

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.:	A-25:125	SUBJECT PROPERTY:	474 Provident Way, Glanbrook
ZONE:	RM3-284(B) (Multiple Residential)	ZONING BY-LAW:	Glanbrook Zoning By-law 464

APPLICANTS: Owner: Ramsey Shaheen – Cachet (MDRE) Mount Hope Inc
Agent: Erica Forrest

The following variances are requested:

1. A deck shall be permitted to project a maximum of 2.5 metres into the minimum required rear yard instead of the maximum permitted projection of 1.5 metres.

PURPOSE & EFFECT: To permit the construction of a deck in the rear yard of a block townhouse development associated with approved Site Plan Application DA-22-032.

Notes:

- i. Approved Draft Plan of Subdivision 25T-200723.
- ii. Approved Site Plan DA-22-032.
- iii. Previously approved minor variance GL/A-23:278.

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, August 14, 2025
TIME:	1:00 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	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
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton

PUBLIC INPUT

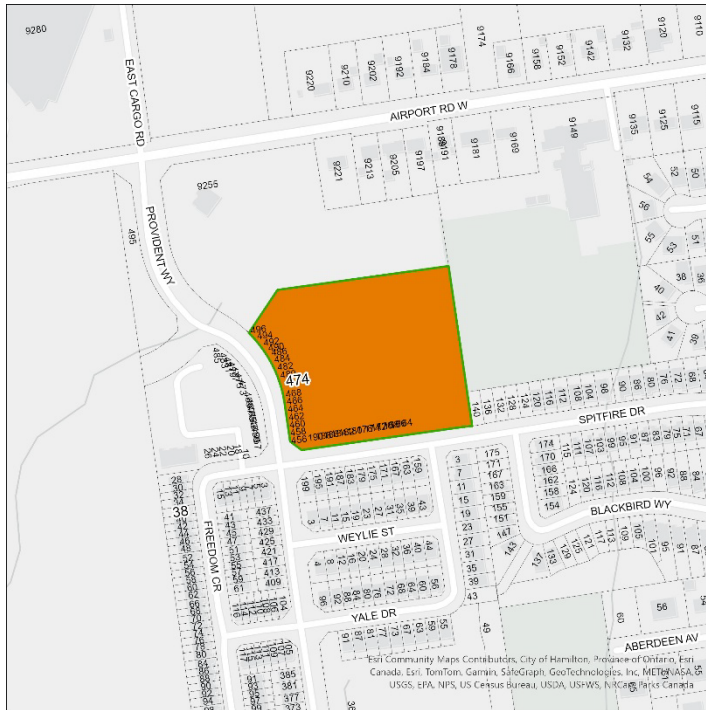
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon August 12, 2025

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-25:125, 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: July 28, 2025

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

Telephone (905) 546-2424, ext. 4221

E-mail: 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

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 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 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.

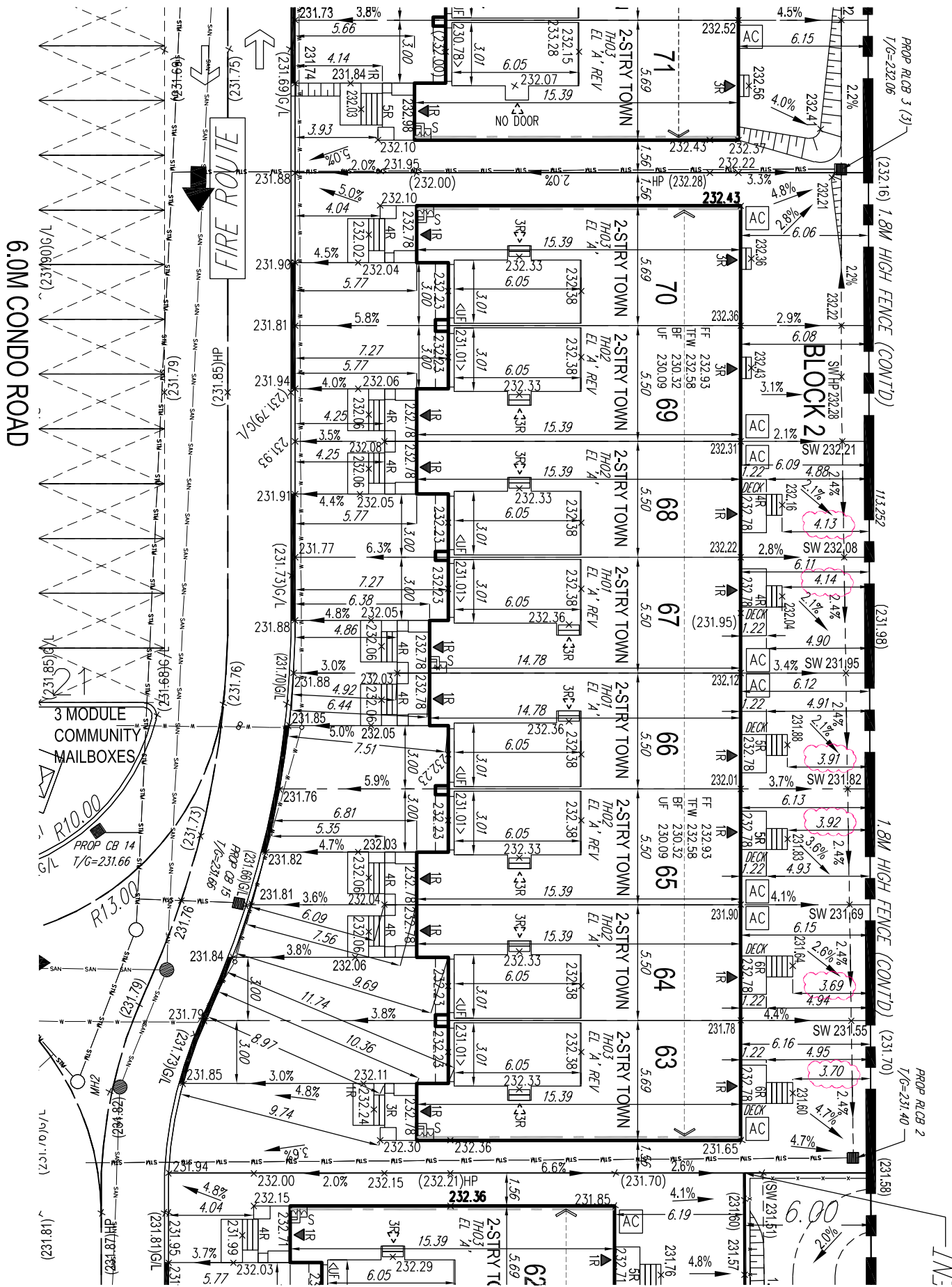
In-Person Presentations:

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 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

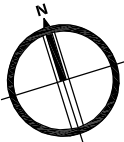
- Webex (video) participation requires a compatible computer or smartphone. The necessary application must be downloaded in advance.
- It is the interested party's responsibility to ensure their device is functional and compatible prior to the Hearing.

