Premise of Minor Variance Application at 65 Cedar Drive, Turkey Point

In 2020 Mr. Redfern obtained a Building Permit to raise his existing cottage and construct a new foundation under it. After the new foundation was completed and the existing cottage set back down on it, Mr. Redfern hired a contractor to renovate his existing cottage. The contractor, upon inspection of the existing cottage, recommended that it was not economical to renovate and would be more feasible to demolish and construct a new cottage on the new foundation.

Plans were drawn for a new cottage and a Building Permit application was submitted to Norfolk County. During the permit review process it came to light that though the proposed cottage fit the new foundation (and complied with the 15% lot coverage requirement) a proposed deck on the front of the cottage exceeded the maximum permitted lot coverage and thereby precipitated this minor variance application.

Key Background:

May 2020

- Long Point Region Conservation Authority issued work permit LPRCA-98/20 for the construction of a new foundation under the existing cottage.
- Girard Engineering of Otterville prepared a stamped, engineered plan of the new footing and foundation.
- Building Permit PRBD20200728 was issued to raise the cottage and construct the new foundation.
- Chuck Thompson of Port Dover lifted the cottage and installed the new footings and foundation.
- Septic Permit PRSEP20201327 was issued for a new septic system
- New septic system installed.
- Owner hired Nelson Demelos, builder, of Brantford, to renovate the existing cottage.
- After a thorough on-site assessment of the existing cottage Mr. Demelos advised the owner that due to the advanced deterioration of the existing cottage it would be cost prohibitive to repair/renovate and bring up to date the existing structure. Rather, he recommended it would make more economic sense to demolish the existing cottage and to construct a new cottage to fit the newly installed foundation.
- The decision was made then to replace rather than repair.

2021

- The owner then hired Jonkman Design of Harrisburg to prepare plans for a new cottage on the newly built foundation.
- Long Point Region Conservation Authority issued work permit LPRCA-157/21 to construct a new cottage on the new existing foundation.
- Building Permit application PRBD20211356 was submitted in June 2021.
- To support the Building Permit application the following documents were supplied to the building department:
 - o LPRCA Permit 157/21
 - Architectural plans
 - o Site plan
 - Copy of Septic Permit PRSEP20201327
 - Lot Grading Exemption Form stamped by Max Morrison PEng., late of M C Engineering
 - o Designers Schedule 1
 - o Energy Efficiency Design Summary
 - o HVAC Design, Duct Design, and Heat Loss/Gain calculation
 - o Residential Mechanical Ventilation Design Summary
- June 23/21 Scott Northcott of Norfolk County Building Department sent Mr. Redfern a "shopping list" of documents to be submitted to support the permit application. All documents requested by Scott were submitted in June.
- The Building Permit and Plumbing Permit fees associated with the new cottage application PRBD20211356 were paid to Norfolk County July 9, 2021.
- September 9/21 Norfolk County Building Department Zoning Administration wrote to Mr. Redfern advising him that the maximum permitted lot coverage of 15% had been exceeded by 5.53% because of the deck and that a Minor Variance would now be required.
- Though the cottage proper conforms to the allowable 15% lot coverage the proposed small, covered, but unenclosed front deck, 10'x25' (250 sq feet) raises the lot coverage to 20.84% or 5.84% over the maximum allowable limit of 15%.
- We are rounding the lot coverage proposed at 21% or 6% over.

Under Section 45(1) of the Planning Act there are four tests a minor variance must meet. In order to be considered the application must meet all four tests:

- 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 Bylaw.
- Is the application desirable for the appropriate development of the lands in question.
- Is the application minor.

Norfolk County Official Plan

The subject property is designated as Resort Residential in the Norfolk County Official Plan. Permitted uses within this designation include cottages. Therefore, this application conforms with the Norfolk County Official Plan.

Norfolk County Zoning Bylaw 1-Z-2014

Zoning Bylaw 1-Z-2014 zones the subject property Resort Residential. Article 5.8.1a) permits a vacation home within the Resort Residential Zone.

