



**THE CORPORATION OF NORFOLK COUNTY
COMMITTEE OF ADJUSTMENT**

COMMENT REQUEST FORM

This Committee has received a consent/minor variance application concerning land within your jurisdiction. The proposal is explained on the attached application. If you require further information, please feel free to contact this office.

In order to properly consider this application, the Committee of Adjustment would appreciate your comments or recommendation before the date below:

May 16TH, 2007

FILE NO.: AN-025/2007

ASSESSMENT ROLL NO.: 3310-401-001-11700

APPLICANT:

Canadian Commercial (Simcoe) Inc.

Attention: Lee Greenwood, 140 Oxford Street East, Suite 203, London, ON N6A 5R9

LOCATION:

Lots 6 & 7, Block 21, Plan 182 SIMCOE (15 Queensway West, Simcoe)

PROPOSAL:

- Relief of 1.5 m (4.92 ft) from the required 1.5 m (4.92 ft) for patio related to restaurant located too close to front lot line

- | | |
|--|--|
| <input checked="" type="checkbox"/> Building Department | |
| <input checked="" type="checkbox"/> Building Inspector (Sewage System Review) | |
| <input checked="" type="checkbox"/> Forestry Division | |
| <input checked="" type="checkbox"/> Treasury Department | |
| <input checked="" type="checkbox"/> Public Works > NOTE: If an agreement is required please attach the clauses you require in the agreement. | |

- | |
|--|
| <input checked="" type="checkbox"/> GIS Section |
| <input checked="" type="checkbox"/> Norfolk Power |
| <input checked="" type="checkbox"/> Ministry of Transportation |
| <input type="checkbox"/> Railway |
| <input type="checkbox"/> Conservation Authority |

CIRCULATION DATE: May 2nd, 2007

PLEASE REPLY BY FAX OR EMAIL DIRECTLY TO:

Mary Elder, MCIP, RPP

Norfolk County, 60 Colborne Street, South, Simcoe, ON N3Y 4N5

(519) 426-5870 ext 1341

FAX: (519) 428-3069 EMAIL: mary.elder@norfolkcounty.on.ca

COMMITTEE OF ADJUSTMENT DECISION:

If you wish to be notified of the Decision of Norfolk County, Committee of Adjustment in respect of the proposed consent, you must make a written request to: Stephanie Godby, Acting Secretary-Treasurer, P.O. Box 128, 22 Albert Street, Langton ON N0E 1G0 • Phone: (519) 875-4485 ext 1835; Fax: (519) 875-4789; Email: stephanie.godby@norfolkcounty.on.ca

APPEALS TO THE ONTARIO MUNICIPAL BOARD:

If a person or public body that files an appeal of a Decision of Norfolk County Committee of Adjustment in respect of the proposed consent or variance does not make written submission to the Norfolk County Committee of Adjustment, before it gives or refuses to give a provisional consent or variance, the Ontario Municipal Board may dismiss the appeal.

MINOR VARIANCE

Office Use:

File Number: AN-25/2007
Related File: SP-015/2004 ZN45/2006
Date Submitted: April 20/2007
Date Received: April 23/2007
Sign Issued: April 23/2007
YRE

This development application must be typed or printed in ink and completed in full. An incomplete or improperly prepared application may not be accepted and could result in processing delays.

Property assessment roll number: 3310-401-001-117-00

The undersigned hereby applies to the Committee of Adjustment under Section 45 of the Planning Act, R.S.O. 1990, c. P. 13, for relief as described in this application from by-law no. 1-1999

A. APPLICANT INFORMATION

Name of Applicant¹ CANADIAN COMMERCIAL (SENCOE) INC. Phone # 519.672.7490
Address 140 OXFORD ST. E Fax # 519.672.1012
SUITE 203, LONDON, ON E-mail cancom@sympatico.ca

¹ If the applicant is a numbered company provide the name of a principal of the company.

Name of Agent Lee Greenwood Phone # _____
Address Same as above Fax # _____
E-mail _____

Name of Owner² Same as above Phone # _____
Address _____ Fax # _____
E-mail _____

² It is the responsibility of the owner or applicant to notify the Planner of any changes in ownership within 30 days of such a change.

Please specify to whom all communications should be sent³: ☒ Applicant ☐ Agent ☒ Owner

³ Unless otherwise directed, all correspondence, notices, etc., in respect of this development application will be forwarded to the Applicant noted above, except where an Agent is employed, then such will be forwarded to the Applicant and Agent.

Names and addresses of any holders of any mortgages, charges or other encumbrances on the subject lands:

MINOR VARIANCE

B. LOCATION/LEGAL DESCRIPTION OF SUBJECT LANDS

See attached Legal Desc.

