

**NOTICE OF PUBLIC HEARING**  
**Minor Variance**

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**You are receiving this notice because you are either:**

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

|                         |  |                          |                               |
|-------------------------|--|--------------------------|-------------------------------|
| <b>APPLICATION NO.:</b> | <b>A-25:121</b>                          | <b>SUBJECT PROPERTY:</b> | 5 Hill Place, Stoney Creek    |
| <b>ZONE:</b>            | R2 (Low Density Residential – Large Lot) | <b>ZONING BY-LAW:</b>    | Hamilton Zoning By-law 05-200 |

**APPLICANTS:**      Owner: Mary Walsh-Southall  
                             Agent: Fawzi Ghabayin

The following variances are requested:

1. The maximum gross floor area of an Additional Dwelling Unit – Detached shall not exceed 104.5 square metres or the gross floor area of the principal dwelling instead of the requirement that the maximum gross floor area shall not exceed the lesser of 75.0 square metres or the gross floor area of the principal dwelling.

**PURPOSE & EFFECT:**      To permit the construction of an addition to an existing accessory structure and to facilitate the conversion of the accessory structure to an Additional Dwelling Unit – Detached.

**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, August 14, 2025</b>   |
| <b>TIME:</b>  | <b>12:25 p.m.</b>  |
| <b>PLACE:</b> | <b>Via video link or call in (see attached sheet for details)</b>  |
|               | <b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>   |
|               | <b>To be streamed (viewing only) at</b><br><b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b> |

## A-25:121

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)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton

## PUBLIC INPUT

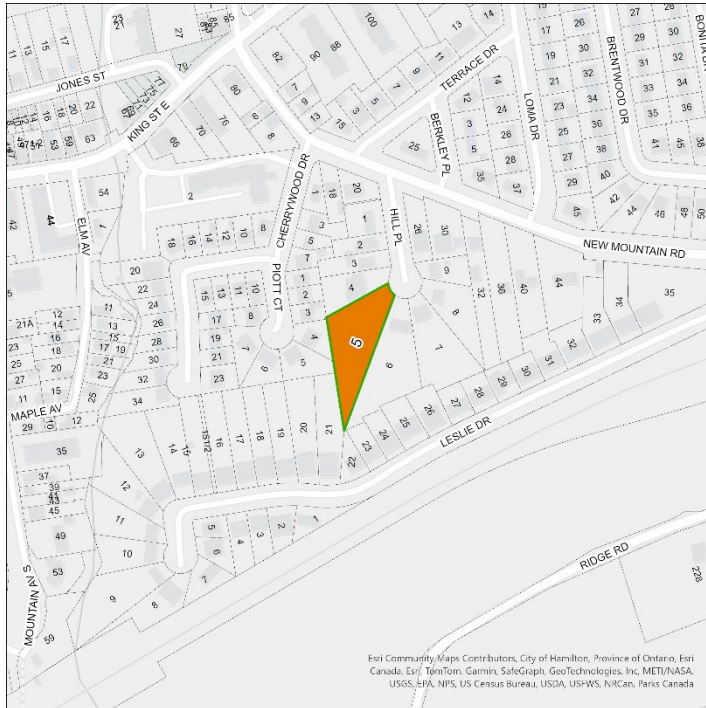
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon August 12, 2025

**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 noon August 13, 2025

## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-25:121, you must submit a written request to [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.

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](mailto: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: July 28, 2025

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Justin Leung,  
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.



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

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

## PARTICIPATION PROCEDURES

### Written Submission Ahead of the Meeting

Members of the public who wish to provide input without speaking at the Hearing may submit written comments in advance of the meeting. Comments must be received by 12:00 p.m. (noon) on the date listed on the Notice of Public Hearing.

### How to Submit Written Comments:

#### By Email:

Send to: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

#### By Mail:

Committee of Adjustment  
City of Hamilton  
71 Main Street West, 5th Floor  
Hamilton, Ontario  
L8P 4Y5

All written comments received will be made available to the Committee and the public by the Tuesday prior to the Hearing.

### Oral Submissions During the Hearing

Interested members of the public, agents, and owners may provide oral comments on Committee of Adjustment Hearing items either virtually via Webex (computer or phone) or by attending in person.

#### Speaking Time Limit:

All participants providing oral submissions, either in person or virtually are limited to a maximum of 5 minutes to speak. This is to ensure all parties have an equal opportunity to be heard and that the meeting runs efficiently.

### In-Person Oral Submissions

To participate in person, attend Council Chambers on the date and time listed in the Notice of Public Hearing. You will be required to provide your name and address for the record. It is recommended you arrive at least 10 minutes prior to the scheduled start time.

## **Virtual Oral Submissions**

To participate virtually, you must register by 12:00 p.m. (noon) on the date listed on the Notice of Public Hearing. To register, email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) with the following information:

- Committee of Adjustment file number
- Hearing date
- Name and mailing address of each person wishing to speak
- Method of participation (phone or video), and, if applicable, the phone number to be used
- Each person must register separately

Registered participants will receive a Webex link one business day before the Hearing. Only those registered will be called upon to speak.