The general intent and purpose of the Norfolk County Zoning Bylaw is to maintain the character of the neighbourhood. Turkey Point is a large established cottage node within Norfolk County. The neighbouring properties to 65 Cedar Drive are predominantly cottages/vacation homes. The proposed development maintains the general cottage character of the neighbourhood and the requested variances will maintain the general intent and purpose of Norfolk County Zoning Bylaw 1-Z-2014.

Is the Variance Desirable and Appropriate

The use of this property as a cottage is compatible and fits within the existing neighbourhood. Cottages in Turkey Point have been demolished and rebuilt, raised and decks have been added over the past 30 years. This is an improvement of the property in that the new cottage structure is desirable and appropriate for the Cedar Drive streetscape.

Is the Variance Minor in Nature

The proposed cottage fits the existing foundation and meets the maximum permitted 15% lot coverage requirement. The unenclosed front deck fits in with adjacent cottages and their appurtenant decks and will only add but 6% to the maximum permitted lot coverage. The cottage sits well back on the lot and even with the deck added to the front of the cottage there remains 30m of front yard. This large expansive front yard reduces the visual impact of the deck from the street.

In conclusion, the proposed increase in the lot coverage only affects the front deck. It is well set back from the front property line. The proposed deck fits into and maintains the general character of the neighbouring cottage properties. Norfolk County Building Department issued a building permit for the new foundation. Norfolk County issued a Septic Permit for the installation of a new septic system. Norfolk County accepted for processing a building permit application to construct a new cottage in lieu of renovating the existing cottage. LPRCA has issued a work permit for the construction of the proposed new cottage. The requested variance is minor in nature and maintains the general intent and purpose of both the Norfolk County Official Plan and the Norfolk County Zoning Bylaw.

For Office Use Only: File Number Related File Number Pre-consultation Meeting Application Submitted Complete Application	ANPL2022030 N/A December 30, 2021 January 30, 2022	Application Fee Conservation Authority Fee Well & Septic Info Provided Planner Public Notice Sign	1560.00 - paid paid N/A Hanne Yager
Surplus Farm Dwe Minor Variance Easement/Right-of	e/Boundary Adjustme Iling Severance and z -Way t Roll Number:		
Name of Owner	SCOTT	RESFERM	<u>) </u>
It is the responsibility of ownership within 30 da		ant to notify the planner of	f any changes in
Address		NNY LANE	
Town and Postal Code	BRANTF	ord on	N3R 545
Phone Number	519-8	02-4488	
Cell Number			
Email	BARMS	@ YMAIL . C	com
Name of Applicant	AGEN	7	
Address			
Town and Postal Code	<u> </u>		
Phone Number		3	
Cell Number			
Email			



Name of Agent	DAVID 1	ncphers	SON
Address	8 CULVER	LANE	
Town and Postal Code	SIMCOE	on	N395C8
Phone Number	519-426	-7295	<i>'</i>
Cell Number	519-427	-6483	3
Email	DAVID-A-M	CPHERSON	a HOTMAIL, COM
Please specify to whom all correspondence and agent noted above.			Jnless otherwise directed, vill be forwarded to the
Owner	Agent	A_I	oplicant
Names and addresses of encumbrances on the su		ortgagees, char	ges or other
B. Location, Legal De	escription and Prope	erty Information	ı
	clude Geographic Tov rban Area or Hamlet):	15 44	sion Number, Lot Number,
Municipal Civic Addre	ess: <u>65 c</u>	EDAR D	RIVE TURKEY POI
Present Official Plan	Designation(s):	SORT K	(ESIDENT, AL'
Present Zoning: K	ESERT RES	DENTIA	
2. Is there a special pro	•	zone on the sub	ject lands?
No If yes	, please specify:		
3. Present use of the su	ıbject lands:		-

COTTAGE



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:

SEE ATTACHED

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.

10 /25 COVERED DECK

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 ATTACHES PLANS

7. Are any existing buildings on the subject lands designated under the *Ontario Heritage Act* as being architecturally and/or historically significant? Yes No lif yes, identify and provide details of the building:

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

40+ YEARS

9. Existing use of abutting properties:

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.

