COMMITTEE OF ADJUSTMENT



City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION	AN/A23:232	SUBJECT	154 WILSON STREET E,
NO.:		PROPERTY:	ANCASTER, Ontario, CAN
ZONE:	"RM4-715" (Residential	ZONING BY-	Zoning By-law former Town of
	Multiple Zone)	LAW:	Ancaster 87-57, as Amended

APPLICANTS: Owner: T. VALERI CONSTRUCTION LTD(TED VALERI)

Agent: MHBC PLANNING LTD.(STEPHANIE MIRTITSCH & DAVE ASTON)

The following variances are requested:

1. To permit a maximum encroachment of 3.05 metres for the townhouse balconies into the required side yard instead of the permitted maximum encroachment of 1.85 metres.

PURPOSE & EFFECT: To accommodate second storey decks/balconies for each townhouse unit.

Notes:

i. Variances have been written exactly as requested by the applicant.

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:

DATE:	Thursday, October 5, 2023
TIME:	9:40 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2 nd floor City Hall, room 222 (see attached sheet for
	details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at
	www.hamilton.ca/committeeofadjustment

AN/A23:232

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- 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, <u>including deadlines</u> 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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding AN/A23:232, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



DATED: September 19, 2023

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.



COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5 Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

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 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.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners <u>must register by noon the day</u> <u>before the hearing</u> to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

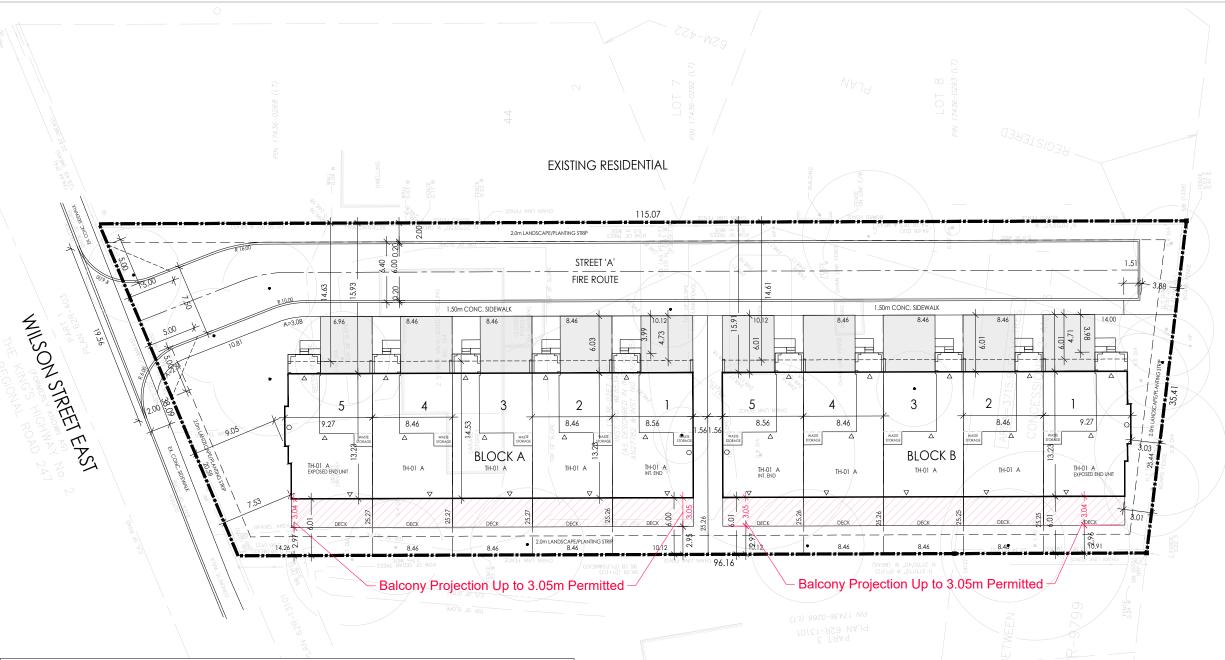
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email 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.



	Zoning RM4-715	
	Required	Provided
Minimum Lot Area	0.35ha	0.371ha
Minimum Lot Frontage	38m	38.09m
Ground Floor Area	-	799.4m²
Gross Floor Area	-	3,069m²
Maximum Lot Coverage	33%	32.2%
Minimum Front Yard	1.95m to Wilson St E	7.53m to Wilson St E
Minimum Side Yard	6.0m	6.0m
Minimum Rear Yard	2.95m	3.01m
Maximum Height	12.5m	10.43m
Minimum Landscaped Area	30%	39.9%
Minimum Planting Strip	2.0m width	2.0m width
Parking	20 (2 per unit)	20 (2 per unit)
Maximum Yard Encroachment for Balcony	1.85m	*3.05m *Minor Variance Required

MINOR VARIANCE SKETCH

154 Wilson Street East Ancaster



Subject Lands (3,713.63 m² / 0.371ha)

Notes:

• For information purposes only

DATE: August, 2023

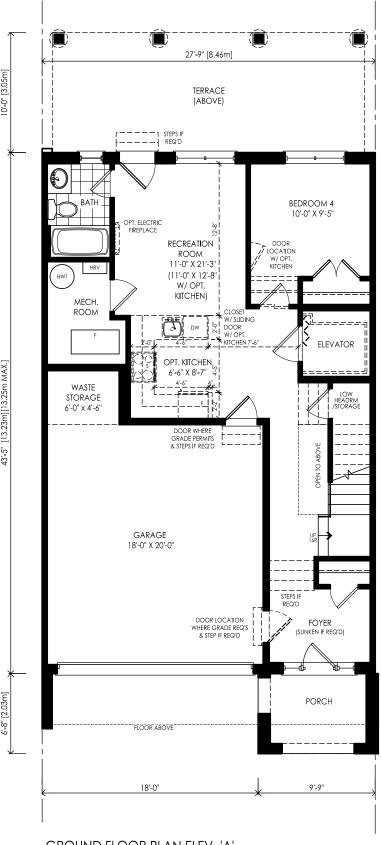
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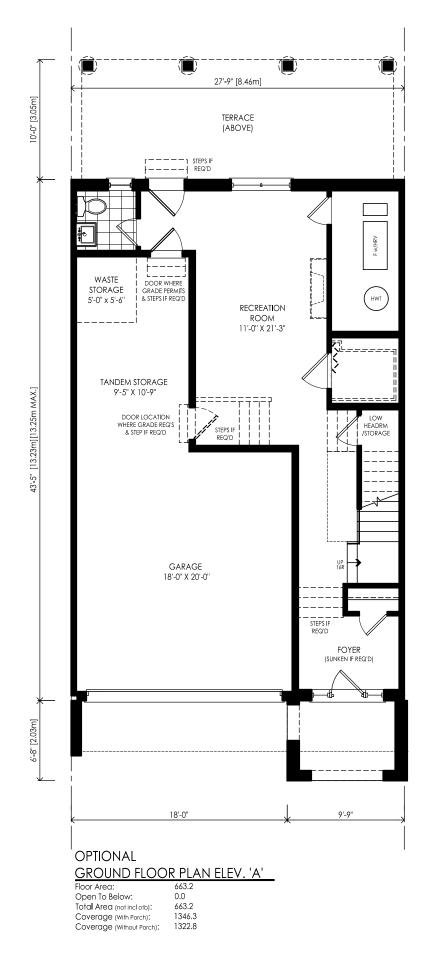
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GROUND FLOOR PLAN ELEV. 'A'

794.1 0.0 794.1 1346.3 Floor Area: Open To Below: Total Area (not incl otb): Coverage (With Porch): Coverage (Without Porch):





WWW.RNDESIGN.COM Tel: 905-738-3177 WWW.THEPLUSGROUP.CA

Valery Homes

154 Wilson Street East Ancaster

model

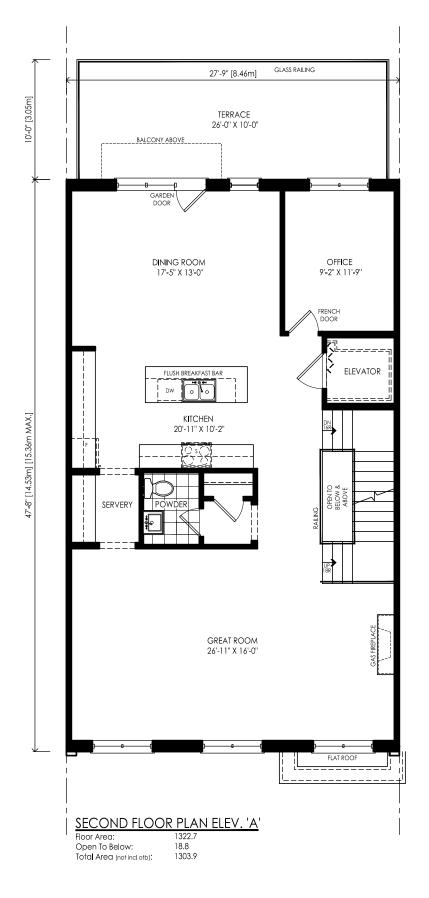
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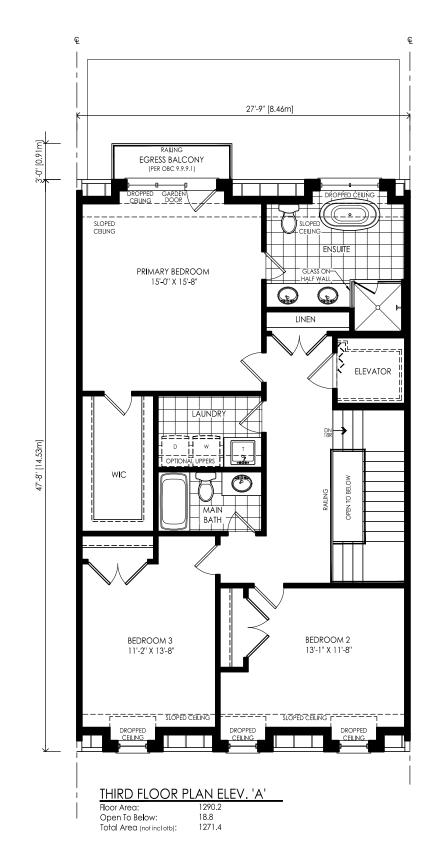
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	ISSUED FOR REVIEW	LP	23-Feb-23
	ISSUED FOR FINAL	LP	8-Mar-23
	ISSUED FOR REVIEW	LP	21-Jun-23
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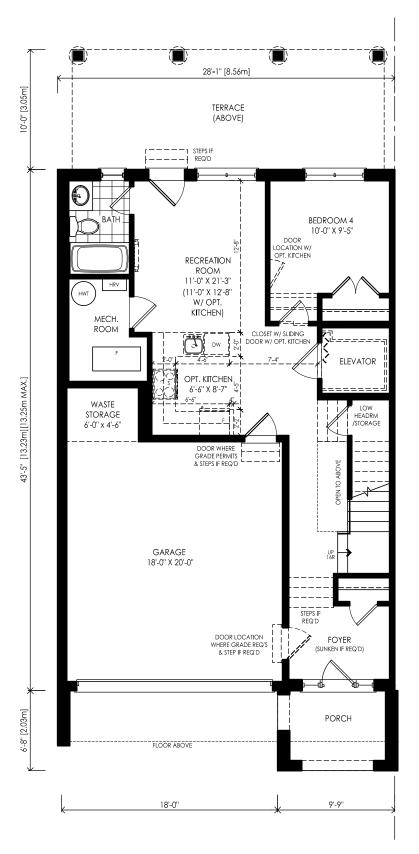