## **Presentations**

All presentations are permitted at the discretion of the Committee.

### **Virtual Presentations:**

Presenters participating virtually may be granted permission to share their screen during the Hearing. A copy of the presentation must be submitted to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) no later than 12:00 p.m. (noon) on the business day prior to the Hearing. The submission must be one document in PDF format only.

### **In-Person Presentations:**

Presenters attending in person may be granted permission to use the presentation screen. Presentations must be brought on a USB device and opened by the owner/applicant. A copy of the presentation must also be sent to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) by 12:00 p.m. (noon) on the business day prior to the Hearing in PDF format as a single document. Handouts are permitted only if the same content can be displayed on the presentation screen.

## **Additional Notes**

- Webex (video) participation requires a compatible computer or smartphone. The necessary application must be downloaded in advance.
- It is the interested party's responsibility to ensure their device is functional and compatible prior to the Hearing.

**For any questions, contact staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or call 905-546-2424 ext. 4221.**

CITY STAMP:

LEGEND:

- PROPERTY LINE
- EXISTING WALKWAY
- EXISTING ASPHALT DRIVEWAY
- EXISTING GRASS AREA
- 2.75M x 5.75M PARKING SPACE
- EXISTING HOUSE ENTRANCE DOOR
- SECONDARY/OTHER DOOR
- ACCESSORY APARTMENT ENTRANCE DOOR

| GFA AREA                  |          |            |
|---------------------------|----------|------------|
| Name                      | Area     | Area in m2 |
| GROUND FLOOR AREA         | 1940 ft² | 180.23 m²  |
| ATTACHED GARAGE AREA      | 322 ft²  | 29.91 m²   |
| BASEMENT AREA             | 1144 ft² | 106.32 m²  |
| DETACHED GARAGE AREA      | 659 ft²  | 61.20 m²   |
| ADU AREA                  | 1124 ft² | 104.41 m²  |
| MECHANICAL EXTENSION ROOM | 110 ft²  | 10.23 m²   |

| SITE DATA           |           |            |
|---------------------|-----------|------------|
| NAME                | AREA      | Area       |
| GRASS AREA          | 33342 ft² | 3097.54 m² |
| BUILDING COVERAGE   | 2922 ft²  | 271.44 m²  |
| EXT. LOT AREA       | 40906 ft² | 3800.31 m² |
| EXT. DRIVEWAY       | 2530 ft²  | 235.05 m²  |
| EXT. WALKWAY        | 820 ft²   | 76.19 m²   |
| PROP. WALKWAY       | 103 ft²   | 9.56 m²    |
| FRONT COVERED PORCH | 64 ft²    | 5.95 m²    |

