



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

### **NOTICE OF PUBLIC HEARING** **Consent/Land Severance**

**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

<b>APPLICATION NO.:</b>	<b>HM/B-22:56</b>	<b>SUBJECT PROPERTY:</b>	389-427 LIMERIDGE ROAD E, HAMILTON
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**APPLICANTS:** Agent Urban Solutions – M. Johnston  
Purchaser Wilson St. Ancaster Inc.

**PURPOSE & EFFECT:** To permit the conveyance of a vacant parcel of land for the future development of semi-detached residential dwelling and to retain a parcel of land for the future development of semi-detached residential dwelling.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	7.96 m <sup>±</sup>	30.48 m <sup>±</sup>	242.62 m <sup>2±</sup>
<b>RETAINED LANDS:</b>	8.75 m <sup>±</sup>	30.48 m <sup>±</sup>	254.66 m <sup>2±</sup>

Associated Planning Act File(s): HM/B-22:46, HM/B-22:47, HM/B-22:48, HM/B-22:49, HM/B-22:50, HM/B-22:51, HM/B-22:52, HM/B-22:53, HM/B-22:54, HM/B-22:55

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

<b>DATE:</b>	<b>Thursday, June 23, 2022</b>
<b>TIME:</b>	<b>2:35 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

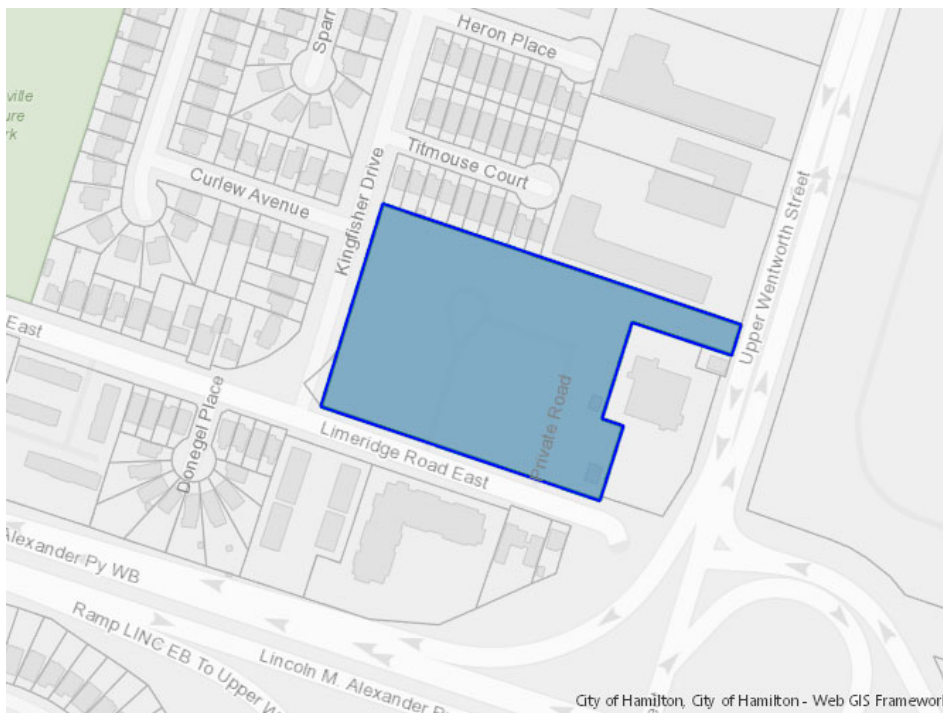
For more information on this matter, including access to drawings illustrating this request and other information submitted:

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

## 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.



DATED: June 7, 2022

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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, and may include posting electronic versions..

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of

**HM/B-22:56**

Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.

## **PARTICIPATION PROCEDURES**

### **Written Submissions**

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comments can also be placed in the drop box which is located at the back of the 1st Floor of City Hall, 71 Main Street West. All comments received by noon two business days before the meeting will be forwarded to the Committee members.

