

For Office Use Only:

File Number

Related File Number

Pre-consultation Meeting

Application Submitted

Complete Application

ANPL2021113

APRIL 6, 2021

MAY 5, 2021

Public Notice Sign

Application Fee

Conservation Authority Fee

Well & Septic Info Provided

Planner

\$ 1560.00

SCOTT WILSON

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

- ☐ Official Plan Amendment
- ☐ Zoning By-Law Amendment
- ☐ Temporary Use By-law
- ☐ Draft Plan of Subdivision/Vacant Land Condominium
- ☐ Condominium Exemption
- ☐ Site Plan Application
- ☐ Consent/Severance
- ☒ Minor Variance
- ☐ Easement/Right-of-Way
- ☐ Extension of a Temporary Use By-law
- ☐ Part Lot Control
- ☐ Cash-in-Lieu of Parking
- ☐ Renewable Energy Project or Radio Communication Tower

Please explain the desired end result of this application (for example: a special zoning provision on the subject lands, changing the zone and/or official plan designation of the subject lands, creating a certain number of lots, or similar)

To obtain a minor variance to permit the construction of two accessory buildings having a gross floor area greater than 200m² and an increase in height to permit 2nd storeys.

Property Assessment Roll Number: 33603026500

A. Applicant Information

Name of Owner Tom Jachimowicz

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 860 Concession 6,

Town and Postal Code Townsend, Norfolk N0E 1Y0

Phone Number 289-260-1723

Cell Number _____

Email jachimowicz66@gmail.com

Name of Applicant G. Douglas Vallee Limited

Address 2 Talbot Street North

Town and Postal Code Simcoe, Ontario N3Y 3W4

Phone Number 519-426-6270

Cell Number _____

Email _____

Name of Agent G. Douglas Vallee Limited (c/o Eldon Darbyson)

Address 2 Talbot Street North

Town and Postal Code Simcoe, Ontario N3Y 3W4

Phone Number _____

Cell Number 905-321-2029

Email eldondarbyson@gdvallee.ca

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:

Not required for Minor Variance application

B. Location, Legal Description and Property Information

1. Legal Description (include Geographic Township, Concession Number, Lot Number, Block Number and Urban Area or Hamlet):

TWN CON 6 PT LOT 11; Norfolk

Municipal Civic Address: 860 Concession 6, Townsend, Norfolk

Present Official Plan Designation(s): Agricultural & Hazard Lands

Present Zoning: Agricultural Zone (A) and Hazard Land Zone (HL)

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

☐ Yes ☒ No If yes, please specify:

3. Present use of the subject lands:

Single detached dwelling, farming cash crops

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:

Two accessory buildings are being removed and replaced with two new accessory buildings. See drawing. The house will eventually be replaced in the future.

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

See drawing. Proposed location of future dwelling and two accessory buildings which are the subject of this application.

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:

See drawing. Proposed location of future dwelling and two accessory buildings which are the subject of this application.

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:
Since at least 1960's according to aerial photography.

9. Existing use of abutting properties:

Single detached dwellings, farming and horse ranching.

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

☐ Yes ☒ No If yes, describe the easement or restrictive covenant and its effect:

Note: Please complete all that apply.

1. Please explain what you propose to do on the subject lands/premises which makes this development application necessary:

Replace two accessory structure with new accessory structures that are non compliant with the gross floor area requirements and height requirements.

2. Please explain why it is not possible to comply with the provision(s) of the Zoning By-law/and or Official Plan:

The owner wishes to create storage space for various vehicles, equipment, wood working space and general storage for items related to living on the property.

3. Does the requested amendment alter all or any part of the boundary of an area of settlement in the municipality or implement a new area of settlement in the municipality? ☐ Yes ☒ No If yes, describe its effect:

4. Does the requested amendment remove the subject land from an area of employment? ☐ Yes ☒ No If yes, describe its effect:

5. Does the requested amendment alter, replace, or delete a policy of the Official Plan?
☐ Yes ☒ No If yes, identify the policy, and also include a proposed text of the policy amendment (if additional space is required, please attach a separate sheet):

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

Frontage: _____

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: _____

Depth: _____

Width: _____

Lot Area: _____

Present Use: _____

Proposed Use: _____

Buildings on retained land: _____

7. Description of proposed right-of-way/easement:

Frontage: _____

Depth: _____

Width: _____

Area: _____

Proposed use: _____

8. Name of person(s), if known, to whom lands or interest in lands to be transferred, leased or charged (if known):

9. Site Information

Existing

Proposed

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

Lot frontage	42.6	n/c
Lot depth	302.5	n/c
Lot width		
Lot area		
Lot coverage		
Front yard	15.5	32
Rear yard		
Left Interior side yard	3	3
Right Interior side yard	2	3
Exterior side yard (corner lot)		
Landscaped open space		
Entrance access width		
Exit access width		
Size of fencing or screening		
Type of fencing		

10. Building Size

Number of storeys	replacing 2 buildings with 2 storey buildings	see drawing and planning report
Building height		see drawing and planning report
Total ground floor area		see drawing and planning report
Total gross floor area		see drawing and planning report
Total useable floor area		see drawing and planning report

11. Off Street Parking and Loading Facilities

Number of off street parking spaces	
Number of visitor parking spaces	
Number of accessible parking spaces	
Number of off street loading facilities	

12. Residential (if applicable)

Number of buildings existing: 3 (1 dwelling and 2 accessory buildings)

Number of buildings proposed: Same (replacing accessory buildings)

Is this a conversion or addition to an existing building? ☐ Yes ☒ No

If yes, describe: _____

Type	Number of Units	Floor Area per Unit in m ²
Single Detached	1	New dwelling TBD in future
Semi-Detached		
Duplex		
Triplex		
Four-plex		
Street Townhouse		
Stacked Townhouse		
Apartment - Bachelor		
Apartment - One bedroom		
Apartment - Two bedroom		
Apartment - Three bedroom		

Other facilities provided (for example: play facilities, underground parking, games room, or swimming pool): _____

13. Commercial/Industrial Uses (if applicable)

Number of buildings existing: _____

Number of buildings proposed: _____

Is this a conversion or addition to an existing building? ☐ Yes ☐ No

If yes, describe: _____

Indicate the gross floor area by the type of use (for example: office, retail, storage): _____

Seating Capacity (for assembly halls or similar): _____

Total number of fixed seats: _____

Describe the type of business(es) proposed: _____

Total number of staff proposed initially: _____

Total number of staff proposed in five years: _____

Maximum number of staff on the largest shift: _____

Is open storage required: ☐ Yes ☐ No

Is a residential use proposed as part of, or accessory to commercial/industrial use?