**ZONING ALLOWANCE:**  
70% OF GROUND FL. AREA OF P.D.  
180.23 SM X 70% = **126.16 SM**

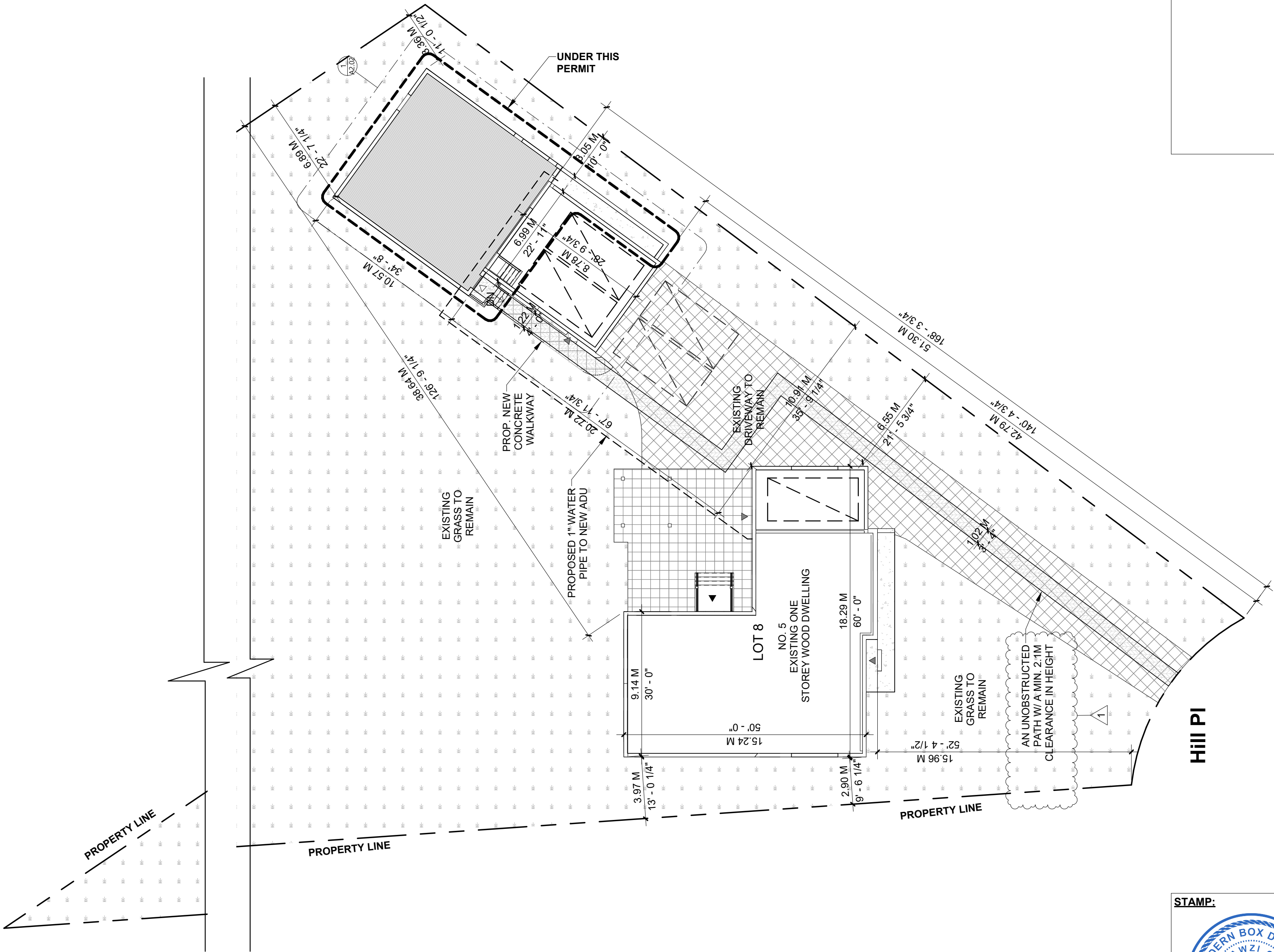
IS LESSER THAN OR EQUAL TO **75 SM**

ADU PROP. AREA: **104.41 SM**  
DEFICIENCY: **29.41 SM**

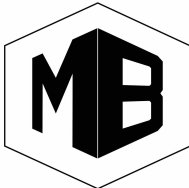
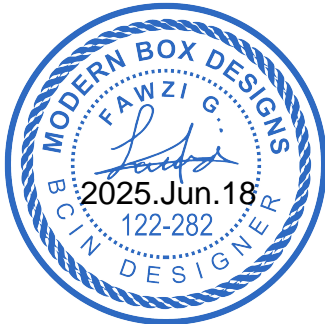
**NOTE:**  
**PARKING REQUIRED:** 2 SPACES

**PARKING PROVIDED:**  
2 SPACES LOCATED ON DRIVEWAY (2.75M x 5.75M)  
3 SPACES LOCATED IN GARAGE (2.75M x 5.2M)

-ADDITIONAL RESIDENTIAL UNIT OR PART THEREOF" WILL NOT BE CONSTRUCTED "WHERE THE FINISHED FLOOR LEVEL OF SUCH BASEMENT IS BELOW THE LEVEL OF ANY SANITARY SEWER SERVICING THE BUILDING OR STRUCTURE IN WHICH THE BASEMENT IS LOCATED," AS PER SUBSECTION 4.37(3) OF ZONING BY-LAW Z-1.



STAMP:



MODERN BOX DESIGNS  
MODERN-BOX.CA  
T. (437) 992-5112  
Email: Contact@Modern-Box.ca  
4230 Sherwoodtowne Blvd,  
Mississauga, ON L4Z 2G6

BILL SOUTHALL  
5 Hill PI, Hamilton, ON L8G 2W3

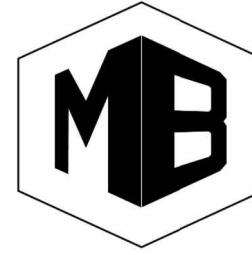
NOTES:  
- THESE PLANS ARE FOR ILLUSTRATION PURPOSES ONLY, CONTRACTOR SHALL NOT EXECUTE ANY CONST. ACCORDING TO PLANS.  
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS ON SITE.  
- ALL WORKS IS TO BE PERFORMED IN ACCORDANCE WITH THE OCCUPATIONAL HEALTH AND SAFETY ACT AND REGULATIONS FOR CONSTRUCTION PROJECTS- O. REG. 231/91 LOADING.

| No. | Description       | Date      |
|-----|-------------------|-----------|
| 1   | ISSUED FOR PERMIT | 08/APR/25 |
|     |                   |           |
|     |                   |           |
|     |                   |           |
|     |                   |           |
|     |                   |           |