Note. Please complete all that apply.				
1. Site Information	Existing	Proposed		
Please indicate unit of m	easurement, for example: m, m ² o	r %		
Lot frontage	12:19m	12.19m		
Lot depth	45.72M	45.72 m		
Lot width	12,19 m	12.19 m		
Lot area	557.4250	7 m 557.42 SQM		
Lot coverage	15%	2170		
Front yard	33.63 m	30.63 m		
Rear yard	1.67 m	1.67 m		
Left Interior side yard	0.66m	0.66 m		
Right Interior side yard	1,82m	1.82m		
Exterior side yard (corne	er lot)	m/A		
of 2190		T PERMITTED 15 90 MAX LOT COVERAGE		
3. Please explain why it is not possible to comply with the provision(s) of the Zoning By-law: PROPOSED DECK IS 690 OUER MAX PERMITTED LOT COVERAGE				
4. Description of land in Frontage:	tended to be severed in metric uni	ts:		
Depth:		*		
Width:				
Lot Area:				
Present Use:				
Proposed Use:				
Proposed final lot size	e (if boundary adjustment):			
	. ,	D 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		



		istment, identify the assessment roll number and property owner of
	the lands to which	the parcel will be added:
	Description of lan	d intended to be retained in metric units:
	Frontage:	
	Depth:	
	Width:	
	Lot Area:	
	Present Use:	
	Proposed Use:	
	Buildings on retai	ned land:
5.	Description of pro Frontage:	posed right-of-way/easement in metric units:
	Depth:	
	Width:	
	Area:	
	Proposed Use:	
6.	List all properties and involved in the	in Norfolk County, which are owned and farmed by the applicant e farm operation:
Ои	ners Name:	
Ro	ll Number:	
To	tal Acreage:	
Wo	orkable Acreage:	
Ex	sting Farm Type:	(for example: corn, orchard, livestock)
Dw	velling 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 ?: OYes ONo If yes, year dwelling built
Owners Name:
Roll Number:
Total Acreage:
Workable Acreage:
Existing Farm Type: (for example: corn, orchard, livestock)
Dwelling Present?: OYes ONo If yes, year dwelling built
Owners Name:
Roll Number:
Total Acreage:
Workable Acreage:
Existing Farm Type: (for example: corn, orchard, livestock)
Dwelling Present?: OYes ONo If yes, year dwelling built
Note: If additional space is needed please attach a separate sheet.
D. 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 (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:



	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? OYes No		
E.	Provincial Policy		
1.	Is the requested amendment consistent with the provincial policy statements issued under subsection 3(1) of the <i>Planning Act, R.S.O. 1990, c. P. 13?</i> 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.	3. Have the subject lands been screened to ensure that development or site altera will not have any impact on source water protection? OYes ONo		
	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.	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
		Is the requested amendment consistent with the provincial policy statements issued under subsection 3(1) of the <i>Planning Act, R.S.O. 1990, c. P. 13?</i> Yes No
		If no, please explain: Tunkey POINT 15 CONSIDERED A
SETT	L	EMENTAREA. THE REDEVELOPMENT OF THE SUBJECT LAN
ull F	155	SIST WITH THE VITALITY & REGENERATION OF THE AREI
THE	2.	If no, please explain: Turkey Point is cousined to five subject LAND AREA. THE RESERVED PMENT OF THE SUBJECT LAND AST WITH THE VITALITY & REGENERATION OF THE AREA LIST OF THE A
	_	
	3.	Have the subject lands been screened to ensure that development or site alteration will not have any impact on source water protection? Ves 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.
		Manager Official.