☐ Yes ☐ No If yes please describe:

14. Institutional (if applicable)

Describe the type of use proposed: _____

Seating capacity (if applicable): _____

Number of beds (if applicable): _____

Total number of staff proposed initially: _____

Total number of staff proposed in five years: _____

Maximum number of staff on the largest shift: _____

Indicate the gross floor area by the type of use (for example: office, retail, or storage):

15. Describe Recreational or Other Use(s) (if applicable)

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:
Property has been used for a single detached dwelling and farming only.
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:

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:

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 mds not required

Wooded area

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

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 76 m (possibly)

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

Private well _____

☐ 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)

☒ Open ditches

2. Existing or proposed access to subject lands:

☒ Municipal road

☐ Unopened road

☐ Provincial highway

☐ Other (describe below)

Name of road/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.

See planning justification report.

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 **properly named 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. Key map
4. Scale, legend and north arrow
5. Legal description and municipal address
6. Development name
7. Drawing title, number, original date and revision dates
8. Owner's name, address and telephone number
9. Engineer's name, address and telephone number
10. Professional engineer's stamp
11. Existing and proposed easements and right of ways
12. Zoning compliance table – required versus proposed
13. Parking space totals – required and proposed
14. All entrances to parking areas marked with directional arrows
15. Loading spaces, facilities and routes (for commercial developments)
16. All dimensions of the subject lands
17. Dimensions and setbacks of all buildings and structures
18. Location and setbacks of septic system and well from all existing and proposed lot lines, and all existing and proposed structures
19. Gross, ground and useable floor area
20. Lot coverage
21. Floor area ratio
22. Building entrances, building type, height, grades and extent of overhangs
23. Names, dimensions and location of adjacent streets including daylighting triangles
24. Driveways, curbs, drop curbs, pavement markings, widths, radii and traffic directional signs
25. All exterior stairways and ramps with dimensions and setbacks
26. Retaining walls including materials proposed
27. Fire access and routes
28. Location, dimensions and number of parking spaces (including visitor and accessible) and drive aisles
29. Location of mechanical room, and other building services (e.g. A/C, HRV)
30. Refuse disposal and storage areas including any related screening (if indoors, need notation on site plan)
31. Winter snow storage location

32. Landscape areas with dimensions
33. Natural features, watercourses and trees
34. Fire hydrants and utilities location
35. Fencing, screening and buffering – size, type and location
36. All hard surface materials
37. Light standards and wall mounted lights (plus a note on the site plan that all outdoor lighting is to be dark sky compliant)
38. Business signs (make sure they are not in sight lines)
39. Sidewalks and walkways with dimensions
40. Pedestrian access routes into site and around site
41. Bicycle parking
42. Architectural elevations of all building sides
43. All other requirements as per the pre-consultation meeting

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)
- ☐ Architectural Plan
- ☐ Buildings Elevation Plan
- ☐ Cut and Fill Plan
- ☐ Erosion and Sediment Control Plan
- ☐ Grading and Drainage Control Plan (around perimeter and within site) (existing and proposed)
- ☐ Landscape Plan
- ☐ Photometric (Lighting) Plan
- ☐ Plan and Profile Drawings
- ☐ Site Servicing Plan
- ☐ Storm water Management Plan
- ☐ Street Sign and Traffic Plan
- ☐ Street Tree Planting Plan
- ☐ Tree Preservation Plan
- ☐ Archaeological Assessment
- ☐ Environmental Impact Study

- ☐ Geotechnical Study / Hydrogeological Review
- ☐ Minimum Distance Separation Schedule
- ☐ Noise or Vibration Study
- ☐ Record of Site Condition
- ☐ Storm water Management Report
- ☐ Traffic Impact Study – please contact the Planner to verify the scope required

Site Plan applications will require the following supporting materials:

1. Two (2) complete sets of the site plan drawings folded to 8½ x 11 and an electronic version in PDF format
2. Letter requesting that the Holding be removed (if applicable)
3. A cost estimate prepared by the applicant's engineer
4. An estimate for Parkland dedication by a certified land appraiser
5. Property Identification Number (PIN) printout

Standard condominium exemptions will require the following supporting materials:

- ☐ Plan of standard condominium (2 paper copies and 1 electronic copy)
- ☐ Draft condominium declaration
- ☐ Property Identification Number (PIN) printout

Your development approval might also be dependent on Ministry of Environment and Climate Change, 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. Development Agreements

A development agreement may be required prior to approval for site plan, subdivision and condominium applications. Should this be necessary for your development, you will be contacted by the agreement administrator with further details of the requirements including but not limited to insurance coverage, professional liability for your engineer, additional fees and securities.

J. 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.

K. 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.

L. 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 Signature

01. Feb. 2021

Date

M. Owner's Authorization

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

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

I/We authorize G. Douglas Vallee Limited 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

01. Feb. 2021

Date

Owner

Date

N. Declaration

I, Thomas Juchimowicz of Norfolk

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:

NIAGARA REGION

Owner/Applicant Signature

In THE CITY OF NIAGARA FALLS

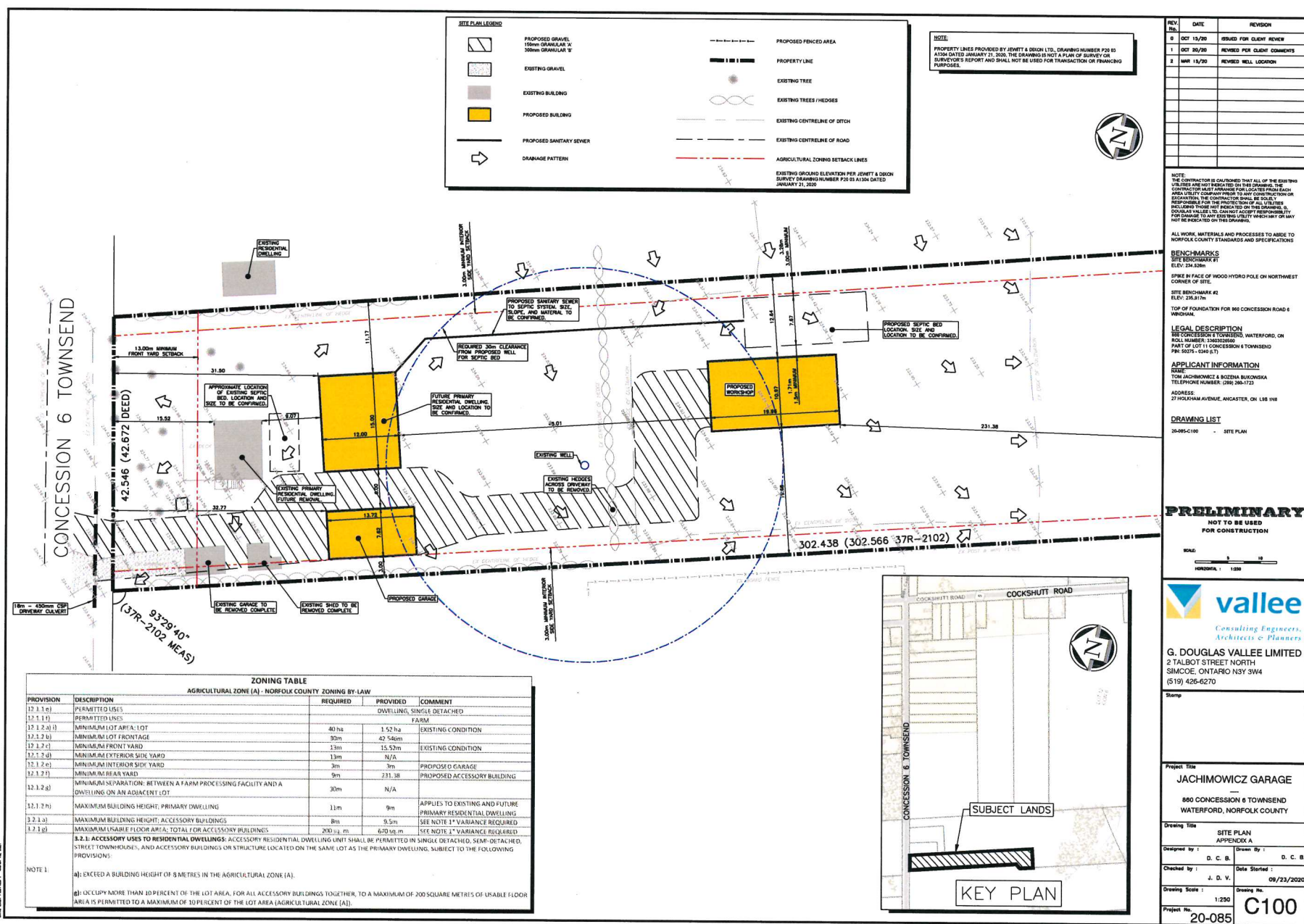
This 1st day of FEBRUARY

A.D., 20 21



A Commissioner, etc.

ELDON FRASER DARBYSON, a commissioner, etc.,
Province of Ontario, for G. Douglas Vallee Limited.
Expires March 28, 2022.





vallee

*Consulting Engineers,
Architects & Planners*

March 23, 2021

County of Norfolk
Robinson Administration Building
185 Robinson Street, Suite 200
Simcoe, ON N3Y 5L6

Attention: Scott Wilson, Planner

**Reference: Planning Justification Report – Jachimowicz Minor Variance
G. Douglas Vallee Limited on behalf of Tom Jachimowicz & Adam Jachimowicz
860 Concession 6 Townsend, Norfolk County
Roll # 3310 336 030 26500
Our Project 20-085**

Introduction:

G. Douglas Vallee Limited has been retained by Tom Jachimowicz & Adam Jachimowicz to make an application for a minor variance to facilitate the construction of two proposed accessory structures on the property located at 860 Concession 6, Townsend, Norfolk County.

This application:

- Avoids impacts on surrounding lands.
- Avoids hazard land areas.
- Complies with the general intent and purpose of the Norfolk County Official Plan.
- Complies with the general intent and purpose of the zoning by-law.
- Represents a change in zoning provisions that is minor in nature and a desirable development.
- Represents good planning.

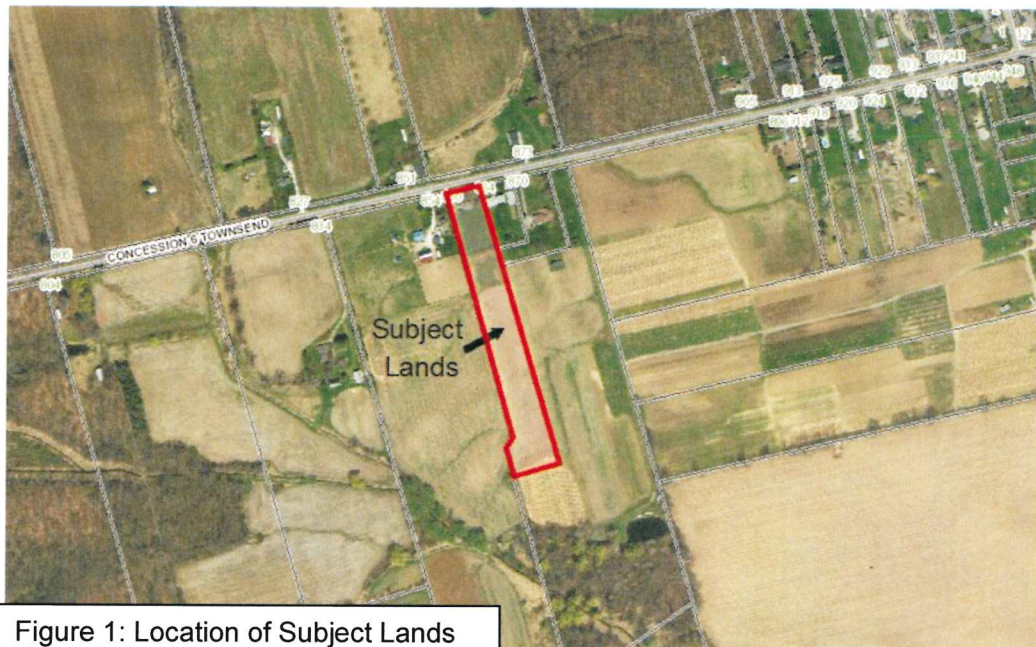
Purpose:

This report is provided in support of an application to Norfolk County for a minor variance to the zoning by-law. The minor variance is proposed to:

- a) Modify zoning by-law provision 3.2.1 a) to increase the maximum building height for accessory buildings from 8 metres to 9.5 metres; and,
- b) Modify zoning by-law provision 3.2.1 g) to increase the maximum usable floor area for accessory buildings from 200 sqm to 670 sqm.

