

City - 1529.00
L.P.A.C.A. 491.00

For Office Use Only:

File Number	<u>ANPL2020209</u>	Application Fee	<u>✓</u>
Related File Number	<u>✓</u>	Conservation Authority Fee	<u>✓</u>
Pre-consultation Meeting	<u>✓</u>	Well & Septic Info Provided	<u>✓</u>
Application Submitted	<u>Aug 31</u>	Planner	<u>S.W</u>
Complete Application	<u>Nov 5</u>	Public Notice Sign	<u>✓</u>

Check the type of planning application(s) you are submitting.

- ☒ Consent/Severance/Boundary Adjustment
☒ Surplus Farm Dwelling Severance and Zoning By-law Amendment
☒ Minor Variance
☒ Easement/Right-of-Way

Property Assessment Roll Number: 493-110-44900-000

A. Applicant Information

Name of Owner Donald Scott MacGregor

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.

Address 15 Cedar Street,
Town and Postal Code Turkey Point, ON N0E 1T0
Phone Number 519-426-6919
Cell Number _____
Email _____

Name of Applicant Same as owner

Address _____
Town and Postal Code _____
Phone Number _____
Cell Number _____
Email _____



Name of Agent

David Roe, Civic Planning Solutions Inc.

Address

599 Larch Street

Town and Postal Code

Delhi, ON N4B 3A7

Phone Number

519-582-1174

Cell Number

519-983-8154

Email

civicplanningsolutions@nor-del.com

Please specify to whom all communications should be sent. Unless otherwise directed, all correspondence and notices in respect of this application will be forwarded to the agent noted above.

☐ Owner☐ Agent☒ Applicant

Names and addresses of any holder of any mortgagees, charges or other encumbrances on the subject lands:

B. Location, Legal Description and Property Information

1. Legal Description (include Geographic Township, Concession Number, Lot Number, Block Number and Urban Area or Hamlet):
CHR PLAN 135 PT LOT H & I
CON A PT LOT 14 IN FRONT OF RP
37R1941 PART 28

Municipal Civic Address: 15 CEDAR STREET

Present Official Plan Designation(s): Resort Area

Present Zoning: RR

2. Is there a special provision or site specific zone on the subject lands?

☒ Yes ☐ No If yes, please specify:
3.8.3

3. Present use of the subject lands:
cottage use

4. 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, and height on your attached sketch which must be included with your application:
Cottage, Accessory Building and Cottage (to be removed) see attached sketch
5. If an addition to an existing building is being proposed, please explain what it will be used for (for example a bedroom, kitchen, or bathroom). If new fixtures are proposed, please describe.
6. 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, and height on your attached sketch which must be included with your application:
Cottage to remain is to be brought into compliance with the zoning by-law and OBC
7. 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:
8. If known, the length of time the existing uses have continued on the subject lands:

9. Existing use of abutting properties:
Seasonal cottages

10. Are there any easements or restrictive covenants affecting the subject lands?
☐ Yes ☒ No If yes, describe the easement or restrictive covenant and its effect:

C. Purpose of Development Application

Note: Please complete all that apply.

Proposed Cottage

1. Site Information

Existing

Proposed

Please indicate unit of measurement, for example: m, m² or %

Lot frontage	23.29m	
Lot depth	43.96m	
Lot width	26.18m maximum	
Lot area	944m ²	
Lot coverage		12.18%
Front yard		27m
Rear yard		0.65m
Left Interior side yard		
Right Interior side yard		
Exterior side yard (corner lot)		

2. Please outline the relief requested (assistance is available):

Relief is required for rear yard - 8.35m Section 5.8.2 f)

Relief is required for deck/porch into required rear yard - 3m Section 3.6 c)

3. Please explain why it is not possible to comply with the provision(s) of the Zoning

By-law:

Location of existing cottage building

4. Description of land intended to be severed in metric units:

Frontage: n/a _____
Depth: _____
Width: _____
Lot Area: _____
Present Use: _____
Proposed Use: _____

Proposed final lot size (if boundary adjustment): _____



If a boundary adjustment, identify the assessment roll number and property owner of the lands to which the parcel will be added: _____

Description of land intended to be retained in metric units:

Frontage: n/a

Depth: _____

Width: _____

Lot Area: _____

Present Use: _____

Proposed Use: _____

Buildings on retained land: _____

5. Description of proposed right-of-way/easement in metric units:

Frontage: _____

Depth: _____

Width: _____

Area: _____

Proposed Use: _____

6. List all properties in Norfolk County, which are owned and farmed by the applicant and involved in the farm operation:

Owners Name: n/a

Roll Number: _____

Total Acreage: _____

Workable Acreage: _____

Existing Farm Type: (for example: corn, orchard, livestock) _____

Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built _____



Owners Name: _____
Roll Number: _____
Total Acreage: _____
Workable Acreage: _____
Existing Farm Type: (for example: corn, orchard, livestock) _____
Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built _____

Owners Name: _____
Roll Number: _____
Total Acreage: _____
Workable Acreage: _____
Existing Farm Type: (for example: corn, orchard, livestock) _____
Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built _____

Owners Name: _____
Roll Number: _____
Total Acreage: _____
Workable Acreage: _____
Existing Farm Type: (for example: corn, orchard, livestock) _____
Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built _____

Note: If additional space is needed please attach a separate sheet.