SITE PLAN

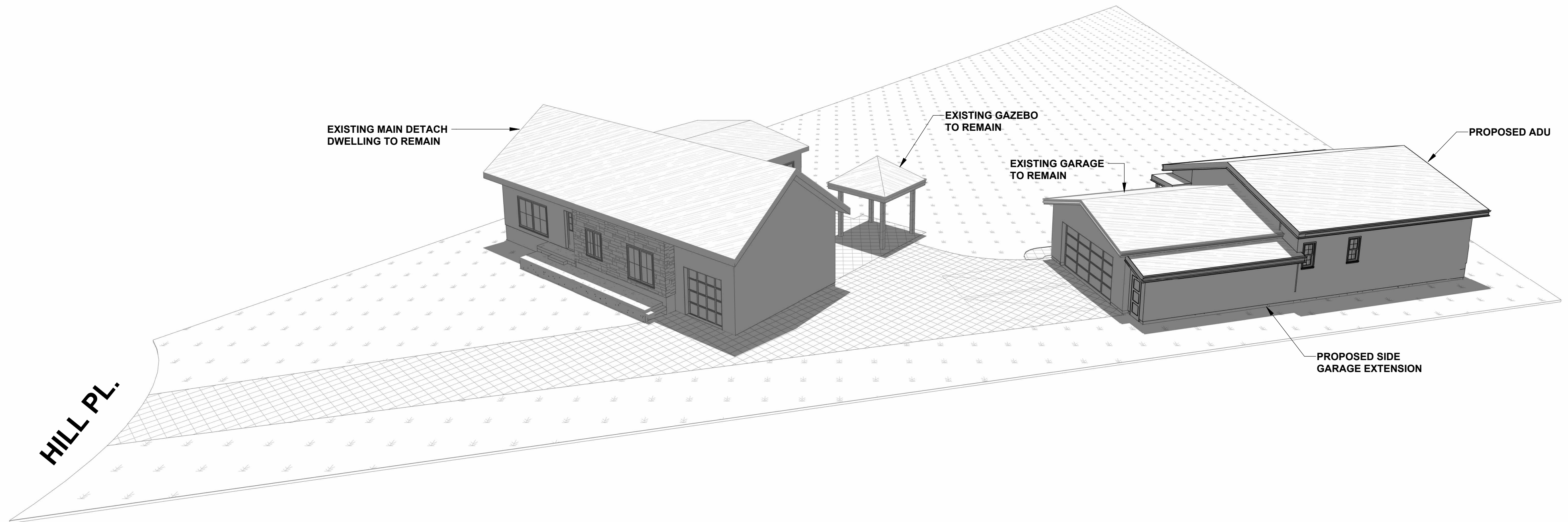
|                |             |                    |
|----------------|-------------|--------------------|
| Project number | P177-24 - 5 | A1                 |
| Date           | 08/APR/2025 |                    |
| Drawn by       | RD          |                    |
| Checked by     | FG          |                    |
|                |             | Scale As indicated |