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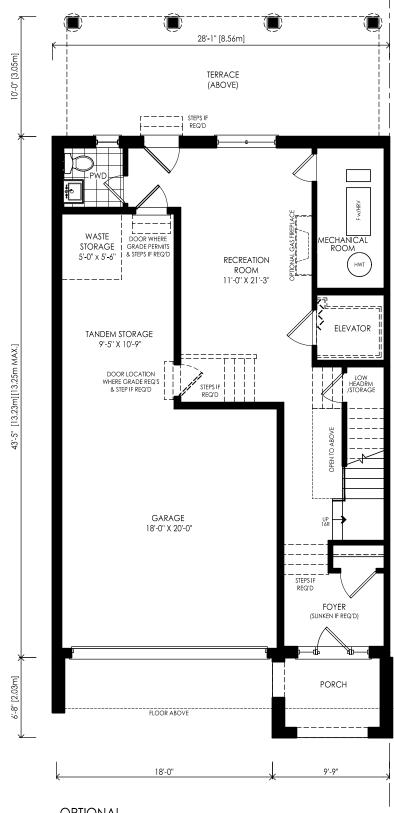
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GROUND FLOOR PLAN ELEV. 'A' - INTERIOR END

Floor Area: 800.2
Open To Below: 0.0
Total Area (not incl otb): 800.2
Coverage (With Porch): 1338.6



OPTIONAL GROUND FLOOR PLAN ELEV. 'A' - INTERIOR END

Floor Area: 665.3
Open To Below: 0.0
Total Area (not incl otb): 665.3
Coverage (With Porch): 1338.6



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Valery Homes

154 Wilson Street East Ancaster

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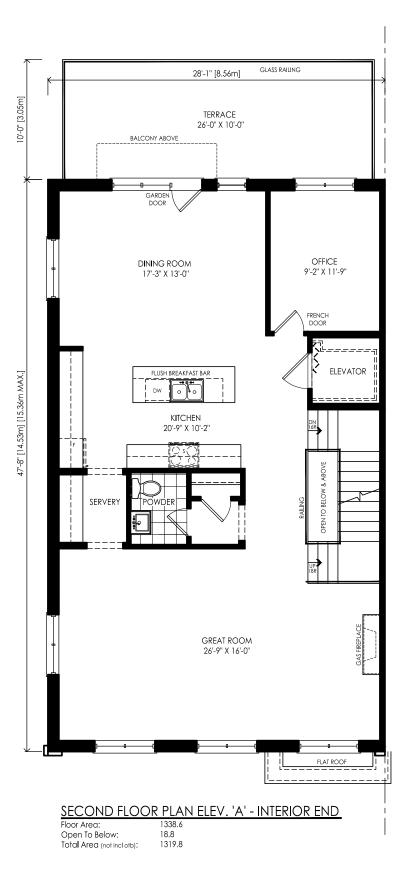
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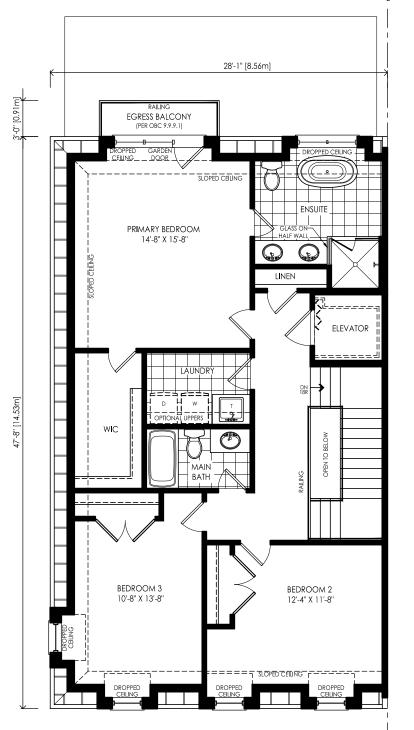
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THIRD FLOOR PLAN ELEV. 'A' - INTERIOR END