Geographic Township	_____	Urban Area or Hamlet	<u>Simcoe</u>
Concession Number	_____	Lot Number(s)	_____
Registered Plan Number	<u>182</u>	Lot(s) or Block Number(s)	<u>BLK 21, Lots 6 & 7</u>
Reference Plan Number	_____	Part Number(s)	_____
Frontage (metres/feet)	<u>44.44 m (145.8 ft)</u>	Depth (metres/feet)	_____
Width (metres/feet)	_____	Lot area (m ² / ft ² or hectares/acres)	<u>(0.82 ac) in part</u> <i>me</i>
Municipal Civic Address	<u>15 Queensway West,</u>		

Are there any easements or restrictive covenants affecting the subject lands?

☐ Yes ☒ No

If yes, describe the easement or covenant and its effect:

C. PURPOSE OF DEVELOPMENT APPLICATION

Please explain what you propose to do on the subject lands/premises which makes this development application necessary (if additional space is required, please attach a separate sheet):

A patio has been constructed which extends to the property, where the by-law states that a patio may be 1.5 m from property line. The patio is shown on the approved SP drawings that have been approved by Council.

Please explain the nature and extent of the amendment requested (assistance is available):

The remedy for this encroachment is a minor variance. Relief from Section 3.7 Decks and Porches of the ZBL, where the by-law allows a deck or an enclosed porch to enter the required front yard setback up to 1.5 m. We require the allowance of the deck or unenclosed porch to enter the required front yard up to 3.0 m.

MINOR VARIANCE

Please explain why it is not possible to comply with the provision of the zoning by-law:

The patio has been constructed and is
prototypical of a Boston Pizza patio. There
are no other suitable areas adjacent to the
building to house this patio.

D. PROPERTY INFORMATION

Present official plan designation(s):

Mixed Use

me.

Present zoning:

CMU.1

Mixed Use

me

Please describe all existing buildings or structures on the subject lands and whether they are to be retained, demolished or removed. If retaining the buildings or structures, please describe the type of buildings or structures, and illustrate the setback, in metric units, from front, rear and side lot lines, ground floor area, gross floor area, lot coverage, number of storeys, width, length, height, etc. on your attached sketch which must be included with your application:

Speedy Muffler and Boston Pizza
are to be retained. All setbacks and
other relevant standards are on
the approved site plan drawings.

If known, the date existing buildings or structures were constructed on the subject lands:

Speedy - unknown - Boston Pizza - 2006 - 2007

If an addition to an existing building is being proposed, please explain what will it be used for (e.g. bedroom, kitchen, bathroom, etc.). If new fixtures are proposed, please describe.

MINOR VARIANCE

Please describe **all proposed** buildings or structures/additions on the subject lands. Describe the type of buildings or structures/additions, and illustrate the setback, in metric units, from front, rear and side lot lines, ground floor area, gross floor area, lot coverage, number of storeys, width, length, height, etc. on your attached sketch which must be included with your application:

See site plan

If known, the date the proposed buildings or structures will be constructed on the subject lands:

Are any existing buildings on the subject lands designated under the *Ontario Heritage Act* as being architecturally and/or historically significant?

☐ Yes ☒ No

If yes, identify and provide details of the building:

The date the subject lands was acquired by the current owner:

July 2006

Present use of the subject lands:

Commercial

If known, the length of time the existing uses have continued on the subject lands:

unknown

Existing use of abutting properties:

Commercial

E. PREVIOUS USE OF THE PROPERTY

Has there been an industrial or commercial use on the subject lands or adjacent lands?

☒ Yes ☐ No ☐ Unknown

If yes, specify the uses:

gas station (we) Speedy Muttler
other commercial along the Queensway.

Has the grading of the subject lands been changed through excavation or the addition of earth or other material?

☒ Yes ☐ No ☐ Unknown

MINOR VARIANCE

Has a gas station been located on the subject lands or adjacent lands at any time?

☒ Yes ☐ No ☐ Unknown

Has there been petroleum or other fuel stored on the subject lands or adjacent lands at any time?

☒ Yes ☐ No ☐ Unknown

Is there reason to believe the subject lands may have been contaminated by former uses on the site or adjacent sites?

☒ Yes ☐ No ☐ Unknown

Provide the information you used to determine the answers to the above questions:

me Environmental Assessments (Phase 1, 2 & 3)

If you answered yes to any of the above questions, a previous use inventory showing all known former uses of the subject lands, or if appropriate, the adjacent lands, is needed.

Is the previous use inventory attached?

