTON ACT.

## SERVICING NOTES

1. ALL ELEVATIONS SHOWN ARE METRIC.  
2. BUILDING/OWNER TO VERIFY COMPLIANCE WITH ZONING BYLAW (A1 ZONING) AND THE CITY OF HAMILTON ACT.  
3. ALL ELEVATIONS SHOWN ARE METRIC.  
4. THE PROPOSAL IS IN ACCORDANCE WITH THE ZONING BYLAW AND THE CITY OF HAMILTON ACT.

## STORM SYSTEM

NO.	DESCRIPTION	Q	Q <sub>10</sub>	Q <sub>50</sub>	Q <sub>100</sub>
ST1	1.2m P/C CS/AH	227.00	N 224.28	S 224.25	
ST2	1.2m P/C CS/AH	227.00	N 224.28	S 224.25	
ST3	0.6x0.6x1.5m P/C CS	228.80	N 225.45	S 225.42	
ST4	1.2m P/C CS/AH	227.00	N 224.28	S 224.25	
ST5	0.6x0.6x1.5m P/C CS	228.80	N 225.45	S 225.42	
ST6	1.2m P/C CS/AH	227.00	N 224.28	S 224.25	
ST7	1.2m P/C CS/AH	227.00	N 224.28	S 224.25	
ST8	0.6x0.6x1.5m P/C CS	228.80	N 225.45	S 225.42	
ST9	1.2m P/C CS/AH	227.00	N 224.28	S 224.25	
ST10	0.6x0.6x1.5m P/C CS	228.80	N 225.45	S 225.42	
ST11	1.2m P/C CS/AH	227.00	N 224.28	S 224.25	
ST12	1.2m P/C CS/AH	227.00	N 224.28	S 224.25	
ST13	1.2m P/C CS/AH	227.00	N 224.28	S 224.25	



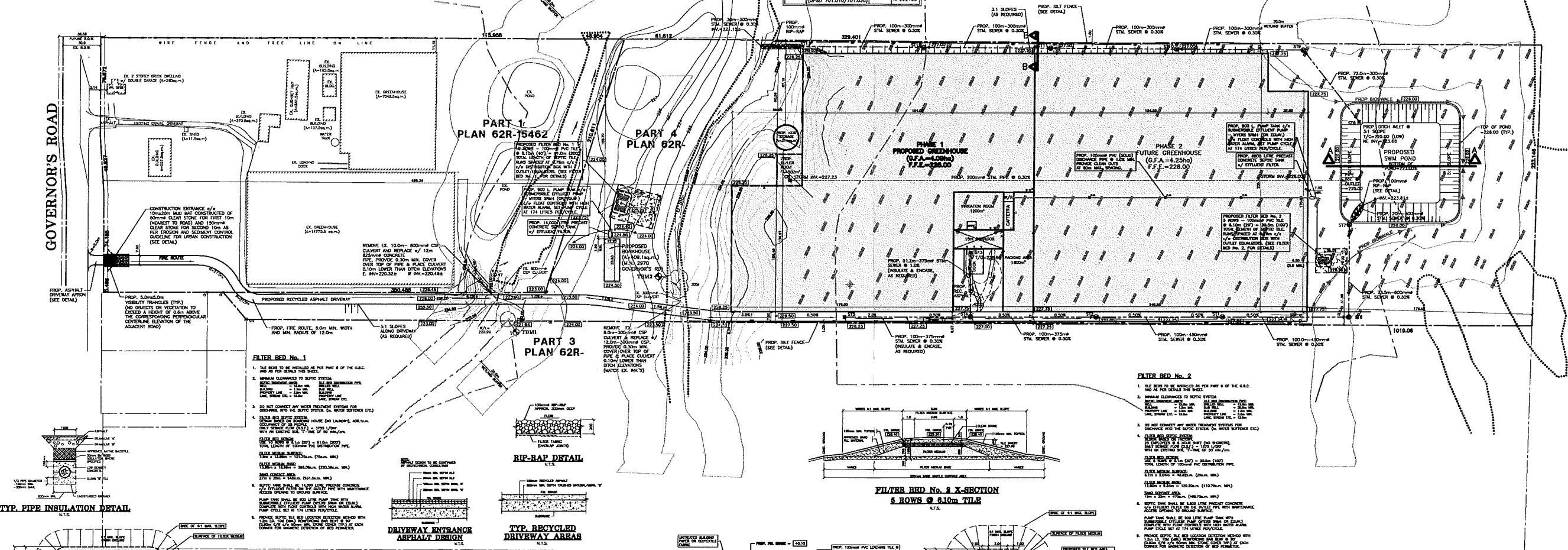
## SILTATION NOTES

1. ALL ELEVATIONS SHOWN ARE METRIC.  
2. BUILDING/OWNER TO VERIFY COMPLIANCE WITH ZONING BYLAW (A1 ZONING) AND THE CITY OF HAMILTON ACT.  
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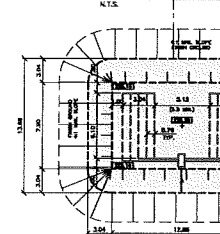
## MUD MAT DETAIL



