



THE CORPORATION OF NORFOLK COUNTY  
COMMITTEE OF ADJUSTMENT

## COMMENT REQUEST FORM

**FILE NO: ANPL2010129**

☒ Building Department  
☒ Building Inspector (Sewage System Review)  
☒ Forestry Division  
☒ GIS Section  
☒ Fire/EMS  
☒ Public Works NOTE: If an agreement is required  
please attach the clauses you require in the  
agreement.

☐ Railway  
☒ Norfolk Power  
☒ Ministry of Transportation  
☒ Conservation Authority

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 requires your comments by:**

**OCTOBER 4<sup>TH</sup>, 2010**

**APPLICANT:**

LANCASHIRE PROPERTIES INC  
C/O EFFORT TRUST, 242 MAIN ST E HAMILTON, ON L8N 1H5

**AGENT:**

FABIANI ARCHITECT LTD., 3390 SOUTH SERVICE ROAD BURLINGTON, ON L7N 3S5

**LOCATION:** CON 6 PT LOT 2 PT LOT 3 (138 Queensway, East)

**ASSESSMENT ROLL NO.:** 3310401005378000000

**PROPOSAL:**

CONSTRUCT A RETAIL STORE AND AUTOMOTIVE CENTRE REQUIRING RELIEF OF:  
6.8 m (22.3 ft) from the required 13 m (42.65 ft) front yard set back to permit a 6.20 (20.34 ft) front yard set back on Donly Drive.

---

**PLEASE REPLY BY EMAIL DIRECTLY TO:**

**MARY ELDER, MCIP, RPP**

60 Colborne Street South, Simcoe ON N3Y 4H3  
(519) 426-5870 ext: 1341

**EMAIL:** [mary.elder@norfolkcounty.ca](mailto:mary.elder@norfolkcounty.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 application, you must make a written request to:

Karen Judd, ACST, Secretary-Treasurer  
P.O. Box 128, 22 Albert Street, Langton ON N0E 1G0  
Phone: (519) 875-4485 ext 1835; Fax: (519) 875-4789  
[karen.judd@norfolkcounty.ca](mailto:karen.judd@norfolkcounty.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.

**CIRCULATION DATE:** September 20<sup>th</sup>, 2010

# MINOR VARIANCE

Office Use:

File Number: AN PL 2010 129  
 Related File: \_\_\_\_\_  
 Fees Submitted: Sept 2, 2010  
 Application Submitted: Sept 2, 2010  
 Sign Issued: Sept 2, 2010  
 Complete Application: Sept 2, 2010 *me*

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- 401 005 37800 0000

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 Applicant<sup>1</sup> LANCASHIRE PROPERTIES INC. Phone # 905-528-8956  
 Address 242 MAIN STREET EAST Fax # 905-528-2165  
 Town / Postal Code HAMILTON, ON L8N 1H5 E-mail gasq@efforttrust.ca

<sup>1</sup> If the applicant is a numbered company provide the name of a principal of the company.

Name of Agent FABIANI ARCHITECT LTD. Phone # 905 639 7753  
 Address 3390 SOUTH SERVICE ROAD. Fax # 905 333 9464  
 Town / Postal Code BURLINGTON ON L7N 3S5 E-mail Ffabiani@Fabianiarch.ca

Name of Owner<sup>2</sup> LANCASHIRE PROPERTIES INC. Phone # \_\_\_\_\_  
 Address \_\_\_\_\_ Fax # \_\_\_\_\_  
 Town / Postal Code \_\_\_\_\_ E-mail \_\_\_\_\_

<sup>2</sup> 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 sent<sup>3</sup>: ☒ Applicant ☒ Agent ☐ Owner

<sup>3</sup> 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 mortgagees, charges or other encumbrances on the subject lands:

THE EFFORT TRUST COMPANY 242 MAIN STREET EAST  
HAMILTON, ONTARIO, L8N 1H5

# MINOR VARIANCE

## B. LOCATION/LEGAL DESCRIPTION OF SUBJECT LANDS

PIN NUMBER 50232-0155(LT)

Geographic Township	<u>WOODHOUSE</u>	Urban Area or Hamlet	<u>NORFOLK COUNTY.</u>
Concession Number	<u>6</u>	Lot Number(s)	<u>2 &amp; 3</u>
Registered Plan Number		Lot(s) or Block Number(s)	
Reference Plan Number		Port Number(s)	
Frontage (metres/feet)	Depth <u>251.46 m. (825 ft)</u>	Frontage (metres/feet)	<u>201.47 m. (660.99 ft)</u>
Width (metres/feet)	<u>on Queensway</u>	Lot area (m <sup>2</sup> / ft <sup>2</sup> or hectares/acres)	<u>5.05 ha (12.48 ac)</u>
Municipal Civic Address	<u>138 QUEENSWAY EAST, SIMCOE.</u>		

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

☒ Yes ☐ No

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

NATURAL GAS EASEMENT

## 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):

CONSTRUCT NEW CANADIAN TIRE RETAIL AND AUTOMOTIVE  
CENTRE WITH A FRONT YARD OF MIN 6.20m  
TO ONLY DRIVE

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

REDUCE FRONT YARD TO ONLY DRIVE TO  
6.2m IN LIEU OF 13 m MIN.

## MINOR VARIANCE

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

- ① EAST LOT LINE IS NOT PARALLEL TO EAST WALL OF PROPOSED CANADIAN TIRE STORE
- ② COMPLYING WITH BY-LAW WOULD RESTRICT VISIBILITY & THEREBY VIABILITY OF RETAIL TENANTS IN BUILDING 'D'
- ③ SOUTH END OF CANADIAN TIRE STORE IS SETBACK 14M FROM EDGEMOOR DRIVE - IN EXCESS OF BYLAW MIN.

## D. PROPERTY INFORMATION

Present official plan designation(s):

Shopping Centre Commercial.

Present zoning:

SHOPPING CENTRE ZONE (CSC)

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:

BUILDING A	EXISTING. ONE STOREY RETAIL
CANADIAN TIRE	TO BE ENLARGED.
GAS BAR	
BUILDING B	EXISTING ONE STOREY RETAIL
BUILDING C	PROPOSED ONE STOREY CANADIAN TIRE RETAIL / AUTOMOTIVE CENTRE
BUILDING D	EXISTING ONE STOREY RETAIL HALL TO BE REDUCED IN WIDTH & DEPTH TO A RETAIL PLAZA

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

1977

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:

REFER TO ATTACHED SITE PLAN  
PREPARED BY FABIAN ARCHITECT LTD.

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

FALL 2010.

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:

LATE 1980'S

Present use of the subject lands:

RETAIL MALL, RETAIL PADS & GAS BAR.

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

SEVERAL YEARS.

Existing use of abutting properties:

COMMERCIAL - NORTH/EAST/WEST RESIDENTIAL - SOUTH

### 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:

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:

PHASE 1 ENVIRONMENTAL AND CHEMICAL ANALYSIS OF  
BORE HOLES WHEN THE A&W RESTAURANT WAS CONSTRUCTED

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

## 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:

\_\_\_\_\_

Land it affects:

\_\_\_\_\_

Purpose:

\_\_\_\_\_

Status/decision:

\_\_\_\_\_

## MINOR VARIANCE

Effect on the requested amendment:

---

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)

☐ Yes ☒ No ☐ Yes ☒ No \_\_\_\_ distance

Wooded area

☐ Yes ☒ No ☐ Yes ☒ No \_\_\_\_ distance

Municipal landfill

☐ Yes ☒ No ☐ Yes ☒ No \_\_\_\_ distance

Sewage treatment plant or waste stabilization plant

☐ Yes ☒ No ☐ Yes ☒ No \_\_\_\_ distance

Provincially significant wetland (class 1, 2 or 3) or other environmental feature

☐ Yes ☒ No ☐ Yes ☒ No \_\_\_\_ distance

Floodplain

☐ Yes ☒ No ☐ Yes ☒ No \_\_\_\_ distance

Rehabilitated mine site

☐ Yes ☒ No ☐ Yes ☒ No \_\_\_\_ distance

Non-operating mine site within one kilometre

☐ Yes ☒ No ☐ Yes ☒ No \_\_\_\_ distance

Active mine site within one kilometre

☐ Yes ☒ No ☐ Yes ☒ No \_\_\_\_ distance

Industrial or commercial use (specify the use(s))

☒ Yes ☐ No ☒ Yes ☐ No \_\_\_\_ distance

Active railway line

☐ Yes ☒ No ☐ Yes ☒ No \_\_\_\_ distance

Seasonal wetness of lands

☐ Yes ☒ No ☐ Yes ☒ No \_\_\_\_ distance

Erosion

☐ Yes ☒ No ☐ Yes ☒ No \_\_\_\_ distance

Abandoned gas wells

☐ Yes ☒ No ☐ Yes ☒ No \_\_\_\_ distance



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

If other, describe:

---

Name of road/street:

HIGHWAY # 3 (QUEENSWAY.) ONLY DRIVE



## I. OTHER INFORMATION

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

☐ Yes

☒ No

If yes, describe:

---

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.

---

---

---

---

## MINOR VARIANCE

### K. NOTIFICATION SIGN REQUIREMENTS

For the purpose of public notification and in order for staff to locate your lands, you will be given a sign to indicate the intent and purpose of your development application. It is your responsibility to:

1. Post one sign per frontage in a conspicuous location on the subject lands
2. Ensure one sign is posted at the front of the subject lands at least three feet above ground level
3. Notify the Planner when the sign is in place in order to avoid processing delays
4. Maintain the sign until the development application is finalized and thereafter removed

### L. PERMISSION TO ENTER SUBJECT LANDS

Permission is hereby granted to Norfolk County staff and to members of the Committee of Adjustment to enter the premises subject to this development application for the purposes of making inspections associated with this application, during normal and reasonable working hours.



Owner/Applicant/Agent Signature

AUGUST 30 2016

Date

### M. FREEDOM OF INFORMATION

For the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*, I authorize and consent to the use by or the disclosure to any person or public body any information that is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P. 13 for the purposes of processing this development application.



Owner/Applicant/Agent Signature

AUGUST 30 2016

Date

MINOR VARIANCE

N. DECLARATION

I, GERALD ASA of HAMILTON, ONTARIO solemnly declare that:

all of the above statements and the statements contained in all of the exhibits transmitted herewith are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of The Canada Evidence Act.

Declared before me at:

HAMILTON

In PROVINCE OF ONTARIO

This 30<sup>th</sup> day of AUGUST

A.D., 20 10

  
A Commissioner, etc.  
N. VAN VELZEN

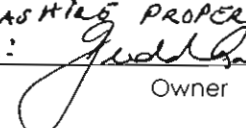
  
Owner/Applicant/Agent Signature

O. OWNER'S AUTHORIZATION

If the applicant is not the registered owner of the lands that is the subject of this development application, the owner must complete the authorization set out below.

LANCASHIRE PROPERTIES INC.  
I/we are are the registered owner(s) of the lands that is the subject of this development application for a minor variance.

I/We authorize FABIANI ARCHITECT LTD. to make this development application on my/our behalf and to provide any of my/our personal information necessary for the processing of this development application. Moreover, this shall be your good and sufficient authorization for so doing.

LANCASHIRE PROPERTIES INC.  
PER:   
Owner

AUGUST 24 2010  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date



## ZONING DEFICIENCY

Simcoe: 8 Schellburg Ave.  
Simcoe, ON  
N3Y 2J4  
519-426-4377  
Langton: 22 Albert St.  
Langton, ON  
N0E 1G0  
519-875-4485

### PROPERTY INFORMATION

STREET # 138

ROLL No. 3310401005378000000

LEGAL DESCRIPTION:  
CON 6 PT LOT 2 PT LOT 3, 37R476  
PART 1 TO 4, REG, 12.48AC  
825.00FR 661.00D

UNIT # 00140

TOWNSHIP Simcoe - Simcoe

STREET NAME QUEENSWAY E

ZONING CSC.3

### ZONING DEFICIENCY

DEVELOPMENT STANDARD	REQUIRED (m/ft)		PROPOSED (m/ft)		DEFICIENCY (m/ft)	
LOT AREA	N/A	N/A			N/A	N/A
LOT FRONTAGE	38m	124.67 ft			ok	ok
FRONT YARD SETBACK	13m	42.65 ft	6.20m	20.34 ft	6.8m	22.31 ft
EXTERIOR SIDE YARD	13.7m	44.85 ft			ok	ok
INTERIOR SIDE YARD (RIGHT)	N/A	N/A			N/A	N/A
INTERIOR SIDE YARD (LEFT)	15m	49.21 ft			ok	ok
REAR YARD SETBACK	9m	29.53 ft			ok	ok
DWELLING UNIT AREA	N/A	N/A			N/A	N/A
% LOT COVERAGE	26%		23.5%		ok	
BUILDING HEIGHT	11m	36.08 ft			ok	ok
ACCESSORY BUILDING						
ACCESSORY BUILDING COMMENTS	N/A					
PARKING SPACES	468		536		ok	

ADDITIONAL COMMENTS: Max gross leasable area for department store = 4645sq.m/50,000 sq ft ———ok

Max gross leasable area for comparison goods shopping and department store = 5574sq m/60,000 sq ft —ok

The proposed information and any supporting documents have been provided by the owner/applicant. The above information is only in respect to the associated planning application and does not relieve the owner/applicant from obtaining all other permits/approvals required. The owner/applicant hereby accepts full responsibility for the accuracy of the proposed information provided on this form.

I have read and understand the above.

Signature of owner or authorized agent

Date

PREPARED BY: Dan Salembier

AS PER:

Fritz R. Enzlin CBCO, CRBO  
Chief Building Official  
Manager, Building & Bylaw Division  
Norfolk County

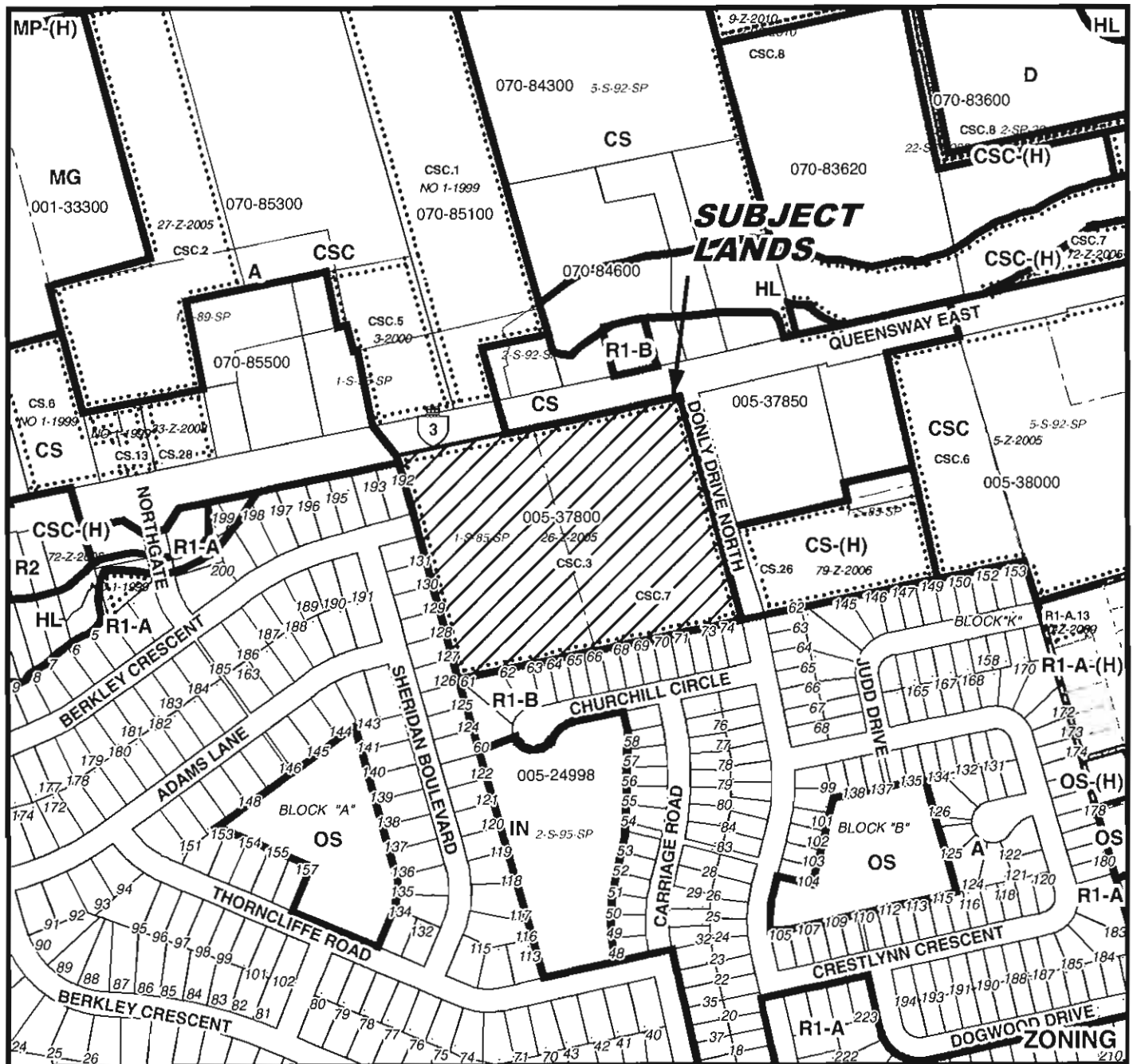
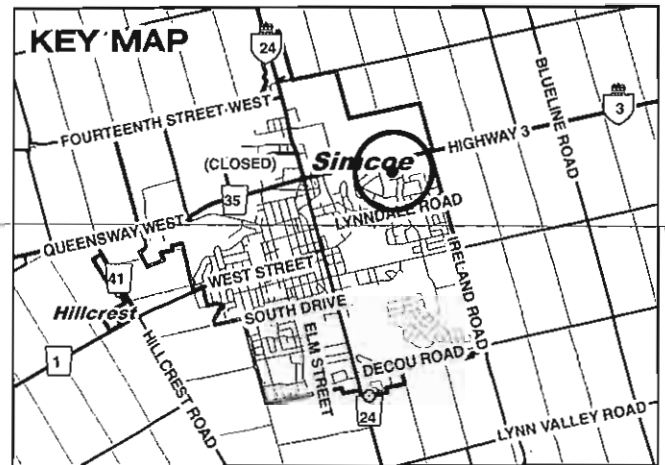
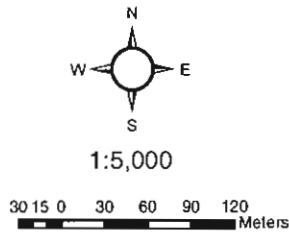
Signature of building inspector

Date

# MAP 1

## File Number: ANPL2010129

Urban Area of  
**SIMCOE**



## MAP 2

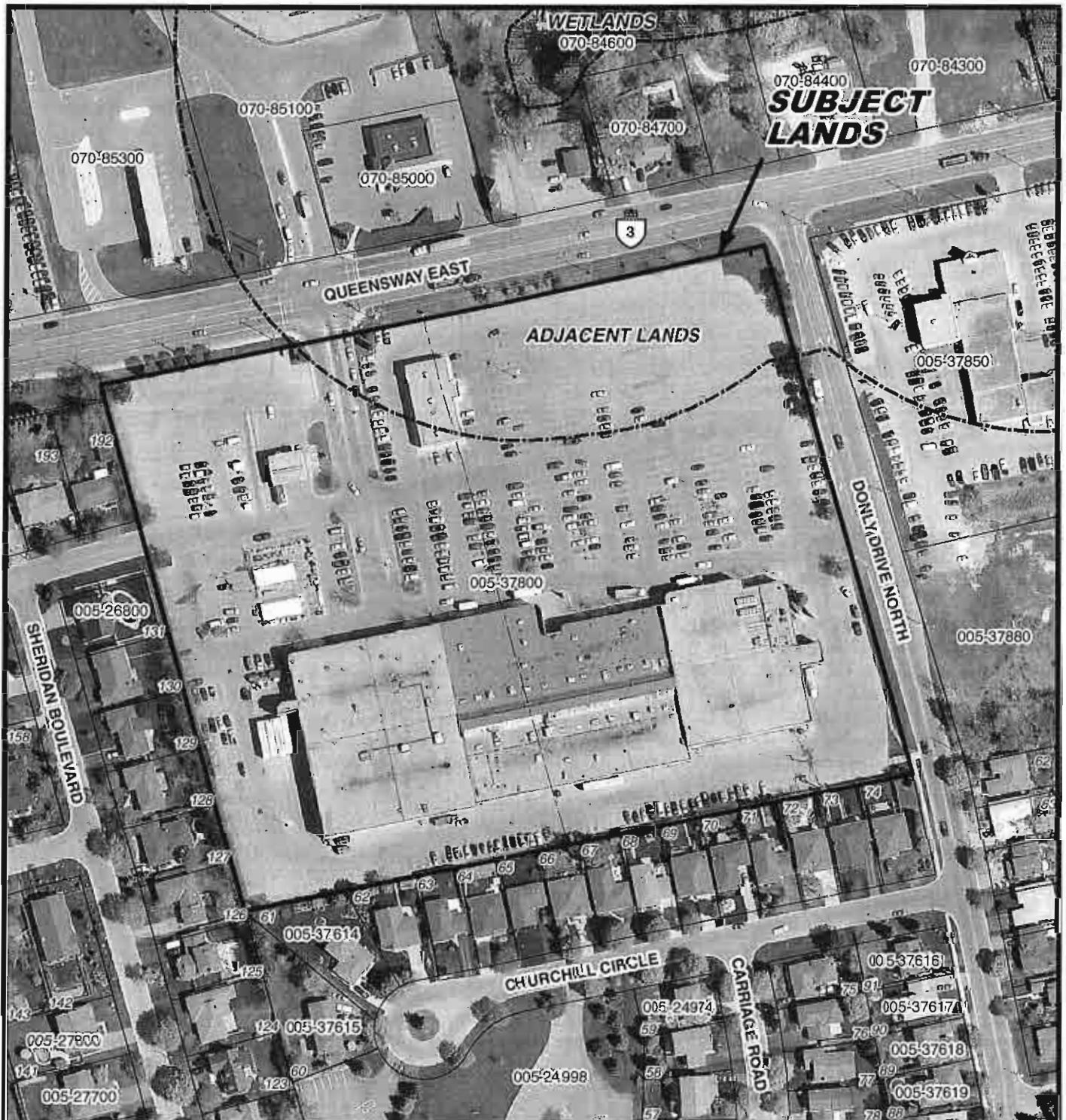
File Number: ANPL2010129

Urban Area of SIMCOE



10 5 0 10 20 30 40  
Meters

1:2,000



# MAP 3

File Number: ANPL2010129

Urban Area of SIMCOE



10 5 0 10 20 30 40 Meters

1:1,600