Floor Area: Open To Below: 1229.9

Total Area (not incl otb):





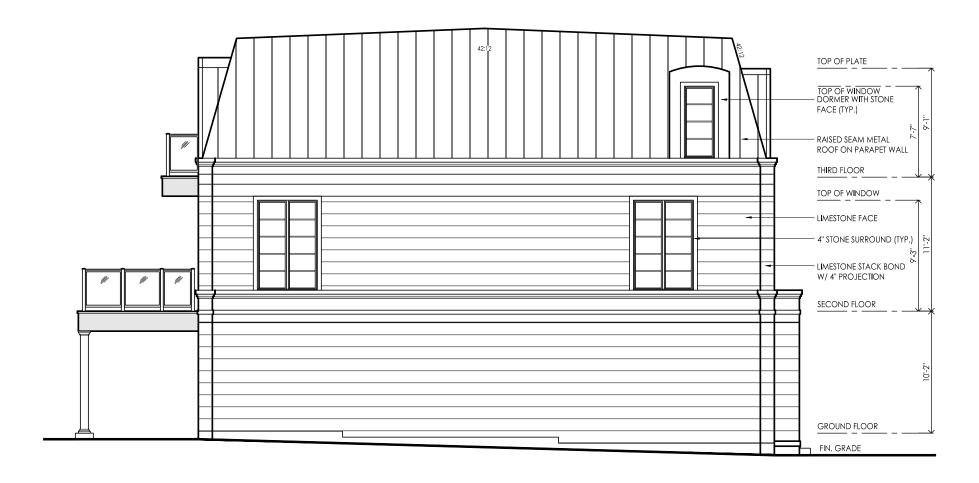
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LEFT SIDE ELEVATION 'A'