D. Previous Use of the Property

1. Has there been an industrial or commercial use on the subject lands or adjacent lands? ☐ Yes ☒ No ☐ Unknown
If yes, specify the uses (for example: gas station, or petroleum storage):

2. Is there reason to believe the subject lands may have been contaminated by former uses on the site or adjacent sites? ☐ Yes ☒ No ☐ Unknown

3. Provide the information you used to determine the answers to the above questions:
Knowledge of Owner

4. If you answered yes to any of the above questions in Section D, 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

E. Provincial Policy

1. 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:

2. It is owner's responsibility to be aware of and comply with all relevant federal or provincial legislation, municipal by-laws or other agency approvals, including the Endangered Species Act, 2007. Have the subject lands been screened to ensure that development or site alteration will not have any impact on the habitat for endangered or threatened species further to the provincial policy statement subsection 2.1.7? ☒ Yes ☐ No

If no, please explain:

No change in use proposed

3. Have the subject lands been screened to ensure that development or site alteration will not have any impact on source water protection? ☐ Yes ☒ No

If no, please explain:

Not within source water protection area

Note: If in an area of source water Wellhead Protection Area (WHPA) A, B or C please attach relevant information and approved mitigation measures from the Risk Manager Official.

4. Are any of the following uses or features on the subject lands or within 500 metres of the subject lands, unless otherwise specified? Please check boxes, if applicable.

Livestock facility or stockyard (submit MDS Calculation with application)

☐ On the subject lands or ☐ within 500 meters – distance _____

Wooded area

☐ On the subject lands or ☒ within 500 meters – distance _____ adjacent

Municipal Landfill

☐ On the subject lands or ☐ within 500 meters – distance _____

Sewage treatment plant or waste stabilization plant

☐ On the subject lands or ☐ within 500 meters – distance _____

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

☐ On the subject lands or ☐ within 500 meters – distance _____

Floodplain

☐ On the subject lands or ☐ within 500 meters – distance _____

Rehabilitated mine site

☐ On the subject lands or ☐ within 500 meters – distance _____

Non-operating mine site within one kilometre

☐ On the subject lands or ☐ within 500 meters – distance _____

Active mine site within one kilometre

☐ On the subject lands or ☐ within 500 meters – distance _____

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

☐ On the subject lands or ☐ within 500 meters – distance _____

Active railway line

☐ On the subject lands or ☐ within 500 meters – distance _____

Seasonal wetness of lands

☐ On the subject lands or ☐ within 500 meters – distance _____

Erosion

☐ On the subject lands or ☐ within 500 meters – distance _____

Abandoned gas wells

☐ On the subject lands or ☐ within 500 meters – distance _____

F. Servicing and Access

1. Indicate what services are available or proposed:

Water Supply

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

Sewage Treatment

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

Storm Drainage

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

2. Existing or proposed access to subject lands

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

Name of road/street:

Cedar Street

G. Other Information

1. Does the application involve a local business? ☐ Yes ☒ No

If yes, how many people are employed on the subject lands?

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

H. Supporting Material to be submitted by Applicant

In order for your application to be considered complete, folded hard copies (number of paper copies as directed by the planner) and an **electronic version (PDF) of the site plan drawings, additional plans, studies and reports** will be required, including but not limited to the following details:

1. Concept/Layout Plan
2. All measurements in metric
3. Existing and proposed easements and right of ways
4. Parking space totals – required and proposed
5. All dimensions of the subject lands
6. Dimensions and setbacks of all buildings and structures
7. Location and setbacks of septic system and well from all existing and proposed lot lines, and all existing and proposed structures
8. Names of adjacent streets
9. Natural features, watercourses and trees

In addition, the following additional plans, studies and reports, including but not limited to, **may** also be required as part of the complete application submission:

- ☐ Zoning Deficiency Form
- ☐ On-Site Sewage Disposal System Evaluation Form (to verify location and condition)
- ☐ Environmental Impact Study
- ☐ Geotechnical Study / Hydrogeological Review
- ☐ Minimum Distance Separation Schedule
- ☐ Record of Site Condition
- ☐ Agricultural Impact Assessment

Your development approval might also be dependent on Ministry of Environment Conservation and Parks, Ministry of Transportation or other relevant federal or provincial legislation, municipal by-laws or other agency approvals.

All final plans must include the owner's signature as well as the engineer's signature and seal.