For any questions, contact staff at cofa@hamilton.ca or call 905-546-2424 ext. 4221.



- GENERAL NOTES:
1. BUILDER TO VERIFY LOCATION OF UTILITIES AND OTHER SERVICES. IF MIN. DIMENSIONS ARE NOT MAINTAINED, BUILDER IS TO RELOCATE AT BUILDER'S EXPENSE.
 2. BUILDER TO VERIFY ELEV. OF STM. AND SAN. LATERALS IN RELATION TO BASEMENT U/S OF FOOTING ELEVATIONS FOR COMPLIANCE WITH MUNICIPAL STANDARDS PRIOR TO EXCAVATION.
 3. APPROVED PERMIT DRAWINGS & CONSTRUCTION NOTES MUST BE REVIEWED AND FOLLOWED IN CONJUNCTION WITH THE SITING AND GRADING PLAN. BUILDER TO VERIFY BUILDING ENVELOPE ON SITE PLAN MATCHES APPROVED PERMIT DRAWINGS & CONSTRUCTION NOTES PRIOR TO POURING CONCRETE. IF THERE ARE ANY DISCREPANCIES, THEY ARE TO BE BROUGHT TO THE ATTENTION OF HUNT DESIGN ASSOCIATES INC.
 4. UNLESS NOTED ON BUILDING ENVELOPE OR APPROVED PERMIT DRAWINGS & CONSTRUCTION NOTES, ALL TOP OF FOUNDATION WALLS INCLUDING GARAGE WALLS TO BE CONSISTENT WITH THE ELEVATION PROVIDED FOR TFW ON SITING AND GRADING PLAN. THE EXTERIOR OF THE FOUNDATION WALL TO BE PROVIDED WITH A REDUCTION OF THICKNESS FOR MASONRY VENEER AS REQUIRED.

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ISSUED FOR FINAL APPROVAL	BRI	2024.07.24
ISSUED FOR PRELIMINARY APPROVAL	BRI	2024.06.01



Title
SITE PLAN - 474 PROVIDENT WAY

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION

BRIAN SHERRER 22454

NAME SIGNATURE BCIN

REGISTRATION INFORMATION

HUNT DESIGN ASSOCIATES INC. 19695

HUNT DESIGN ASSOCIATES INC.
www.huntdesign.ca

Plan No. - BLOCK 2 Street Name MOUNT HOPE, HAMILTON, ON.

219017 - CACHET HOMES
MOUNT HOPE, HAMILTON, ON.

Drawn By MAS Checked By BRI Scale 1:250 File Number 223021.WSP-01
8966 Woodbine Ave, Markham, ON L3R 0J7 T 905.737.5133

Lot / Page Number
BLOCK 2

474 PROVIDENT WAY
CONCEPT PLAN - BLOCK 264 FILE NO: DA-22-032
BY-LAW: RM3-284(B) CACHET MDRE (MOUNT HOPE) INC.

1. SITE AREA:
TOTAL AREA = 2.392ha (5.911 acre) = 23,924.82 sm

2. PART A:
2.1. NUMBER OF UNITS:

TYPE 'A': 5.50 M TRADITIONAL TOWNHOUSE, 2 STOREY = 47 UNITS
TYPE 'B': 5.50 M TRADITIONAL TOWNHOUSES, 3 STOREY = 19 UNITS
TYPE 'B': 6.22M REAR LANE TOWNHOUSE, 3 STOREY = 40 UNITS
TOTAL = 106 UNITS

2.2. DENSITY: 100 UNITS PER HA (MAXIMUM)

106 UNITS / 5.911 ACRE = 17.93 UNITS PER ACRE (44.31 UNITS PER HA)

2.3. RESIDENT PARKING REQ'D = 106 UNITS X 2

= 212 SPACES REQ'D

2.4. RESIDENT PARKING PROV'D = 212 SPACES PROV'D

2.5. VISITOR PARKING REQ'D = 106 UNITS / 0.50

= 53 SPACES REQ'D

2.6. VISITOR PARKING PROV'D = 51 SPACES PROV'D + 3 ACCESSIBLE SPACES

TOTAL REQUIRED PARKING SPACES = 265 SPACES

TOTAL PROVIDED PARKING SPACES = 266 SPACES

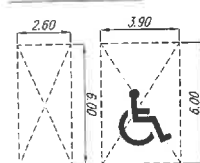
2.7. NO PARKING SPACE OR AREA SHALL BE LOCATED CLOSER TO A STREET LINE THAN 1.5m
AND 2.5m TO ANY RESIDENTIAL ZONE (EXCEPT 0.0m FROM NORTHERLY LOT LINE)

3. COVERAGE

TOTAL LAND AREA = 23,924.82 SM X 0.35 MAX. LOT COVERAGE
= 8373.68 SM (MAX. LOT COVERAGE)

COVERAGE = TOTAL BUILDING COVERAGE / TOTAL LAND AREA
= 8650 SM / 23,924.82 SM
= 36.28% TOTAL BUILDING COVERAGE

PARKING SPACES



ASPHALT PARKING SPACES

4.0 LANDSCAPE CALCULATION

LANDSCAPE CALCULATIONS	PROPOSED	
1) LOT AREA	23,924.82 SM	100.00 %
4) BUILDING AREA	8650 SM	36.20 %
2) ROAD / CURB / PARKING AREA	5039.54 SM	21.07 %
3) DRIVEWAY AREA	1733.25 SM	7.24 %
3) LANDSCAPE AREA	8501.26 SM	35.53 %

"LANDSCAPED AREA" means an area that shall not be built upon and shall not be used for any purpose other than as an area of landscaping, which may include grass, shrubs, flowers, trees and similar types of vegetation, and patios, walks, fences and similar structures, but shall exclude parking areas, loading areas, driveways or ramps.

