

33-10-541-020-131

Related to BN-84/03

Office Use Only	
File No.	AN-39/03
Roll No.	33
Date Submitted	June 18/03
Date Received	June 18/03
Sign Issued	" "

NORFOLK COUNTY
APPLICATION FOR MINOR VARIANCE

The undersigned hereby applies to the Committee of Adjustment for Norfolk County under Section 45 of the Planning Act, for relief as described in this application from By-law No. 1-DE 80.

NOTE: This 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.

A. APPLICANT INFORMATION

1. Name of Owner 7725 80 ONTARIO INC Phone No. 688-0505

Address DANIEL KOVACS Fax No. _____

Box 15, COURTLAND, NORFOLK Postal Code _____

E-mail _____

2. Agent (if any) DAN KOVACS SR Phone No. _____

Address Box 15 Fax No. _____

COURTLAND ON, NORFOLK Postal Code _____

E-mail _____

Please specify to whom all communications be sent: ☒ Owner ☐ Agent

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

B. LOCATION/LEGAL DESCRIPTION OF PROPERTY

1. Geographic Township MIDDLETON
Urban Area or Hamlet COURTLAND
Concession Number 1 NTR. Lot Number 165 & 166
Registered Plan Number _____ Lot(s) Block(s) _____
Reference Plan Number _____ Part Number(s) _____
911 Number and Name of Street/Road _____

2. Dimensions of Land Affected:

Width 1190 ft Depth 367.47 Area 4342.47
Frontage _____
Width _____ Width of Street _____

3. Are there any easements or restrictive covenants affecting the property?

☐ Yes

☒ No

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

C. PURPOSE OF APPLICATION

1. Please explain what you propose to do on the land/premises which makes this application necessary. (If additional space is required, please attach a separate sheet)
adding to resid. lot but lands are
zoned Agric - 2 zones on 1 lot & the
A portion will not have frontage
2. Nature and extent of relief applied for:
Relief from Sect. 6.15 Front. on an
improved street as set out in the A Zono
requirements (related to 5.4).

3. Why is it not possible to comply with the provision of the by-law? _____

*need to add greenhouses to resid. lot for
mortgaging purposes (business is owned by
the owner on resid lot adjacent) but the
lands to be severed are zoned H (no Fencing)*

D. PROPERTY, SERVICING AND ACCESS INFORMATION

1. LOCATION AND PARTICULARS of ALL buildings or structures EXISTING on the subject land. (Specify distance from side, rear and front lot lines, ground floor area, gross floor area, number of storeys, width, length, height, etc., in metres) (this must also be included on the attached sketch)

*at lot is R.H.
access will be made
+ front
+ rear*
See sketch.

Date of Construction of all buildings and structures on the subject land: *Greenhouses 2002
house - 5 years old.*

2. LOCATION AND PARTICULARS of ALL buildings or structures PROPOSED on the subject land (Specify distance from side, rear and front lot lines, ground floor area, gross floor area, number of storeys, width, length, height, etc., in metres) (this must also be included on the attached sketch)

See sketch.

If an addition to an existing building is proposed, what will it be used for? (i.e., bedroom, kitchen, bathroom, etc.)

3. Date of acquisition of the subject land: _____

4. Existing use of the subject property: *agric. on the greenhouses
resid for land*

5. Length of time the existing uses of the subject property have continued: *-*

6. Existing use of abutting properties: *resid. & agric*

7. Servicing:

Indicate what services are available or proposed:

<u>Water Supply</u>		<u>Sewage Treatment</u>		<u>Storm Drainage</u>	
Piped Water	()	Sewers	()	Storm Sewers	()
Individual Wells	(✓)	Communal System	()	Open Ditches	()
Other (describe)	()	Septic Tank & Tile Bed	(✓)	Other (describe)	()
_____		Other (describe)	()	_____	
_____		_____		_____	

* Have you consulted with the _____ concerning stormwater management? Yes _____ No ✓

* Does a legal and adequate outlet for storm drainage exist?

Yes _____ No _____ Unknown ✓

* Has the existing drainage on the subject land been altered?

Yes _____ No _____ Unknown _____

8. Existing or proposed access to subject land:

☐ Unopened Road

☒ Municipal Road

☐ Provincial Hwy.

☐ Other (specify)

Name of Road/Street Talbot Road

E. LAND USE

1. What is the existing Official Plan designation(s) of the subject land: Agri - on 1000 p. 187

2. What is the existing zoning of the subject land: A (on 10 acre) R14 on 8

(if required, assistance is available for questions 1 and 2 above)

F. STATUS OF OTHER PLANNING APPLICATIONS

1. Has the owner previously applied for relief in respect of the subject property?

☐ Yes ☒ No If yes, describe briefly:

2. Is this property the subject of a current application for consent under Section 53 of the Planning Act, R.S.O., 1990, as amended?

☒ Yes ☐ No If yes, File No. BN-084 12003

3. Is this property part of a current application for a plan of subdivision under Section 51 of the Planning Act, R.S.O., 1990, as amended?

☐ Yes ☒ No If yes, File No. _____

4. Is there any other application on this property that could affect this application?

☐ Yes ☒ No

If yes, describe

G. SUPPORTING MATERIAL TO BE SUBMITTED BY APPLICANT

In order for your application to be considered complete, a sketch drawn to scale must be included as part of this application which shows:

1. The boundaries and dimensions of the subject land.
2. The location, size, height and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and side yard lot lines.
3. The approximate location of all natural and artificial features on the subject land and adjacent lands including buildings, railways, roads, watercourses, drainage ditches, irrigation ponds, river or stream banks, wetlands, wooded areas, wells and septic tanks.
4. The current use(s) of adjacent lands.
5. The location, width and name of any roads within or abutting the subject land. Indicate whether the road is an unopened road allowance, a public travelled road, a private road or right-of-way.
6. If access to the subject land is by water only, the location of the parking and docking facilities to be used.
7. The location and nature of any restrictive covenant or easement affecting the subject land.

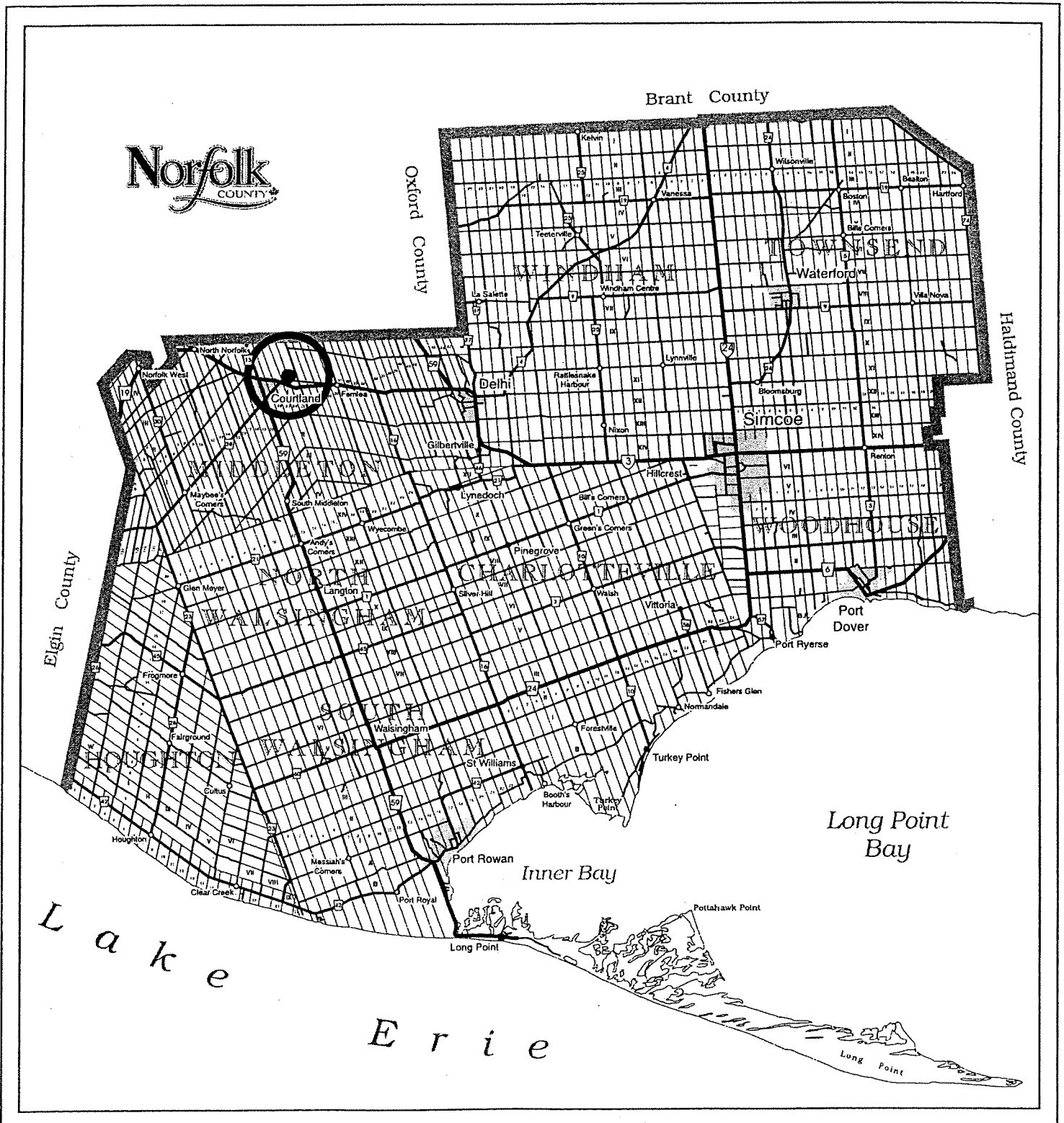
If other documentation/supporting material becomes necessary, you will be contacted and this information must be submitted prior to your application proceeding.

MAP NUMBER 1



File Number: BN-84/03 & AN-39/03

Geographic Township of MIDDLETON



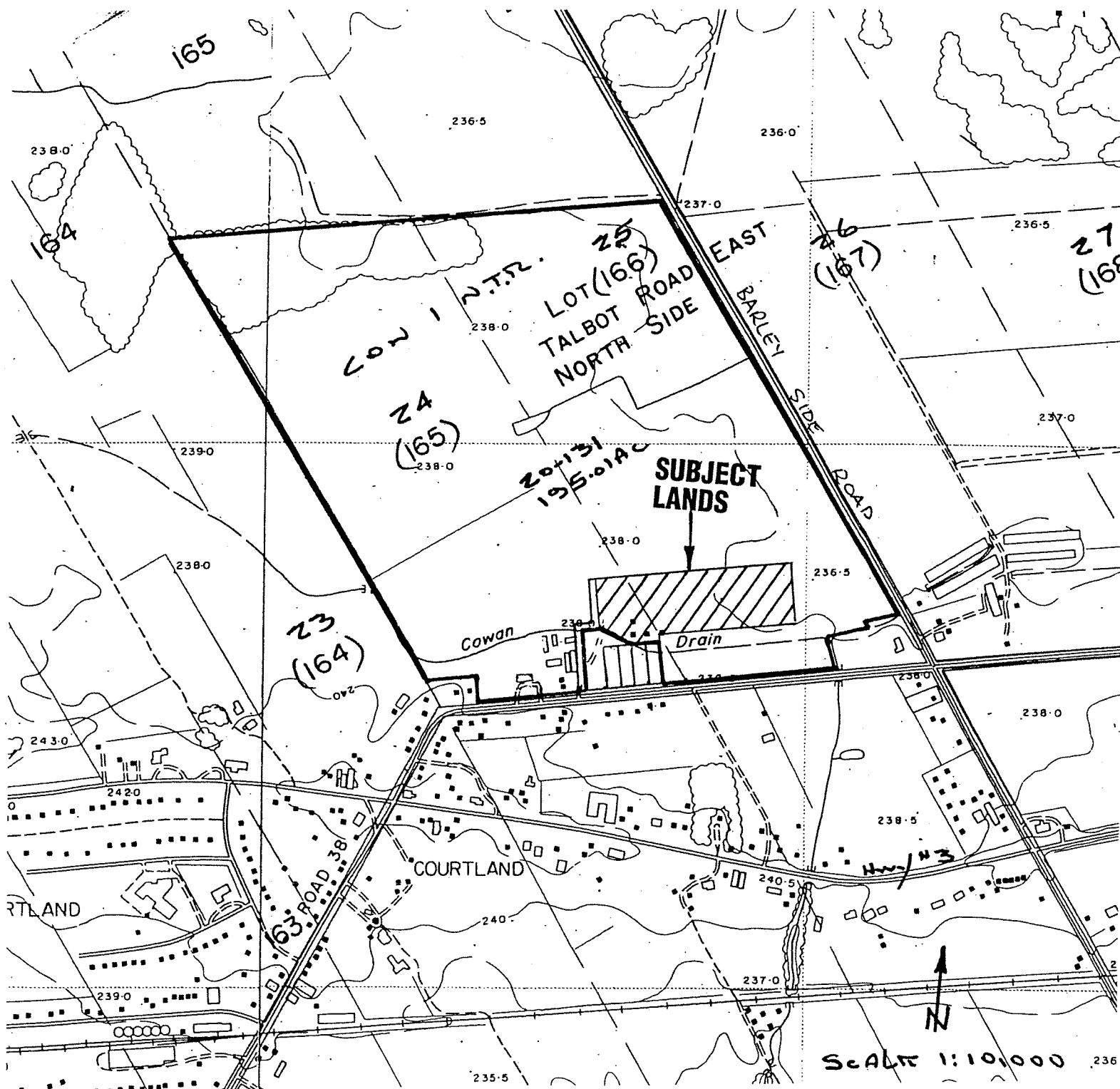
MAP NUMBER 2

File Number: BN-84/03 & AN-39/03

Geographic Township of MIDDLETON



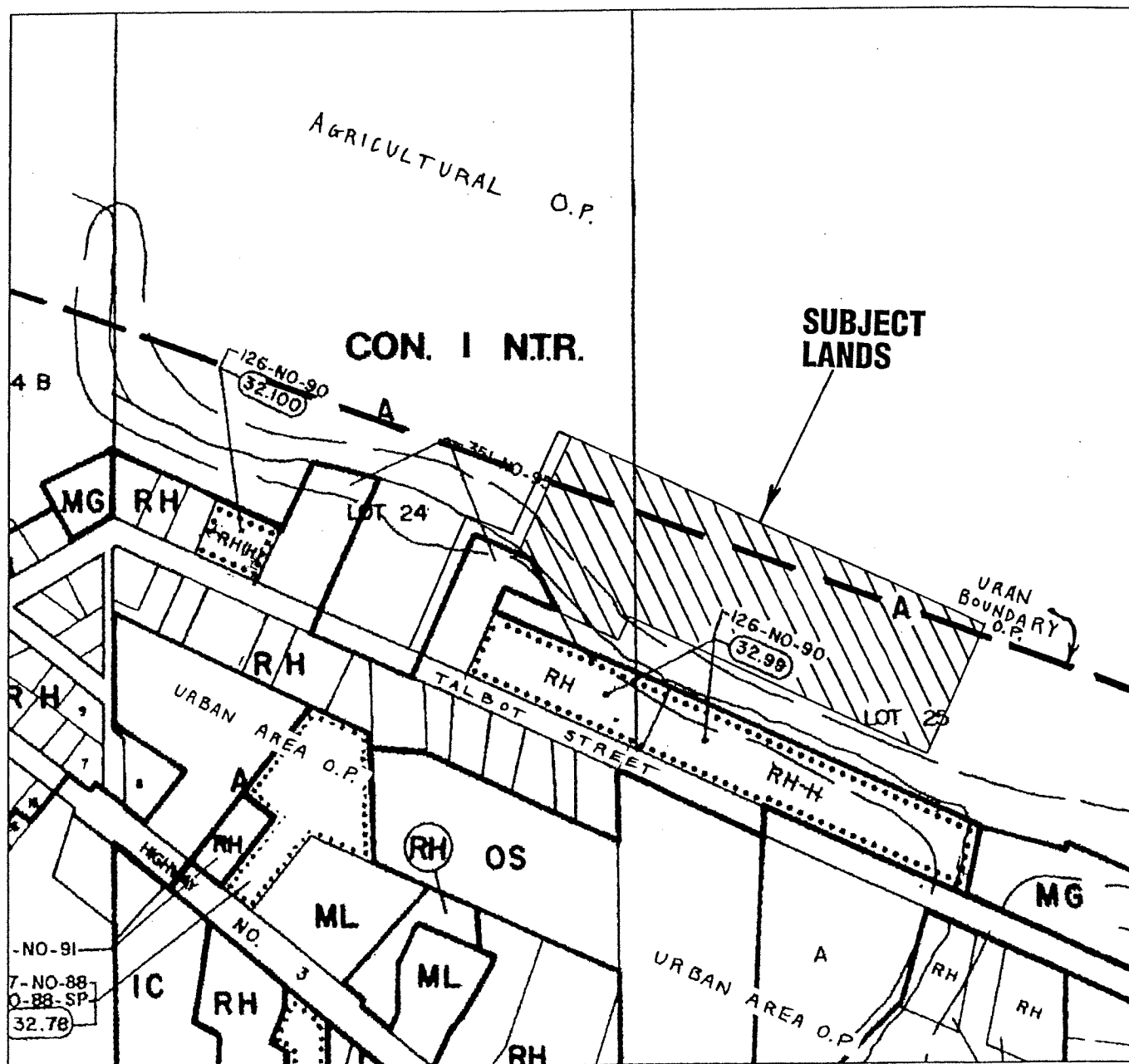
Scale 1:10000



File Number: BN-84/03 & AN-39/03
Geographic Township of MIDDLETON



Scale 1:5000



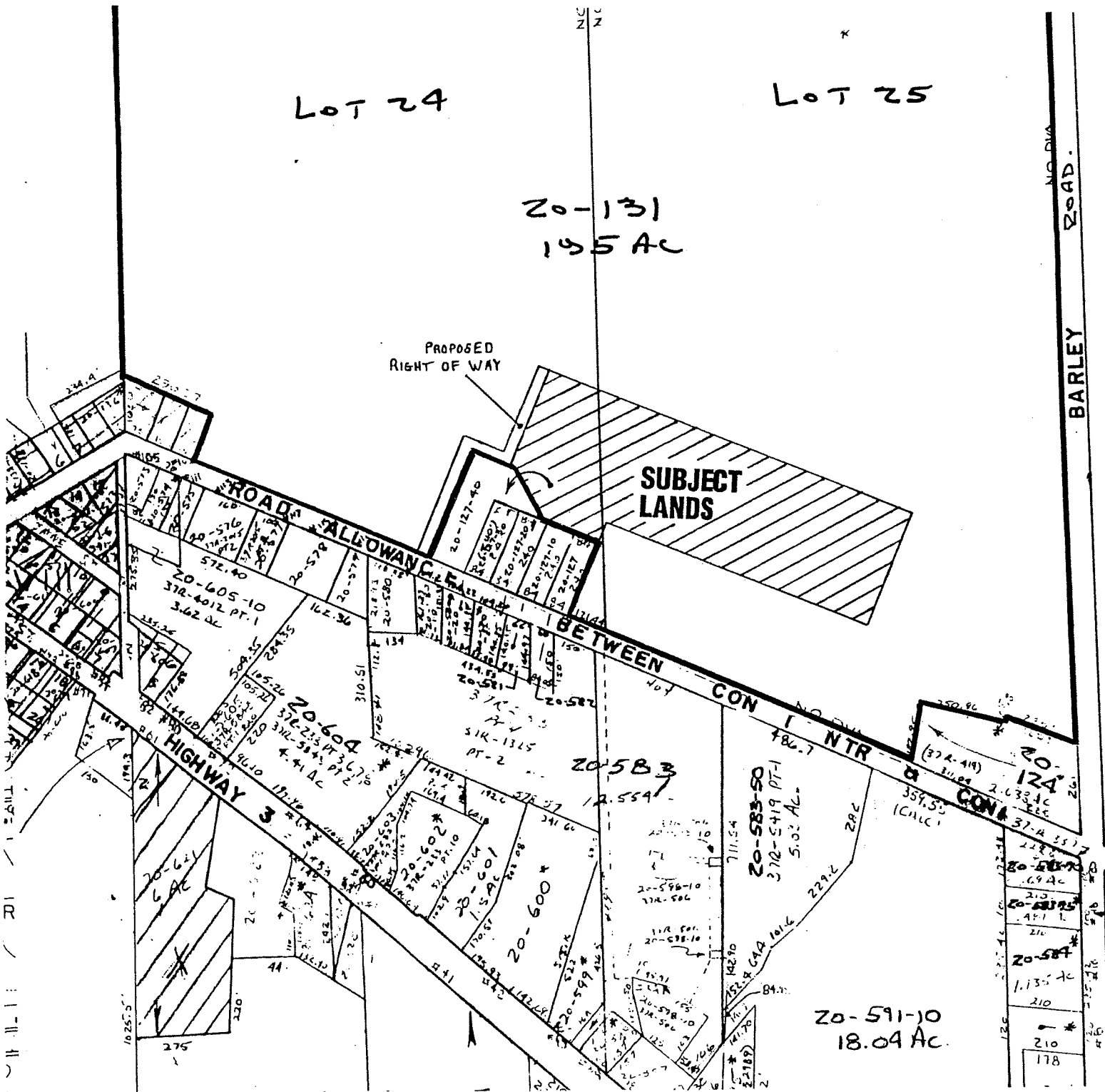
MAP NUMBER 4

File Number: BN-84/03 & AN-39/03

Geographic Township of MIDDLETON



Scale 1:5000



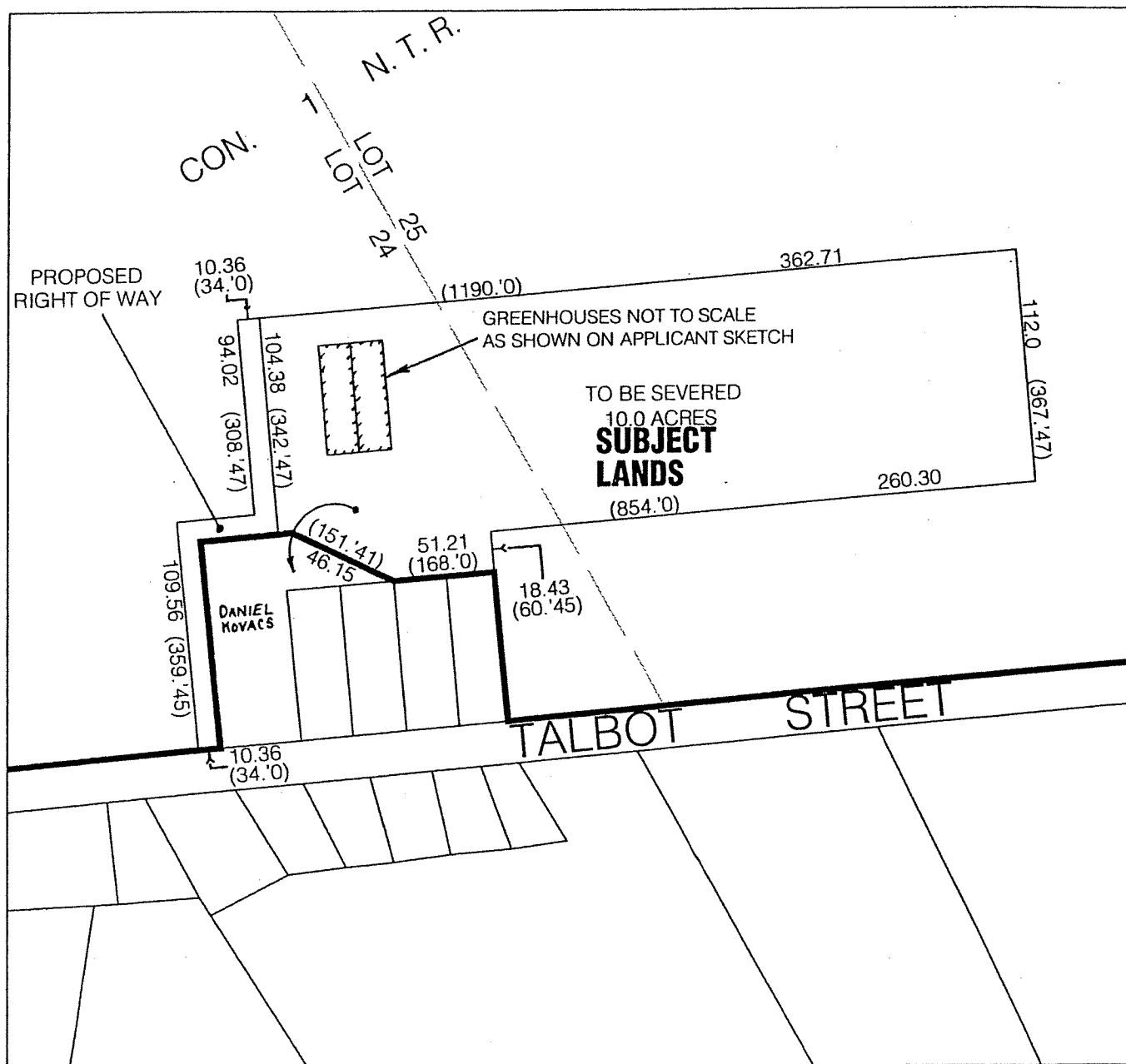
MAP NUMBER 5

File Number: BN-84/03 & AN-39/03

Geographic Township of MIDDLETON



Scale 1:3000



NUMBER 6

Number: BN-84/03 & AN-39/03
Graphic Township of MIDDLETON





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

DATE OF MEETING: July 31st, 2003

FILE NO.: AN-039/2003

APPLICANT: 772520 Ontario Inc.
Box 15
Courtland, ON, N0J 1E0

PROPERTY: Part of Lot 24 & 25, Concession 1, N.T.R. (287 Talbot St.)
(Courtland/Middleton/Norfolk)

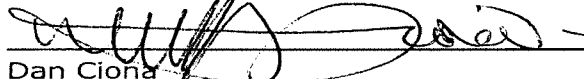
DECISION: APPROVES

RELIEF OF : Relief of Section 6.15 fronting on an improved street as set out in the A Zone requirement. (related to Section 5.4)

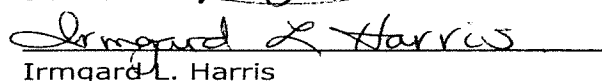
REASON: The application conforms to all relevant criteria set out in Section 45(1) of the Planning Act.



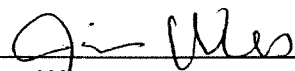
Marcel Vanhooren



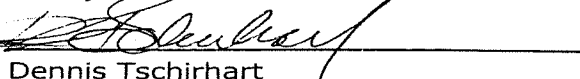
Dan Cion



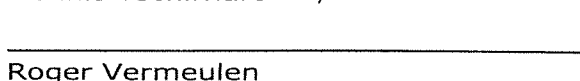
Irmgard L. Harris



Jim Wies




Dennis Tschirhart



Roger Vermeulen

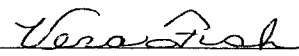
Members



Chairman (Richard Barker)

CERTIFICATION

I hereby certify this to be a true copy of the Committee of Adjustment and this decision was concurred in by a majority of the members who heard the application at a meeting duly held on July 31st, 2003.



Secretary-Treasurer

NOTICE OF LAST DAY FOR APPEAL TO THE MUNICIPAL BOARD

The Planning Act, R.S.O. 1990, as amended, c.P. 13, Section 45(12)

The applicant, the Minister or any other person who has an interest in the matter may within twenty days of the decision date, appeal to the Ontario Municipal Board, against the decision of the Committee by filing with the Secretary-Treasurer, notice of Appeal with reasons, accompanied by appeal fee (\$125.00) payable to the Minister of Finance on or before the following date:

August 20th, 2003

REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK
DEPARTMENT OF PLANNING & DEVELOPMENT - BUILDING DIVISION

SHADED AREA FOR OFFICE USE ONLY

ZONING DEFICIENCY FORM

Date: June 18/03

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

File AN-39/03

PROPOSAL FAILS TO MEET DEVELOPMENT STANDARDS

Related to BN-84/03

Assessment Roll # 33-10-541-020-13100.

(can be obtained from Tax Notices)

Owner/Applicant 772520 Ontario, Inc.

Municipality (Norfolk Twp)

Location of Property: Lot 1654166 Conc. 1 NTR Block _____ Plan _____

Part _____ Reference Plan _____ Former Municipality Middleton (Courtland)

Civic Address _____

Applicable Land Use By-Law 1-NO 85.

(Separate sheet for each By-Law)

Current Zoning A

Proposed Use green No Change

☒ Permitted

☐ Not Permitted

Existing Use green houses

DEVELOPMENT STANDARDS

REQ'D

"PROPOSED"
(Based on Plot Plan)

DEFICIENCY

- a) Lot Area
- b) Lot Frontage 6.15
- c) Front Yard Setback 5.4
- d) Exterior Side Yard
- e) Interior Side Yard (Rt)
(Facing Building)
- f) Interior Side Yard (Lt)
- g) Rear Yard
- h) Dwelling Unit Area
- i) Landscape Open Space
- j) % Lot Coverage
- k) Height of Building
- l) Houses Per Lot
- m) Accessory Bldg.
- n) Parking
- o) Other

Frontage on an improved street
More Than One Zone on a Lot.

* Note access will be through residential lot zoned R1 which has frontage.

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: Cherie Yocco
Owner/Applicant

Building Inspector

Instructions:

1. Owner/Applicant to complete unshaded areas.
2. Building Inspector to complete shaded areas.
3. The Owner/Applicant to submit completed form to the Area Regional Planner or the Secretary to Committee of Adjustment. Your contact is this regard is:

NAME

ADDRESS

Should you wish an appointment please call either the Region at 587-4911 or

**REPORT REGARDING AN APPLICATION TO
THE CORPORATION OF NORFOLK COUNTY
COMMITTEE OF ADJUSTMENT FOR MINOR VARIANCE**

MEETING DATE: July 31st, 2003

FILE NO. AN-39/2003

APPLICANT(S):

772520 Ontario Inc., Box 15, Courtland, ON, N0J 1E0

AGENT:

Dan Kovacs Sr., Box 15, Courtland, ON, N0J 1E0

LOCATION:

Part of Lot 24 & 25, Concession 1, N.T.R. (287 Talbot St.)(Courtland/Middleton/Norfolk)

PROPOSAL:

Relief of Section 6.15 fronting on an improved street as set out in the A Zone requirement. (related to Section 5.4)

PLANNING STAFF RECOMMENDATION:

That Application AN-39/03 **BE APPROVED**

REASON:

The application conforms to all relevant criteria set out in Section 45(1) of the Planning Act.

SITE FEATURES AND LAND USE:

The subject lands are located on the north side of Talbot Street in the Urban area of Courtland. The lands are vacant with the exception of two greenhouses located at the western end of the land to be severed under application BN-84/03. A drainage ditch is located to the south of the subject lands and existing residential uses are located to the south and west of the subject property.

RELEVANT CIRCULATION COMMENTS:

Finance Department – This application, if approved, would not attract any new development charge or cash in lieu of parkland.

Health Department – Please be advised that an inspection was carried out on this property July 15, 2003. The Health Unit has no objection to this proposal.

Long Point Region Conservation Authority – Have reviewed the above noted application and have no comment to make regarding it.

Tourism & Economic Development – No comment

Public Works and Environmental Services – The retained parcel must have water service to the streetline and a letter from the Public Works & Environmental Services Department indicating that this requirement has been satisfied concerning water service hook-ups before the certificate will be issued. Site Plan Control. Both the severed and retained parcels are within the municipal drainage area of the Cowan Drain, Mills South Norwich Drain, and therefore a reapportionment of the original drain assessment will be required. The severed lot is directly affected by a municipal drain/mutual agreement drain and is therefore subject to the following setback conditions as described under the zoning by-law.

1. 4.5 metre setback either side of the tile drain
2. 9 metre setback from top of bank of drain
3. 9 metre setback from the center of the open-ditch where the bank is undefined.

PLANNING STAFF COMMENTS:

This application relates to severance BN-84/03 and this application proposes to sever a ten-acre parcel and add the severed parcel to an existing lot fronting onto the Talbot Road. A greenhouse operation is proposed on the severed parcel. The lot to be severed is zoned Agriculture whereas the existing residential lot is zoned Hamlet Residential.

Section 6.15 of Zoning By-law 1-NO85 states that: "No building or structure shall be erected, altered or enlarged on any land which does not have the minimum required lot frontage on an improved street." Further, Section 5.4 states "Where a lot has more than one zone applied thereon all provisions in the pertinent zone shall be satisfied on each portion of the lot so zoned." The applicant is requesting relief of these sections to allow the severance proposed under application BN-84/03.

Planning staff have reviewed this file and inspected the property. The relief requested is considered minor in that it will not impact on the character of the neighbourhood and it will allow the diversification of the agricultural business. The variances requested are minor, constitute appropriate development and maintain the general intent of the zoning by-law and official plan.

T. Scott Peck, MCIP, RPP
Planner