Site Description:

The lands are approximately 1.52 hectares in area and are located on the south side of Concession 6 Road just west of Bills Corners. The property contains a small single detached dwelling and two accessory structures along the westerly property line. The property is outside the urban settlement boundary and is partially used for farming. See Figure 1 Aerial Photograph. Figure 2 is an image of the portion of lands intended for future development.



G. DOUGLAS VALLEE LIMITED
Consulting Engineers, Architects & Planners

LEGEND

- AGRICULTURAL ZONE (A-1)
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AGRICULTURAL ZONE (A-1) - NORMAN COUNTY ZONING BY LAW

PROVISION	DESCRIPTION	REQUIRED	PROVIDED	COMPLIANT
11.1.1	AGRICULTURAL ZONE (A-1)	100%	100%	YES
11.1.2	AGRICULTURAL ZONE (A-2)	100%	100%	YES
11.1.3	AGRICULTURAL ZONE (A-3)	100%	100%	YES
11.1.4	AGRICULTURAL ZONE (A-4)	100%	100%	YES
11.1.5	AGRICULTURAL ZONE (A-5)	100%	100%	YES
11.1.6	AGRICULTURAL ZONE (A-6)	100%	100%	YES
11.1.7	AGRICULTURAL ZONE (A-7)	100%	100%	YES
11.1.8	AGRICULTURAL ZONE (A-8)	100%	100%	YES
11.1.9	AGRICULTURAL ZONE (A-9)	100%	100%	YES
11.1.10	AGRICULTURAL ZONE (A-10)	100%	100%	YES
11.1.11	AGRICULTURAL ZONE (A-11)	100%	100%	YES
11.1.12	AGRICULTURAL ZONE (A-12)	100%	100%	YES
11.1.13	AGRICULTURAL ZONE (A-13)	100%	100%	YES
11.1.14	AGRICULTURAL ZONE (A-14)	100%	100%	YES
11.1.15	AGRICULTURAL ZONE (A-15)	100%	100%	YES
11.1.16	AGRICULTURAL ZONE (A-16)	100%	100%	YES
11.1.17	AGRICULTURAL ZONE (A-17)	100%	100%	YES
11.1.18	AGRICULTURAL ZONE (A-18)	100%	100%	YES
11.1.19	AGRICULTURAL ZONE (A-19)	100%	100%	YES
11.1.20	AGRICULTURAL ZONE (A-20)	100%	100%	YES
11.1.21	AGRICULTURAL ZONE (A-21)	100%	100%	YES
11.1.22	AGRICULTURAL ZONE (A-22)	100%	100%	YES
11.1.23	AGRICULTURAL ZONE (A-23)	100%	100%	YES
11.1.24	AGRICULTURAL ZONE (A-24)	100%	100%	YES
11.1.25	AGRICULTURAL ZONE (A-25)	100%	100%	YES
11.1.26	AGRICULTURAL ZONE (A-26)	100%	100%	YES
11.1.27	AGRICULTURAL ZONE (A-27)	100%	100%	YES
11.1.28	AGRICULTURAL ZONE (A-28)	100%	100%	YES
11.1.29	AGRICULTURAL ZONE (A-29)	100%	100%	YES
11.1.30	AGRICULTURAL ZONE (A-30)	100%	100%	YES
11.1.31	AGRICULTURAL ZONE (A-31)	100%	100%	YES
11.1.32	AGRICULTURAL ZONE (A-32)	100%	100%	YES
11.1.33	AGRICULTURAL ZONE (A-33)	100%	100%	YES
11.1.34	AGRICULTURAL ZONE (A-34)	100%	100%	YES
11.1.35	AGRICULTURAL ZONE (A-35)	100%	100%	YES
11.1.36	AGRICULTURAL ZONE			



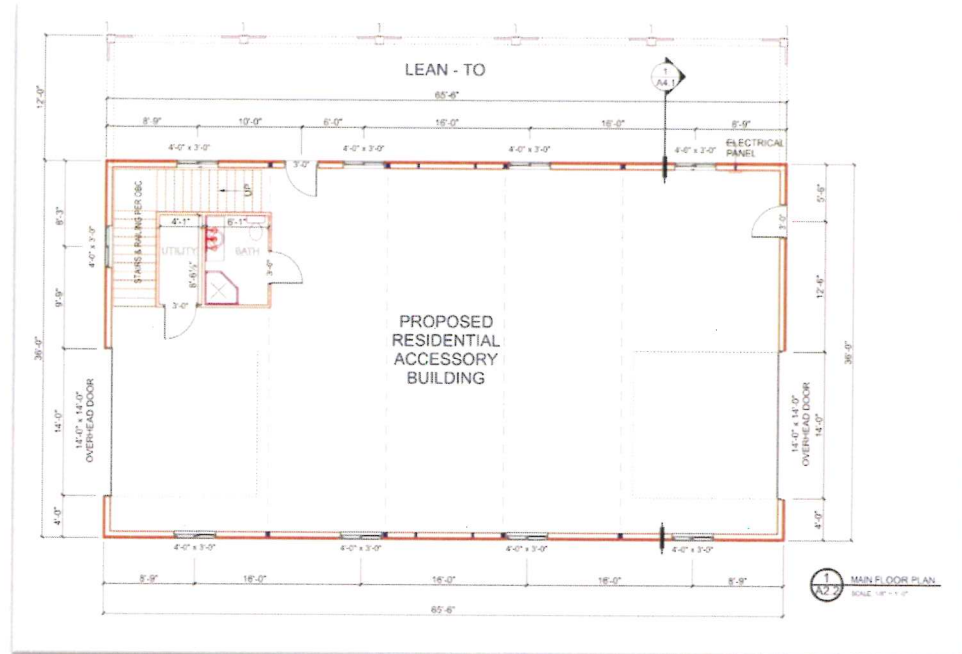
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The two proposed accessory buildings are described as follows:

- a) A two-storey accessory residential structure approximately 95 metres away from the front lot line to be used to store their equipment for maintaining their land including items such as a large tractor, log splitter, Kabota and other various tools and equipment. A portion of this building will be used to keep some personal woodworking tools for the owner's woodworking hobby. It is noted that woodworking is a personal use and not a business. As such, the owners wish to include a washroom facility within this accessory structure with connection to a future sanitary tile bed. Habitable space is not proposed.