Comments are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### **Oral Submissions During the Virtual Meeting**

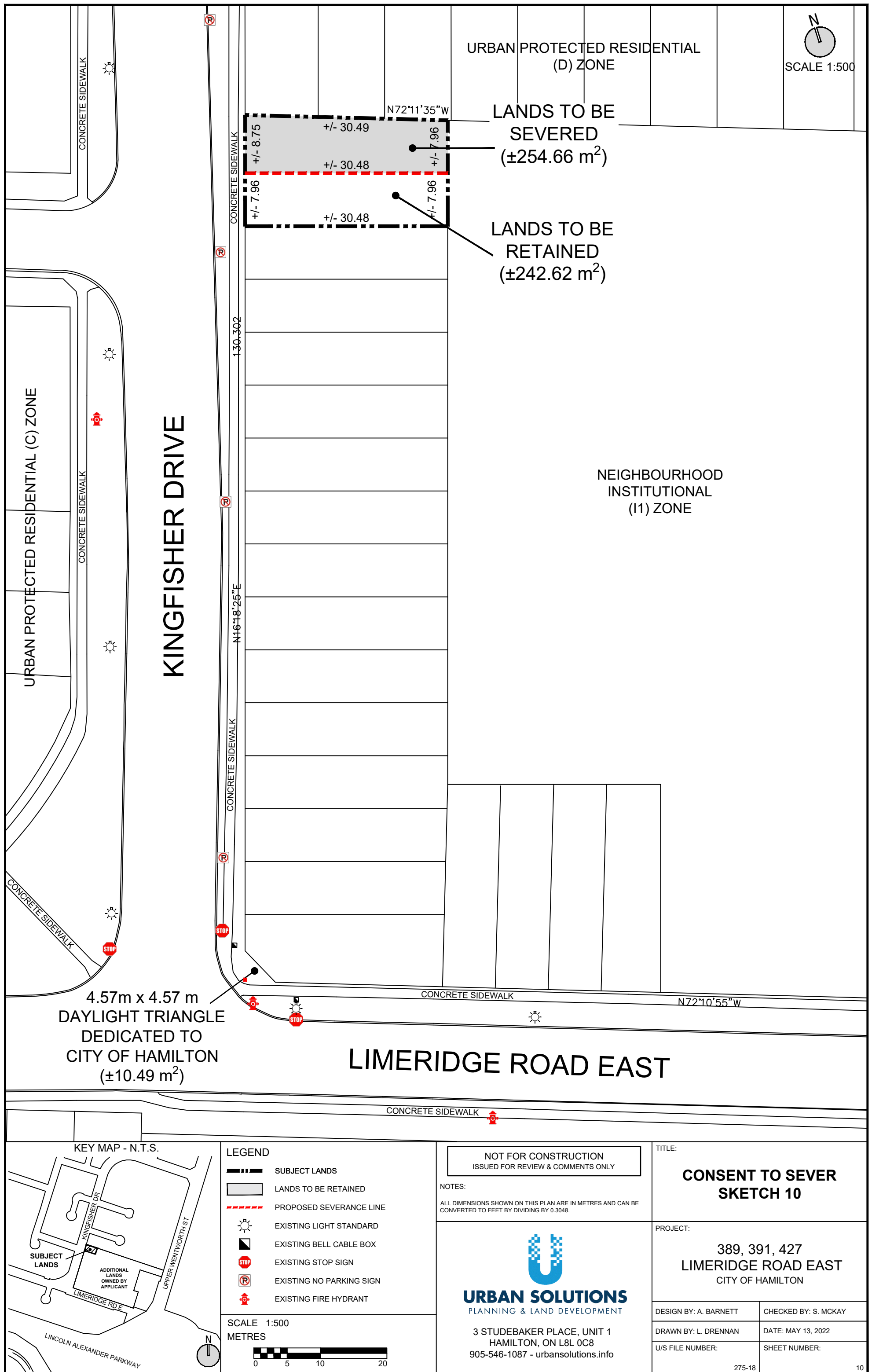
Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before the hearing.**

To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via phone or video, and if applicable the phone number they will be using to call in. A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.