MODERN BOX DESIGNS

5 Hill Pl, Hamilton

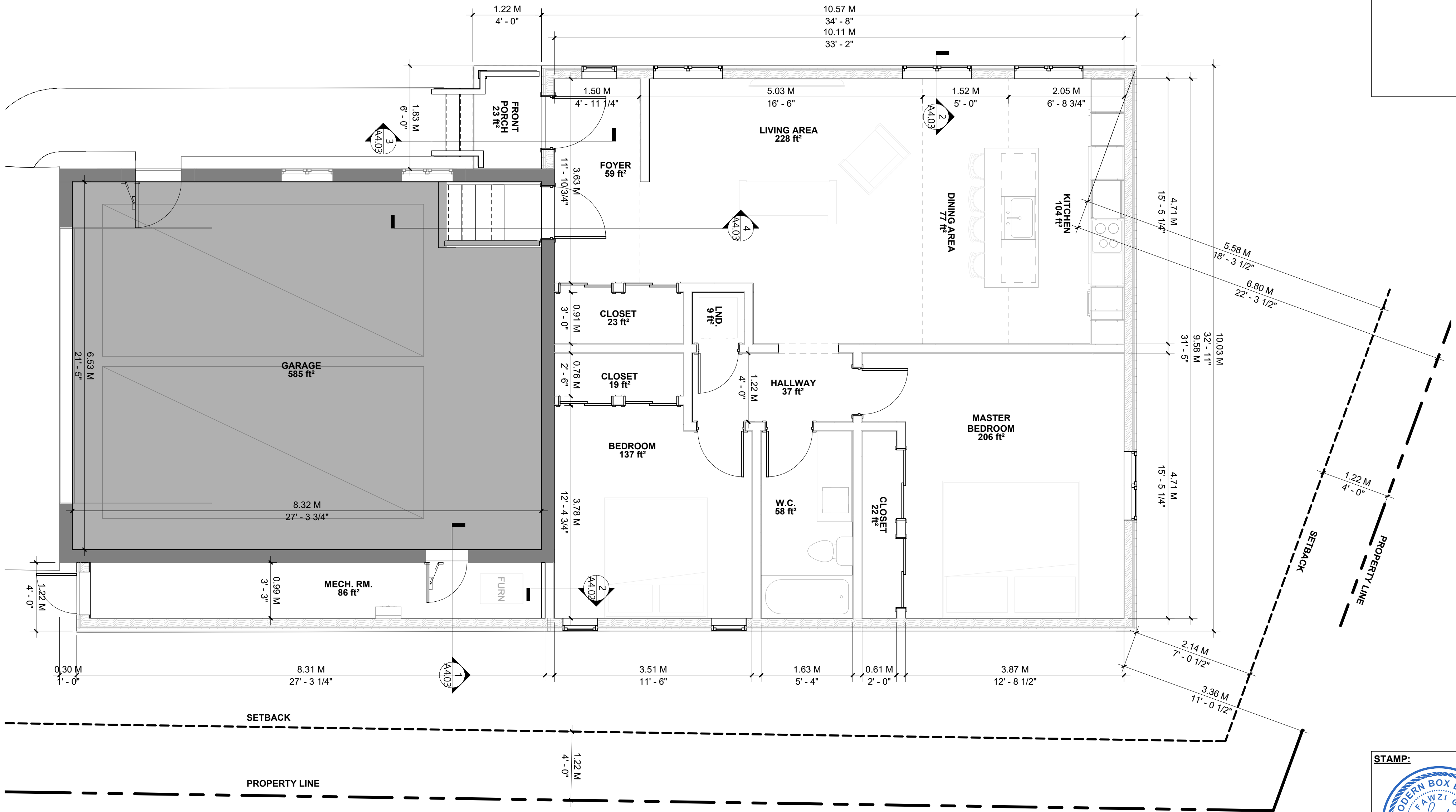


ISSUED FOR PERMIT: 2025.JUNE.18

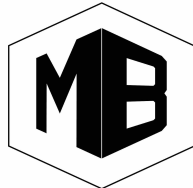
CITY STAMP:



PROPOSED WORK - NEW ADU  
EXISTING STRUCTURE TO REMAIN



STAMP:



MODERN BOX DESIGNS  
MODERN-BOX.CA  
T. (437) 992-5112  
Email: Contact@Modern-Box.ca  
4230 Sherwoodtowne Blvd,  
Mississauga, ON L4Z 2G6