•	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 orwithin 500 meters – distance
	Wooded area On the subject lands or within 500 meters – distance 250 m
	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 orwithin 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 orwithin 500 meters – distance
	Abandoned gas wells On the subject lands or within 500 meters – distance



	<u> </u>	
1.	Indicate what services are available or proposed:	×
	Water Supply	
	Municipal piped water	Communal wells
	Individual wells	Other (describe below)
	Sewage Treatment	
	Municipal sewers	O Communal system
	Septic tank and tile bed in good working order	Other (describe below)
	Storm Drainage	
	Storm sewers	Open ditches
	Other (describe below)	
		3
2.	Existing or proposed access to subject lands	_
	Municipal road	Provincial highway
	Unopened road	Other (describe below)
	Name of road/street:	
	CEDAR DRIVE	
G.	Other Information	
1.	Does the application involve a local business?)Yeş (No
	If yes, how many people are employed on the sub	ject lands?
2.	Is there any other information that you think may be	
	application? If so, explain below or attach on a se	eparate page.
	SEE ATTACHED.	



F. Servicing and Access

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 In	formation 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 applicatio	n.		
D/ \	DEC 1 2021		
Owner/Applicant/Agent Signature	Date		
J. Owner's Authorization			
If the applicant/agent is not the registered owner application, the owner must complete the author	•		
I/We SCOTT REDFERN all ands that is the subject of this application.			
I/We authorize AND MCHORS of my/our behalf and to provide any of my/our pers processing of this application. Moreover, this shauthorization for so doing	onal information necessary for the		
XIT	DEC) 2021		
Owner	Date		



Owner

Date

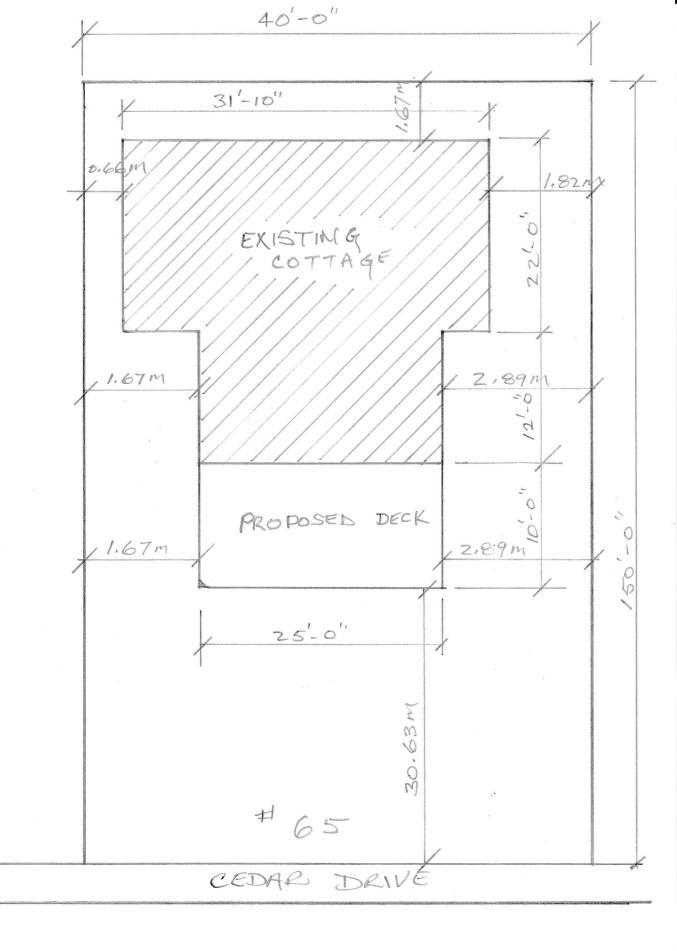
K. Declaration			
DAVID MCPHERSON OF SIMLOE			
olemnly declare that:			
all of the above statements and the statements contained in all of the exhibits transmitted herewith are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of <i>The Canada Evidence Act</i> .			
Declared before me at:			
SIMCOE Chamber			
Owner/Applicant/Agent Signature			
NORFOLK COUNTY			
This 28 day of DECEMBER			
A.D., 20 7 1			



A Commissioner, etc.