AREAS

BUILDING AREA = 8625.77 SM

ROAD + CURB + PARKING AREA = 5039.54 SM

DRIVEWAY AREA = 1733.25 SM

DETAILS REGARDING MUNICIPAL
SERVICES UNDER ENGINEER REVIEW

SILLS, CORNICES,
EAVES OR GUTTERS,
CHIMNEYS, BAY
WINDOWS SHALL NOT
PROJECT MORE THAN
0.50m INTO AND
REQUIRED YARD

PROPOSED USE	BY-LAW REQUIREMENT	PROPOSED
PROPOSED ZONE	RESIDENTIAL - BLOCK/CLUSTER/TOWNHOUSE	RM3-284(B)
PROPOSED ZONE	PROPOSED ZONE	RM3-284(B)
STANDARD	BY-LAW REQUIREMENT	PROPOSED
MAXIMUM DENSITY	100 DWELLING UNITS PER HEC.	SEE STATS ABOVE
BUILDING HEIGHT	MAX. 14M	SEE BLOCK ELEVATIONS
MIN. FLOOR AREA	88 SQM	158 SQM
MAX. LOT COVERAGE	35%	36.28%
LANDSCAPE AREA	MINIMUM 30%	35.53%
FRONT YARD	3.5m TO MAIN WALL	3.5m TO MAIN WALL W/ 1.5m COVERED PORCH ENCROACHMENT
FRONT YARD TO GARAGE	6.0 m	AS PER CONCEPT PLAN
SIDE YARD + REAR YARD	1.5 METRES FOR A WESTERLY SIDE YARD	AS PER CONCEPT PLAN
RM3-284	1.5m FOR AN EASTERLY SIDE YARD FROM THE SIDE FACADE OF A TOWNHOUSE.	1.5m FOR AN EASTERLY SIDE YARD FROM THE SIDE FACADE OF A TOWNHOUSE.
INTERIOR SIDE YARD	1.5m FOR AN EASTERLY SIDE YARD FROM THE REAR FACADE OF A TOWNHOUSE.	1.5m FOR AN EASTERLY SIDE YARD FROM THE REAR FACADE OF A TOWNHOUSE.
RM3-284 (A)	3.5m FOR A NORTHERLY BLOCK BOUNDARY TO THE FRONT OF A TOWNHOUSE DWELLING.	AS PER CONCEPT PLAN
	4.5m FROM THE WESTERLY BLOCK BOUNDARY TO THE SIDE FACADE OF A TOWNHOUSE DWELLING.	
	3m FROM THE SOUTHERLY BLOCK BOUNDARY TO THE SIDE FACADE OF A TOWNHOUSE DWELLING.	
MINIMUM BUILDING SEP	2.4m BETWEEN TWO EXT. WALLS	0.30m
GARAGE MUST BE 0.30m ABOVE CENTERLINE OF STREET		
GARAGE PARKING SPACE	MIN. SIZE 3m x 6m	MIN. SIZE 3m x 6m
DRIVEWAY/PARKING SPACE	MIN. SIZE 2.6m x 5.5m	MIN. SIZE 2.6m x 5.5m
MIN. GROSS FLOOR AREA	88 sqm PER DWELLING UNIT	88 sqm PER DWELLING UNIT
DAYLIGHT TRIANGLE	0m FROM DAYLIGHT TRIANGLE	AS PER CONCEPT PLAN

KEYMAP

SITE PLAN
SCALE 1:200



- All work involved in the construction, relocation, repair of municipal services for the project shall be to the satisfaction of the Director of Planning and Chief Planner, Planning and Economic Development Department.
- Fire Hydrant Signs and 3-Way Fire Hydrants shall be established to the satisfaction of the City Fire Department and at the expense of the owner.
- Minimum driveway dimensions at the property line boundaries are 4.0m or more 7.5m culverts otherwise stated.
- All driveways from property lines for the first 7.5 m shall be within 5% maximum grade. Thereafter, all driveways shall be within 10% maximum grade.
- The approval of this plan does not exempt the owner's bonded contractor from the requirements to obtain the various permits normally required to complete a construction project, such as, but not limited to the following:
 - Building Permit
 - Sewer and Water Permits
 - Road Cut Permits
 - Relocation of Services
 - Approach Approval Permits
 - Erosion/Retention Agreements (if required)
 - Conservation of Adjacent
 - Sign Permits
- Abandoned accesses must be removed and the curb and boulevard restored with sod at the owner's expense to the satisfaction of the Curator Management Section, Public Works Department.
- For readily identifiable areas of the site, the following shall be provided:
 - whereby - trees, vegetation in which the maximum height of any objects or mature vegetation is not to exceed a height of 0.60 metres above the corresponding perpendicular setback elevation of the adjacent street.
- Signage is not approved through the Site Plan Process. All signs must comply with Hamilton Sign By-law No. 10-197.
- Lighting must be provided on site and must not spill over to adjacent properties or streets.
- CALL 800-969-7000, arrange for underground hydro cable location and gas pipelines before beginning construction by contacting Ontario One Call at 1-800-400-2255.

DETAILS REGARDING MUNICIPAL
SERVICES UNDER ENGINEER REVIEW

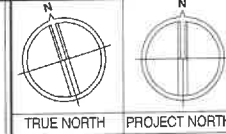
LEGEND

HOUSE SETBACK
VISIBILITY TRIANGLE
AIR CONDITIONING
HYDRO METER
PORCH SETBACK
GARAGE SETBACK
GAS BOXES
GAS METER

THE CITY OF HAMILTON
PLANS AND DRAWINGS APPROVED PURSUANT TO
SECTION 41 OF THE PLANNING ACT

DATE OF APPROVAL

MUNICIPAL HERITAGE AND URBAN DESIGN
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



FILE NO: DA-22-032

DATE OF APPROVAL

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PLANNING JUSTIFICATION LETTER**MOUNT HOPE – BLOCK 264 MINOR VARIANCE APPLICATION**

Date: June 16, 2025

To: Secretary-Treasurer

Committee of Adjustment

Planning and Economic Development Department, City of Hamilton

71 Main Street West, 5th Floor

Hamilton, ON, L8P 4Y5

Re: Planning Justification Letter – Mount Hope Block 264 Variance Application

Dear Committee,

This Planning Justification Letter has been prepared in support of a Minor Variance Application for Block 264, Plan 62M-1275, located within the Mount Hope Community in the City of Hamilton. The block forms part of an approved Draft Plan of Subdivision (File No. 25T-200723, included as Appendix A) and is subject to an approved Site Plan (File No. DA-22-032, Included as Appendix B), with construction currently in progress. This letter provides an overview of the subject lands, outlines the nature and purpose of the requested variance, and evaluates the proposal against the four tests set out in Section 45(1) of the *Planning Act*.

