



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: 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

APPLICATION NO.:	GL/B-24:03	SUBJECT PROPERTY:	8533 AIRPORT ROAD W, GLANBROOK
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APPLICANTS: Owner: 1804482 ONTARIO LIMITED C/O SONOMA HOMES
Agent: WELLINGS PLANNING CONSULTANTS INC.(GLENN WELLINGS)

PURPOSE & EFFECT: To convey a parcel of land for office purposes (existing structures to remain) and to retain a parcel of land for residential development.

	Frontage	Depth	Area
SEVERED LANDS:	20.12 m [±]	87.10 m [±]	1750 m ² [±]
RETAINED LANDS:	99.118 m [±]	97.011 m [±]	24263 m ² [±]

Associated Planning Act File(s): 25T-202007

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:	Tuesday, February 27, 2024
TIME:	2:25 p.m.
PLACE:	City Hall Council Chambers (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
- Email Committee of Adjustment staff at cofa@hamilton.ca

GL/B-24:03

- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

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, written comments must be received no later than **February 23, 2024**

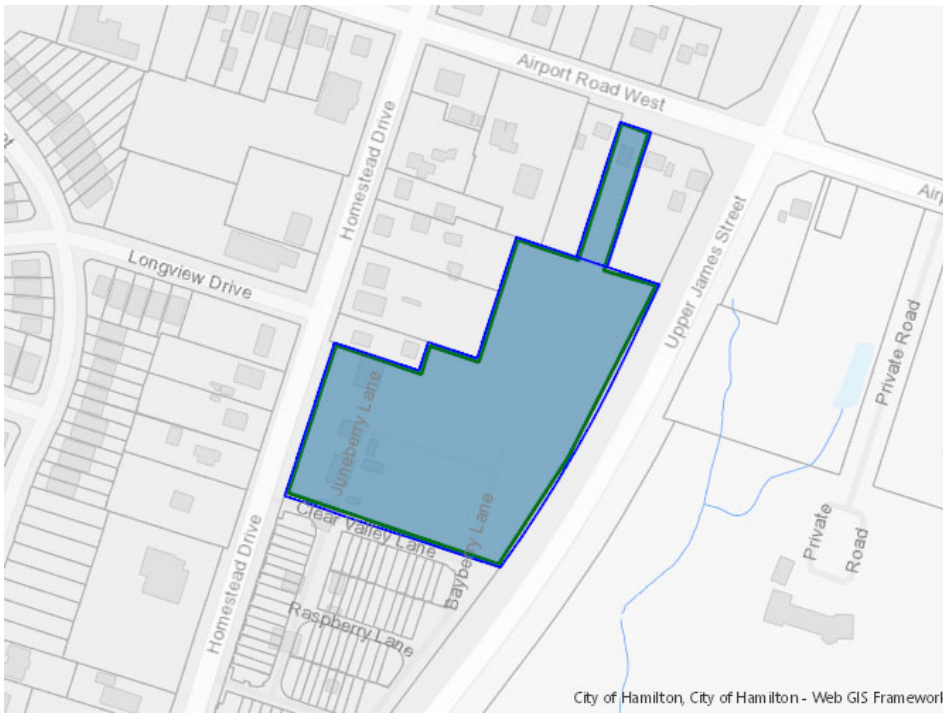
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than **February 26, 2024**

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding GL/B-24:03, 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 the Notice of Decision 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 or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.

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



DATED: February 8, 2024

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.



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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 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 on the date listed on the Notice of Public Hearing.**

Comments are available the Friday 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 on the day listed on the Notice of Public 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 one business day before the Hearing. Only those registered will be called upon to speak.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **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.

January 5, 2024

Digitally Submitted

Ms. Jamila Sheffield
Secretary-Treasurer
Committee of Adjustment
Planning and Economic Development Department
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON
L8P 4Y5

Dear Ms. Sheffield:

**Re: Application for Consent
1804482 Ontario Limited c/o Sonoma Homes
8533 Airport Road West and 3311 Homestead Drive
Part of Lot 6, Concession 5 (Glanford)
Part 1, Reference Plan 62R-21451 & Part of Block 1, Registered Plan No.
62M-1281
City of Hamilton
Our File No.: 2017/35**

We are the Planning Consultants for 1804482 Ontario Limited c/o Sonoma Homes ("Sonoma"). Sonoma owns the subject lands located at 8533 Airport Road West (severed parcel) and 3311 Homestead Drive (retained parcel). Sonoma is proposing to sever their existing office and storage building located at 8533 Airport Road West from the larger retained parcel at 3311 Homestead Drive which is presently vacant and proposed for townhouses.