☒ Yes ☐ No *TO FOLLOW APR. 23/07*

F. STATUS OF OTHER PLANNING DEVELOPMENT APPLICATIONS

Has the subject land or land within 120 metres of it been or is now the subject of an application under the *Planning Act, R.S.O. 1990, c. P. 13* for:

- (a) a minor variance or a consent;
- (b) an amendment to an official plan, a zoning by-law or a Minister's zoning order; or
- (c) approval of a plan of subdivision or a site plan?

☒ Yes ☐ No ☐ Unknown

If yes, indicate the following information about **each** application:

File number: SP-015/2006 *me*

Land it affects:

Same as on this application

Purpose:

Site Plan approval for Boston Pizza

Status/decision:

Approved.

MINOR VARIANCE

Effect on the requested amendment:

Patie was approved on Site Plan drawings.

If additional space is required, please attach a separate sheet.

Is the above information for other planning developments applications attached?

☐ Yes ☒ No

G. PROVINCIAL POLICY

Is the requested amendment consistent with the provincial policy statements issued under subsection 3(1) of the Planning Act, R.S.O. 1990, c. P. 13?

☒ Yes ☐ No

If no, please explain:

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

☐ Yes ☒ No

If yes, does the requested amendment conform to or does not conflict with the provincial plan or plans:

Are any of the following uses or features on the subject lands or within 500 metres (1,640 feet) of the subject lands, unless otherwise specified? Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Lands		Within 500 Metres (1,640 feet) of Subject Lands (Indicate Distance)		
Livestock facility or stockyard (If yes, complete Form 3 – available upon request)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____ distance
Wooded area	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____ distance
Municipal landfill	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____ distance
Sewage treatment plant or waste stabilization plant	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____ distance
Provincially significant wetland (class 1, 2 or 3) or other environmental feature	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____ distance
Floodplain	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____ distance
Rehabilitated mine site	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____ distance
Non-operating mine site within one kilometre	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____ distance
Active mine site within one kilometre	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____ distance
Industrial or commercial use (specify the use(s)) <u>restaurant, auto service</u>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____ distance
Active railway line	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____ distance
Seasonal wetness of lands	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____ distance
Erosion	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____ distance
Abandoned gas wells	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____ distance

MINOR VARIANCE

H. SERVICING AND ACCESS

Indicate what services are available or proposed:

Water Supply

- ☒ Municipal piped water
- ☐ Communal wells
- ☐ Individual wells
- ☐ Other (describe below)

Sewage Treatment

- ☒ Municipal sewers
- ☐ Communal system
- ☐ Septic tank and tile bed
- ☐ Other (describe below)

Storm Drainage

- ☒ Storm sewers
- ☐ Open ditches
- ☐ Other (describe below)

If other, describe:

Have you consulted with Public Works & Environmental Services concerning stormwater management?

- ☒ Yes ☐ No

Has the existing drainage on the subject lands been altered?

- ☒ Yes ☐ No

Does a legal and adequate outlet for storm drainage exist?

- ☒ Yes ☐ No ☐ Unknown

Existing or proposed access to subject lands:

- ☐ Unopened road
- ☒ Municipal road
- ☐ Provincial highway
- ☐ Other (describe below)

If other, describe:

Name of road/street:

Queensway

MINOR VARIANCE

I. OTHER INFORMATION

Is there a time limit that affects the processing of this development application?

☒ Yes ☐ No

If yes, describe:

Restaurant will be open for business and
using patio.

Is there any other information that you think may be useful in the review of this development application? If so, explain below or attach on a separate page.

Roll Number 3310-401-001-117-00

IMPORTANT: THIS FORM IS NOT COMPLETE UNLESS IT IS ACCOMPANIED BY AN ATTACHED "LOT DIAGRAM PLAN" INDICATING ALL APPLICABLE SITE CONDITIONS.

Property Information

Issue Date:

Owner: <u>Canadian Commercial Boston Pizza</u>	Property Lot: <input type="text"/>	Former Municipality: <u>Shelburne</u>
Civic Address: <u>95 Queensway W.</u>	Block: <input type="text"/>	Plan: <input type="text"/>
Legal Description: <input type="text"/>	Part: <input type="text"/>	Reference Plan: <input type="text"/>
Zoning: <u>CMU</u>	Concessor: <input type="text"/>	Extension to a Non-conforming use? <input type="text"/>
By-law: <u>1-1999</u>	Current Use of Property: <u>Restaurant</u>	Township: <u>Shelburne</u>
	Proposed Use of Property: <u>Restaurant</u>	

Zoning Deficiency

DEVELOPMENT STANDARDS

Required (Meters/Feet)