1.0 Introduction

Block 264 is part of a comprehensively planned residential neighbourhood approved through a draft plan of subdivision and supported by site-specific zoning provisions. The broader development has been subject to multiple minor variance approvals in recent years, including for Block 264, to address detailed implementation matters related to built form and yard definitions. The character of the area is established as a compact, low-rise residential block with a mix of street and condominium townhouse units organized around internal roads and shared amenity elements.

The current variance is requested to permit a rear stair projection from a permitted deck structure that encroaches into the required rear yard beyond the extent allowed under the Zoning By-law. The deck is necessary in certain units to address grading conditions at the rear of the townhouse, providing access from the rear patio doors. In these instances, the stair must project outward from the deck, rather than being oriented parallel to it, in order to avoid conflicts with HVAC units and side yard fencing. The resulting additional projection is minor, limited in extent, and reflects a functional response to site-specific constraints.

The proposed condition is consistent with the built form and outdoor amenity expectations for this development and maintains appropriate separation from the rear property line. An illustration of the proposed revised condition, showing the relationship between the rear wall of the townhouse, the permitted deck, and the required rear yard setback, is included as Appendix C to demonstrate the nature and extent of the requested relief.

The following sections evaluate the requested variance against the four tests of the Planning Act and demonstrate that the proposal represents good planning and appropriate development of the lands.

2.1 Requested Variances

A minor variance is requested to modify the provisions of Exception RM3-284(A) of Zoning By-law No. 464 to permit a stair structure to project beyond the maximum encroachment otherwise permitted into the required rear yard under Section 7.26(b). Specifically, the proposed amendment would add a site-specific provision to RM3-284(A) as follows:

- *“Notwithstanding Section 7.26(b), stair structures associated with a permitted rear deck may project up to 2.5 metres from the rear wall of the townhouse into the required rear yard.”*

This provision would apply to all townhouse units within Block 264 on Registered Plan 62M-1275 and would allow stair structures associated with permitted rear decks to extend up to 2.5 metres from the rear wall of the townhouse into the required rear yard. All other projections, including decks, remain subject to the general provisions of the Zoning By-law.

This variance arises due to the unique zoning interpretation applied to Block 264, in which the boundary of the entire block (as shown on Registered Plan 62M-1275) is deemed to function as the “lot line” for the purpose of applying zoning regulations, including setbacks and yard encroachments. This approach was established through a previously approved minor variance (GL/A-23:278, Included as Appendix D) to facilitate the implementation of block townhouse units within a common element condominium plan.

As a result, while the actual rear yard area behind each unit may appear sufficient, the zoning rear yard is measured from the rear of the townhouse unit to the outer boundary of the block, not to the internal elements of the condominium such as a rear walkway or common amenity area. In some locations, such as the south portion of the block where a walkway block abuts the rear lot line, this condition provides additional separation, and no variance is required. However, in other locations where the rear wall of the townhouse is located approximately 6.0 metres from the block boundary, the required clearance is reduced and any additional projection beyond 1.5 metres triggers the need for a variance.

An illustration of the proposed stair configuration in relation to the rear wall and yard setback is included as Appendix C.

2.2 Is the Variance Minor in Nature?

The proposed variance is considered minor in nature for the following reasons:

- **Limited in scale and extent:** The additional projection beyond the 1.5 metre encroachment allowance is limited to stair structures associated with permitted rear decks. While the maximum projection is approximately 2.5 metres in locations with the greatest grade differential, the projection is less in other areas depending on the number of risers required.
- **No adverse impacts on neighbouring properties:** The stair projections remain fully contained within the private rear yard area and maintain the required 6.0 metre setback to the block boundary. Adequate separation to adjacent residential uses is preserved, and no privacy or overlook concerns are created.
- **Consistent with the intended built form:** The proposed encroachments do not alter the massing or arrangement of the townhouse blocks. Rear yard stairs are typical of this housing form and are anticipated in the overall site design.
- **Functionally appropriate:** The stair projection addresses a functional need resulting from rear yard grade changes and is required to provide safe and direct access to grade. In constrained locations, stairs must project outward due to conflicts with side yard fencing and equipment.
- **Not perceptible from the public realm:** The projections occur within enclosed rear yards and are not visible from public streets or open spaces, thereby minimizing any potential visual impact.

2.3 Is the Variance Desirable for the Appropriate Development or Use of the Land?

The variance is desirable for the appropriate development and use of the land for the following reasons:

- **Supports functional outdoor access:** The projection of the stair structure is necessary to provide safe and direct access from the rear deck to the backyard in locations with rear yard grade differentials.
- **Maintains the intended development form:** The stair projection supports the approved townhouse configuration without altering the overall site design, built form, or density of the development.
- **Consistent with conditions already approved within the development:** The same stair projections are already present elsewhere within Block 264 as part of the approved site plan. In those locations, no variance is required because the organization of the site results in a greater setback between the townhouse and the block boundary, even though the actual rear yard size and functional use are the same. This variance simply applies the same built condition to units where the measured zoning setback is smaller, despite no difference in how the rear yard is functionally used.
- **Compatible with surrounding context:** The variance does not introduce any built form or use that is out of character with the surrounding residential area or neighbouring properties.
- **Addresses technical constraints:** The variance offers a practical solution to site-specific constraints, such as fencing and grade-related limitations, that prevent stairs from being oriented parallel to the building.