INTERIOR END

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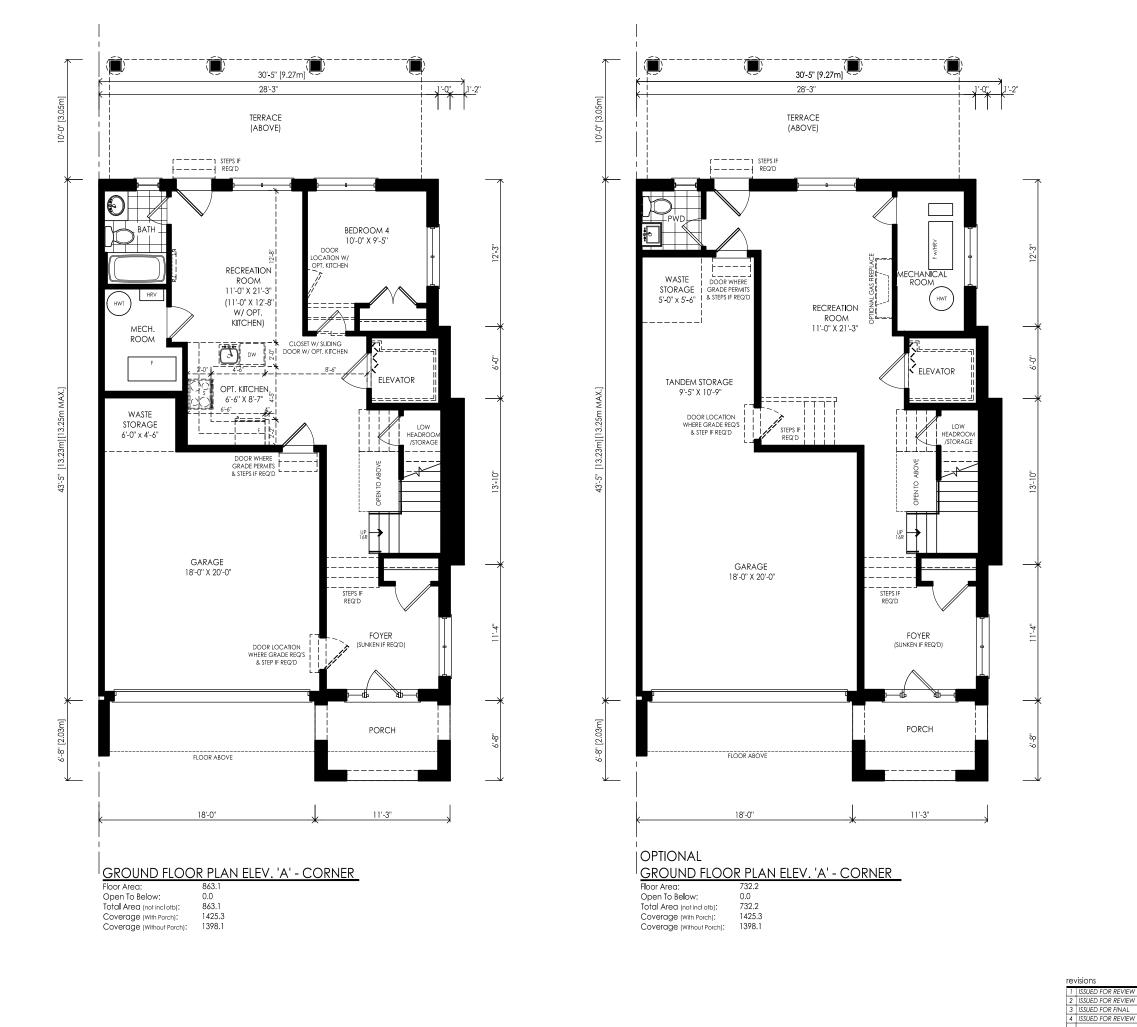
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3	ISSUED FOR FINAL	LP	8-Mar-23
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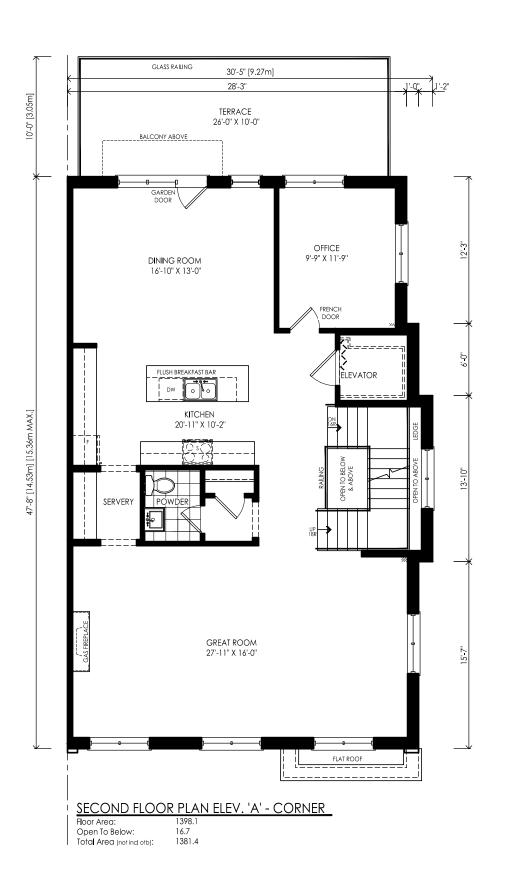
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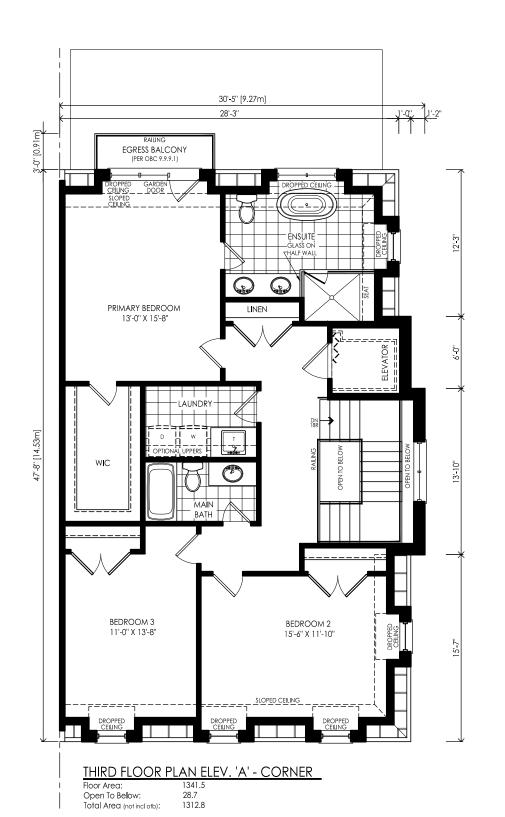
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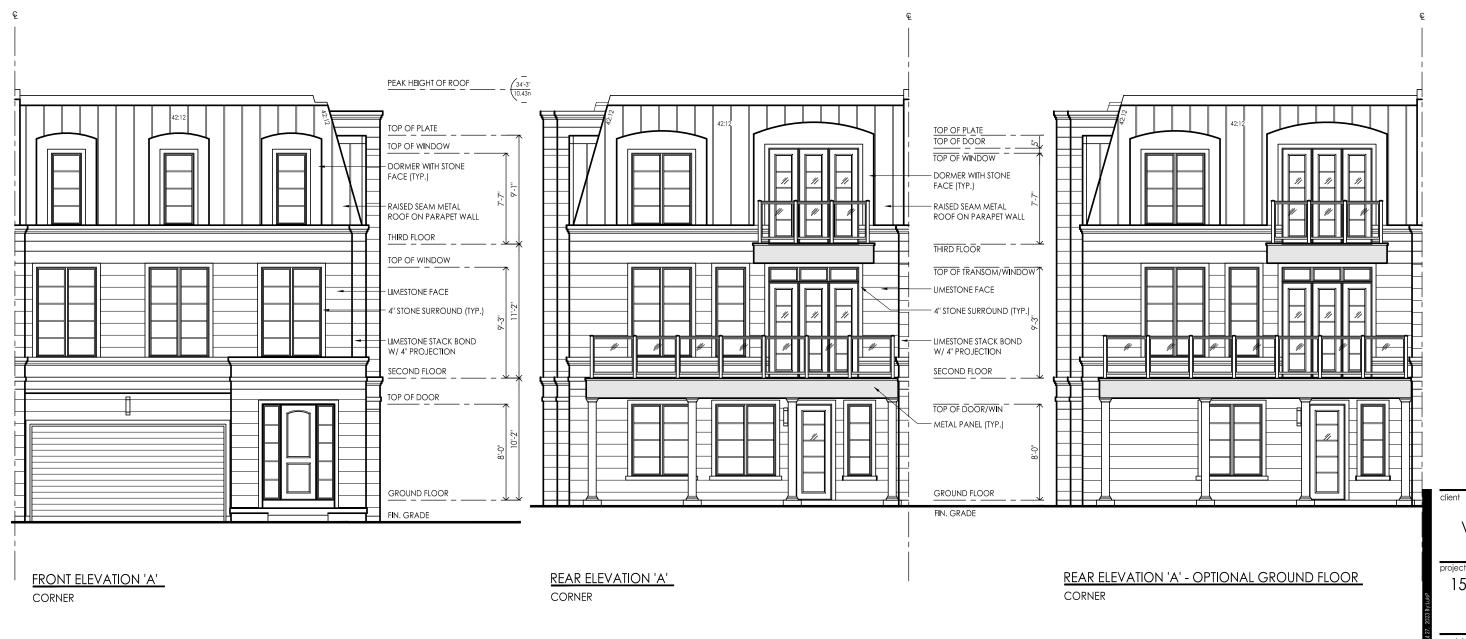
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RIGHT SIDE ELEVATION 'A' CORNER