I. Transfers, Easements and Postponement of Interest

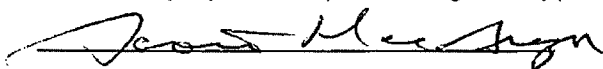
The owner acknowledges and agrees that if required it is their solicitor's responsibility on behalf of the owner for the registration of all transfer(s) of land to the County, and/or transfer(s) of easement in favour of the County and/or utilities. Also, the owner further acknowledges and agrees that it is their solicitor's responsibility on behalf of the owner for the registration of postponements of any charges in favour of the County.

Permission to Enter Subject Lands

Permission is hereby granted to Norfolk County officers, employees or agents, to enter the premises subject to this application for the purposes of making inspections associated with this application, during normal and reasonable working hours.

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 application.



Owner/Applicant/Agent Signature

AUG 31 2020

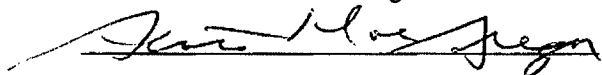
Date

J. Owner's Authorization

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

I/We Scott MacGregor am/are the registered owner(s) of the lands that is the subject of this application.

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



Owner

AUG 31 2020

Date

Owner

Date

K. Declaration

I, David Roe of Norfolk County

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:

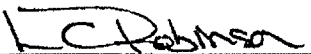
NORFOLK COUNTY


Owner/Applicant/Agent Signature

In PROVINCE OF ONTARIO

This 2ND day of SEPTEMBER

A.D., 2020



A Commissioner, etc.

LEANNE CARLA ROBINSON, a Commissioner, etc.
Province of Ontario
for John R. Hanselman, Barrister & Solicitor
Expires August 25, 2021



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

Address: 15 Cedar Drive

Legal Description:

Roll Number: 331049311044900

Application #:

Information Origins: survey from Jewitt and dixon

Resort Residential Zone (RR)

Decks and Porches	REQUIRED	PROPOSED	DEFICIENCY	UNITS
3.6 a) interior side lot line	1.20		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.	3.00	0.00	3	m
d) project more than 1.5m into the required front yard or required exterior side yard.	1.50		n/a	m
e) sloping rear yard.				
i) interior lot line	3.00		N/A	m
ii) rear lot line	6.00		N/A	m

Comments

deck attached to cottage is existing and will be on the rear property line. A portion of the deck that is existing is encroaching and will be removed.

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.

Prepared By:

Roxanne Lambrecht

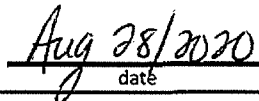
I have read and understand the above.

Signature of owner or authorized agent

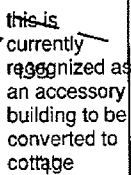


Signature of Zoning Administrator

date


date

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



scaled
remaining
decks, stairs,
walkways and
cottage for lot
coverage
remaining

yellow
highlighted area
to be demolished

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT
BE USED FOR PURPOSES OTHER THAN THE
PURPOSE INDICATED IN THE TITLE BLOCK.

JOB # 20-2440 CLIENT: MACGREGOR



Zoning Deficiency

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

PROPERTY INFORMATION

Address: 15 Cedar Drive

Legal Description:

Roll Number: 331049311044900

Application #:

Information Origins: survey from Jewitt and dixon

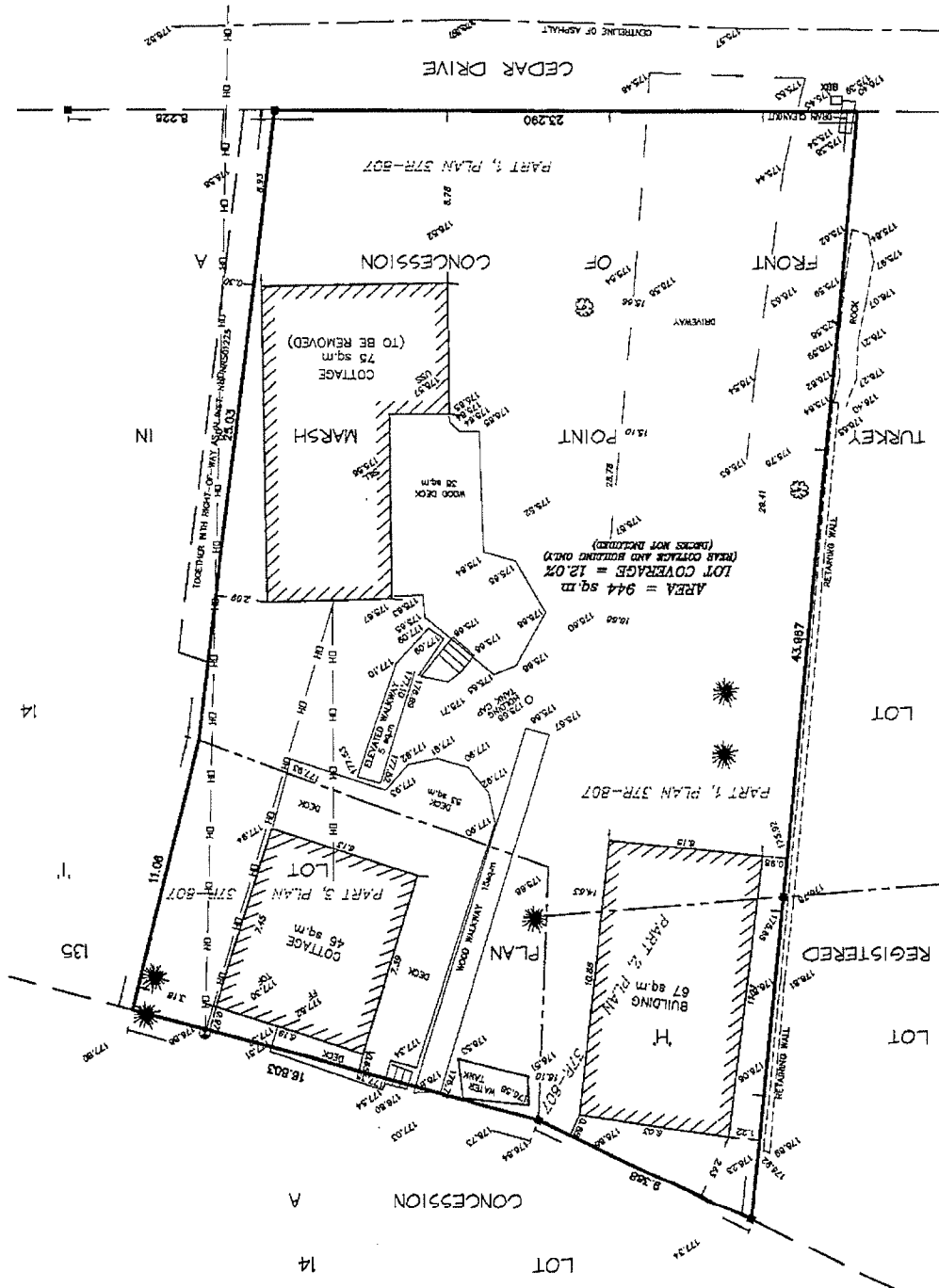
Resort Residential Zone (RR)

	REQUIRED	PROPOSED	DEFICIENCY	UNITS
5.8.2 Main Building				
a) minimum lot area	944.00			sqm
i) new lot	0.40		N/A	ha
ii) lot of record	700.00		N/A	m.sq
b) minimum lot frontage				
i) interior lot	15.00		N/A	m
ii) corner lot	18.00		N/A	m
c) minimum front yard	6.00	27.00	N/A	m
d) minimum exterior side yard	6.00		N/A	m
e) minimum interior side yard				
i) attached garage	1.20		N/A	m
	1.20		N/A	m
ii) detached garage	3.00	3.18	N/A	m
	1.20	11.00	N/A	m
f) minimum rear yard	9.00	0.65	8.35	m
g) maximum building height	9.10	5.80	N/A	m
h) maximum lot coverage (Note: Proposed Area)				m.sq
i) lot	15.00	12.18	N/A	%

Comments

Accessory building to be converted to cottage. Existing cottage to be demolished with associated decks. **115sqm of coverage for decks and cottage proposed to remain. Relief required for rear yard setback of new cottage

SKETCH FOR MINOR VARIANCE APPLICATION
PART OF LOTS 'H' & 'I', REGISTERED PLAN 135
PART OF LOT 14, TURKEY POINT MARSH IN FRONT OF CONCESSION 'A'
GEOGRAPHIC TOWNSHIP OF CHARLOTTTEVILLE
COUNTY OF NORFOLK
SCALE: 1 : 200
JEWITT AND DIXON LTD.
AUGUST 17, 2020



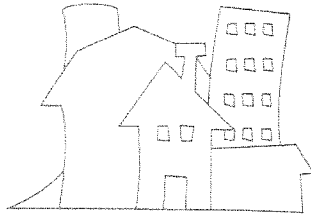
NOTE:

THIS PLAN IS IN METRIC AND CAN BE CONVERTED TO IMPERIAL BY MULTIPLYING BY 3.2808

CAUTION:

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JEWITT AND DIXON LTD.
ONTARIO LAND SURVEYORS
R.R.1, SUDCOE, ONTARIO, N8Y 4J9
PHONE: (519) 426-0842 FAX: (519) 426-1034
E-mail: surveyors@jdmilecomm.net
JOB # 20-2440 CLIENT: MACCREGOR



CIVIC PLANNING SOLUTIONS INC.
Urban & Rural Land Use Planning
599 Larch Street,
Delhi, Ontario N4B 3A7

October 30, 2020

Scott Wilson, Planner
Norfolk County
185 Robinson Street
Simcoe, ON N3Y 5L6

Dear Scott:

Subject: Scott MacGregor, 15 Cedar Street, Turkey Point, ON - Minor Variance

As we discussed, the purpose of this letter is to provide justification for the proposed minor variance from the rear requirements.