2.4 Does the Variance Maintain the General Intent and Purpose of the Zoning By-law?

The proposed variance maintains the general intent and purpose of the Zoning By-law for the following reasons:

- **Preserves minimum rear yard setback:** The full 6.0 metre rear yard setback from the townhouse to the block boundary is maintained, as required by the site-specific zoning. The variance applies only to a minor projection within that setback and does not reduce the setback itself.
- **Maintains appropriate separation between buildings:** The projection applies to stairs only and does not involve any enclosed structures. The spatial relationship between buildings on adjacent lands remains unchanged.
- **Respects intent of encroachment provisions:** Section 7.26(b) allows certain features such as porches and decks to project into required yards to support functional access. The proposed variance maintains this intent by permitting stairs as a logical and necessary extension of a permitted rear deck.
- **Applies to a specific site condition:** The need for the variance arises from the internal organization of Block 264, where the block boundary is treated as the lot line for zoning purposes. In other parts of the same development, the same stair projections occur without issue due to greater separation between the rear façade and the block boundary. The proposed variance ensures consistent treatment for a recurring built condition within the block.

2.5 Does the proposal maintain the general intent and purpose of the Official Plan?

The requested minor variance maintains the general intent and purpose of the Official Plan and does not impact the development's ability to deliver a compact, functional, and appropriately integrated residential built form.

- The Official Plan does not specifically address encroachments for decks or stair structures into required yards.
- **Policy B.2.4.2.2(e)** of the Urban Hamilton Official Plan speaks to the relationship and existing patterns of private and public amenity space in residential areas.
 - The proposed variance supports this policy by maintaining access to private rear yard amenity space in a manner consistent with the approved townhouse form and site organization. The projection of the stair does not affect the relationship between individual units or between private and public realms.
- **Policy B.3.3.2.9(b)** encourages the equitable distribution of accessible amenity areas.
 - The proposed variance supports this intent by facilitating direct access from the unit's main floor to its rear yard, accommodating grade changes while preserving the usability of outdoor space for each unit.

3.0 Analysis and Conclusion

The requested variance is minor in nature and relates to the projection of a stair structure from a permitted rear deck within a townhouse development on Block 264. The stair is required to address grade changes and provide direct access from the main floor to the private rear yard. Due to site-specific constraints such as the location of air conditioning units and side yard fencing, the stair must project outward from the rear deck rather than run parallel to the unit. While the resulting projection remains modest, it exceeds the 1.5 metre encroachment limit for rear yards as outlined in Section 7.26(b) of Zoning By-law No. 464.

The rear yard depth and functionality are consistent with other deck and stair configurations approved through the site plan. However, due to the application of zoning setbacks to the outer boundary of Block 264, the measurement from the rear wall of the townhouse to the block boundary is approximately 6.0 metres in this location. As a result, the additional projection of the stair beyond 1.5 metres triggers the need for relief. In other parts of the block where internal elements provide further separation from the boundary, similar configurations are permitted without the need for a variance.

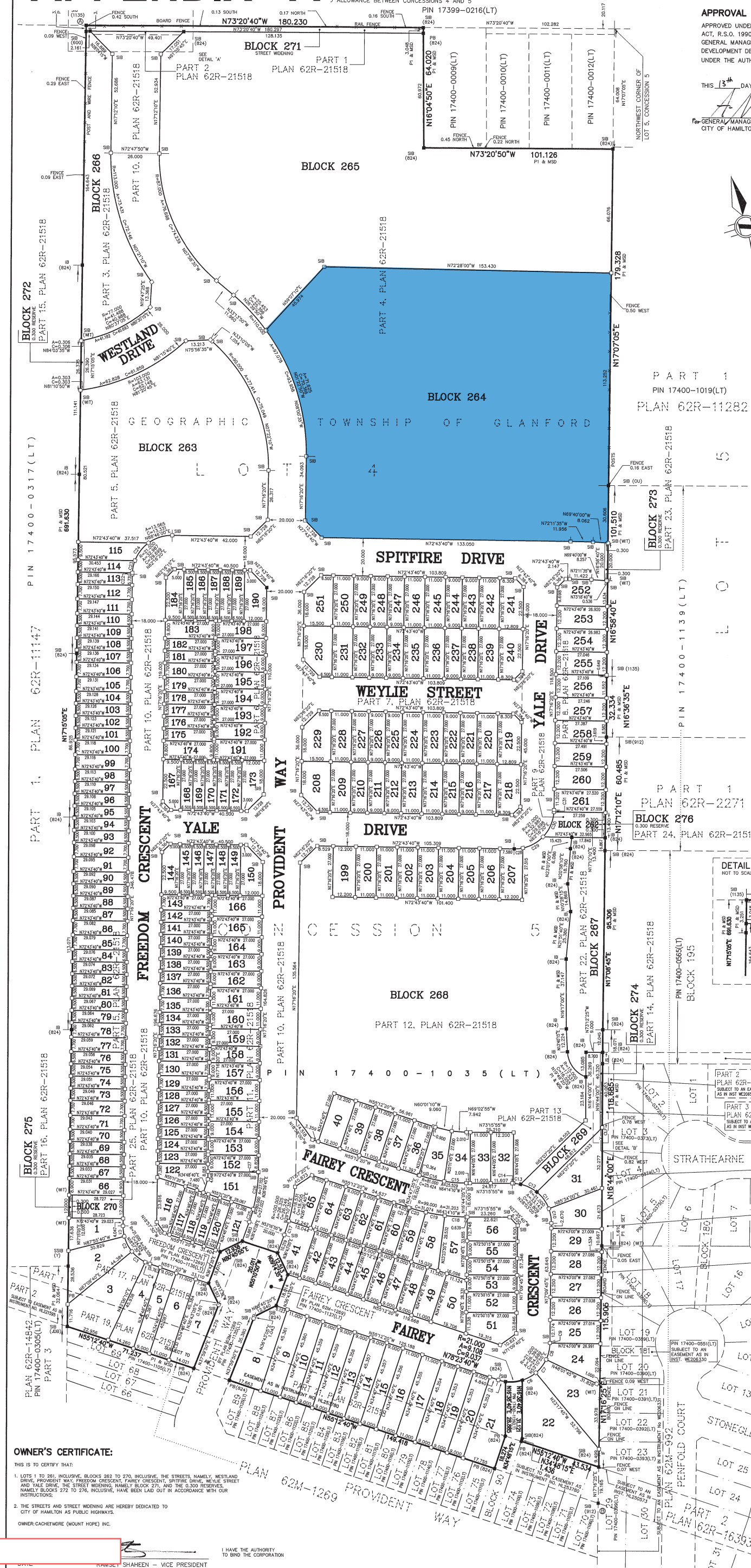
The requested minor variance facilitates the intended function of the approved built form while maintaining appropriate separation and integration within the surrounding residential context. It supports safe, grade-sensitive access to private outdoor amenity space and reflects an established condition elsewhere in the development. Approving the variance will enable continued implementation of the approved built form as envisioned through the site plan process, ensuring consistency in built character and access throughout the block. In our professional opinion, the variance represents good planning and conforms with the intent of applicable municipal and provincial planning policy.

