



Hamilton

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 NO.:	SC/A-23:269	SUBJECT PROPERTY:	276 MILLEN ROAD, STONEY CREEK
ZONE:	"R2" (Single Residential - Two)	ZONING BY-LAW:	Zoning By-law former City of Stoney Creek 3692-92, as Amended

APPLICANTS: **Owner:** DEREK EWELUKWA & YVONNE OGOLLA-EWELUKWA

The following variances are requested:

Lot to be conveyed (Part 1 of Part Lot 18)

1. A minimum lot area for a corner lot of 480 sq. m. shall be provided instead of the minimum lot area of 505 sq. m.
2. A minimum lot frontage for a corner lot of 14.54 metres shall be provided instead of the minimum lot frontage of 16.5 metres.
3. A minimum rear yard setback of 6.0 metres shall be provided instead of a minimum rear yard of 7.5 metres.

Lot to be retained (Part 2 of Part Lot 18)

1. A minimum lot area for a corner lot of 422 sq. m. shall be provided instead of the minimum lot area of 505 sq. m.
2. A minimum lot frontage for a corner lot of 10.07 metres shall be provided instead of the minimum lot frontage of 16.5 metres.

PURPOSE & EFFECT: The variances are to facilitate a severance creating 2 lots on the subject lands:

Notes:

- i) This application shall be heard in conjunction with Consent application HM/B-22:68

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, November 16, 2023
TIME:	10:30 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd 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

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, 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, 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 SC/A-23:269, 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.



 **Subject Lands**

DATED: October 31, 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.



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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 must register by noon the day before the hearing 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.

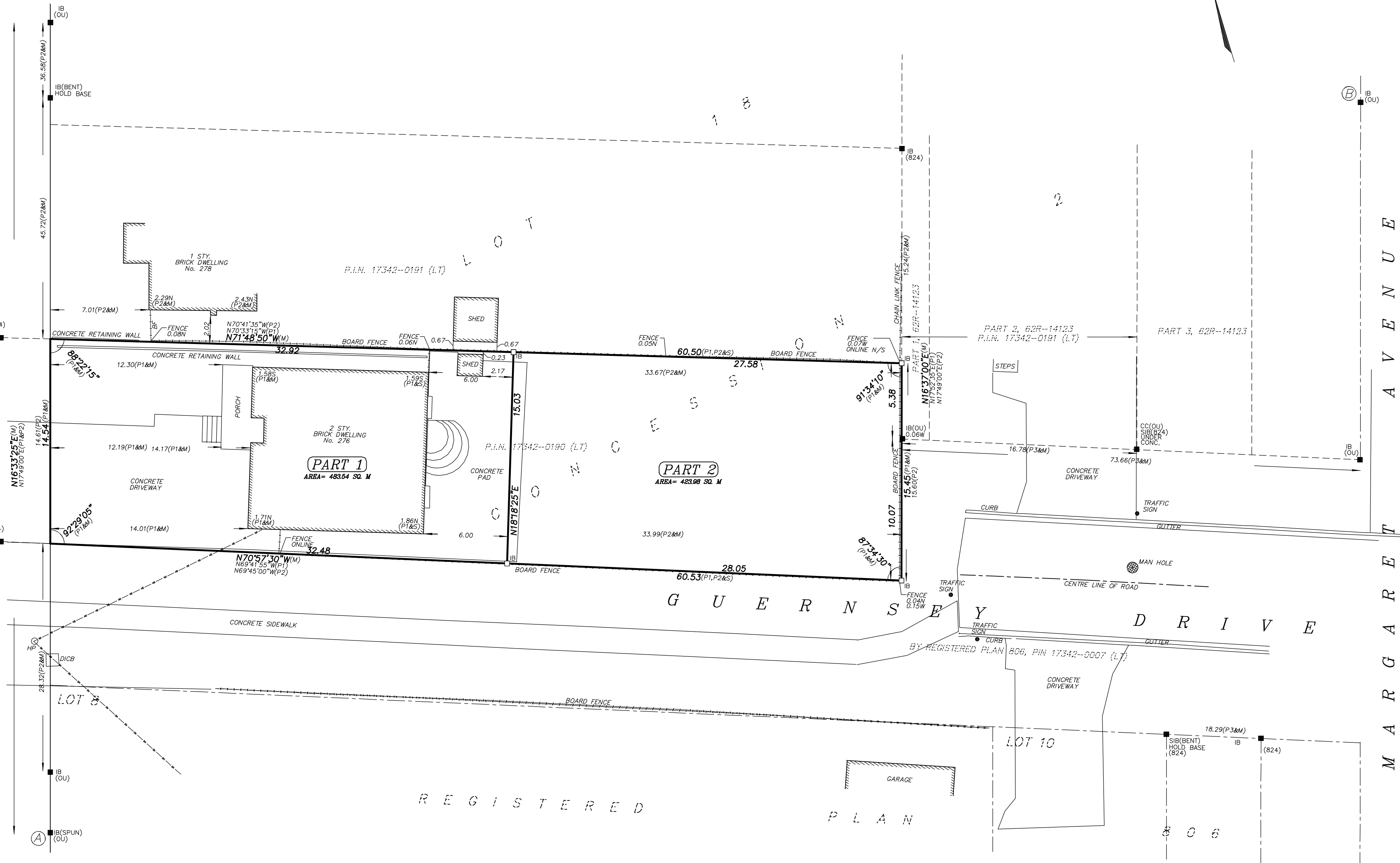
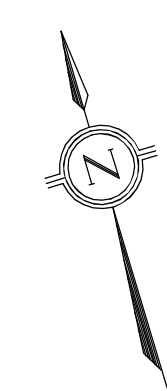
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