The purpose of this letter is to provide details regarding the subject lands and the Sonoma proposal and provide planning justification for the requested consent application.

Subject Property and Surrounding Uses

The subject lands are approximately 2.6 hectares in size and generally located to the southwest of Upper James Street and Airport Road West. The severed parcel (8533 Airport Road West) is approximately 0.175 hectares in size with approximately 20 metres of frontage on Airport Road West and a depth of approximately 87 metres. The retained parcel (3311 Homestead Drive) is approximately 2.4 hectares and is situated between Homestead Drive to the west and Upper James Street to the east. Access to the severed lands is from Homestead Drive.

The severed parcel contains an existing office and storage building which serves as the head office for Sonoma. The retained lands are presently vacant and proposed for townhouses (i.e., Phase 2). The overall townhouse development (i.e., Phases 1 and 2) comprise a total of 164 townhouse units. Phase 1 of the townhouse development consisting of 67 townhouse units is nearing completion. Phase 2 proposed on the severed parcel comprises 97 townhouse units. Development of Phase 2 is expected to commence in the near future.

Surrounding land uses include a mix of existing commercial and residential uses.

Proposal

As previously noted, Sonoma is proposing to sever the 8533 Airport Road West parcel containing the existing office and storage building from the larger retained parcel which is subject to the above-noted townhouse development. The consent application is not intended to facilitate new development. Instead, the severance will create separate entities for the office and storage building and the townhouse development.

Official Plan and Zoning By-law

The Urban Hamilton Official Plan (“UHOP”) designates the subject lands “Neighbourhoods” on Schedule E (Urban Structure) and “District Commercial” (severed) and “Mixed Use – Medium Density” (retained) on Schedule E-1 (Urban Land Use Designations).

The policies of the District Commercial designation are found under Section 4.7 of the UHOP and affect the severed parcel. The District Commercial designation permits a range of commercial uses. Implementing Zoning By-law 05-200 zones the lands to be severed as C6 – Exception 580 (District Commercial). Permitted uses under the C6 Zone include office uses.

The Mixed Use – Medium Density designation policies contained under Section 4.6 of the UHOP affects the lands to be retained. This designation permits a full range of retail, service commercial, entertainment, and residential accommodation. Section 4.6.6 specifically permits “multiple dwellings”. The existing and proposed townhouses on the retained parcel are permitted within this designation. Zoning By-law 05-200 zones the lands to be retained as C5 – Exception 652 (Mixed Use Medium Density). Permitted uses within the C5 Zone include multiple dwelling. Exception 652 specifically permits street townhouse, single-detached and duplex dwellings as additional uses subject to special provisions.

Minor variances were previously granted by the Committee of Adjustment for the office and storage building (City File No.: GL/A-19:454) on February 20, 2020. In addition, several minor variances were granted by the Committee of Adjustment (City File No.: GLA-20:92) for the townhouse development on July 23, 2020. Holding Provision “H102”

relating to the C5 – Exception Zone was previously removed under By-law No. 21-062 on April 28, 2021 (City File No.: ZAH-21-016).

Lot Creation

The proposed severance is subject to the Lot Creation policies within the UHOP. Chapter F – Implementation contains policies pertaining to Lot Creation – Urban Area. Those policies specific to Commercial/Mixed Use and Institutional designations are contained under Section 1.14.3.4, which states that:

1.14.3.4 Consents for new lot creation for both the severed and retained lands for mixed uses, commercial, institutional, or open space uses in the Commercial/ Mixed Use and Institutional designation shall be permitted provided the following conditions are met:

- a) **the lots severed for commercial, institutional or open space uses shall comply with the policies of this Plan including secondary plans, where one exists;**
- b) **The lots are in conformity with the Zoning By-law or a minor variance is approved;**
- c) **the lots severed for residential uses, including mixed use buildings which contain residential uses shall comply with Section B.2.4 – Residential Intensification Policies, Section B.3.3 – Urban Design Policies, Section E.3.0 – Neighbourhoods Designation and any other relevant policies of this Plan;**
- d) **the lots are fully serviced by municipal water and wastewater systems; and,**
- e) **the lots have frontage on a public road.**

The proposed lots conform with relevant policies of the UHOP and the provisions of Zoning By-law 05-200. The proposed consent is intended to sever the Sonoma head office from the larger townhouse development. The application is not intended to facilitate new development. As new development is not proposed, the policies related to residential intensification and urban design would not apply. Design matters were previously addressed through the site plan approval process.