The subject lands are located in Turkey Point at the East-end of Cedar Drive. The lot has a frontage of 23.29m and a maximum depth of 43.9m. The area of the lot is 944m². The lot is located directly across from the lakeshore of Lake Erie. The lot contains an existing cottage (75m²) a garage or storage building of 67m² and a small cottage (46m²) which has been used for storage. Bathroom and kitchen facilities had been removed from the building. The small cottage is at the extreme rear of the lot. The elevations on the lot range from 175.44m at the front to 177.3m at the rear of the small cottage. This small cottage also has a large deck on two sides. The existing rear yard is 0.65m from the rear property line.

The owner has proposed to remove the front larger cottage and related deck and renovate the small cottage to a 1-bedroom unit with a bathroom and kitchen. The cottage has also been placed on a concrete foundation and is elevated above the regulatory flood elevation of 176.5m. In order to comply with the rear yard zone provision, it would be necessary to remove the existing foundation and move the cottage and deck. This would be a significant expense for my client. The Norfolk County Zoning By-law requires the minimum rear yard for a cottage to be 9m, therefore, relief of 8.35m is required. My client will also be required to obtain a permit from LPRCA. We have had discussions with their staff regarding this proposal and they have indicated that they do not have any issues except for the need for a permit and an engineer's report with respect to the existing foundation certifying that it will withstand the hydrostatic pressures which may be experienced in this location.

David F. Roe, M.C.I.P. R.P.P., Principal
Phone 519-582-1174 Cell 519-983-8154 civicplanningsolutions@nor-del.com

The purpose of a minimum rear yard is to provide space between the rear of the cottage to the property line so that any buildings on the property located behind the lands can have privacy within their back yard. In this case, the rear property line of the subject lands abuts the embankment of the hill between Turkey Point and the table lands located above Turkey Point. There are no buildings located on these lands. A drive up the Old Turkey Point Road access will provide a sense of the huge difference in elevations. The lands immediately behind the subjects lands are zoned Hazard Lands which limits any potential for a new building to be constructed on the lands located immediately behind the small cottage. From this perspective, I do not see that the existing location of the small cottage with a deficient rear yard creates a problem from a land use perspective.

The proposed development will result in the removal of the existing larger cottage which is subject to threat from seasonal flooding and will be beneficial by eliminating potential damage due to possible flooding. The existing lot coverage of the three existing structures including decks is 31.67%, with the removal of the larger cottage and deck, the lot coverage will be reduced by more than 50% to 14%.

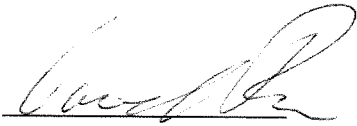
Under Section 45(1) of the Planning Act there are four tests for a minor variance to meet. These are: does the application conform to the general intent and purpose of the Official Plan, does the application conform to the general intent and purpose of the Zoning By-law, is it appropriate development on the lands in question and lastly is it minor in nature. It is my opinion that this application does meet the four tests in the following ways:

- The Norfolk County Official Plan designated Turkey Point as a Resort Residential area for the purpose of the provision of seasonal cottages and recreational activities. It also acknowledges the natural and man-made limitations which affect both existing and future uses. The proposed development will lessen the potential impact of property damage due to seasonal flooding by removing the existing cottage and ensuring that the smaller cottage is elevated above the flood elevation. The location at the rear of the lot, is at the higher elevation notwithstanding that the deficient rear yard conforms to the purpose and intent of the plan policies.
- The Norfolk County Zoning By-law zones the lands Resort Residential and sets out zone provisions to provide for the orderly and safe development of the lands. The proposed development will comply with the zone provisions with the exception of the rear yard requirement (Section 5.8.2.(f)) of 9 metres. It is also noted that the lot coverage will be reduced to comply with the zone provisions. Due to the physical nature of the adjacent lands to the north, the deficient rear yard will not create a negative impact on the use of the neighbouring property to the north. I am satisfied that the proposed development conforms to the general intent of the Zoning By-law.

- It is my opinion that the proposal is appropriate development which will lessen the potential for property damage and will not create negative impact on neighbouring properties. I am also satisfied that the proposed minor variance is minor in nature due to the nature of the adjoining lands which cannot be developed due to the natural hazard which exists.

I have also provided several photos of the smaller cottage and the existing foundation and the rear yard, which is the subject of this application.