Yours truly,



Jasna Sehovic
B.Arch., OPPI, MCIP, RPP
Principal, MBTW

APPENDIX - A



APPROVAL CERTIFICATE

APPROVED UNDER SECTION 51 OF THE PLANNING ACT, R.S.O. 1990, c.P. 13, AS AMENDED, BY THE GENERAL MANAGER OF PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT OF THE CITY OF HAMILTON UNDER THE AUTHORITY OF BY-LAW 07-323.

THIS 13th DAY OF August, 2021

For GENERAL MANAGER, PLANNING AND ECONOMIC DEVELOPMENT
CITY OF HAMILTON

PLAN 62M- 1275

I CERTIFY THAT THIS PLAN IS
REGISTERED IN THE LAND REGISTRY
OFFICE FOR THE LAND TITLES DIVISION
OF WENTWORTH (62) AT 10:14 O'CLOCK
ON THE 31 DAY OF August 2021
AND ENTERED IN THE PARCEL REGISTER
FOR PROPERTY IDENTIFIER
17400-1035(LT)

AND REQUIRED CONSENTS
ARE REGISTERED AS PLAN
DOCUMENT No. WE1542167

Indy Adams
REPRESENTATIVE FOR
LAND REGISTRAR

THIS PLAN COMPRISES ALL OF
PIN 17400-1035(LT)

PART OF LOTS 2 TO 21, INCLUSIVE, ARE SUBJECT TO AN EASEMENT AS IN INSTRUMENT HL 253780.

**PLAN OF SUBDIVISION
OF PART OF
LOT 4
CONCESSION 5
GEOGRAPHIC
TOWNSHIP OF GLANFORD
IN THE
CITY OF HAMILTON**

SCALE 1: 1000 METRIC

A horizontal number line with tick marks at -20, -10, 0, 10, 20, and 40. The segment between -10 and 20 is shaded in black.

S.D. McLAREN, O.L.S. - 2021

CURVE DATA					
	LOT/BLOCK	RADIUS	ARC	CHORD	BEARING
C1	1	21,000	5,571	5,555	N09°40'20"E
C2	2	131	21,000	21,000	N26°30'00"E
C3	3	21,000	9,184	9,111	N35°22'05"W
C4	4	21,000	2,673	2,671	N51°32'35"W
C5	21	21,000	3,945	3,938	N60°35'13"E
C6	22	21,000	8,234	8,182	N77°57'05"E
C7	23	21,000	9,059	8,989	N54°21'35"E
C8	24	21,000	9,078	9,008	N27°22'05"E
C9	25	21,000	0,028	0,026	N71°17'50"E
C10	30	21,000	7,920	7,873	N06°21'30"E
C11	31	21,000	11,101	10,972	N19°35'25"W
C12	BLOCK 269	21,000	9,665	9,580	N47°55'10"E
C13	BLOCK 268	21,000	3,864	3,858	N66°22'35"W
C14	32	21,000	0,593	0,593	N72°27'20"W
C15	34	81,000	11,936	11,925	N69°02'35"E
C16	35	81,000	13,993	13,577	N60°00'50"E
C17	41	100,000	7,793	7,791	N34°29'10"E
C18	57	99,000	11,514	11,507	N69°36'00"W
C19	58	99,000	10,267	10,262	N70°00'00"E
C20	59	99,000	8,857	8,854	N58°05'50"W
C21	60	99,000	0,565	0,565	N55°22'10"E
C22	113	21,000	0,769	0,769	N18°19'20"E
C23	114	21,000	6,653	6,628	N28°26'50"E
C24	115	21,000	11,991	11,936	N36°00'00"E
C25	121	80,000	7,131	7,129	N34°09'55"E
C26	121	80,000	19,846	19,796	N24°30'15"E
C27	152	80,000	0,174	0,174	N17°20'05"E
C28	207	21,000	4,658	4,646	N79°04'55"W
C29	BLOCK 268	21,000	12,463	12,281	N77°33'40"E
C30	BLOCK 268	21,000	14,867	14,658	N40°01'00"E
C31	261	21,000	1,090	1,090	N18°39'10"E

BEARING NOTE:

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED
REFERENCE POINTS A AND B, BY REAL TIME NETWORK
OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010)

NOTE:

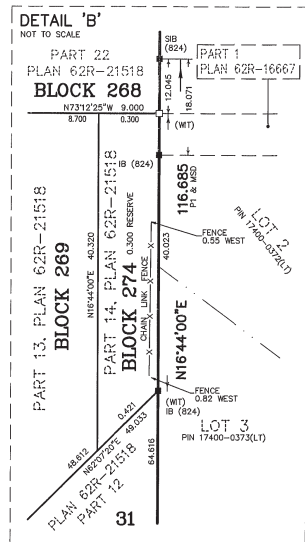
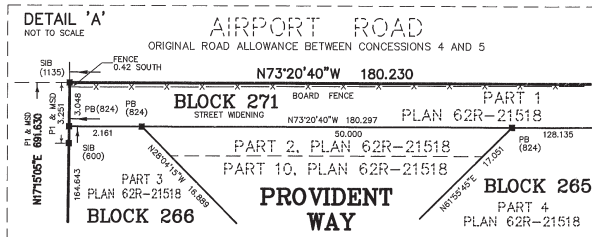
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
MULTIPLYING BY THE COMBINED SCALE FACTOR OF
0.999663680597

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (2010.0)

COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF OREG. 216/10		
POINT ID	NORTHING	EASTING
ORP A	4778995.068	587410.405
ORP B	4778164.104	587450.856

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



LEGEND:

- | | | |
|------|---------|---|
| □ | DENOTES | MONUMENT SET |
| ■ | " | " |
| ▣ | " | IRON BAR |
| ▤ | " | STANDARD IRON BAR |
| ▥ | " | SHORT STANDARD IRON BAR |
| 824 | " | A.T. McLAREN, O.L.S. |
| Med | " | MEASURED |
| 6000 | " | S.W. WOODS, O.L.S. |
| 912 | " | A.J. CLARKE, O.L.S. |
| 744 | " | R.J. MATTHEWS, O.L.S. |
| 1135 | " | MATTHEWS, CLARKE, NEWCOMB-KEBRY T. HOME SURVEYING LIMITED |
| JOB | " | L.G. WOODS, O.L.S. |
| P1 | " | J.B. BARNES, O.L.S. |
| P2 | " | PLAN 628-21518 |
| W1 | " | PLAN 628-1269 |
| P2 | " | WITNESS |
| W2 | " | ELECTRIC BAR |

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 2ND DAY OF FEBRUARY, 2021

MAY 7, 2021
DATE

S. AM. M-LADEN, O.I.

NOTE: ALL SET BARS ARE IB'S UNLESS OTHERWISE NOTED

METRIC NOTE

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

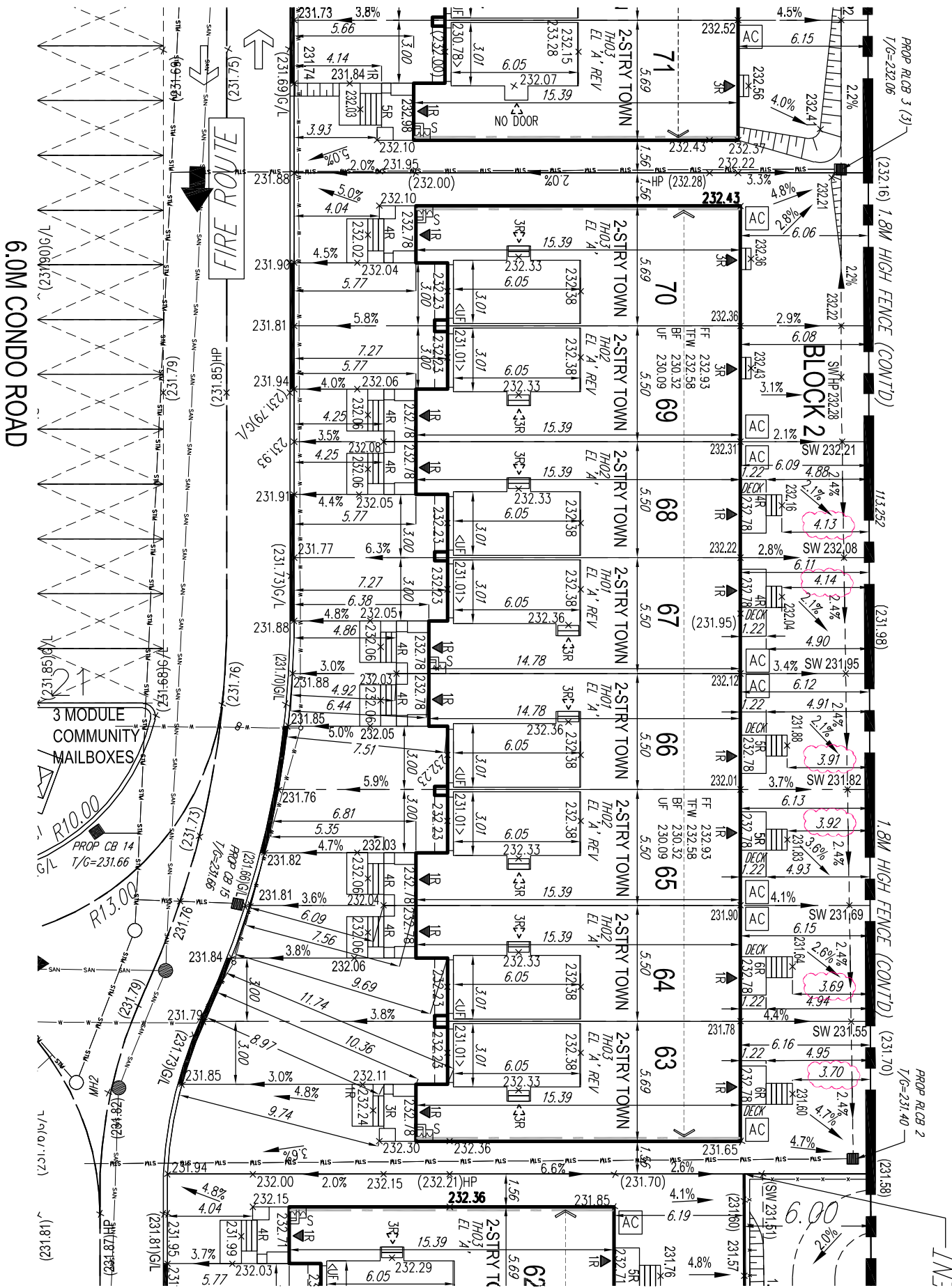


A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
(905) 527-8559 FAX (905) 527-0032

Drawn BBM	Checked KM	Crow Chief SM	Scale 1:1000	Dwg. No. 35979-1
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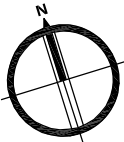
21501731 01-JULIENNE-0

APPENDIX C



- GENERAL NOTES:
1. BUILDER TO VERIFY LOCATION OF UTILITIES AND OTHER SERVICES. IF MIN. DIMENSIONS ARE NOT MAINTAINED, BUILDER IS TO RELOCATE AT BUILDER'S EXPENSE.
 2. BUILDER TO VERIFY ELEV. OF STM. AND SAN. LATERALS IN RELATION TO BASEMENT U/S OF FOOTING ELEVATIONS FOR COMPLIANCE WITH MUNICIPAL STANDARDS PRIOR TO EXCAVATION.
 3. APPROVED PERMIT DRAWINGS & CONSTRUCTION NOTES MUST BE REVIEWED AND FOLLOWED IN CONJUNCTION WITH THE SITING AND GRADING PLAN. BUILDER TO VERIFY BUILDING ENVELOPE ON SITE PLAN MATCHES APPROVED PERMIT DRAWINGS & CONSTRUCTION NOTES PRIOR TO POURING CONCRETE. IF THERE ARE ANY DISCREPANCIES, THEY ARE TO BE BROUGHT TO THE ATTENTION OF HUNT DESIGN ASSOCIATES INC.
 4. UNLESS NOTED ON BUILDING ENVELOPE OR APPROVED PERMIT DRAWINGS & CONSTRUCTION NOTES, ALL TOP OF FOUNDATION WALLS INCLUDING GARAGE WALLS TO BE CONSISTENT WITH THE ELEVATION PROVIDED FOR TFW ON SITING AND GRADING PLAN. THE EXTERIOR OF THE FOUNDATION WALL TO BE PROVIDED WITH A REDUCTION OF THICKNESS FOR MASONRY VENEER AS REQUIRED.