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.

M I L L E N R O A D

M A R G A R E T A V E N U E

ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 18 & 19, PIN 17342-0000 (LT)



REGISTERED PLAN

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT

DATE: _____

THOMAS GONDO

PLAN 62R-
RECEIVED AND DEPOSITED

DATE: _____

REPRESENTATIVE FOR
LAND REGISTRAR FOR THE LAND TITLES
DIVISION OF WENTWORTH (No. 62)

SCHEDULE				
PART	LOT	PLAN/CONCESSION	PIN No.	AREA
1	PART OF LOT 18	CONCESSION 2, SALT FLEET	PART OF P.I.N. 17342-0190 (LT)	483.54 sqm
2	PART OF LOT 18	CONCESSION 2, SALT FLEET	PART OF P.I.N. 17342-0190 (LT)	423.98 sqm

PART 1 & 2 COMPRISE ALL OF P.I.N. 17342-0190 (LT).

**PLAN OF SURVEY OF
PART OF LOT 18
CONCESSION 2 SALT FLEET
IN THE
TOWN OF STONEY CREEK
(REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH)**

SCALE & NOTES

SCALE: 1:200

THOMAS GONDO
ONTARIO LAND SURVEYOR

LEGEND

- DENOTES SUBJECT LANDS BOUNDARY
- DENOTES DEED LINE
- DENOTES LOT LINE
- DENOTES LIMIT OF STREET
- x-x-x- DENOTES FENCE LINE
- SURVEY MONUMENT FOUND
- SURVEY MONUMENT PLANTED
- SIB STANDARD IRON BAR
- IB IRON BAR
- CC CUT CROSS
- (OU) DENOTES ORIGIN UNKNOWN
- (824) DENOTES A.T. McLAREN LIMITED
- N-E-W-S DENOTES NORTH - EAST - WEST - SOUTH
- S DENOTES SET
- M DENOTES MEASURED
- P1 DENOTES PLAN BY S. DAN McLAREN, O.L.S. DATED: DECEMBER 17, 2015
- P2 DENOTES PLAN BY G.V. CONSOLI, O.L.S. DATED: OCTOBER 14, 1988
- P3 DENOTES PLAN 62R-14123
- BF DENOTES BOARD FENCE
- WIT DENOTES WITNESS
- HP DENOTES HYDRO POLE
- DICB DENOTES DITCH INLET CATCH BASIN

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99971255.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON JULY 12, 2023.