GOVERNOR'S ROAD



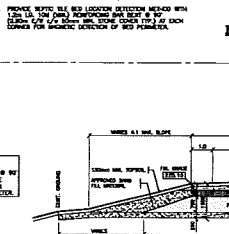
## TYP. PIPE INSULATION DETAIL



## DOUBLE FILTER BED No. 1 PLAN DETAIL

10 ROWS @ 610mm TILE

## DOUBLE FILTER BED No. 1 X-SECTION



## DOUBLE FILTER BED No. 1 X-SECTION

10 ROWS @ 610mm TILE

## DRIVEWAY ENTRANCE ASPHALT DESIGN

## TYP. RECYCLED DRIVEWAY ARRAYS

N.T.S.

## RIP-RAP DETAIL

## DOUBLE FILTER BED No. 1 & 2 SECTION DETAIL

N.T.S.

## DOUBLE FILTER BED No. 2 X-SECTION

## DOUBLE FILTER BED No. 2 X-SECTION

5 ROWS @ 610mm TILE

## DOUBLE FILTER BED No. 2 PLAN DETAIL

## DOUBLE FILTER BED No. 2 PLAN DETAIL

5 ROWS @ 610mm TILE

## DOUBLE FILTER BED No. 2 X-SECTION

## DOUBLE FILTER BED No. 2 X-SECTION

5 ROWS @ 610mm TILE

## DOUBLE FILTER BED No. 2 PLAN DETAIL

## DOUBLE FILTER BED No. 2 PLAN DETAIL

5 ROWS @ 610mm TILE

## DOUBLE FILTER BED No. 2 X-SECTION

## DOUBLE FILTER BED No. 2 X-SECTION

5 ROWS @ 610mm TILE

## LEGEND

- EXISTING ELEVATIONS
- EXISTING ELEVATIONS (BY OTHERS)
- PROPOSED ELEVATIONS
- PROPOSED SHALE ELEVATIONS
- PROPOSED SHALE
- GENERAL DRAINAGE
- PROPOSED SILT CONTROL FENCE
- PROPOSED SILT SACK AS SHOWN
- G.R.C.A. REGULATION LIMIT
- G.R.C.A. WETLAND LIMIT
- PROPOSED BOUNDARY

## NOTES

- ALL ELEVATIONS SHOWN ARE METRIC.
- BUILDING/OWNER TO VERIFY COMPLIANCE WITH ZONING BYLAW (A1 ZONING) AND THE CITY OF HAMILTON ACT.
- THE SUBJECT PROPERTY HAS BEEN DETERMINED TO BE AN AREA OF ARCHAEOLOGICAL INTEREST. IT IS THE RESPONSIBILITY OF THE BUILDING/OWNER TO CONDUCT AN ARCHAEOLOGICAL ASSESSMENT PRIOR TO CONSTRUCTION. THE BUILDING/OWNER SHALL BE RESPONSIBLE FOR THE COST OF THE ASSESSMENT AND ANY NECESSARY MITIGATION MEASURES.