Proposed

Deficiency

a) Lot Area	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
b) Lot Frontage	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
c) Front Yard Setback	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
d) Exterior Side Yard	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
e) Interior Side Yard (Rt)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
f) Interior Side Yard (Lt)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
g) Rear Yard	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
h) Dwelling Unit Area	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
i) % Lot Coverage	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
j) Height of Building	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
k) Accessory Building	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Accessory Building Comment:

l) Parking	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
m) Other (<u>Outdoor patio</u>)	<u>1.5m</u>	<u>4.92'</u>	<u>0</u>	<u>0</u>	<u>1.5m</u>	<u>4.92'</u>

Other Clause:

Other Description:

The "PROPOSED" information and any supporting documents have been provided by the owner/applicant. The above information is only in respect to "Zoning" (Minor Variance, Zone Change, etc.) and does not relieve the applicant/owner from obtaining all other permits and/or approvals, such as Health Approval, entrance Permits, Building Permit, etc.

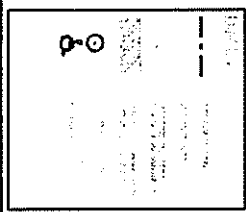
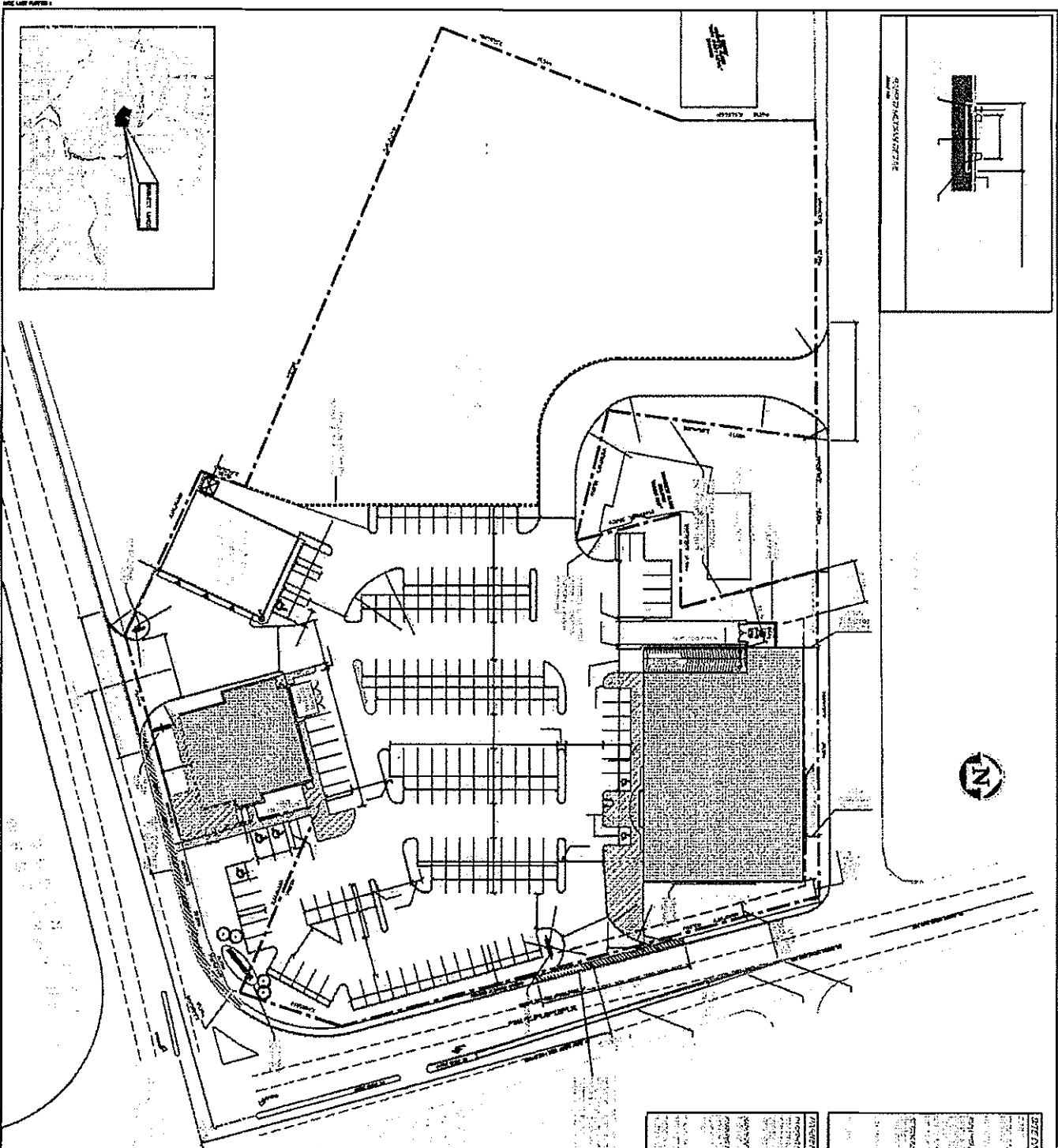
I, the Owner/Applicant take full responsibility for the accuracy of the "PROPOSED" information provided on this form.