DATE: JULY 14, 2023

THOMAS GONDO
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER XXXXX

BEARING NOTE

COORDINATES ARE DERIVED FROM GPS OBSERVATIONS USING THE POWERNET (RTN) SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD 83 (CSRS) (1997).

COORDINATE VALUES ARE TO A URBAN ACCURACY IN ACCORDANCE WITH SECTION 14 (2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
A	4786510.654	603895.902
B	4786642.268	604074.924

COORDINATES CAN NOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

Lejan land Surveying Inc.

572 Barton Street
Stoney Creek, ON L8E 5N3
Phone: 905-662.8969
Email: info@lejansurveying.ca

DWN BY: KC
CHK BY: TG
JOB No. 23-054

October 2, 2023

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

Dear Ms. Sheffield,

Re: 276 Millen Road Stoney Creek - Consent to Sever and Minor Variance Applications

We, Derek Ewelukwa and Yvonne Ogolla-Ewelukwa, the owners of the municipal property located at 276 Millen Road in Stoney Creek (subject property), is pleased to submit this consent to sever and minor variance applications for the subject property.

The purpose of the proposed severance is to create a new single family residential lot by dividing the subject property into two (2) parts. A new detached single family residential dwelling is proposed to be built on the severed lot. The existing detached single family residential dwelling will remain on the retained lot.

The subject lands are designated 'Neighbourhoods' in the Urban Hamilton Official Plan Schedule E-1 - Urban Land Use, and zoned Single Residential (R2) within Stoney Creek By-law No. 3692-92. The subject site is in the established Guernsey Neighbourhood of Stoney Creek, which is characterized by single detached dwellings.

The subject site (see Figure 1) is south of Barton Street, with a frontage of approximately 15 metres along the south-east side of Millen Road and a depth of approximately 60.5m, with the rear of the lot (east end) abutting Guernsey Drive. The subject site is considered an interior lot with an area of approximately 907.5 square metres (0.22 acres or 0.09 hectare). The subject site currently contains an existing two storey single family residential dwelling which is proposed to remain on the retained lot.

The subject site is proposed to be divided approximately along the north-south direction, with the retained lot fronting Millen Road, while the severed lot is proposed to be fronting Guernsey Drive.

Figure 1



As mentioned earlier, the subject site is located in the Single Residential (R2) Zone within Stoney Creek By-law No. 3692-92. Please see Table 1 below that highlights the zoning compliance (or lack of thereof) of the proposed severance.

Table 1 – Severance Compliance Matrix

Single Residential (R2) Zone – Stoney Creek By-law No. 3692-92					
Bylaw Regulation (Section 6.3)		Retained Lot	Severed Lot	Compliance (Yes or No)	Comments
Permitted Use	Single detached dwelling	Single detached dwelling	Single detached dwelling		
Min. Lot Area (Int. Lot)	460m ²	483.54m ²	423.98m ²	No	Minor variance requested
Minimum Lot Frontage (Int. Lot)	15m	15m	15m	Yes	
Min. Front Yard	6m	12m	6m min	Yes	
Min Side Yard (Garage Side)	1m	1.7m	1m min	Yes	
Min. Side Yard (Non-Garage Side)	1.25m	1.5m	1.25m min	Yes	
Min. Rear Yard	7.5m	6.0m	7.5m min	No	Minor variance requested
Max. Building Height	11m	11m	11m max	Yes	
Parking	2	6	2	Yes	

It is our belief that the proposed severance will foster an efficient use of land and resources as well as utilize existing infrastructure and public service facilities, both in line with the current Provincial Policy Statement (PPS) and in keeping with the facilitation of residential intensification within Hamilton’s Built-Up Area.