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154 Wilson Street East Ancaster

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	ISSUED FOR REVIEW	LP	28-Jul-23



August 17, 2023

Jamila Sheffield, Secretary-Treasurer Committee of Adjustment City of Hamilton 71 Main Street West, 5th Floor Hamilton, ON L8P 4Y5

Dear Jamila Sheffield:

RE: Minor Variance Application Submission – 154 Wilson Street East Ancaster OUR FILE 20348C

On behalf of our client, T. Valeri Construction Limited, we are pleased to submit a minor variance application to facilitate the proposed townhouse development planned for the lands municipally addressed as 154 Wilson Street East, Ancaster, herein referred to as the 'subject lands'.

POLICY FRAMEWORK AND BACKGROUND

An Official Plan Amendment and Zoning By-law Amendment application (File No. UHOPA-18-024/ZAC-18-058) were previously submitted for the subject lands. Through revisions to the proposed concept, an Official Plan Amendment was determined to no longer be required, and the Zoning By-law Amendment was approved on August 12th, 2022. A Site Plan application (File No. DA-23-002) was submitted and deemed no longer required following the Royal Assent of Bill 23, as the proposed development is only 10 units. A standard Plan of Condominium application (City File No. 25CDM-202309) was submitted on June 2nd, 2023, for 10 residential three-storey townhouse units accessed via a common drive from Wilson Street.

REQUESTED MINOR VARIANCE

Each of the 10 townhouse units is proposed to have private amenity space consisting of a rear second storey-deck. The Minor Variance proposes to permit the decks to encroach 3.05 metres into the southerly side yard, whereas the site specific Zoning currently permits an encroachment of 1.85 metres. The requested variance applies to all 10 units.

Due to the configuration of the subject lands, in order to accommodate the common drive (Street 'A'), a 1.5 metre internal sidewalk, landscape strip, and appropriately sized unitized driveways and garages while providing private amenity space in the form of second storey decks, a Minor Variance is required.

Specifically, the minor variance requests:

• Relief from special provision j), Subsection RM4-715, Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster) to permit the side yard encroachment of a deck to a maximum of 3.05 metres, whereas an encroachment of only 1.85 metres is currently permitted.

ANALYSIS

In our opinion, the requested variances meets the four (4) tests of a minor variance under Section 45(1) of the Planning Act. Our analysis of the requested variances with respect to each of the four tests is detailed below.