## T.B.M. No. 1 ELEV. = 222.08m (GEO)

VAL. N 300°-4° FREE ON SUBJECT PROPERTY AS SHOWN

## T.B.M. No. 2 ELEV. = 223.24m (GEO)

VAL. N 300°-4° FREE ON SUBJECT PROPERTY AS SHOWN

NO.	EXTEND GREENHOUSE 5.0m TO EAST	01/10/20	S.L.M.
10 <td>EXTEND GREENHOUSE 5.0m TO EAST<td>01/10/20<td>S.L.M.</td></td></td>	EXTEND GREENHOUSE 5.0m TO EAST <td>01/10/20<td>S.L.M.</td></td>	01/10/20 <td>S.L.M.</td>	S.L.M.
9 <td>BUNK HOUSE SIZE<td>01/29/20<td>S.L.M.</td></td></td>	BUNK HOUSE SIZE <td>01/29/20<td>S.L.M.</td></td>	01/29/20 <td>S.L.M.</td>	S.L.M.
8 <td>AS PER CITY COMMENTS<td>01/07/20<td>S.L.M.</td></td></td>	AS PER CITY COMMENTS <td>01/07/20<td>S.L.M.</td></td>	01/07/20 <td>S.L.M.</td>	S.L.M.
7 <td>SILT FENCE<td>10/16/19<td>S.L.M.</td></td></td>	SILT FENCE <td>10/16/19<td>S.L.M.</td></td>	10/16/19 <td>S.L.M.</td>	S.L.M.
6 <td>NEW BUILDING/POND LAYOUT<td>08/18/19<td>S.L.M.</td></td></td>	NEW BUILDING/POND LAYOUT <td>08/18/19<td>S.L.M.</td></td>	08/18/19 <td>S.L.M.</td>	S.L.M.
5 <td>AS PER CITY COMMENTS<td>09/22/19<td>S.L.M.</td></td></td>	AS PER CITY COMMENTS <td>09/22/19<td>S.L.M.</td></td>	09/22/19 <td>S.L.M.</td>	S.L.M.
4 <td>BURKHOFER LOCATION/DIM'S<td>01/31/19<td>S.L.M.</td></td></td>	BURKHOFER LOCATION/DIM'S <td>01/31/19<td>S.L.M.</td></td>	01/31/19 <td>S.L.M.</td>	S.L.M.
3 <td>NOTES/DETAILS<td>01/29/19<td>S.L.M.</td></td></td>	NOTES/DETAILS <td>01/29/19<td>S.L.M.</td></td>	01/29/19 <td>S.L.M.</td>	S.L.M.
2 <td>DRIVEWAY LOCATION<td>11/15/18<td>S.L.M.</td></td></td>	DRIVEWAY LOCATION <td>11/15/18<td>S.L.M.</td></td>	11/15/18 <td>S.L.M.</td>	S.L.M.
1 <td>CONVERT NOTE<td>10/17/18<td>S.L.M.</td></td></td>	CONVERT NOTE <td>10/17/18<td>S.L.M.</td></td>	10/17/18 <td>S.L.M.</td>	S.L.M.
0 <td>REVISION<td>(N/A/27/17)<td>BY</td></td></td>	REVISION <td>(N/A/27/17)<td>BY</td></td>	(N/A/27/17) <td>BY</td>	BY

440 HURON ROAD, UNIT #1, WHITSTOWN - ONTARIO, M3T 5J8  
TEL: (919) 753-2856 FAX: (919) 753-4263 www.jhcohoon.com

PROPOSED  
SITE ALTERATIONS  
PART OF LOT 22, CONC. 1  
2928 GOVERNOR'S ROAD  
GEOGRAPHIC TOWNSHIP OF ANCASTER  
CITY OF HAMILTON

CLIENT: JAMES NEVEN

## SITE DEVELOPMENT PLAN

DA-07-196

DESIGN	R.W.P.	SCALE	1:1250
DESIGNED BY	K.P.B./I.A.C.	DATE	11511
CHECKED BY	R.W.P.	DATE	11511-1
SHEET	1 of 1	DATE	11511-1
DATE	JAN. 25/18		

20.152242



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.**

<b>FOR OFFICE USE ONLY.</b>	
APPLICATION NO. <u>AN/A-20:56</u>	DATE APPLICATION RECEIVED <u>Feb. 12/20</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON  
COMMITTEE OF ADJUSTMENT  
HAMILTON, ONTARIO**

**The Planning Act**

**Application for Minor Variance or for Permission**

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner Neven Produce Telephone No. [REDACTED]

[REDACTED]  
[REDACTED]

Postal Code [REDACTED]

3. Name of Agent J H Cohoon Engineering Limited Telephone No. [REDACTED]

[REDACTED]  
[REDACTED]

Postal Code [REDACTED]

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

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

Unknown

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

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

6. Nature and extent of relief applied for:  
Three Variances - 1.Reduction in the side yard to 5m  
2. To permit a bunkhouse that is 12.2m x 33.53+/-  
3. To permit the bunkhouse to be greater than 30m from the main residence
7. Why it is not possible to comply with the provisions of the By-law?  
The configuration of the site is such that the variances are required to suit the proposal
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):  
2928 Governors Rd
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 X \_\_\_\_\_ Unknown \_\_\_\_\_

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

Personal Knowledge

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes \_\_\_\_\_ No X \_\_\_\_\_

#### ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

February 10, 2020

Date

  
Signature Property Owner

James Nevin  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 202.37 m

Depth 556.935 m

Area 11.7 +/- ha.