In order for the proposed severance application to be in conformity with the applicable “Single Residential R2” zoning regulations, a Minor Variance application is required. Specifically, a reduction in the minimum rear yard setback is required regarding the existing detached residential dwelling, which is to remain on the retained lot. Additional variance pertaining to minimum lot area will be required to bring the severed portion of the land into conformity with the Zoning By-law.

The requested variances are as follows:

- Variance No. 1 - To permit a reduction in minimum rear yard setback of 6.0 metres (for the retained lot), whereas 7.5 metres is required.
- Variance No. 2 -To permit a reduction in minimum lot area of 423.98m², whereas 460m² is required.

According to Section 45(1) of the Planning Act, R.S.O, 1990, as amended, applications to the Committee of Adjustment that vary from the Zoning By-law must meet 4 tests as outlined below:

1. The variance is minor in nature.
2. The proposal meets the general intent and purpose of the Official Plan.
3. The proposal meets the general intent and purpose of the Zoning By-Law; and,
4. The proposal is desirable for the appropriate development or use of the land.

The variance is minor in nature.

Variance No. 1 is required to allow the existing residential dwelling, which is to remain on the retained lot, legally to conform with the zoning bylaw and in our information gathering exercise, similar rear lot setback relief had been supported by the City in the past.

Variance No. 2 is requested to bring the severed lot into conformity with the zoning bylaw, by slightly under-sizing the lot while at the same time being able to support a building envelope in accordance with the zoning provisions for the R2 zone and maintaining desirability for the immediate neighbourhood. As such, the variances are minor in nature.

The proposal meets the general intent and purpose of the Official Plan.

The Neighbourhoods Designation encourages compatible intensification, of which the proposed development directly represents. The Neighbourhoods designation on the lands supports residential intensification and permits lot creation. Further, the proposal implements the Official Plan's policies surrounding intensification by appropriately increasing the City's developable land base in a location that has seen recent growth and Planning Act applications.

The requested minor variance will facilitate the division of the subject site and the development of an additional single detached dwelling on the severed lot. This memo purports to demonstrate that the proposed severance would be in conformity with the UHOP Neighbourhoods designation, neighbourhoods urban structure element, and the residential intensification policies. In addition, the subject site is located in the Western Development Area Secondary Plan and designated "Low Density Residential 2b" on Land Use Plan Map B.7.1-1. The applicable policies for this designation as contained in Vol. 2, B.7.1.1.2 are as follows:

- a) the permitted uses shall be single, semi detached and duplex dwellings.
- b) the density shall range from 1 to 29 units per net residential hectare.

In line with the above policies and being that the proposed use of the subject site is for single detached dwellings at a density of 22.2 units per hectare (2 dwellings divided by 0.09 hectares), which is less than the permitted maximum density.

Based on the foregoing analysis, the proposal meets the intent and purpose of the Urban Hamilton Official Plan.

The proposal meets the general intent and purpose of the Zoning By-Law

The subject site is in the Single Residential (R2) Zone within Stoney Creek By-law No. 3692-92. The zoning compliance of the proposed severance is shown in Table 1. Apart from the minimum lot area and minimum rear lot setback requirements, the proposed severance meets all other requirements of the Zoning By-law. The variances for the lands to be severed will provide an adequate building envelope for a future single detached dwelling on the severed land. The general intent and purpose of the Single Residential (R2) Zone is to permit single detached dwellings in a suburban setting. With the approval of the requested variances, the severed land will maintain this intent and purpose and ensure the land can be developed for a single detached dwelling in the future. As such, the proposal meets the intent and purpose of the Zoning By-law.

The proposal is desirable for the appropriate development or use of the land.