1) Maintains the general intent and purpose of the Official Plan

The subject lands are within the Urban Area and Built-Up Area of the City of Hamilton and designated 'Community Node' and 'Neighbourhoods' in the Urban Hamilton Official Plan. The lands are also located within a 'Community Node' and the 'Transition Area' Character Area, and designated 'Low Density Residential 3' in the Ancaster Wilson Street Secondary Plan.

Section 2.3.3 of the Urban Hamilton Official Plan provides that the function of a 'Community Node' is to accommodate a full range of uses, including a range of housing opportunities, predominantly of a medium and low rise built form. Similarly, 'Neighbourhoods' are intended to consist of a full range of housing forms, and to accommodate intensification that is compatible with and that respects the built form and character of surrounding neighbourhoods.

The proposed development and the requested variance are in keeping with the objectives of the Urban Hamilton Official Plan for the subject lands. The requested variance will allow for the intensification of the site through redevelopment with townhouse dwellings, which have been sited and designed to respect the surrounding neighbourhood.

The Ancaster Wilson Street Secondary Plan directs that the majority of growth and infill development shall be directed toward the Community Node. The Transition Area is recognized as one of the Plan's two residential areas, and is intended to accommodate sensitive intensification. Further, within the Low Density Residential 3 designation, all forms of townhouses are permitted, the net residential density shall range between 20 and 60 unit per hectare, and a maximum height of three storeys is permitted. As well, new development or redevelopment shall ensure the height, massing, scale, and arrangement of the buildings and structures are compatible with the abutting uses. Consistent with these requirements, the proposed height of the townhouses is 3 storeys, the proposed density is 26.9 units per hectare, and the building is proposed to be setback from existing residential uses to the east approximately 15.29 metres and 6 metres from the commercially zoned property to the west to ensure adequate privacy.

The proposed development maintains the general intent and purpose of the applicable Urban Hamilton Official Plan and Ancaster Wilson Street designations by providing for an appropriate level of intensification in a Community Node that is permitted in the Official Plan.

2) Maintains the general intent and purpose of the Zoning By-law

The lands are zoned Residential multiple "RM4-715" in the Ancaster Zoning By-law 87-57. The proposed use of the subject property is for a block townhouse development, which is permitted in the RM4-715 zone.

Site-specific provision 715 permits a maximum projection of 1.85 metres into a required side yard for a balcony, whereas the development provides an encroachment of 3.05 metres. The requested variance will allow for larger private outdoor decks to be provided for each unit, increasing the overall amount of outdoor amenity space. Further, potential overlook is minimized by the preservation of some existing trees along the shared southerly lot line.

The requested increased encroachment into the side yard setback also increases the site area available to appropriately and safely accommodate the shared access drive and adjacent sidewalk, as well as the unitized driveways and garages to ensure smooth vehicular and pedestrian circulation throughout the site.

The required side yard setback of 6.0 metres is maintained, and a setback of 2.95 metres from the shared property line to the proposed decks is provided, including a 2 metre landscape strip. Adequate separation will be provided between the decks and the adjacent property which is a commercial use.

Therefore, the general purpose of the side yard, as provided for in Zoning Bylaw 87-57, is maintained through the requested side yard setback encroachment variance.

3) Desirable for the appropriate use of the land, building or structure

Land uses surrounding the subject lands are a mixture of low-rise residential, commercial, and newer mid-rise residential uses. Consistent with the surrounding neighborhood, the proposed use and requested minor variance implements the intent of Low Density Residential 3 designation and Residential Multiple 'RM4' zone to contribute to the range and mix of housing types in the neighbourhood, by providing for a townhouse built form.

The proposed variance is desirable to allow for increased private outdoor amenity space as part of the redevelopment of the site with a low density, block townhouse residential development. The proposal represents an opportunity for appropriate residential intensification within a Community Node.

4) The variance is minor

The proposed variance to increase the permitted encroachment of a balcony into the side yard setback from 1.85 metres to 3.05 metres, is minor and represents a 1.2 metre increase to allow for larger private second storey decks for each unit, the buildings maintain the required 6 metre side yard setback. In summary, it is not anticipated to have adverse impacts on adjacent land uses and the requested variance is considered minor in nature.

SUMMARY AND SUPPORTING MATERIALS

Based on the forgoing, it is our opinion that the requested variance satisfies Section 45(1) of the Planning Act. The variance maintains the general intent and purpose of the Official Plan, the Zoning By-law and is desirable for the appropriate use of the land, and is considered minor in nature.

In support of our application, please find enclosed the following:

- Completed and signed Minor Variance Application Form;
- Minor Variance Sketch, prepared by MHBC, dated August 2023; and,
- A copy of a cheque made payable to the City of Hamilton for \$675.00 representing the Minor Variance application fee (to be delivered under separate cover).

We trust the enclosed is sufficient for acceptance of the minor variance application and request that the application be considered at the next available meeting of the Committee of Adjustment. Please do not hesitate to contact the undersigned should you require additional information.