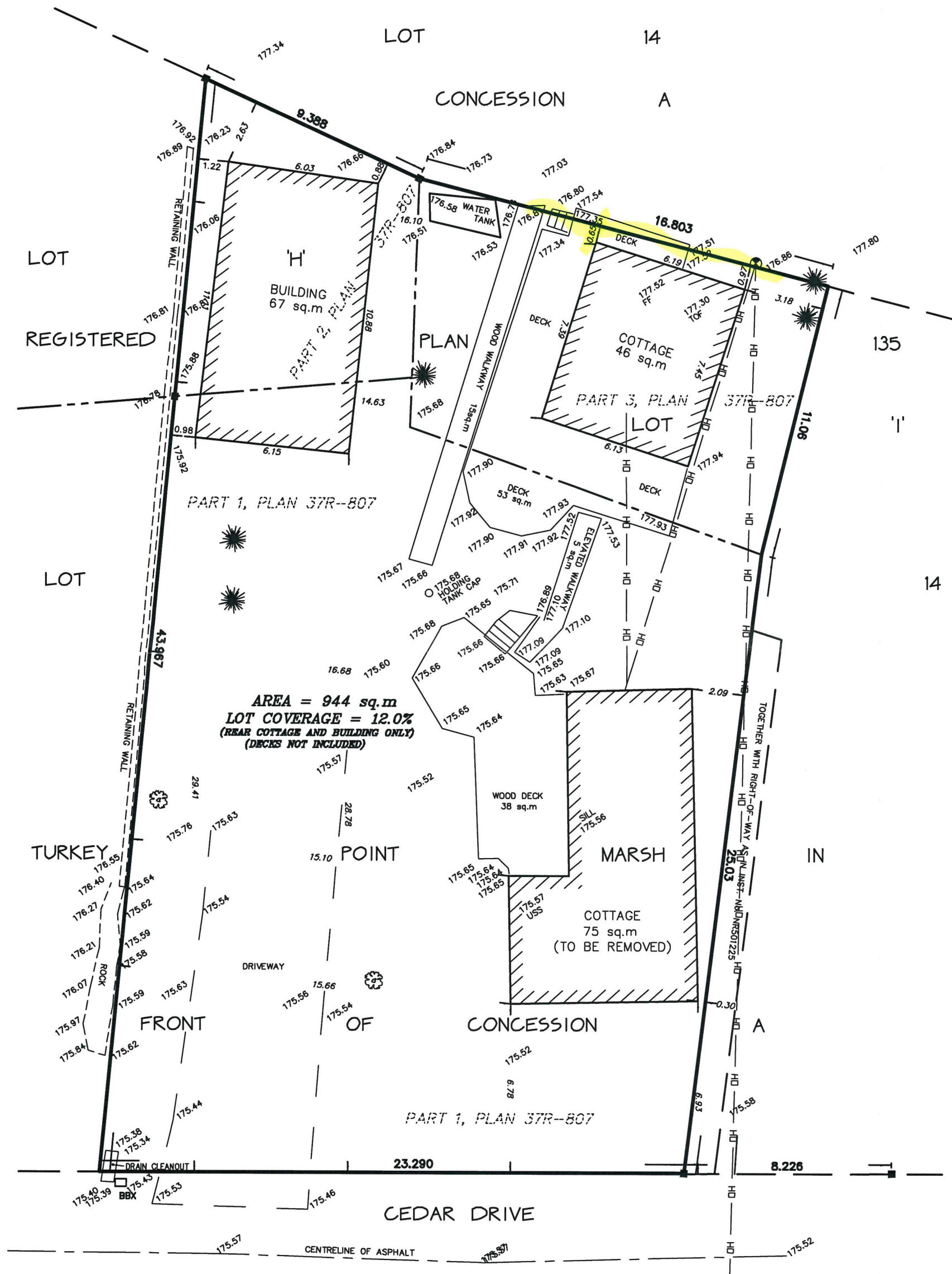
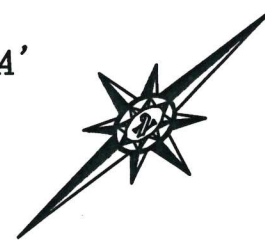
Yours truly,

A handwritten signature in black ink, appearing to read 'David Roe', written over a horizontal line.

David Roe MCIP, RPP

Copy: Scott MacGregor

SKETCH FOR MINOR VARIANCE APPLICATION
PART OF LOTS 'H' & 'I', REGISTERED PLAN 135
PART OF LOT 14, TURKEY POINT MARSH IN FRONT OF CONCESSION 'A'
GEOGRAPHIC TOWNSHIP OF CHARLOTTEVILLE
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SCALE: 1 : 200
JEWITT AND DIXON LTD.
AUGUST 17, 2020



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JEWITT AND DIXON LTD.
ONTARIO LAND SURVEYORS

R.R.1, SIMCOE, ONTARIO, N3Y 4J9
 (51 PARK ROAD)