-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
ISSUED FOR FINAL APPROVAL	BRI	2024.07.24
ISSUED FOR PRELIMINARY APPROVAL	BRI	2024.06.01



	ENGINEERED FILL LOTS		SANITARY MANHOLE		WATER SERVICE		BELL PEDESTAL		HYDRO TRANSFORMER		SANITARY LINE		DOWNSPOUTS
	STREET TREE		STORM MANHOLE		HYDRO SERVICE		CABLE PEDESTAL		PADMOUNTED MOTOR		STORM WATER LINE		WINDOWS PERMITTED
	RETAINING WALL		VALVE & CHAMBER		SHEET DRAINAGE		HYDRO POLE		EXISTING GRADES		HYDRO LINE		45 MINUTE FIRE RATED WALL
	CATCH BASIN		VALVE & BOX		STREET LIGHT PEDESTAL		HYDRO POLE GUY		PROPOSED GRADES		GAS LINE		45 MINUTE FIRE RATED WALL SIDING DISTANCE IS LESS THAN 1.2m TO LOT LINE (NO WINDOWS PERMITTED)
	DOUBLE / SINGLE STM & SAN CONNECTION		HYDRANT		STREET LIGHT		COMMUNITY MAILBOX		SWALE DIRECTION		CABLE LINE		EXTERIOR DOOR LOCATION
					TRAFFIC SIGNAL POWER PEDESTAL				EMBANKMENT / BERM		BELL		EXTERIOR DOOR LOCATION IF GRADE PERMITS
									HYDRO, GAS, BELL, CABLE LINE		SUMP PUMP AND SURFACE DISCHARGE LOCATION		CHAIN LINK FENCE
											UPGRADE ELEVATION		FENCE AND GATE
											PRIVACY FENCE		ACOUSTIC FENCE
													HIGHLIGHTED GRADE

SITE PLAN - 474 PROVIDENT WAY

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION

BRIAN SHERRER 22454

NAME SIGNATURE BCIN

REGISTRATION INFORMATION

HUNT DESIGN ASSOCIATES INC. 19695



219017 - CACHET HOMES

MOUNT HOPE, HAMILTON, ON.

Drawn By Checked By Scale File Number

MAS BRI 1:250 223021.WSP-01

8966 Woodbine Ave, Markham, ON L3R 0J7 T 905.737.5133

Lot / Page Number

BLOCK 2

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 DECISION **Minor Variance**

APPLICATION NO.:	GL/A-23:278	SUBJECT PROPERTY:	474 PROVIDENT WAY, GLANBROOK
ZONE:	"RM-3 284(B)" (Residential Multiple)	ZONING BY-LAW:	Zoning By-law former Township of Glanbrook 464, as Amended

APPLICANTS: **Owner:** THE MBTW GROUP C/O MICHAEL HANNAY
 Agent: CACHET MDRE (MOUNT HOPE) INC.

The following variances are **GRANTED AS AMENDED**:

1. That the boundary of lands zoned "RM3-284(B)" shall be deemed to be the lot lines for this purpose and the regulations of the "RM3-284(B)" Zone including but not limited to lot area, lot frontage, lot depth, lot coverage, parking and building setbacks, shall apply and be from the boundaries of the "RM3-284(B)" Zone and not the individual property boundaries of the dwelling units created by registration of a condominium plan or created by Part Lot Control.
2. To permit a 3.5 metres setback from the northerly block boundary to the front or side façade of a townhouse dwelling, and 6.0m to the rear façade of a townhouse dwelling whereas the by-law permits 3.5 metres from the northerly block boundary to the front façade of a townhouse dwelling.
3. To permit a minimum side yard setback of 3.0 metres from the southerly block boundary to the side or front façade of a townhouse dwelling whereas the by-law permits a 3.0 metres setback to the side façade of a townhouse dwelling only.

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out above, are **GRANTED AS AMENDED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is consistent with the general intent and purpose of the By-laws and the Official Plans as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

DATED AT HAMILTON, November 16, 2022.

D. Smith (Chairman)

M. Dudzic

B. Charters

M. Switzer

N. Mleczko

D. Serwatuk

M. Smith

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **December 6, 2023** A Notice of Appeal must be filed with the Secretary-Treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information – Minor Variances for more information.
2. **This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**
3. The Decision does not release any persons from the necessity of observing the requirements of building regulations, the license by-law, or any other by-law of the City of Hamilton.



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)	Cachet MDRE (Mount Hope)	
Applicant(s)	Erica Forrest	
Agent or Solicitor		

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	474 Provident Way (Blk 2)		
Assessment Roll Number	N/A		
Former Municipality	Mount Hope		
Lot		Concession	
Registered Plan Number	62M-1275	Lot(s)	Block 264
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 the attached PJR

☐ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

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

Please see the attached PJR

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

☐ Yes

☒ No

If yes, please provide an explanation:

Please see the attached PJR

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands: Please see attached PJR Site Plan & Site Plan with all relevant dimensions

Lot Frontage	Lot Depth	Lot Area	Width of Street

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:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction

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

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height

- 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.):
106 common element townhouse units.

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:

January 2019

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

Vacant

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Vacant

7.4 Length of time the existing uses of the subject property have continued:

10 + years

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): N.A

Rural Settlement Area: N.A

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

Please see the attached PJR

7.6 What is the existing zoning of the subject land? GL/A-23:278

RM3-284(A) (the form will
not let me insert this without
changing the answer to 7.8

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: GL/A-23:278

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: 0

8.2 Number of Dwelling Units Proposed: 106

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

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