Signatures:

Owner/Applicant

Building Inspector CBO

SKETCH 2



CANADIAN COMMERCIAL DEVELOPMENT CORP. PLAZA 1000 10th Avenue NW Suite 1000 Calgary, Alberta T2N 1N1 (403) 243-1111		HYDRO-VALVE LOGS 1000 10th Avenue NW Suite 1000 Calgary, Alberta T2N 1N1 (403) 243-1111	GENERAL INFORMATION Date: 10/10/2008 By: [Signature] Title: [Signature]
06-043	L-1		

Legal Description:

Lots 4, 6 and 7, Block 21, Plan 182, Except Part 1 on Plan 1079, T/W NR382465; all of Lots 2 and 3 and Part of Lot 5, Plan 279 and Part of Lots 3, 4, 5 and 6, Block 19, Plan 182, as in NR384757, S/T NR442283

Now PIN 50189-0125 (LT)

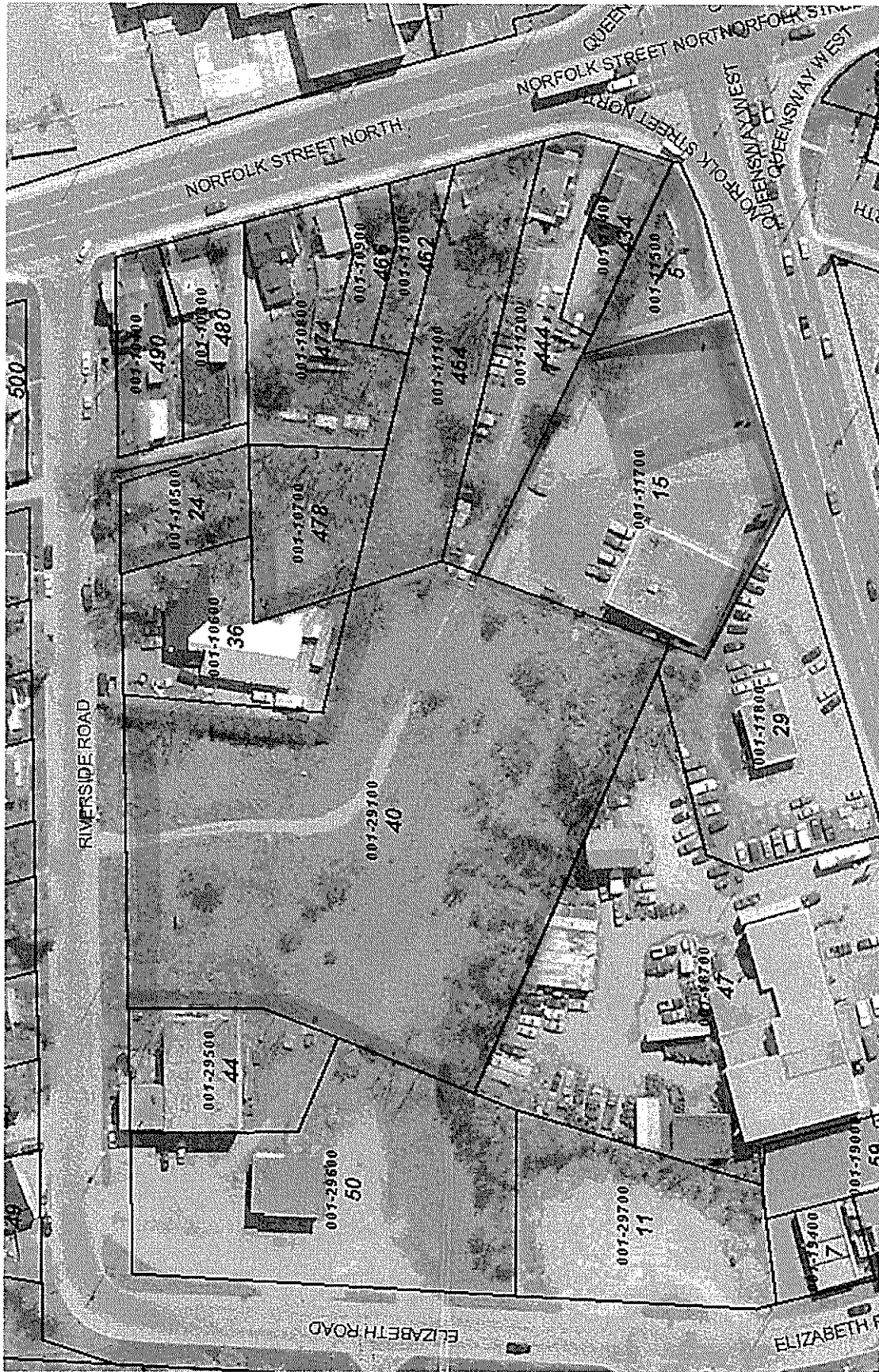
Owner: Canadian Commercial (Simcoe) Inc.