The photo above is a similar structure to what is being proposed. The drawing to the right is the main floor plan including a small washroom and stairs to the 2nd storey.



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- b) A garage near the westerly property line for the storage of additional vehicles accessible from both ends, with a second storey for storage of household items. Habitable space is not proposed.

The existing dwelling is very small. While it is intended to eventually replace this dwelling with a larger dwelling, the current structure is not large enough for their family's household conveniences. Furthermore, the owners wish to have indoor space for equipment, storage and machinery to protect these items and to keep the property looking clean and organized.

The lands are surrounded by agricultural/residential properties of various sizes. The adjacent property to the west contains a similar sized dwelling with large barn type structures and other various smaller structures to support horse ranching and field crop farming. The property adjacent to the east contains a large dwelling and a large accessory residential building and are located on lands that are used solely for residential purposes. Similarly, the 'L' shaped property adjacent to both the subject property and dwelling to the east is used solely for residential purposes. Both properties to the east are approximately 3000 and 5000 sqm respectively. Lands to the north of the property are larger farm properties and contain residential dwellings.

Planning Review:

The property is designated Agricultural and Hazard Lands in accordance with the Official Plan. The lands are zoned Agricultural Zone (A) and Hazard Land Zone (HL) in accordance with the Zoning By-law. The location of the proposed structures is not near the Hazard Lands area. Accordingly, the proposed application is consistent with the Provincial Policy Statement 2020 as the proposed application is related to residential accessory structures which are proposed to be located in an area that does not conflict with provincial policy and specifically Section 3.1 Natural Hazards.

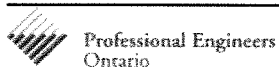
Norfolk County Official Plan

The lands are designated Agricultural and Hazard Lands in accordance with the Official Plan. Residential development is permitted by the County Official Plan which includes accessory buildings and structures. The property contains an existing residential dwelling. The proposed accessory residential buildings are not subject to the minimum distance separation (MDS) formula.

The Hazard Land designation land use policies do not permit development that would aggravate or contribute to the hazard. It appears that Official Plan mapping was produced to capture drainage areas. As such, the proposed structures are not intended to be located in close proximity to these designated lands.

Section 9.3.2.1 of the Official Plan which requires that decisions made by the Committee of Adjustment shall comply with the general intent of the Official Plan and Zoning By-law. The proposed structures are permitted and do not create conflict with designated Hazard Lands. Accordingly, the proposed application maintains the general intent and of the Official Plan.

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Norfolk County Comprehensive Zoning By-law 1-Z-2018

The lands are primarily zoned Agricultural Zone (A) in accordance with the County Zoning By-law. The lands are also subject to a Hazard Land Zone (HL). Similar to the discussion above, the proposed structures are not intended to be located in close proximity to the Hazard Land Zone. Figure 4 below represents the relevant zoning by-law provisions of the Agricultural Zone and Accessory Residential Buildings.

ZONING TABLE				
AGRICULTURAL ZONE (A) - NORFOLK COUNTY ZONING BY-LAW				
PROVISION	DESCRIPTION	REQUIRED	PROVIDED	COMMENT
12.1.1 e)	PERMITTED USES			DWELLING, SINGLE DETACHED
12.1.1 f)	PERMITTED USES			FARM
12.1.2 a) i)	MINIMUM LOT AREA: LOT	40 ha	1.52 ha	EXISTING CONDITION
12.1.2 b)	MINIMUM LOT FRONTAGE	30m	42.546m	
12.1.2 c)	MINIMUM FRONT YARD	13m	15.52m	EXISTING CONDITION
12.1.2 d)	MINIMUM EXTERIOR SIDE YARD	13m	N/A	
12.1.2 e)	MINIMUM INTERIOR SIDE YARD	3m	3m	PROPOSED GARAGE
12.1.2 f)	MINIMUM REAR YARD	9m	231.38	PROPOSED ACCESSORY BUILDING
12.1.2 g)	MINIMUM SEPARATION: BETWEEN A FARM PROCESSING FACILITY AND A DWELLING ON AN ADJACENT LOT	30m	N/A	
12.1.2 h)	MAXIMUM BUILDING HEIGHT; PRIMARY DWELLING	11m	9m	APPLIES TO EXISTING AND FUTURE PRIMARY RESIDENTIAL DWELLING
3.2.1 a)	MAXIMUM BUILDING HEIGHT; ACCESSORY BUILDINGS	8m	9.5m	SEE NOTE 1* VARIANCE REQUIRED
3.2.1 g)	MAXIMUM USABLE FLOOR AREA; TOTAL FOR ACCESSORY BUILDINGS	200 sq. m	670 sq.m	SEE NOTE 1* VARIANCE REQUIRED
NOTE 1:	3.2.1: ACCESSORY USES TO RESIDENTIAL DWELLINGS: ACCESSORY RESIDENTIAL DWELLING UNIT SHALL BE PERMITTED IN SINGLE DETACHED, SEMI-DETACHED, STREET TOWNHOUSES, AND ACCESSORY BUILDINGS OR STRUCTURE LOCATED ON THE SAME LOT AS THE PRIMARY DWELLING, SUBJECT TO THE FOLLOWING PROVISIONS: a): EXCEED A BUILDING HEIGHT OF 8 METRES IN THE AGRICULTURAL ZONE (A). g): OCCUPY MORE THAN 10 PERCENT OF THE LOT AREA, FOR ALL ACCESSORY BUILDINGS TOGETHER, TO A MAXIMUM OF 200 SQUARE METRES OF USABLE FLOOR AREA IS PERMITTED TO A MAXIMUM OF 10 PERCENT OF THE LOT AREA (AGRICULTURAL ZONE [A]).			

Figure 4: Zoning By-law Table

Summary of Zoning By-law review

There is an existing garage located towards the far northwest corner of the property. It is located 1.6 metres away from the interior side lot line. There is an existing shed located approximate 3.5 metres south of the garage and 1.8 metres from the interior side lot line. Both of these structures are intended to be demolished and replaced with a single structure in the form of a 2 storey garage. The proposed garage is located in accordance with the 3-metre interior side setback.

The second structure is the proposed 2 storey accessory building intended for storage of farm equipment and machinery along with space for a personal woodworking area and washroom. The proposed location complies with the setback provisions of the zoning by-law.