The requested variances are desirable and appropriate for the lands because they would facilitate creation of a new lot and enable residential intensification in a form and density that is consistent with the current form of the surrounding neighbourhood. As aforementioned, the variances are required for the Zoning By-law to have regard for existing conditions on the lands to be retained and to facilitate the development of a future single detached dwelling on the lands to be severed. It is our belief that the application represents good land use planning and satisfies Section 53(1) of the Planning Act, R.S.O.,1990, as amended, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands. The proposal is also in line with the Ontario Provincial Planning Statement (PPS) and conforms to the Growth Plan as it will facilitate intensification within delineated urban areas. The proposed severances will conform to and implement the 'Neighbourhoods' policies of the Urban Hamilton Official Plan. Based on the above analysis, the proposed severances and variances from the Zoning By-law represent good land use planning.

In support of our application, we have enclosed the following,

- One (1) copy of the completed Minor Variance Application form.
- One (1) copy of the completed Consent to Sever Application form.
- One (1) copy of the Survey Plan, prepared by Lejan Land Surveying Inc. (OLS).
- Appendix A – Copies of email correspondence with City staff per feasibility of our Consent and Minor Variance application.
- Please process Credit Card payment - charge to Derek Ewelukwa, 289-489-6327 - to cover the payments for the Minor Variance Application fee; and the Consent to Sever Application fee.

We look forward to the favourable review of our applications. Please do not hesitate to contact the undersigned, should you have any questions and/or concerns.

Yours sincerely,


Derek Ewelukwa, M.Sc., P.Eng.

derek.ewelukwa@gmail.com ; 289 489-6327



Hamilton

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)	Derek Ewelukwa & Yvonne (
Applicant(s)	Same as owners	
Agent or Solicitor	N/A	
		E-mail:

1.2 All correspondence should be sent to Purchaser Applicant Owner Agent/Solicitor

1.3 Sign should be sent to Purchaser Applicant Owner Agent/Solicitor

1.4 Request for digital copy of sign Yes* No

If YES, provide email address where sign is to be sent _____

1.5 All correspondence may be sent by email Yes* No

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	276 Millen Road, Stoney Creek, L8E2G9		
Assessment Roll Number	003.250.28700.0000		
Former Municipality	Hamilton-Wentworth		
Lot		Concession	
Registered Plan Number		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:

Please see cover letter

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Variance and relief is required to facilitate Severance application concurrently submitted.
Please see cover letter

3.3 Is this an application 45(2) of the Planning Act.

Yes

No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
15m	60.5m	907.5 sq m	15m

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
Single detached dwelling	12m	6m	1.5m	06/30/2016

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Single detached dwelling	6m	7.5m	1.25m	

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Single detached dwelling	132 sq m	223 sq m	2	11m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Single detached dwelling	Design not finalized	Design not finalized	Design not finalized	Design not finalized

- 4.4 Type of water supply: (check appropriate box)
- publicly owned and operated piped water system
 - privately owned and operated individual well

- lake or other water body
- other means (specify)

- 4.5 Type of storm drainage: (check appropriate boxes)
- publicly owned and operated storm sewers
 - swales

- ditches
- other means (specify)

4.6 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) _____

4.7 Type of access: (check appropriate box)

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

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
Single detached dwelling

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
Single detached dwelling

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:
2021

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
Single detached dwelling

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:
Unknown - perhaps since inception

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) Neighbourhoods

Please provide an explanation of how the application conforms with the Official Plan.
Please see cover letter

7.6 What is the existing zoning of the subject land? Single Residential R2

7.8 Has the owner previously applied for relief in respect of the subject property?
(Zoning By-law Amendment or Minor Variance)

- Yes
- No

If yes, please provide the file number: _____

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes No

If yes, please provide the file number: Unknown file # - severance submitted concurrently

7.10 If a site-specific Zoning By-law Amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?

Yes No

7.11 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

8.3 Additional Information (please include separate sheet if needed):

Please see cover letter

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

11.4 Other Information Deemed Necessary

- 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
 - Noise Study
 - Parking Study
- _____
- _____