BILL SOUTHALL  
5 Hill Pl, Hamilton, ON L8G 2W3

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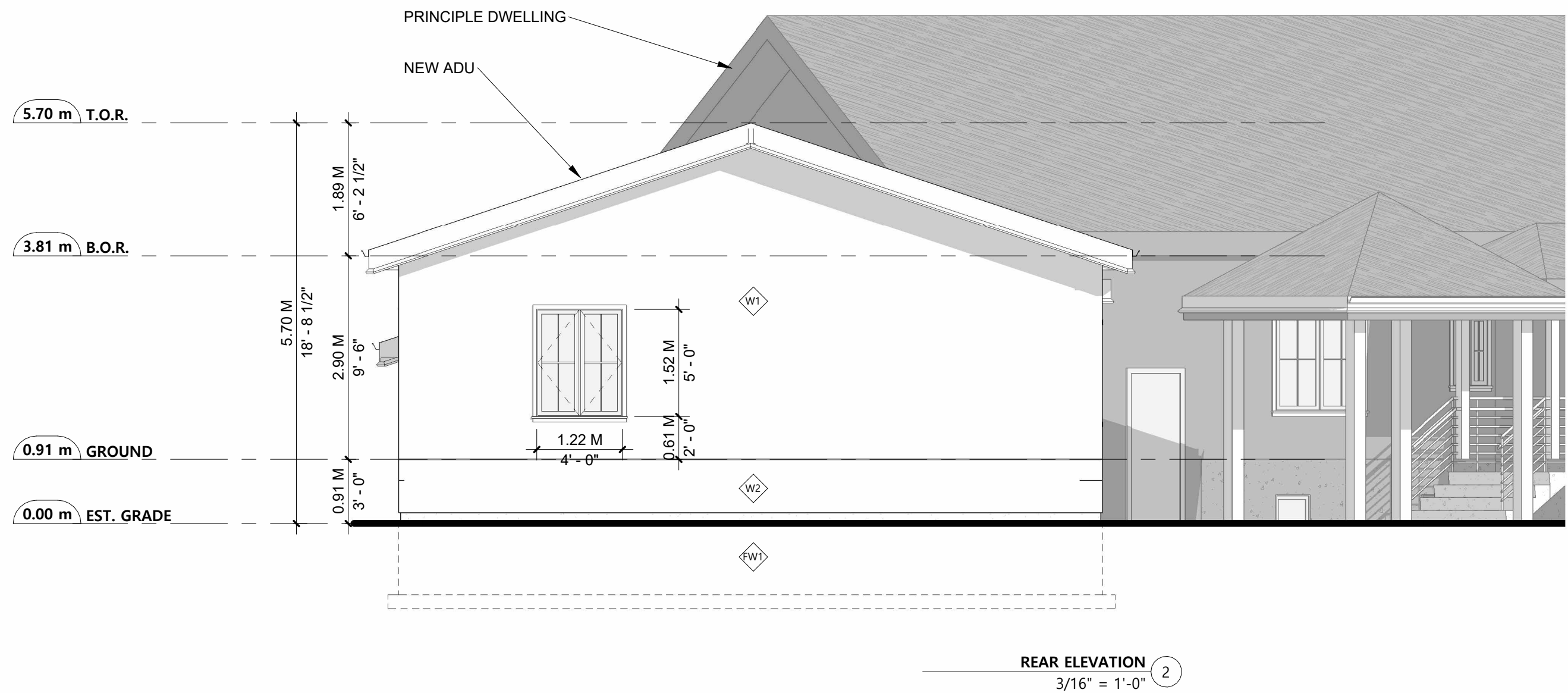
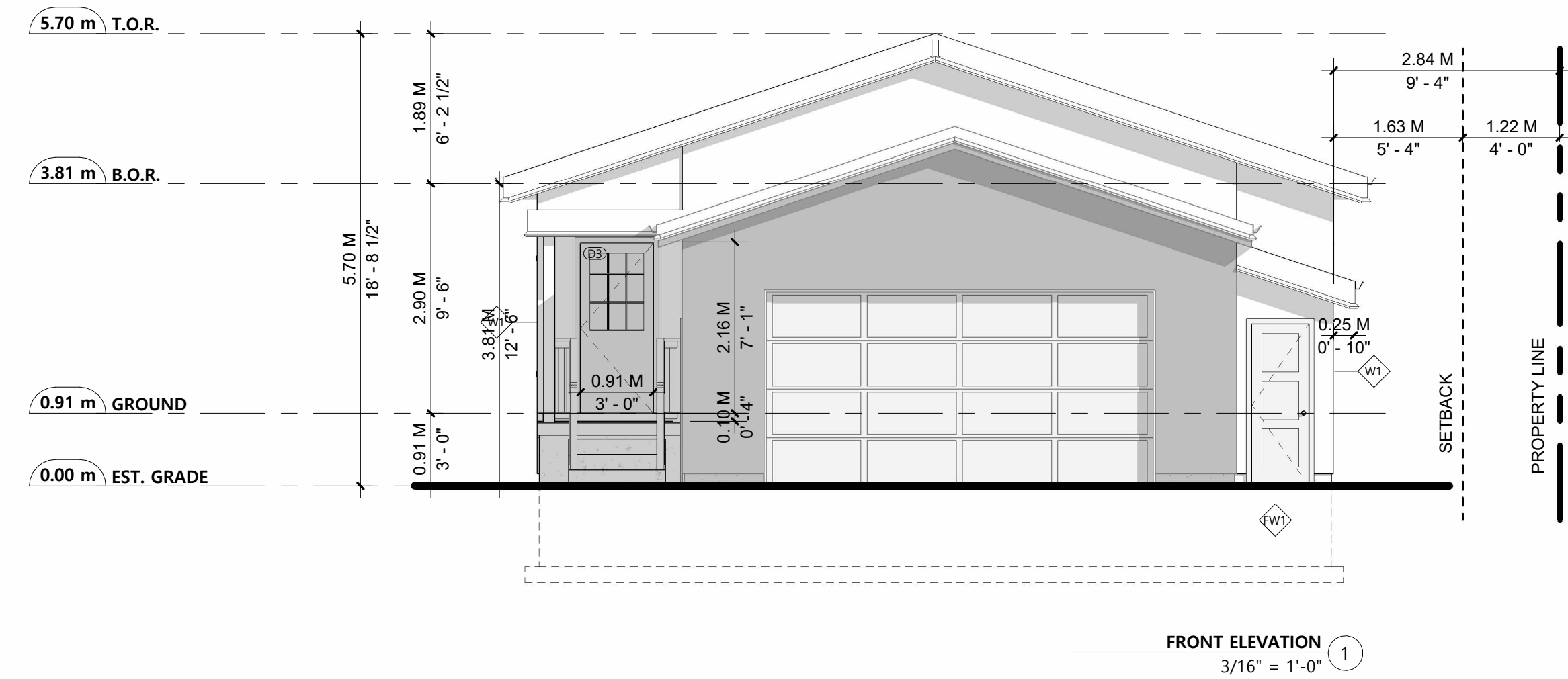
| No. | Description       | Date      |
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| 1   | ISSUED FOR PERMIT | 08/APR/25 |
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## PROP. ADU GROUND FLOOR

|                |             |                          |
|----------------|-------------|--------------------------|
| Project number | P177-24 - 5 | A2<br>Scale As indicated |
| Date           | 08/APR/2025 |                          |
| Drawn by       | RD          |                          |
| Checked by     | FG          |                          |



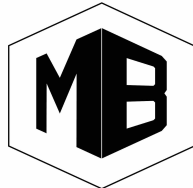
CITY STAMP:



PROPOSED WORK -  
NEW ADU

EXISTING STRUCTURE  
TO REMAIN

STAMP:



MODERN BOX DESIGNS  
MODERN-BOX.CA  
T. (437) 992-5112  
Email: Contact@Modern-Box.ca  
4230 Sherwoodtowne Blvd,  
Mississauga, ON L4Z 2G6