Appendix A (Site Plan Sketch) shows the area of development which includes the expanded culvert and driveway, all existing structures, the proposed structures including a hypothetical building footprint for a future replacement residential dwelling and hypothetical locations for a potable water well and septic tile bed.

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It is noted that the Agricultural Zone permits a single detached dwelling, a farm and several other farm-related uses. Since the lands are not registered as part of a farm operation, the proposed structures cannot be considered accessory buildings or structures for farm purposes. Although the property is farmed in part and requires larger equipment and machinery to maintain, it is considered a residential property. Therefore, both proposed buildings are considered accessory to the residential dwelling. This triggers the need to consider a minor variance for increasing the maximum usable floor area for accessory buildings and height under section 3.2.1 a) and g). The key is to review the proposed application from a land-use compatibility perspective and in light of the 4 tests of the Planning Act.

Land Use Compatibility:

Two storey accessory building (central)

The proposed two-storey accessory building intended for storage of farm and property maintenance equipment and machinery is not located near a property line. There is no impact on an adjacent property from an increase in usable floor area and height and is of an appropriate scale considering the large size of this property.

Two storey garage (westerly property line)

The proposed garage is to be located further away from the existing garage and shed and in accordance with the 3-metre interior side setback. There is a significant tree line along the property line which is intended to be preserved. It appears that this tree line straddles the property line. The permitted height of an accessory building is 8 metres. Since the main floor of the garage is needed for vehicle storage, the second storey is intended for household storage. The garage will be well designed and will include dormer windows to improve aesthetics.

The adjacent residential dwelling is two storeys in height, is located approximately 8 metres away from the property line and is almost entirely screened by trees.



Figure 5: Coniferous Tree Line

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Therefore, there will be approximately 11 metres separating the two structures. The adjacent side yard does not appear to be used for active amenity space. The east side of the adjacent residence has a few windows. The significant tree line continues to grow each year increasing the privacy between properties. The proposed location of the garage complies with the by-law and will further improve the separation of uses between neighbours, thereby providing a physical barrier for the enjoyment of both the owners and the neighbour. Furthermore, since there is such a significant coniferous tree line in this location, there will continue to be a significantly limited view of the proposed two-storey garage in all 4 seasons. Accordingly, in our opinion, the proposed increase in height of 1.5 metres does not create negative impacts on the use or enjoyment of the neighbouring residence. Figure 5 (photo) shows the significant coniferous tree line. The top of the roof of the neighbours dwelling can barely be seen. The proposed garage is to be located in this space.

The increase in usable floor area for the garage does not have an impact on the subject lands or the neighbouring property. The size of the garage without a second storey would be approximately 104 sqm and is permitted by the by-law. The second storey intended for household storage creates the non-compliance with this provision.

4 Tests of a Minor Variance

There are 4 tests in the Planning Act to be considered when reviewing an application for a minor variance as summarized below.

Section 45(1) of the Planning Act gives power to the Committee of Adjustment to modify the zoning by-law provided that the application:

1. Maintains the general intent and purpose of the Official Plan;
 2. Maintains the general intent and purpose of the Zoning By-law;
 3. Is minor in nature; and,
 4. Is desirable for the use of the lands.
-
1. The proposed accessory residential structures are permitted. The proposed minor variance for increased height and the usable floor area does not change the use of the buildings. As such, the application maintains the general intent and purpose of the Official Plan.
 2. The zoning by-law includes limitations on height and usable floor area for residential uses in the agricultural area as lots can be quite small and may not contain lands for farming. The development of large buildings on a small property may be of a scale that is inappropriate and generate impacts on neighbours and change the character of the streetscape. In this instance, the property is quite large and requires equipment and machinery to maintain. The increase in height and floor area of the central accessory building does not have any impacts. The increase in floor area and height do not have impacts on the neighbour and improves the separation between outdoor activities on each property. Accordingly, it is our opinion that the proposed application maintains the general intent and purpose of the Zoning By-law.
 3. An increase in the height of 1.5 metres from 8 metres to 9.5 metres is not considered significant, especially considering the context in which the proposed buildings are to be located. The increase in usable floor area from 200 sqm to 670 sqm is to facilitate the storage of vehicles, equipment, woodworking machinery and household storage. To clarify, based on high-level designs, the

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increase in usable floor area is 648 sqm as shown on the site plan drawing, however, designs will be finalized subsequent a favourable decision by the Committee of Adjustment. Nevertheless, the increase in usable floor area in the context of the size of the property and the proposed locations of each structure is considered minor in nature.

4. A successful application will provide the necessary space for internal storage of vehicles, equipment and machinery, keeping the property organized and clean. The location of the garage is screened from view from the neighbour and adds a form of physical separation between properties to help improve privacy and enjoyment of each.

Conclusion:

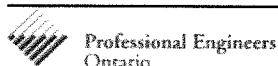
The proposed application meets the 4 tests of a minor variance. A successful application will facilitate appropriately sized buildings relative to the size of the property and in the context of the size of the buildings and structures in the area. The use of the buildings will allow for the appropriate storage of equipment, vehicles, machinery, woodworking tools and household items. There are no negative impacts on adjacent properties. Accordingly, it is our opinion that the application for a minor variance models good planning and facilitates an appropriate development of the property.

Prepared and submitted by,



Eldon Darbyson, BES, MCIP, RPP
Director of Planning
G. DOUGLAS VALLEE LIMITED
Consulting Engineers, Architects & Planners
\\server02\data\Projects\2020\20-085 Jachimowicz Garage, minor variance and permits\Agency\Planning
Justification Report\2021.03.23 - Jachimowicz Minor Variance - PJR.docx