## APPLICATION NO. 10

### Committee of Adjustment

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

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

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
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#### 1 APPLICANT INFORMATION

	NAME	MAILING ADDRESS
<b>Purchaser*</b>	Wilson St. Ancaster Inc.	
<b>Registered Owners(s)</b>	Jewish Congregation Anshe-Sholem, the Anshe-Sholem Trustee c/o Marla Frank-Davis	
<b>Applicant(s)**</b>	Wilson St. Ancaster Inc.	
<b>Agent or Solicitor</b>	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston	

**\*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application. (O. Reg. 786/21)**

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

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

#### 2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality City of Hamilton	Lot Part of 11	Concession Concession 6	Former Township Township of Barton
Registered Plan N°.	Lot(s)	Reference Plan N°. 62R-21681	Part(s) Part 1 & 2
Municipal Address 391, 389 & 427 Limeridge Rd. East, Hamilton ON			Assessment Roll N°. 07083309010 + 07083308

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:

N/A

### 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 also be completed):

☐ creation of a new lot

☐ creation of a new non-farm parcel

(i.e. a lot containing a surplus farm dwelling  
resulting from a farm consolidation)

☐ addition to a lot

Other: ☐ a charge

☐ a lease

☐ a correction of title

☐ an easement

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

Wilson St. Ancaster Inc.

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

N/A

### 4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be Severed (lease, easement, charge etc.):

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
+/-7.96m Kingfisher Drive	+/-30.48m	+/-242.62 m <sup>2</sup>

Existing Use of Property to be severed:

☐ Residential

☐ Agriculture (includes a farm dwelling)

☒ Other (specify) Surplus lands owned by the Temple Anshe-Sholem

☐ Industrial

☐ Agricultural-Related

☐ Commercial

☐ Vacant

Proposed Use of Property to be severed:

☒ Residential

☐ Agriculture (includes a farm dwelling)

☐ Other (specify) \_\_\_\_\_

☐ Industrial

☐ Agricultural-Related

☐ Commercial

☐ Vacant

Building(s) or Structure(s):

Existing: N/A

Proposed: Semi-detached residential dwelling units.

Existing structures to be removed: N/A

Type of access: (check appropriate box)

☐ provincial highway

☐ municipal road, seasonally maintained

☒ municipal road, maintained all year

☐ right of way

☐ other public road

Type of water supply proposed: (check appropriate box)

☒ publicly owned and operated piped water system

☐ privately owned and operated individual well

☐ lake or other water body

☐ other means (specify) \_\_\_\_\_

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)

**4.2 Description of land intended to be Retained (remainder):**

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
+/- 8.75 mKingfisher Drive	+/-30.48m	+/- 254.66m <sup>2</sup>

Certificate Request for Retained Lands: ☐ Yes\*

\* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)

Existing Use of Property to be retained:

- ☐ Residential  
☐ Agriculture (includes a farm dwelling)  
☒ Other (specify) Active Cemetery Lands
- ☐ Industrial  
☐ Agricultural-Related
- ☐ Commercial  
☐ Vacant

Proposed Use of Property to be retained:

- ☒ Residential  
☐ Agriculture (includes a farm dwelling)  
☐ Other (specify)
- ☐ Industrial  
☐ Agricultural-Related
- ☐ Commercial  
☐ Vacant

Building(s) or Structure(s):

Existing: N/A

Proposed: Semi-detached residential dwelling

Existing structures to be removed: N/A

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

- ☒ publicly owned and operated piped water system  
☐ privately owned and operated individual well
- ☐ lake or other water body  
☐ other means (specify)

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)

**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): N/A

Urban Hamilton Official Plan designation (if applicable): Neighbourhoods Designation

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

The subject lands are designated Neighbourhoods in the Urban Hamilton Official Plan. Residential intensification within Neighbourhoods is part of the evolution of a neighbourhood and is encouraged at a range of scales and densities. Section 2.6.2 notes that neighbourhoods shall primarily consist of residential uses and complimentary facilities and services, and Section 2.6.4 encourages a full range of housing forms, types and tenure.