BILL SOUTHALL  
5 Hill Pl, Hamilton, ON L8G 2W3

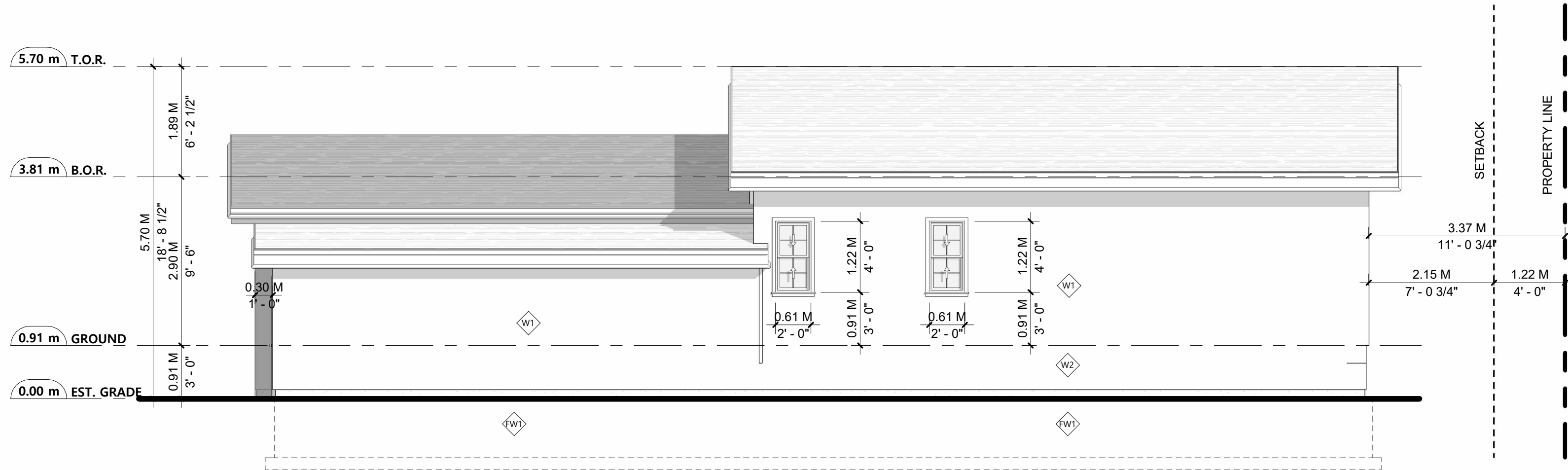
NOTES:  
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- CONTRACTOR SHALL VERIFY ALL DIMENSIONS ON SITE.  
- ALL WORKS IS TO BE PERFORMED IN ACCORDANCE WITH THE OCCUPATIONAL HEALTH AND SAFETY ACT AND REGULATIONS FOR CONSTRUCTION PROJECTS- O. REG. 231/91 LOADING.

| No. | Description       | Date      |
|-----|-------------------|-----------|
| 1   | ISSUED FOR PERMIT | 08/APR/25 |
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FRONT & REAR ELEVATIONS

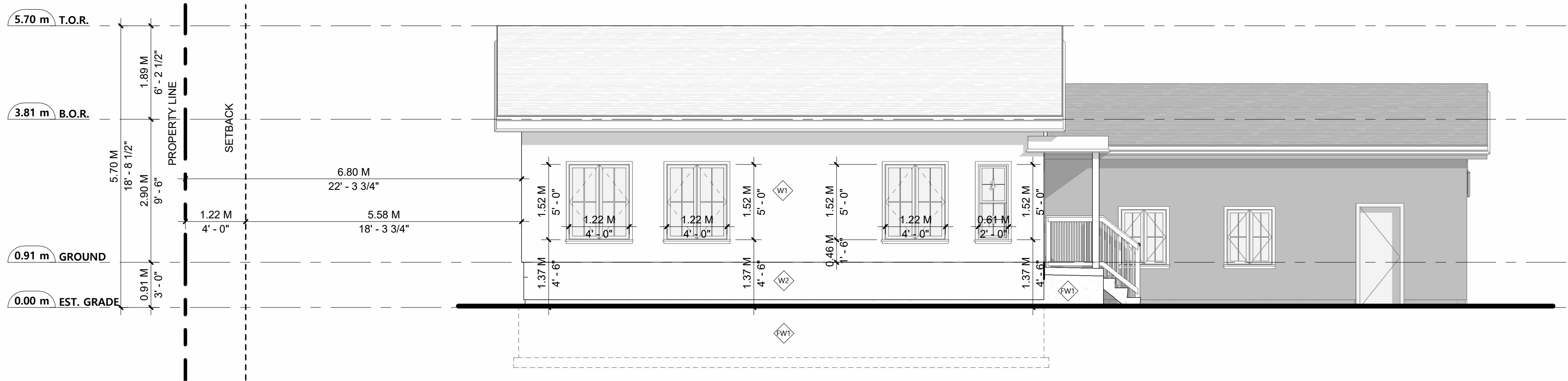
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| Project number | P177-24 - 5 | A3<br>Scale As indicated |
| Date           | 08/APR/2025 |                          |
| Drawn by       | RD          |                          |
| Checked by     | FG          |                          |

CITY STAMP:



RIGHT-SIDE ELEVATION

3/16" = 1'-0"



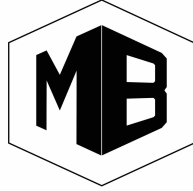
LEFT-SIDE ELEVATION

3/16" = 1'-0"