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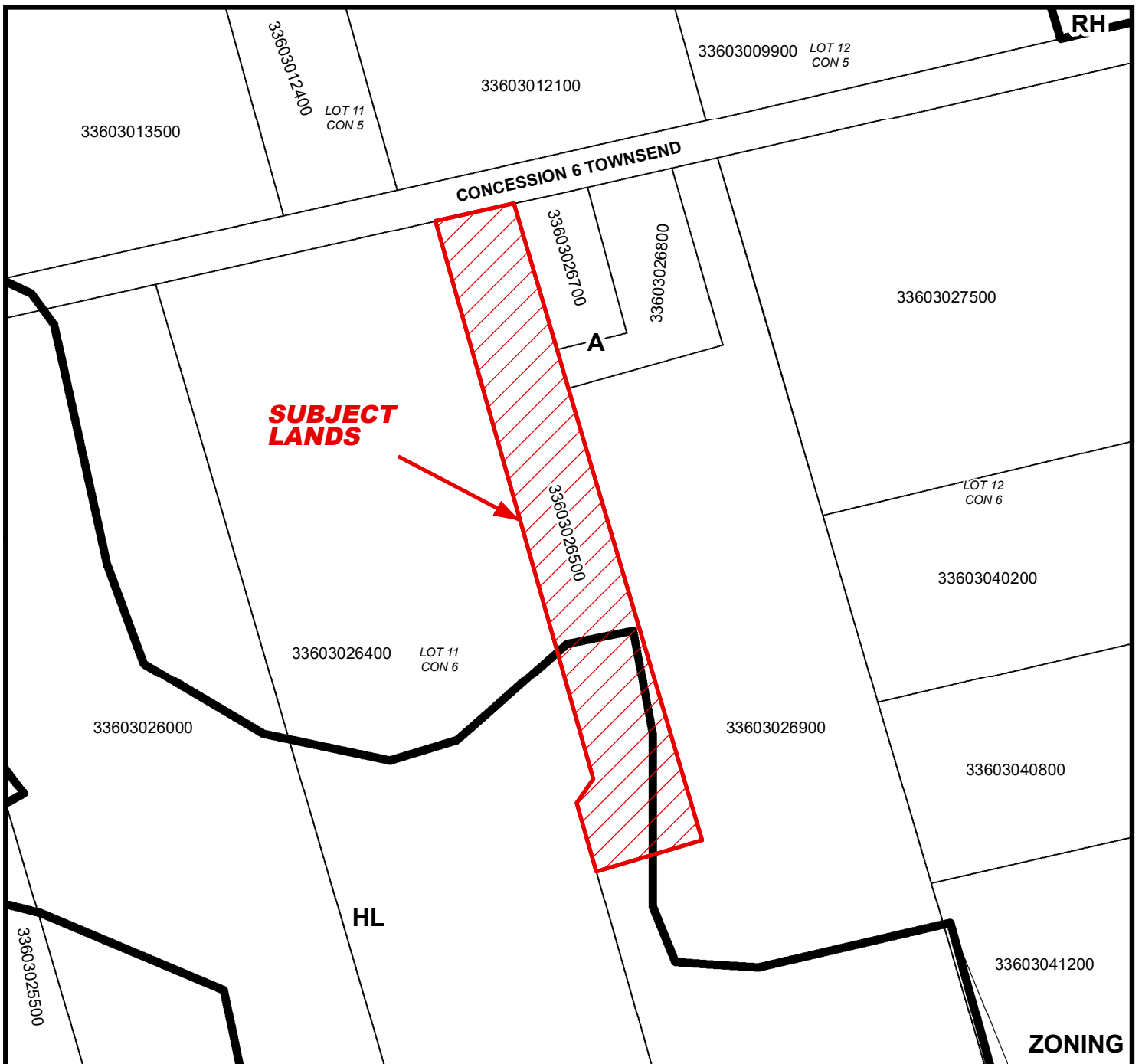
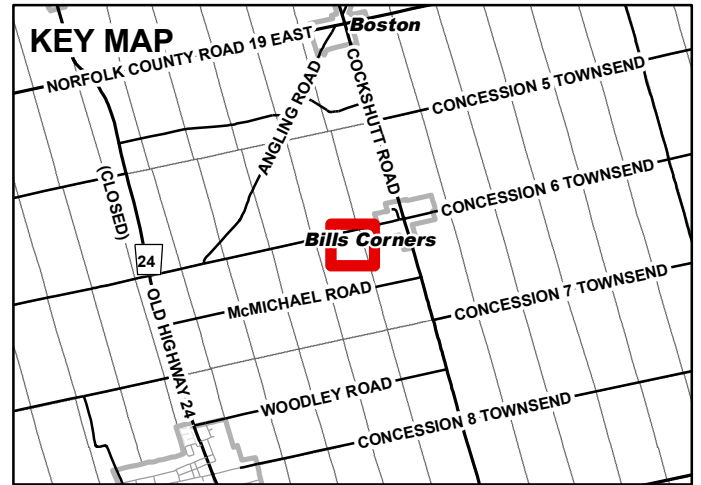
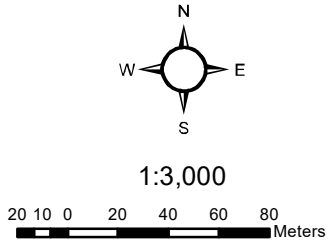
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MAP 1