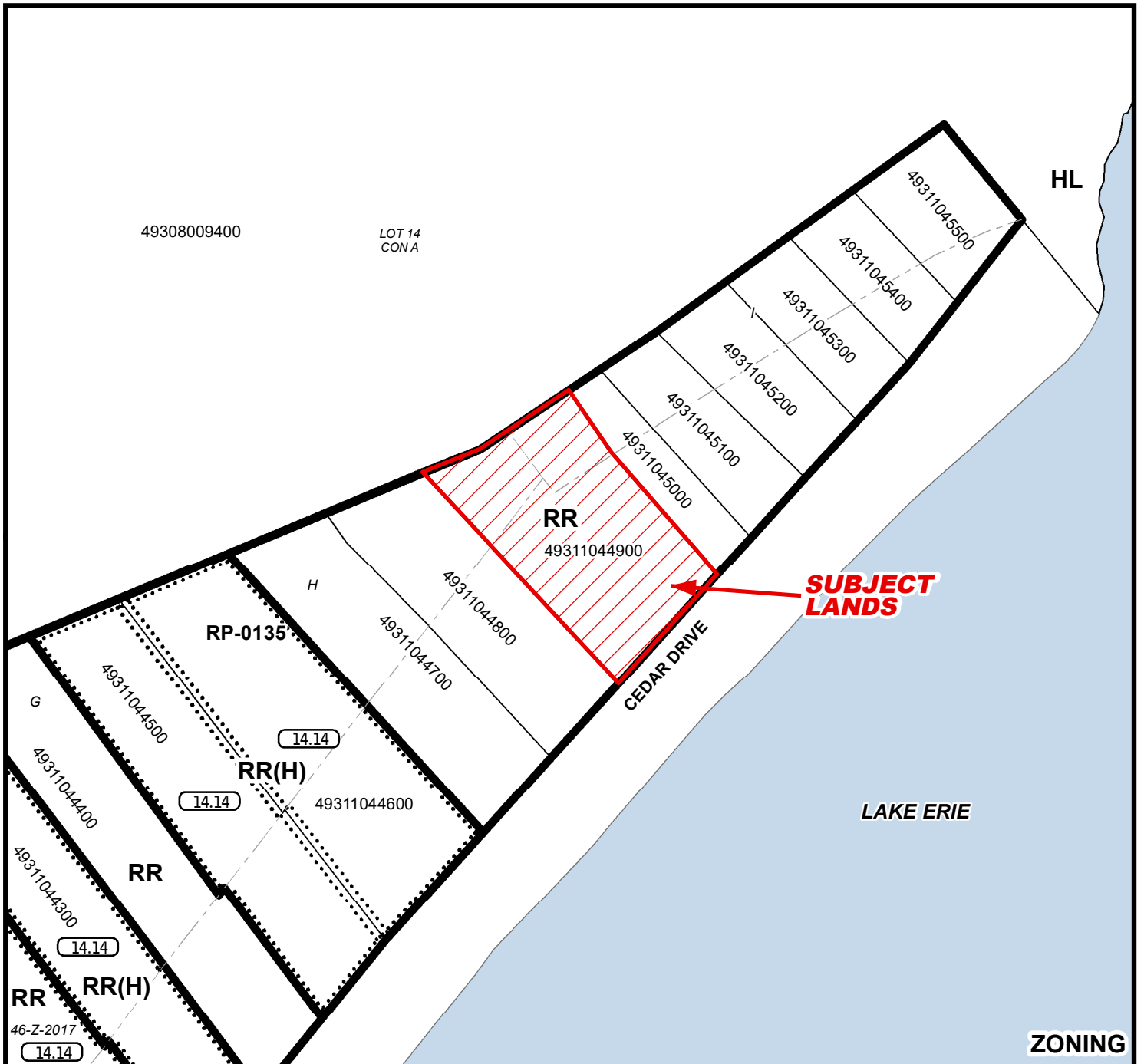
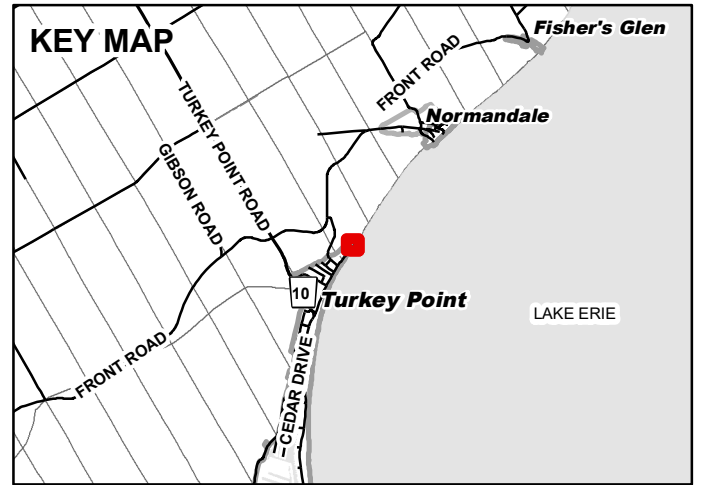
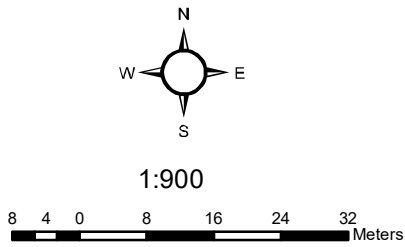
PHONE: (519) 426-0842 FAX: (519) 426-1034
 E-mail: surveyors@amtelecom.net