PROPOSED WORK -  
NEW ADU

EXISTING STRUCTURE  
TO REMAIN

STAMP:



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BILL SOUTHALL  
5 Hill Pl, Hamilton, ON L8G 2W3

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- ALL WORKS IS TO BE PERFORMED IN ACCORDANCE WITH THE OCCUPATIONAL HEALTH AND  
SAFETY ACT AND REGULATIONS FOR CONSTRUCTION PROJECTS- O. REG. 231/91 LOADING.

| No. | Description       | Date      |
|-----|-------------------|-----------|
| 1   | ISSUED FOR PERMIT | 08/APR/25 |
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## SIDE ELEVATIONS

|                    |             |    |
|--------------------|-------------|----|
| Project number     | P177-24 - 5 | A4 |
| Date               | 08/APR/2025 |    |
| Drawn by           | RD          |    |
| Checked by         | FG          |    |
| Scale As indicated |             |    |

6/18/2025 11:02:13 AM



Hamilton

**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 A MINOR VARIANCE/PERMISSION**  
UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

|                      | NAME                | MAILING ADDRESS |
|----------------------|---------------------|-----------------|
| Registered Owners(s) | Mary Walsh-Southall |                 |
| Applicant(s)         | Fawzi Ghabayin      |                 |
| Agent or Solicitor   | Same as applicant   |                 |

**1.2 Primary contact**

☐ Applicant

☐ Owner

☒ Agent/Solicitor

**1.3 Sign should be sent to**

☐ 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 be sent by email.

**1.6 Payment type**

☐ In person

☒ Credit over phone\*

☐ Cheque

\*Must provide number above

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

|                           |                                 |            |  |
|---------------------------|---------------------------------|------------|--|
| Municipal Address         | 5 Hill Pl, Hamilton, ON L8G 2W3 |            |  |
| Assessment Roll Number    | 031004601060000000              |            |  |
| Former Municipality       |                                 |            |  |
| 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:

The zoning by-law permits the lesser of 75m<sup>2</sup> or 45% of the gross floor area (GFA) of the principal dwelling, which in this case equals 105m<sup>2</sup>. While we comply with the 45% GFA limit, our proposed accessory dwelling unit (ADU) exceeds the 75m<sup>2</sup> cap by approximately 29.5m<sup>2</sup>. Therefore, we are requesting a minor variance to permit an ADU with a GFA of 104.5m<sup>2</sup>.

☒ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

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

Due to the size and layout of our lot, we have the space to accommodate a slightly larger accessory dwelling unit (ADU) without impacting neighbouring properties or the character of the area. The additional floor area we are requesting—less than 30 m<sup>2</sup> above the by-law limit—is necessary to meet Ontario Building Code (OBC) minimum room size requirements and to ensure the unit is functionally livable. Strictly adhering to the 75 m<sup>2</sup> cap would result in a compromised layout that limits basic livability and design flexibility. Given the large lot size, adequate setbacks, and the minor nature of the variance, we believe the intent of the by-law is still respected.

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 |
| 12           | 128.8     | 3800     | 11              |

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 |
|-------------------|--------------------|-------------------|--------------------|----------------------|
| Main Dwelling     | 15.96              | 38.64             | 2.9                | 1954                 |
|                   |                    |                   |                    |                      |
|                   |                    |                   |                    |                      |
|                   |                    |                   |                    |                      |

Proposed:

| Type of Structure | Front Yard Setback | Rear Yard Setback | Side Yard Setbacks | Date of Construction |
|-------------------|--------------------|-------------------|--------------------|----------------------|
| Detach ADU        | 51.34              | 3.36              | 3.05               |                      |
|                   |                    |                   |                    |                      |
|                   |                    |                   |                    |                      |
|                   |                    |                   |                    |                      |

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 |
|-------------------|-------------------|------------------|-------------------|--------|
| Main Dwelling     | 180.23            | 180.23           | 1                 | 6      |
|                   |                   |                  |                   |        |
|                   |                   |                  |                   |        |
|                   |                   |                  |                   |        |

Proposed:

| Type of Structure | Ground Floor Area | Gross Floor Area | Number of Storeys | Height |
|-------------------|-------------------|------------------|-------------------|--------|
| Detach ADU        | 104.41            | 104.41           | 1                 | 5.6    |
|                   |                   |                  |                   |        |
|                   |                   |                  |                   |        |
|                   |                   |                  |                   |        |

- 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 detach dwelling with another detach ADU on the same lot
- 4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):  
Sindle detach dwelling

## 7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:  
August 20, 1996
- 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
Sindle detach dwelling
- 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
Sindle detach dwelling
- 7.4 Length of time the existing uses of the subject property have continued:  
29 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) Neighbourhoods

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

This property falls under the yellow colour, which is called "Neighbourhoods" in the legends

- 7.6 What is the existing zoning of the subject land? 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: \_\_\_\_\_

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 2

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

Building a new detach ADU in the rear yard, attached to an existing detach garage

## 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

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