The existing office development was granted final site plan approval on June 4, 2021 (City File No.: DA-19-099). The construction of the office is almost complete. On May 12, 2021, final site plan approval was granted for the townhouse development on the retained parcel (City File No.: DA-19-099). Phase 1 of the townhouse development is near completion with Phase 2 still pending. Both developments are fully serviced by existing municipal infrastructure and will have frontage on a public road(s).

Planning Opinion

It is my opinion that the consent application conforms to the UHOP and Zoning By-law 05-200. The proposed consent is appropriate and will facilitate separate entities for both the severed and retained parcels. As previously noted, the consent application will not facilitate new development on the subject lands.

Supporting Materials

In support of the applications, we submit the following materials in digital format:

1. The completed and signed Consent Application dated January 4, 2024.
2. Consent Sketch prepared by A.T. McLaren Limited dated January 4, 2024.
3. Copy of cheque payable to the City of Hamilton in the amount of \$3,360.00 for the Consent Application. Sonoma will deliver the original cheque.

If you require anything further to circulate the application, please contact us.

Yours truly,

WELLINGS PLANNING CONSULTANTS INC.



Glenn J. Wellings, MCIP, RPP

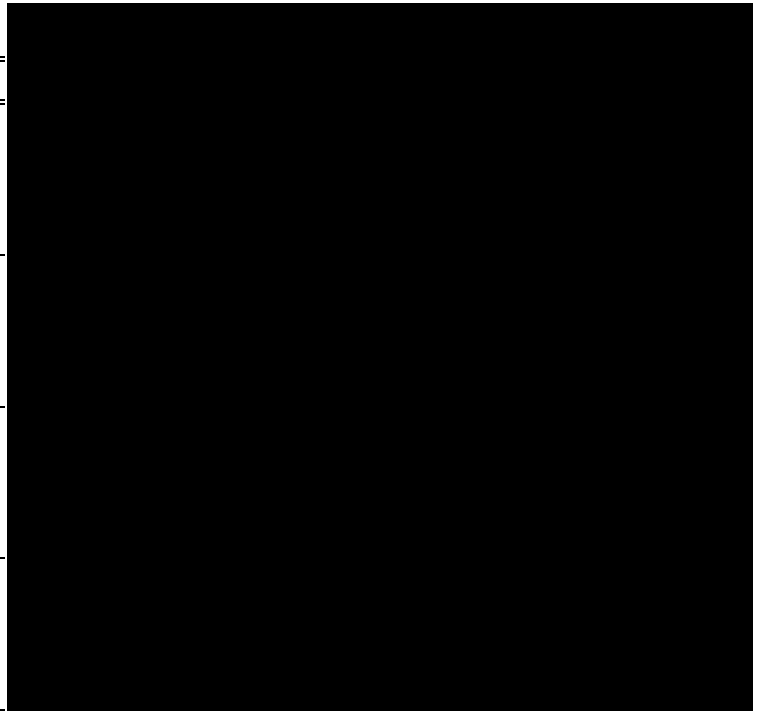
- c. Michael Chiaravalle - 1804482 Ontario Limited/Sonoma Homes
Jack Restivo/David Ionico – McHugh Whitmore LLP
David Gunstensen – A.T. McLaren Limited

**APPLICATION FOR CONSENT TO SEVER LAND
and VALIDATION OF TITLE
UNDER SECTION 53 & 57 OF THE *PLANNING ACT***

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

	NAME
Purchaser*	
Registered Owners(s)	
Applicant(s)**	
Agent or Solicitor	




*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.

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

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

1.3 Sign should be sent to Purchaser Owner
 Applicant 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	8533 Airport Road West (severed) / 3311 Homestead Drive (retained)		
Assessment Roll Number	25 18 902 510 26000 0000 / 25 18 902 510 23210 0000		
Former Municipality	Glanford		
Lot	Part of Lot 6	Concession	5
Registered Plan Number	62M-1281	Part of Block	1
Reference Plan Number (s)	62R-21451	Part(s)	1

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:

See attached page.

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| <input checked="" type="checkbox"/> creation of a new lot(s) | <input type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8) | <input type="checkbox"/> a charge |
| <input type="checkbox"/> cancellation (must also complete section 9) | |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | |

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

Sonoma Homes Inc.