JOB # 20-2440 CLIENT: MACGREGOR

MAP 1

File Number: ANPL2020209

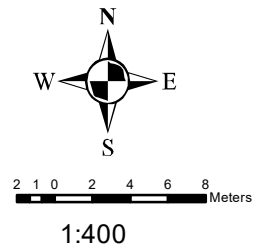
Geographic Township of
CHARLOTTEVILLE



MAP 2

File Number: ANPL2020209

Geographic Township of CHARLOTTEVILLE



MAP 3

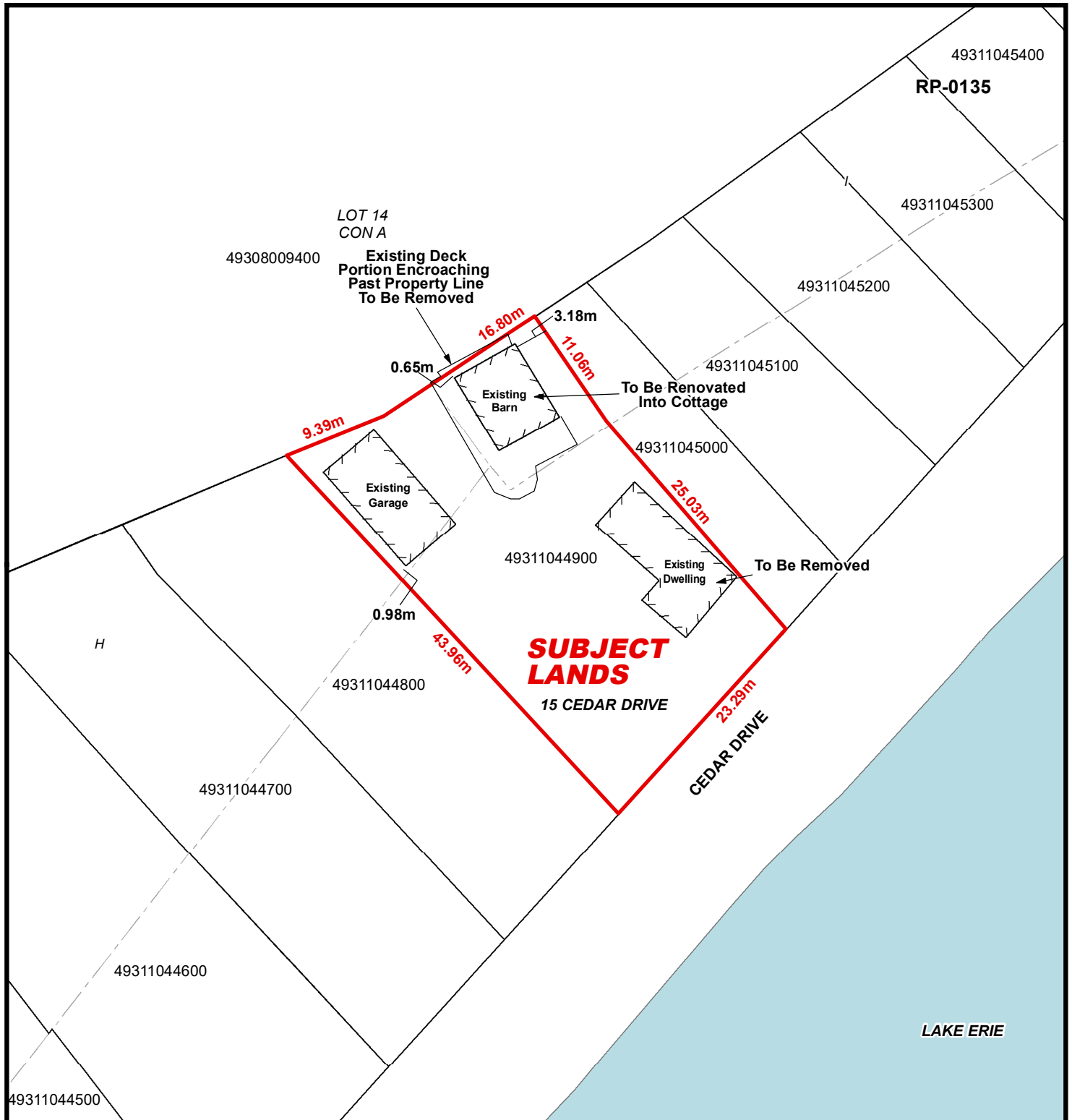
File Number: ANPL2020209

Geographic Township of CHARLOTTEVILLE



2 1 0 2 4 6 8 Meters

1:500



LOCATION OF LANDS AFFECTED

File Number: ANPL2020209

Geographic Township of CHARLOTTEVILLE



2 1 0 2 4 6 8 Meters

1:500