RECEIVED
APR 24 2007

AN-025/2007

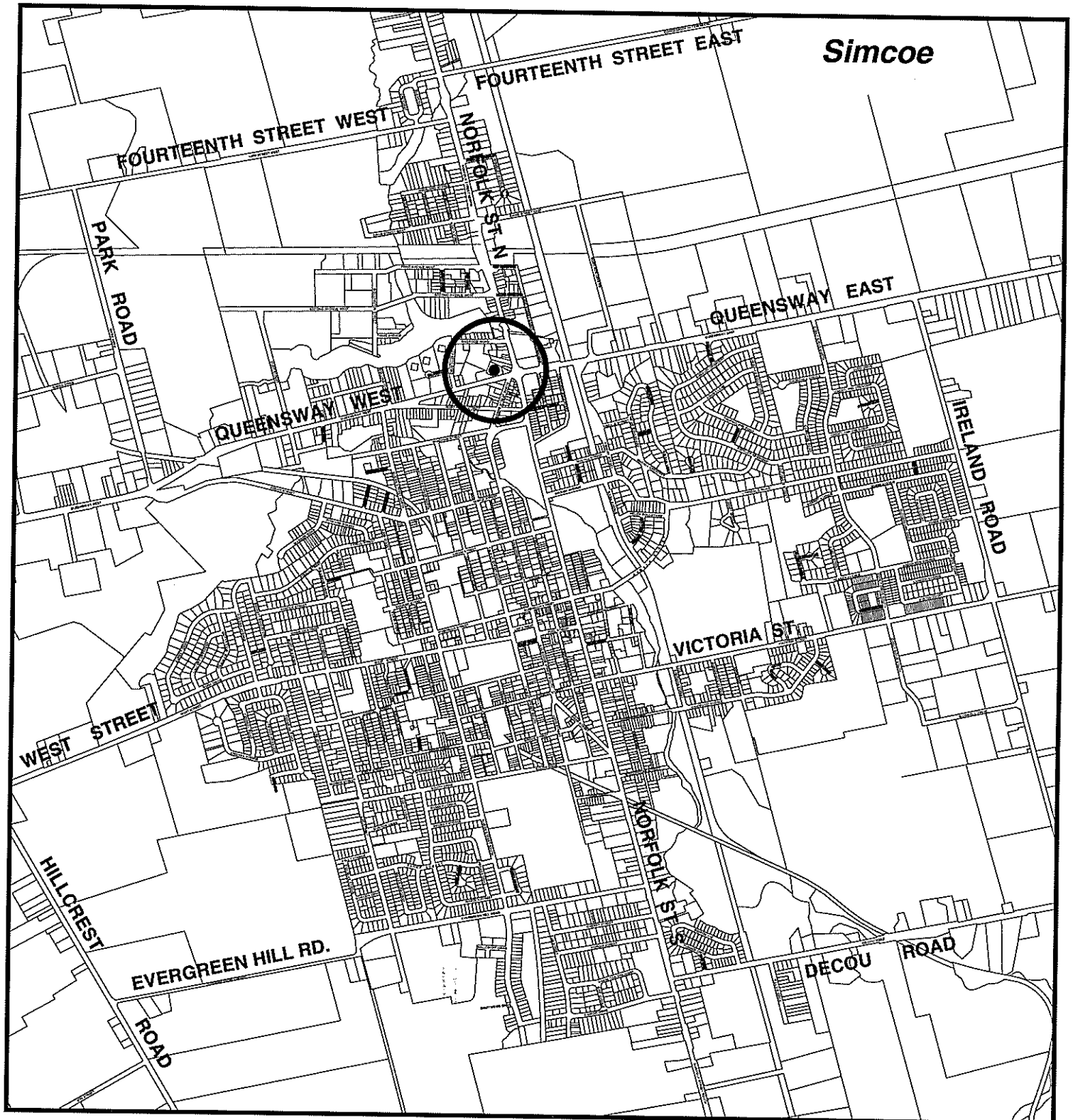
PURPOSE OF APPLICATION – NATURE AND EXTENT OF THE AMENDMENT PLANNING DEPT.

Permit a "deck or unenclosed porch" to project into the required front yard 3.0 metres rather than 1.5 metres as set out in the Town of Simcoe By-law 1-1999. This will permit a zero front yard set back for the proposed 'patio' but retains a 6.38 metre set back for the restaurant building.



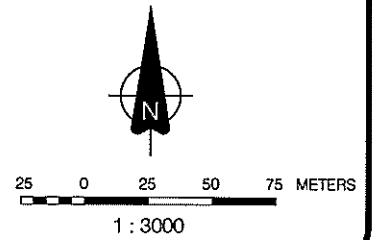
MAP 1

File Number: AN-025/2007
Urban Area of SIMCOE



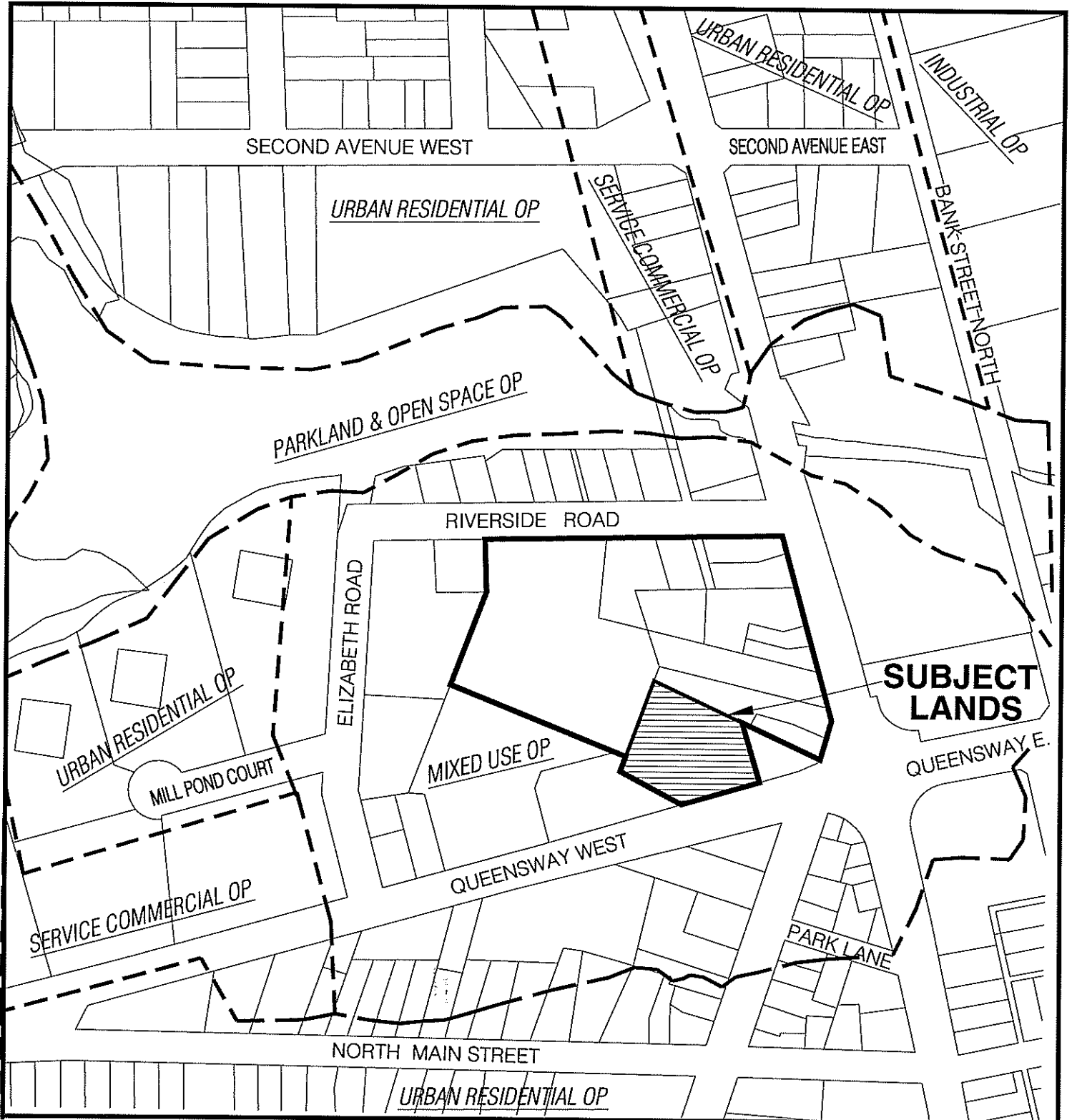
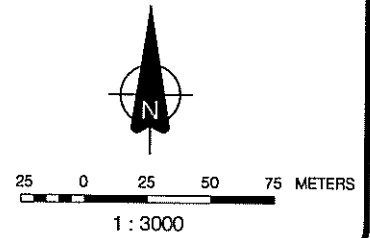
MAP 4

File Number: AN-025/2007
Urban Area of SIMCOE



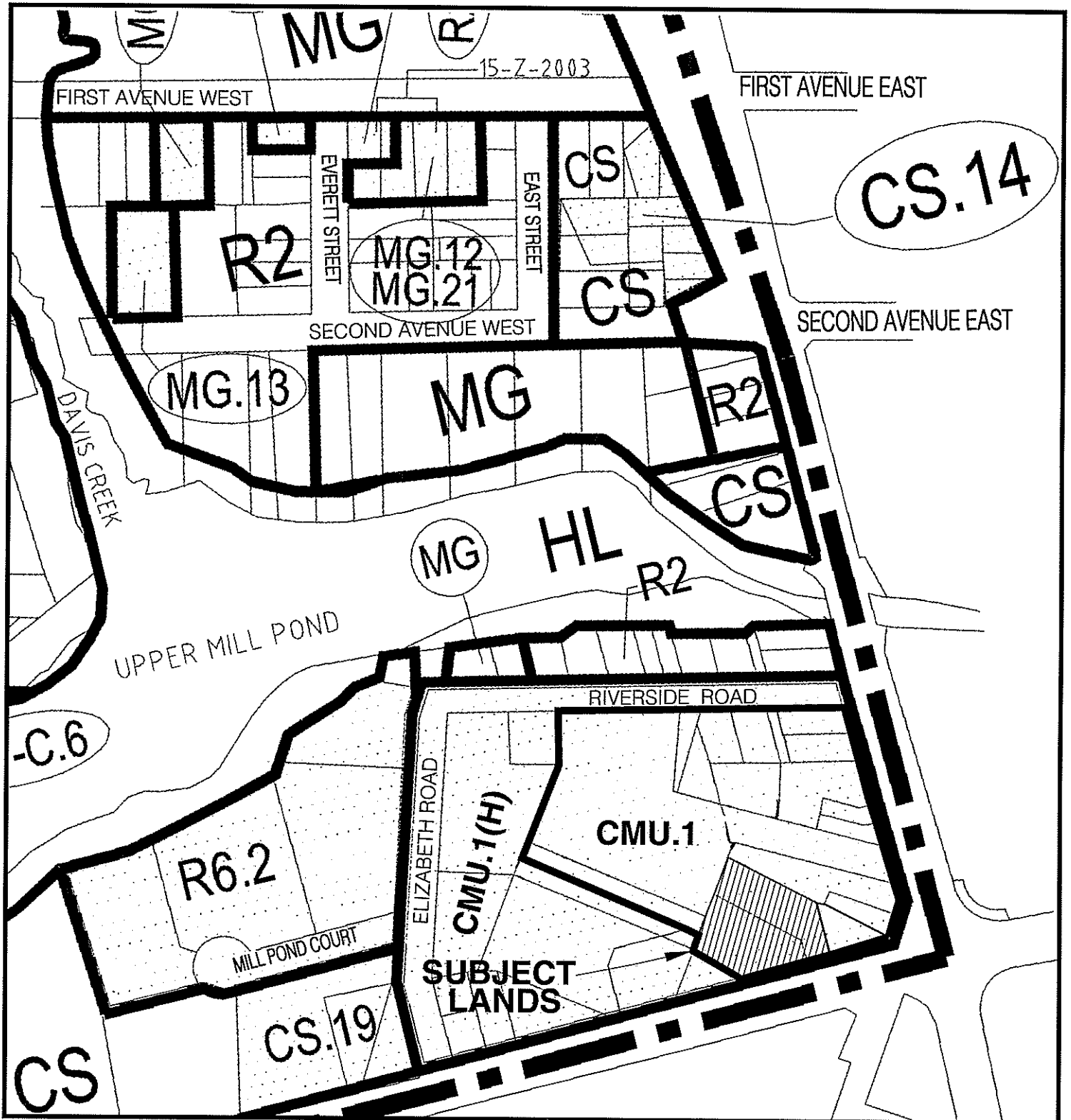
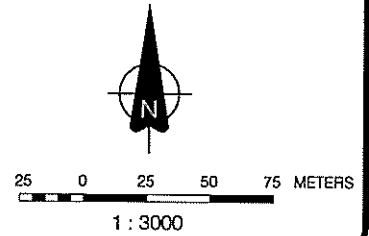
MAP 3

File Number: AN-025/2007
Urban Area of SIMCOE



MAP 2

File Number: AN-025/2007
Urban Area of SIMCOE



MAP 5

File Number: AN-025/2007
Urban Area of SIMCOE



10 0 10 20 30 40 METERS
1 : 1500