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) \_\_\_\_\_

4.2 Description of land intended to be **Retained (remainder)**:

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
+/- 7.96m & +/- 8.75 mKingfisher Drive	+/- 30.48m	+/- 242.62 m <sup>2</sup> & +/- 254.66m <sup>2</sup>

Certificate Request for Retained Lands: ☐ Yes\*

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Existing Use of Property to be retained:

- ☐ Residential  
☐ Agriculture (includes a farm dwelling)  
☒ Other (specify) Active Cemetery Lands
- ☐ Industrial  
☐ Agricultural-Related
- ☐ Commercial  
☐ Vacant

Proposed Use of Property to be retained:

- ☒ Residential  
☐ Agriculture (includes a farm dwelling)  
☐ Other (specify) \_\_\_\_\_
- ☐ Industrial  
☐ Agricultural-Related
- ☐ Commercial  
☐ Vacant

Building(s) or Structure(s):

Existing: N/A

Proposed: Semi-detached residential dwelling

Existing structures to be removed: N/A

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

- ☒ publicly owned and operated piped water system  
☐ privately owned and operated individual well
- ☐ lake or other water body  
☐ other means (specify) \_\_\_\_\_

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) \_\_\_\_\_

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?

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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? Neighbourhood Institutional (11) Zone in the City of Hamilton Zoning By-law No. 05-200

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

\*Complete MDS Data Sheet if applicable

6 PREVIOUS USE OF PROPERTY

- ☐ Residential      ☐ Industrial      ☐ Commercial  
☐ Agriculture      ☐ Vacant      ☒ Other (specify)

- 6.1 If Industrial or Commercial, specify use N/A (cemetery plus surplus lands)
- 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?  
Consultation with owner.
- 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  
This application is in keeping with Section 53(1) of the Planning Act, R.S.O., 1990 as amended, as a plan of subdivision of the land is not necessary for proper and orderly development.
- b) Is this application consistent with the Provincial Policy Statement (PPS)?  
☒ Yes ☐ No (Provide explanation)  
This application is in keeping with the Provincial Policy Statement as it supports the implementation of More Homes, More Choice, which encourages an increase in the mix and supply of housing. Furthermore, Section 1.1.1 supports
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?  
☒ Yes ☐ No (Provide explanation)  
This application exemplifies the Growth Plan's guiding principles including prioritizing intensification and supporting a range and mix of housing options. Section 2.2.1 provides policy direction as to where municipalities should grow, and
- 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  
N/A
- 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)  
N/A
- 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)  
N/A
- 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)

N/A

## 8 HISTORY OF THE SUBJECT LAND

8.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?

☐ Yes ☒ No ☐ Unknown

If YES, and known, indicate the appropriate application file number and the decision made on the application.

N/A

8.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

N/A

8.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land? ☐ Yes ☒ No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

N/A

8.4 How long has the applicant owned the subject land?

150+ years

8.5 Does the applicant own any other land in the City? ☒ Yes ☐ No

If YES, describe the lands in "11 - Other Information" or attach a separate page.

N/A

## 9 OTHER APPLICATIONS

9.1 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval? ☐ Yes ☒ No ☐ Unknown

If YES, and if known, specify file number and status of the application.

N/A

9.2 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?

☐ Yes ☒ No ☐ Unknown

If YES, and if known, specify file number and status of the application(s).

File number N/A Status N/A

## 10 RURAL APPLICATIONS

10.1 Rural Hamilton Official Plan Designation(s)

☐ Agricultural ☐ Rural ☐ Specialty Crop  
☐ Mineral Aggregate Resource Extraction ☐ Open Space ☐ Utilities  
☐ Rural Settlement Area (specify) \_\_\_\_\_

Settlement Area

Designation

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm operation.

**10.2 Type of Application** (select type and complete appropriate sections)

- ☐ Agricultural Severance or Lot Addition  
☐ Agricultural Related Severance or Lot Addition  
☐ Rural Resource-based Commercial Severance or Lot Addition  
☐ Rural Institutional Severance or Lot Addition  
☐ Rural Settlement Area Severance or Lot Addition
- (Complete Section 10.3)
- ☐ 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 <sup>2</sup> or ha): (from in Section 4.1)
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m <sup>2</sup> or ha): (from Section 4.2)
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

**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 <sup>2</sup> or ha):
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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 <sup>2</sup> or ha):
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

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

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
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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