Yours truly,

MHBC

Dave Aston, MSc., MCIP, RPP

Partner

cc. Amber Lindsay, Valery Homes

Stenhanie Mirtitsch RES MCII

Stephanie Mirtitsch, BES, MCIP, RPP Associate



Committee of Adjustment

City Hall, 5th Floor, 71 Main St. W., Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE/PERMISSION

UNDER SECTION 45 OF THE PLANNING ACT

1. APPLICANT INFORMATION

	NAME		
Registered Owners(s)	IVANIL		
Applicant(s)			
Agent or Solicitor			
.2 All corresponder	nce should be sent to	☐ Purchaser ☑ Applicant	☐ Owner ☐ Agent/Solicitor
.3 Sign should be s	sent to	☐ Purchaser ☑ Applicant	☐ Owner ☐ AgentSolicitor
.4 Request for digit	al copy of sign	☑Yes* ☐ No	
If YES, provide	email address where si	gn is to be sent	
.5 All corresponder	nce may be sent by ema	ail ☑ Yes*	□No
If Voc. a valid as	mail must be included for	or the registered owner(a)	AND the Applicant/Acc

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	154 Wilson Street East			
Assessment Roll Number	25181402404740000000			
Former Municipality	Ancaster			
Lot	44	Concession	2	
Registered Plan Number	17-16-265-00-AA	Lot(s)		
Reference Plan Number (s)		Part(s)		

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

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

If yes, please provide an explanation:

	Request relief to permit a 3.05 metre encroachment into the side yard, whereas an encroachment of only 1.85 metres is currently permitted. This request is to accommodate 2nd floor decks for each unit.
	☐ Second Dwelling Unit ☐ Reconstruction of Existing Dwelling
3.2	Why it is not possible to comply with the provisions of the By-law? See cover letter.
3.3	Is this an application 45(2) of the Planning Act. ☐ Yes

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
38.09	varies	3,713.63 sq. m	

4.2 Location of all buildings and structures on or proposed for the subject lands:(Specify distance from side, rear and front lot lines)						
Existing:						
Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction		
Proposed:						
Proposed:	Front Yard		Side Yard	Date of		
Type of Structure	Setback	Rear Yard Setback	Setbacks	Construction		
Block townhouse	7.53 m	3.01 m	6 m			
sheets if neces Existing: Type of Structure	Ssary): Ground Floor Area	Gross Floor Area	Number of Storeys	Height		
.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,						
Proposed:						
Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height		
Block townhouse	799.4 sq. m	3069 sq. m	3	10.43 m		
4.4 Type of water supply: (check appropriate box)						
4.5 Type of storm drainage: (check appropriate boxes)☑ publicly owned and operated storm sewers☐ swales			☐ ditches ☐ other means	s (specify)		

4.0	l ype of sewage disposal proposed: (check appropriate box) ☑ publicly owned and operated sanitary sewage ☐ system privately owned and operated individual ☐ septic system other means (specify)
4.7	Type of access: (check appropriate box) ☐ provincial highway ☐ municipal road, seasonally maintained ☐ municipal road, maintained all year
4.8	Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.)
	Multiple residential - condo development of 10 three-storey townhouses
4.9	Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.): residential
7	HISTORY OF THE SUBJECT LAND
7.1	Date of acquisition of subject lands:
7.2	Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc) Same as existing use
7.3	Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc) Single detached dwelling
7.4	Length of time the existing uses of the subject property have continued: Over 20 years
7.5	What is the existing official plan designation of the subject land?
	Rural Hamilton Official Plan designation (if applicable):
	Rural Settlement Area:
	Urban Hamilton Official Plan designation (if applicable) UHOP - 'Community Node' & 'Nei
	Please provide an explanation of how the application conforms with the Official Plan. See cover letter.
7.6	What is the existing zoning of the subject land? RM4-715, ZAC-18-058
7.8	Has the owner previously applied for relief in respect of the subject property? (Zoning By-lawAmendment or Minor Variance) ✓ Yes ✓ No
	If yes, please provide the file number: RM4-715, ZAC-18-058

7.9	Is the subject property the subject of a current Planning Act? Yes If yes, please provide the file number:	t application for consent under Section 53 of the ☑ No
7.10	1 5 7	as been received for the subject property, has the
	two-year anniversary of the by-law being pas ☐ Yes	sea expirea? ☑ No
7.11	If the answer is no, the decision of Council, o	Director of Planning and Chief Planner that the the included. Failure to do so may result in an
8	ADDITIONAL INFORMATION	
8.1	Number of Dwelling Units Existing: 1	
8.2	Number of Dwelling Units Proposed: 10	
8.3	Additional Information (please include separa	te sheet if needed):
	See cover letter.	

11.1 All Applications ✓ Application Fee Site Sketch Complete Application form Signatures Sheet Other Information Deemed Necessary 11.4 Cover Letter/Planning Justification Report Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance ☐ Minimum Distance Separation Formulae (data sheet available upon request) ☐ Hydrogeological Assessment Septic Assessment Archeological Assessment ☐ Parking Study

COMPLETE APPLICATION REQUIREMENTS