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: The proposal is to construct a greenhouse in addition to the existing greenhouses with a total area of ..... sq.m.

Proposed: See above and attached site plan

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

Existing: Refer to attached site plan.

Proposed: Refer to attached site plan.

13. Date of acquisition of subject lands:  
Unknown > 10 years ago
14. Date of construction of all buildings and structures on subject lands:  
Unknown
15. Existing uses of the subject property: Agriculture -
16. Existing uses of abutting properties: Agricultural
17. Length of time the existing uses of the subject property have continued:  
> 10 years
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:  
Agriculture -
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Agriculture
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 53 of The Planning Act?  
Yes No ☒ X
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, R W Phillips \_\_\_\_\_ of the City \_\_\_\_\_ of  
Brantford \_\_\_\_\_ in the County \_\_\_\_\_ of Brant \_\_\_\_\_

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 City \_\_\_\_\_ of Brantford \_\_\_\_\_ )  
in the County \_\_\_\_\_ )  
of Brant \_\_\_\_\_ )  
this 10th day of February \_\_\_\_\_ A.D. 20 20 )

  
Applicant

\_\_\_\_\_  
A Commissioner, etc.

**PART 25 OWNERS AUTHORIZATION**

As of the date of this application, I (NAME) J. Neven, Neven Produce \_\_\_\_\_ am the 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: R W Phillips \_\_\_\_\_ of J H Cohoon Engineering Limited \_\_\_\_\_

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 February 10, 2020 \_\_\_\_\_ SIGNED \_\_\_\_\_

**PART 26 CONSENT OF THE OWNER**

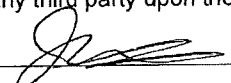
Complete the consent of the owner concerning personal information set out below.

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 to the City.

I, J. Neven, Neven Produce \_\_\_\_\_, 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.

February 10, 2020 \_\_\_\_\_  


**PART 24 AFFIDAVIT OR SWORN DECLARATION**

This declaration to be sworn by a Commissioner of Oaths.

I, R W Phillips of the City of Brantford in the County of Brant

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 City of Brantford )

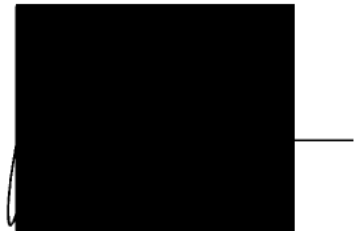
in the County )

of Brant )

this 10th day of February A.D. 20 20 )



A Commissioner, etc.



**SUSAN LYNNE KOZEY,**  
a Commissioner, etc., Province of Ontario,  
for J. H. Cohoon Engineering Limited.  
Expires April 29, 2021.

**PART 25 OWNERS AUTHORIZATION**

As of the date of this application, I (NAME) J. Neven, Neven Produce am the 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:

R W Phillips of J H Cohoon Engineering Limited

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 February 10, 2020 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 to the City.

I, J. Neven, Neven Produce, 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

**PART 27 PERMISSION TO ENTER**

Date: February 10, 2020

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


Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 2928 GOVERNOR'S RD RR 2, Lynden, Ontario

(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 purposes of evaluating the merits of this application.

  
\_\_\_\_\_  
Signature of Owner or Authorized agent

J Neven, Neven Produce

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, 1<sup>st</sup> floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1324.

CITY OF HAMILTON  
COST ACKNOWLEDGEMENT AGREEMENT

This Agreement made this 10th day of February, 20 20.

BETWEEN:

J. Neven, Neven Produce  
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 Ontario Municipal Board, 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 Feb 10, 2020 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 Ontario Municipal Board by a party other than the developer; and (c) the City appears before the Ontario Municipal Board 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 Ontario Municipal Board 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 Ontario Municipal Board.
- 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 Ontario Municipal Board 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 Lynden this 10th day of February, 20 20.

\_\_\_\_\_  
WITNESS

  
Per: James Newlin  
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

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

DATED at \_\_\_\_\_ this 10th day of February, 20 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 10th day of February 20 20.

**BETWEEN**

J. Neven, Neven Produce  
(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**



c/s

Owner: J. Neven, Neven Produce  
Title: *President/owner*  
I have authority to bind the corporation

c/s

Assignee:  
Title:  
I have authority to bind the corporation

**CITY OF HAMILTON**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk