

MINOR VARIANCE

File Number ANPL2016242
 Related File Number —
 Pre-consultation Meeting On July 29 2016
 Application Submitted On July 29 2016
 Complete Application On July 29 2016

Application Fee 977.⁰⁰
 Conservation Authority Fee N/A
 OSSD Form Provided N/A.
 Sign Issued —

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- 402-010-03502

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-Z-2014

A. APPLICANT INFORMATION

Name of Applicant ¹	<u>Jamie Pereira</u>	Phone #	<u>519-426-6763</u>
Address	<u>53 Mann Ave.</u>	Fax #	<u>518-426-2055</u>
Town / Postal Code	<u>Simcoe, ON N3Y 5J2</u>	E-mail	<u>pereira@mhnlawyers.com</u>

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

Name of Agent	<u>MHN Lawyers - c/o Jamie Pereira</u>	Phone #	<u>519-426-6763</u>
Address	<u>39 Colborne St. N.</u>	Fax #	<u>519-426-2055</u>
Town / Postal Code	<u>Simcoe, ON N3Y 4N5</u>	E-mail	<u>pereira@mhnlawyers.com</u>

Name of Owner ²	<u>Jamie and Kerensa Pereira</u>	Phone #	<u>same as above</u>
Address	<u>53 Mann Ave.</u>	Fax #	<u>same as above</u>
Town / Postal Code	<u>Simcoe, ON N3Y 5J2</u>	E-mail	<u>same as above</u>

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 sent ³: ☐ 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 mortgagees, charges or other encumbrances on the subject lands:

N/A

B. LOCATION/LEGAL DESCRIPTION OF SUBJECT LANDS

Geographic Township	<u>Woodhouse Gore</u>	Urban Area or Hamlet	<u>Urban Area</u>
Concession Number		Lot Number(s)	<u>Lot 4</u>
Registered Plan Number	<u>37M-76</u>	Lot(s) or Block Number(s)	
Reference Plan Number	<u>37R10457</u>	Part Number(s)	<u>Part 1</u>
Frontage (metres/feet)	<u>12.72 m (irregular)</u>	Depth (metres/feet)	<u>34 m approx. (irregular)</u>
Width (metres/feet)	<u>27 m approx. (irregular)</u>	Lot area (m ² / ft ² or hectares/acres)	<u>1020.4 m²</u>
Municipal Civic Address			

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

☒ Yes ☐ No

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

Restrictive Covenants require that the roof must have a minimum pitch of 6" vertical to 12" horizontal. The proposed building complies with the minimum pitch. The roof pitch varies from 9" to 11" vertical to 12" horizontal. A copy of the complete Restrictive Covenants are attached.

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):

This proposal relates to the construction of a new 2 storey home with approximate above-grade square footage of 3575 square feet. The building heights for the proposed construction is 10.82m.

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

The applicable By-law 1-Z-2014 only permits a maximum building height of 9.2 m.

A minor variance is requested to permit a building height of 10.82m. being 1.62 m higher than the permitted 9.2 maximum building height.

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

The height of the proposed 2 storey dwelling exceeds the maximum permitted building

height, however, the building height is within the limits which have currently been proposed and recommended by Planning staff in Application D.C.S. 16-15. A lower roof line would not be aesthetically suitable for the proposed building.

D. PROPERTY INFORMATION

Present official plan designation(s):

Urban Residential

Present zoning:

Urban Residential 1-BResidential Type 1 Zone

Is there a site specific zone on the subject lands?

No.

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:

Vacant land

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

N/A

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.

N/A

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:

2 storey home with approximate above-grade square footage of 3575 square feet.10' ceiling is proposed for main level and 9' ceiling is proposed for upper level.See attached plans for detailed specifications of proposed home.

MINOR VARIANCE

If known, the date the proposed buildings or structures will be constructed on the subject lands:
Construction to commence in October 2016 if application is approved.

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 15, 2016

Present use of the subject lands:
Vacant residential lot.

If known, the length of time the existing uses have continued on the subject lands:
Subdivision Agreement registered on May 5, 2016.

Existing use of abutting properties:
Vacant residential lot, park and wooded area.

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

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

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

Personal knowledge and discussions with developer of property and home builder for the proposed building.

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:

1. a minor variance or a consent;
2. an amendment to an official plan, a zoning by-law or a Minister's zoning order; or
3. approval of a plan of subdivision or a site plan?

☒ Yes ☐ No ☐ Unknown

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

File number:

D.C.C. 16-15

Land it affects:

Urban residential types 1, 2, 3, 4 and Hamlet Residential.

Purpose: General Zoning By-law amendments including a proposal to increase maximum permitted building height from 9.2 m to 11 m.

Status/decision:

July 12, 2016 - deferred for 6 to 12 months.

Effect on the requested amendment:

The building height for the proposed dwelling would be within the limits of the requested amendment to the by-law.

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

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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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No 5m _____ 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))	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input 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

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

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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:

Thomson Road

I. OTHER INFORMATION

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

☐ Yes ☐ No

If yes, describe:

It is desired to commence construction in October, 2016.

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.

The proposed building height is within the limit of the amendment proposed in

File No. D.C.S. 16-15 which is supported and recommended by Planning Staff.



Zoning Deficiency

Simcoe: 185 Robinson St.
Simcoe, ON
N3Y 5L6
519-426-5870
Langton: 22 Albert St.
Langton, On.
N0E 1G0
519-875-4485

PROPERTY INFORMATION

Lot 4 37M76 Part 1 37R10457

Legal Description:

ASSESSMENT # 331040201003502

Application #:

JAMIE PEREIRA

Urban Residential Type R1 Zone

Urban Residential Type R1 Zone		Zoning	R1-B				
	Main Building	REQUIRED	PROPOSED		DEFICIENCY	UNITS	
5.1.2	a) minimum lot area			0.00	0.00	N/A	m.sq
	i) interior lot			0.00	0.00	N/A	m.sq
	ii) corner lot			0.00	0.00	0.00	m.sq
	iii) lot of record - interior lot			0.00	0.00	N/A	m.sq
	iv) lot of record - corner lot					0.00	
	b) minimum lot frontage						
	i) interior lot			0.00	0.00	N/A	m
	ii) corner lot			0.00	0.00	N/A	m
	iii) lot of record - interior lot			0.00	0.00	N/A	m
	iv) lot of record - corner lot			0.00	0.00	N/A	m
	c) minimum front yard			0.00	0.00	N/A	m
	i) detached garage with rear lane			0.00	0.00	N/A	m
	d)minimum exterior side yard			0.00	0.00	N/A	m
	e) minimum interior side yard			0.00			
	i) detached garage (3.0m)			0.00	0.00	N/A	m
	detached garage (1.2m)			0.00	0.00	N/A	m
	ii) detached garage with a rear lane ;			0.00	0.00	N/A	m
	attached garage			0.00	0.00	N/A	m
	f) minimum rear yard			0.00	0.00	N/A	m
	g) maximum building height	9.20	10.82	10.82	1.62	1.62	m

Comments

Accessory Structure

3.2.1 a) building height	6.00		0.00	0.00		m
b) minimum front yard			0.00	0.00	N/A	m
c) minimum exterior side yard			0.00	0.00	N/A	m
d) minimum interior side yard	1.20		0.00	1.20	0.00	m
e) minimum rear yard	1.20		0.00	1.20	N/A	m
f) through lot distance to street line			0.00	0.00	N/A	m
g) Lot coverage			0.00			
i) lot coverage	10.00		0.00	0.00	0.00	%
ii) usable floor area	100.00		0.00	0.00		m.sq

Comments



Zoning Deficiency

Simcoe: 185 Robinson St.
Simcoe, ON
N3Y 5L6
519-426-5870
Langton: 22 Albert St.
Langton, On.
N0E 1G0
519-875-4485

PROPERTY INFORMATION

Lot 4 37M76 Part 1 37R10457

Legal Description:

ASSESSMENT # 331040201003502

Application #:

JAMIE PEREIRA

Urban Residential Type R1 Zone

Zoning

R1-B

Decks and Porches

3.6 a) interior side lot line

0

0.00

N/A

m

b) have a floor higher than the height,
above finished grade, of the floor of the
first storey of the main building on the lot.

N/A

m

c) project more than 3 m into a required
rear yard but in no circumstance be closer
than 3m from the rear lot line.

0

0.00

N/A

m

d) project more than 1.5m into the
required front yard or required exterior

0

0.00

n/a

m

e) sloping rear yard.

i) interior lot line

0

0.00

n/a

m

ii) rear lot line

0

0.00

n/a

m

Comments

Parking

4.1 number of parking spaces


0.00

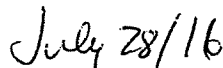
N/A

Comments

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.

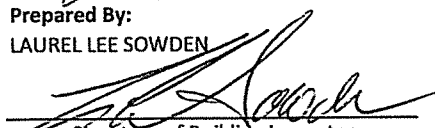
I have read and understand the above.

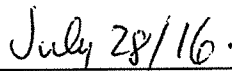

Signature of owner or authorized agent


date

Prepared By:

LAUREL LEE SOWDEN


Signature of Building Inspector


date

AS PER:

Fritz R. Enzlin. CBCO, CRBO

Chief Building Official

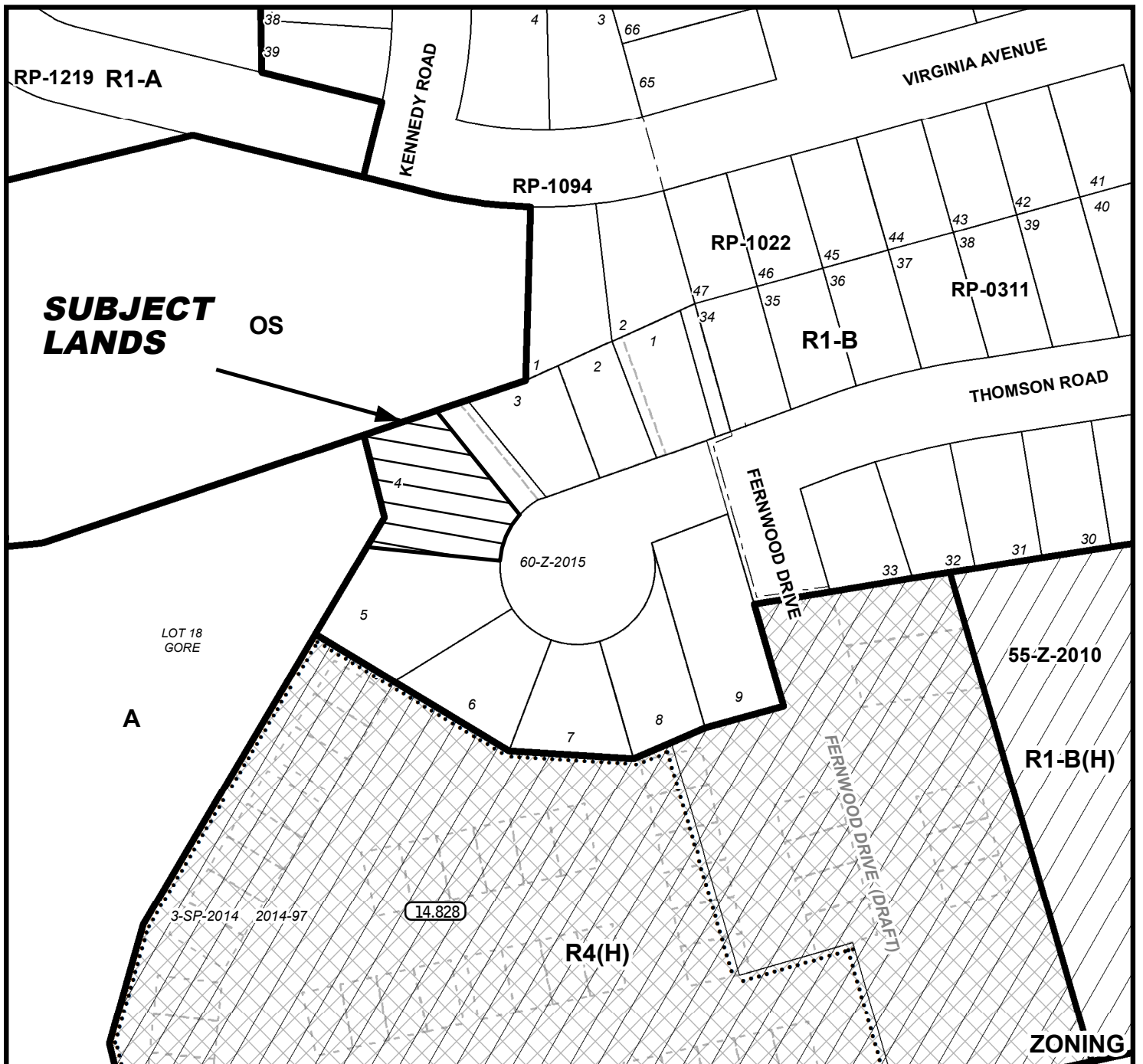
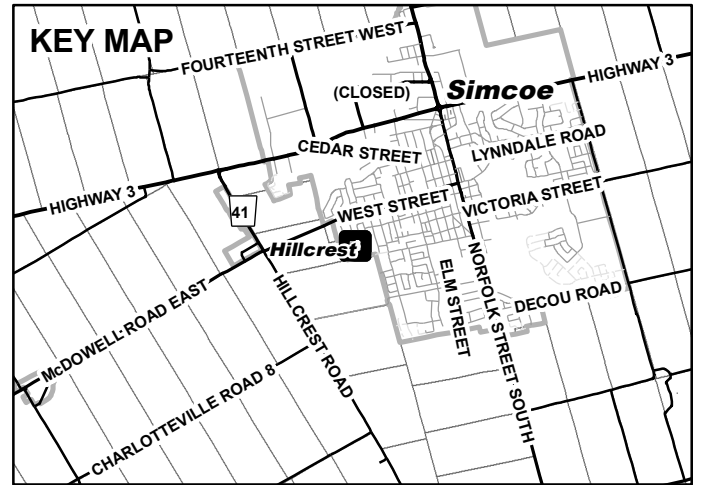
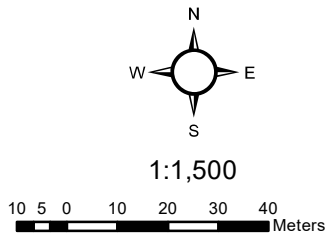
Manager, Building & Bylaw Division

Norfolk County

MAP 1

File Number: ANPL2016242

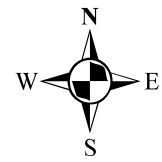
Urban Area of
SIMCOE



MAP 2

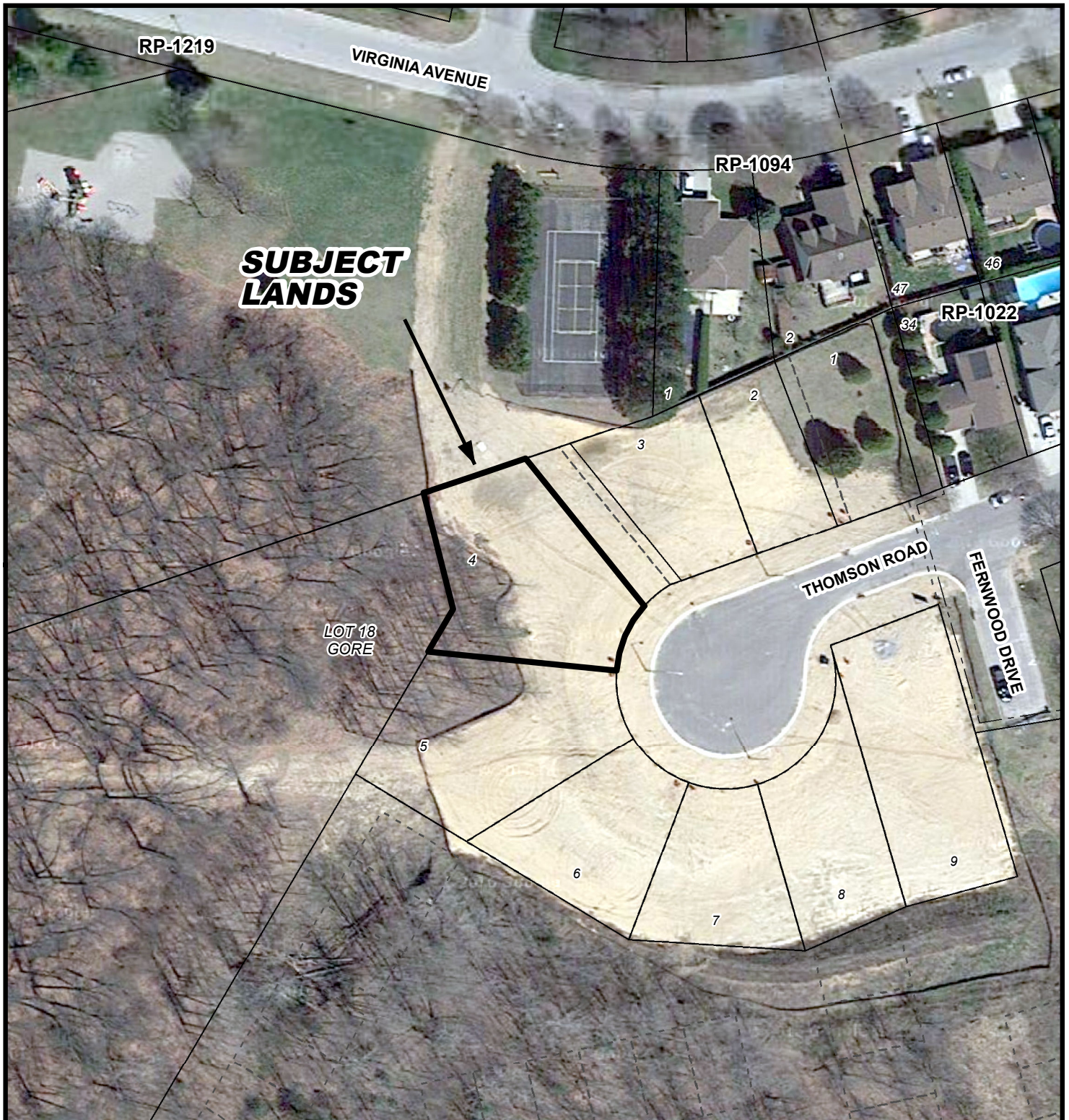
File Number: ANPL2016242

Urban Area of SIMCOE



3.5 7 10.5 14
Meters

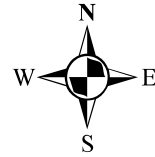
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MAP 3

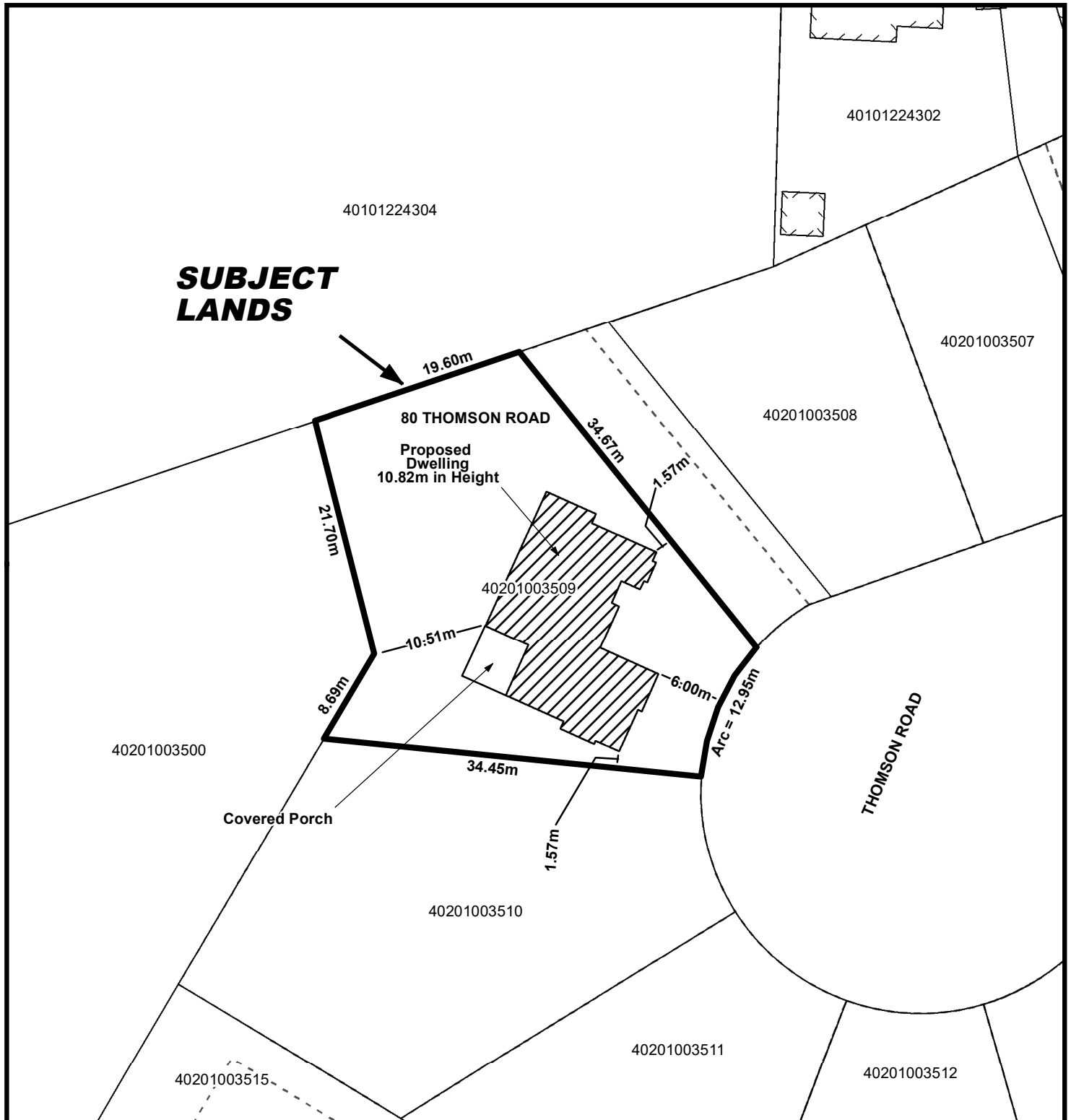
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Urban Area of SIMCOE



2 1 0 2 4 6 8 Meters

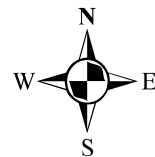
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LOCATION OF LANDS AFFECTED

File Number: ANPL2016242

Urban Area of SIMCOE



2 1 0 2 4 6 8 Meters

1:500