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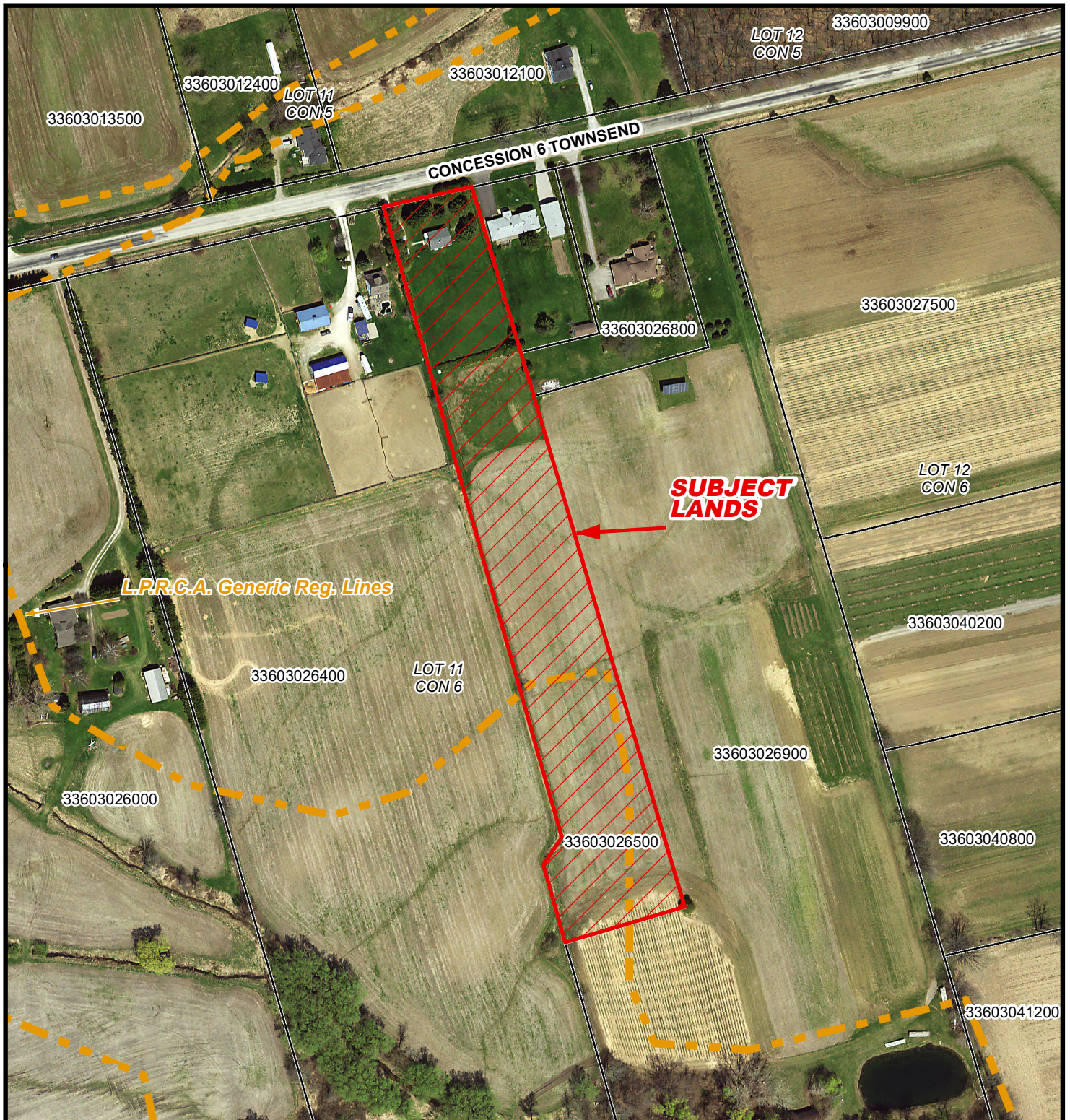
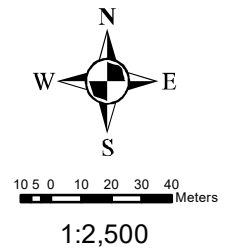
Geographic Township of
TOWNSEND



MAP 2

File Number: ANPL2021113

Geographic Township of TOWNSEND



MAP 3

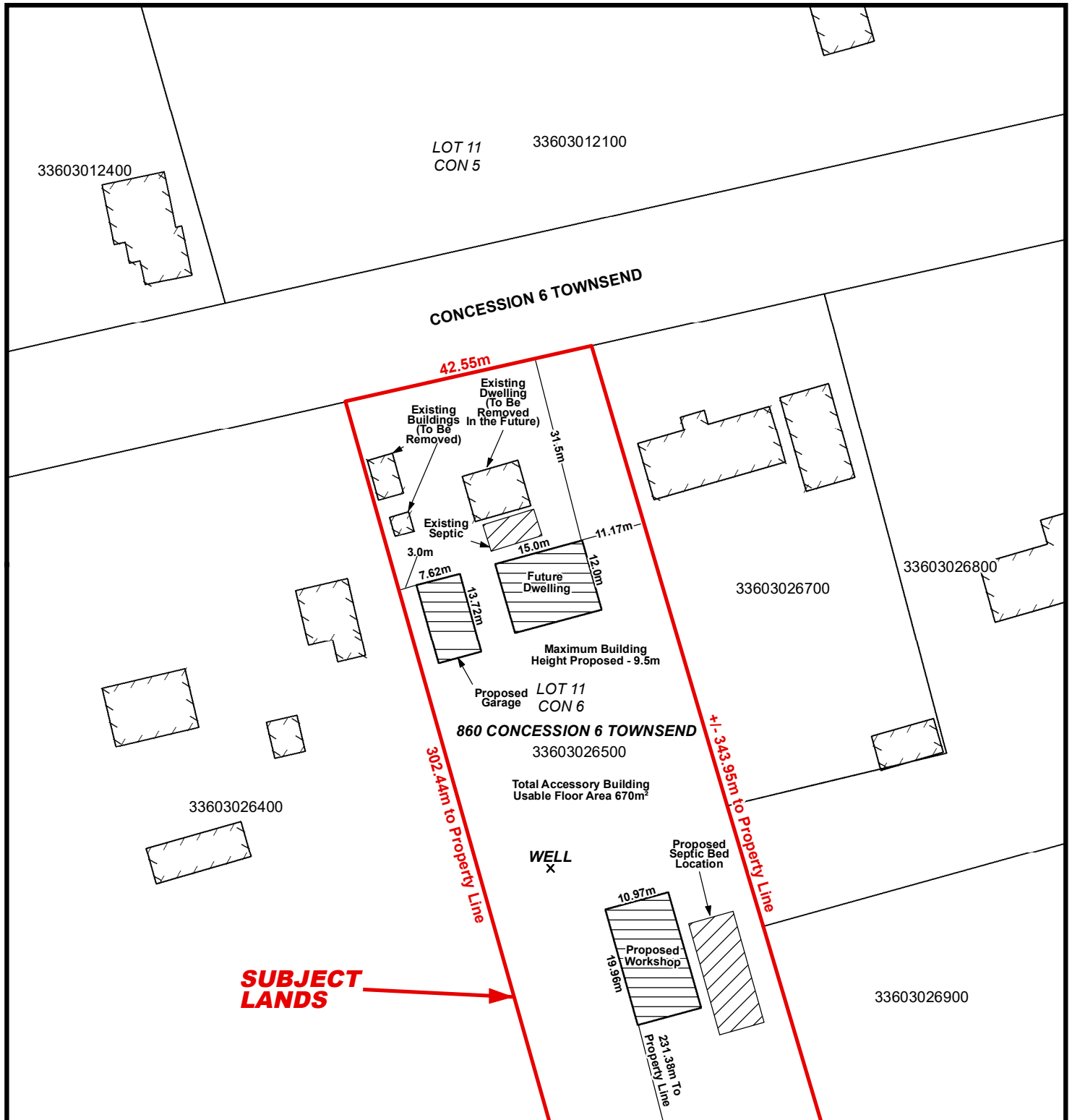
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Geographic Township of TOWNSEND



3.5 7 10.5 14
Meters

1:900



LOCATION OF LANDS AFFECTED

File Number: ANPL2021113

Geographic Township of TOWNSEND



3.5 7 10.5 14
Meters

1:900