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

3.4 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)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Severed	Parcel 2	Parcel 3*	Parcel 4*

Easements/Covenants

PIN 17400-1566 (severed parcel):

1. WE1535268 – Transfer Easement in favour of Hydro One Networks Inc.
2. WE1570004 – Transfer Easement in favour of Rogers Communications Inc.

PIN 17400-1647 (retained parcel):

1. WE1535268 – Transfer Easement in favour of Hydro One Networks Inc.
2. WE1558165 – Transfer Easement in favour of Bell Canada
3. WE1570004 – Transfer Easement in favour of Rogers Communications Inc.
4. WE1576654 – Transfer Easement in favour of the City of Hamilton (Lot Grading)
5. WE1615314 – Condominium Declaration.
6. WE1624110 – Transfer Easement in favour of Enbridge Gas Inc.

Identified on Sketch as:					
Type of Transfer	N/A				
Frontage	99.118 m	20.12 m ±			
Depth	97.011 m	87.10 ±			
Area	24263 m ² ±	1750 m ² ±			
Existing Use	Residential	Office			
Proposed Use	Residential	Office			
Existing Buildings/ Structures	Townhouses	Office and Storage Building			
Proposed Buildings/ Structures	N/A	N/A			
Buildings/ Structures to be Removed	N/A	N/A			

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- | | |
|-------------------------------------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> provincial highway | <input type="checkbox"/> right of way |
| <input type="checkbox"/> municipal road, seasonally maintained | <input type="checkbox"/> other public road |
| <input checked="" type="checkbox"/> municipal road, maintained all year | _____ |

b) Type of water supply proposed: (check appropriate box)

- | | |
|------------------------------------------------------------------------------------|---------------------------------------------------|
| <input checked="" type="checkbox"/> publicly owned and operated piped water system | <input type="checkbox"/> lake or other water body |
| <input type="checkbox"/> privately owned and operated individual well | <input type="checkbox"/> other means (specify) |
| | _____ |

c) Type of sewage disposal proposed: (check appropriate box)

- | |
|----------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> publicly owned and operated sanitary sewage system |
| <input type="checkbox"/> privately owned and operated individual septic system |
| <input type="checkbox"/> other means (specify) _____ |

4.3 Other Services: (check if the service is available)

- | | | | |
|-------------------------------------------------|-----------------------------------------------|-----------------------------------------|--------------------------------------------------------|
| <input checked="" type="checkbox"/> electricity | <input checked="" type="checkbox"/> telephone | <input type="checkbox"/> school bussing | <input checked="" type="checkbox"/> 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

Rural Settlement Area: _____

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

Existing office and storage building and townhouses are permitted under Official Plan.

- 5.2 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 known, provide the appropriate file number and status of the application.

- 5.3 What is the existing zoning of the subject land? C5-Exception 652 / C6 - Exception 580

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?
 N/A

- 5.4 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 known, provide the appropriate file number and status of the application.

- 5.5 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 * Submit Minimum Distance Separation Formulae (MDS) if applicable	<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"/>	

6 HISTORY OF THE SUBJECT LAND

6.1 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, provide the appropriate application file number and the decision made on the application.

25T-202007 - Registered as Plan 62M-1281 on January 19, 2022. Phase I condominium was subdivided from parcel (i.e. Block 1)

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

6.3 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.

6.4 How long has the applicant owned the subject land?

April 2018

6.5 Does the applicant own any other land in the City? Yes No

If YES, describe the lands below or attach a separate page.

7 PROVINCIAL POLICY

7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?

Yes No (Provide explanation)

7.2 Is this application consistent with the Provincial Policy Statement (PPS)?

Yes No (Provide explanation)

7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

Yes No (Provide explanation)

7.4 Are the subject lands subject to the Niagara Escarpment Plan?

Yes No (Provide explanation)

7.5 Are the subject lands subject to the Parkway Belt West Plan?

Yes No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

Yes No (Provide explanation)

8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

8.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

9.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

10 ADDITIONAL INFORMATION - FARM CONSOLIDATION

10.1 Purpose of the Application (Farm Consolidation)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

10.2 Location of farm consolidation property:

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

10.3 Rural Hamilton Official Plan Designation(s)

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 consolidation property.

10.4 Description of farm consolidation property:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

10.5 Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

10.6 Existing Land Use: _____ Proposed Land Use: _____

10.7 Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	-------------------------------------------------

Front yard set back: _____

a) Date of construction:

- Prior to December 16, 2004
- After December 16, 2004

b) Condition:

- Habitable
- Non-Habitable

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

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

11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study