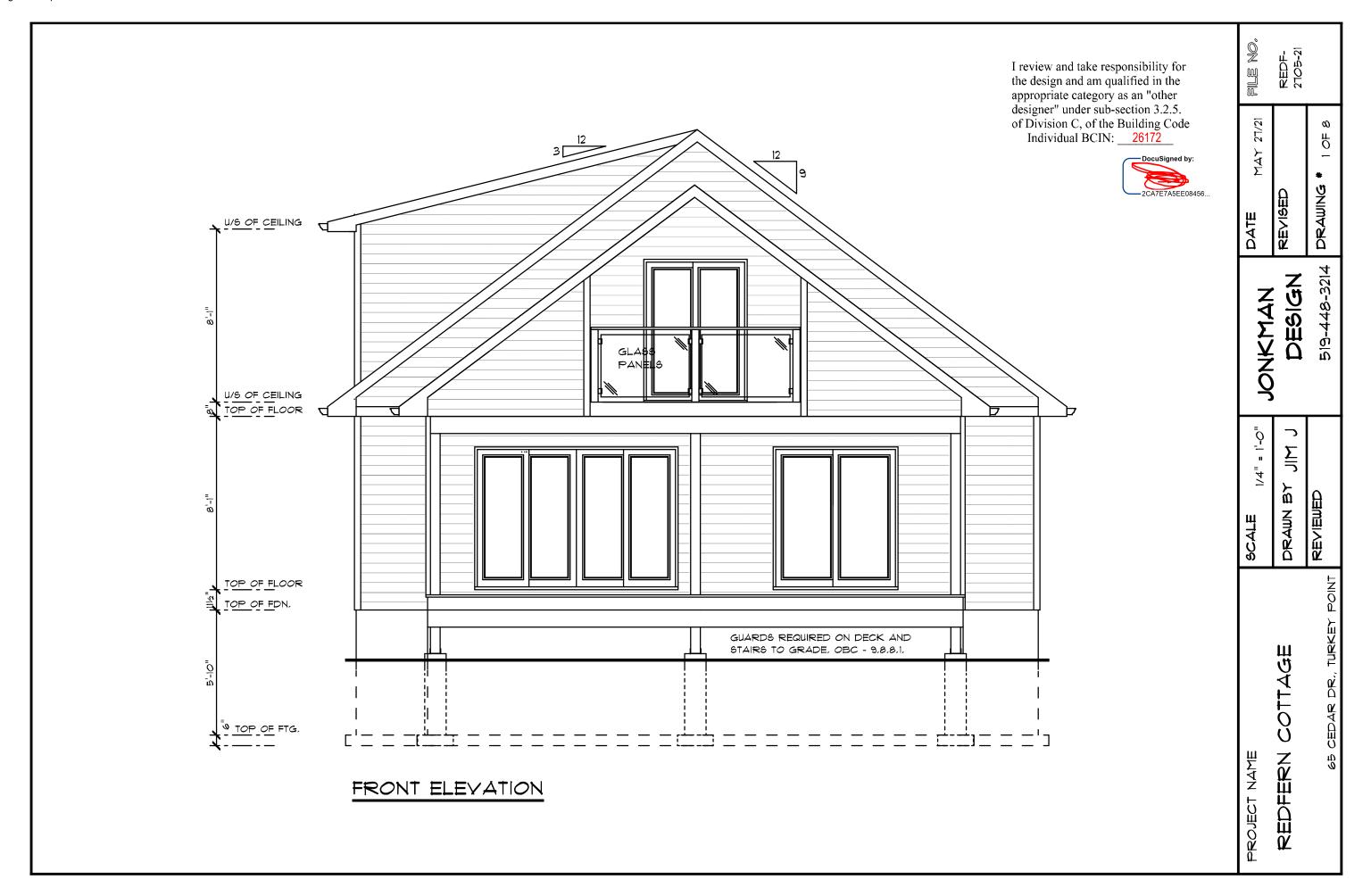
OWNER'S AUTHORIZATION

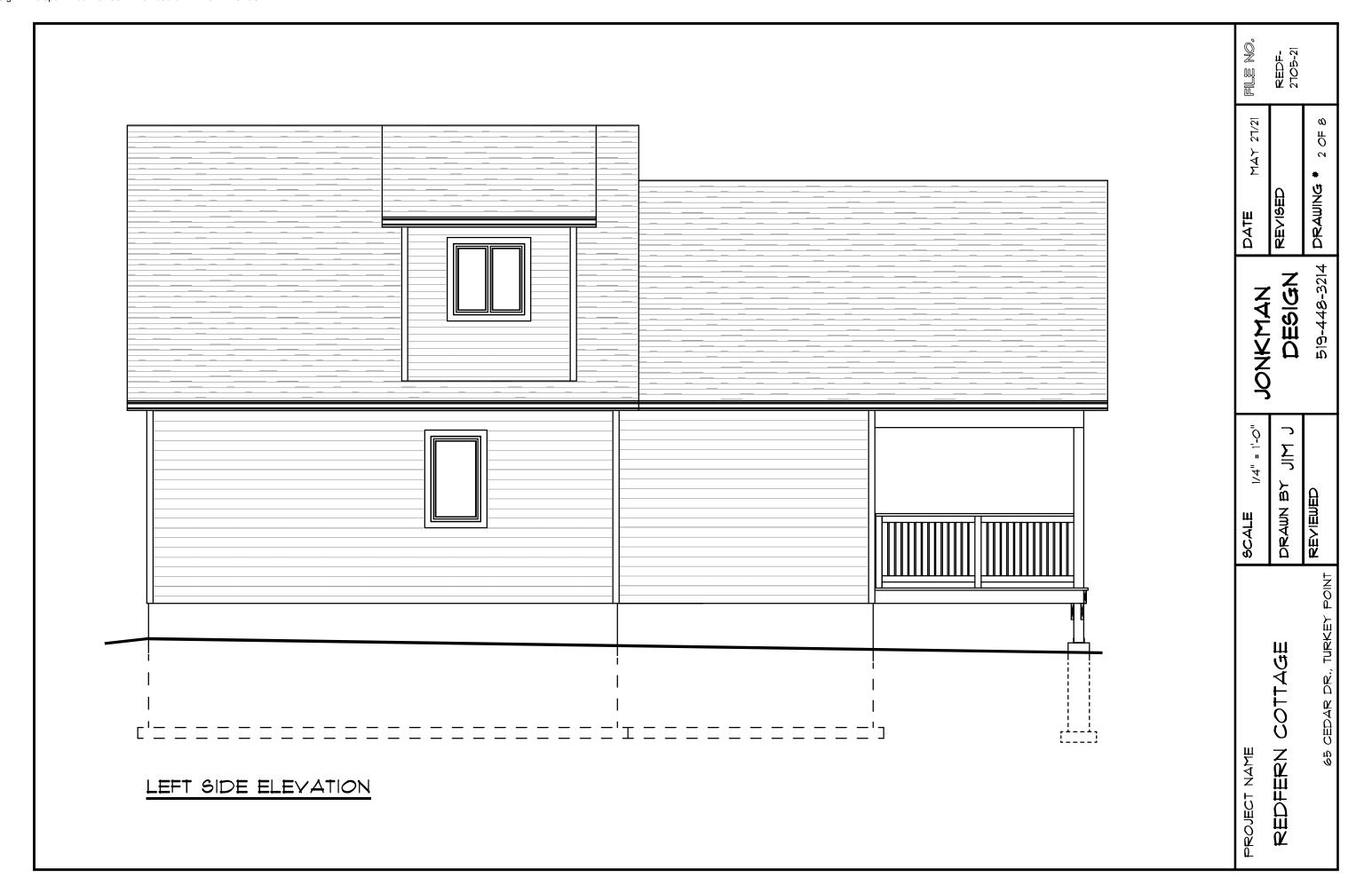
I/we SCOTT REDPERIOR	am/are the registered		
owner(s) of the land that is the subject of this application.			
I/we authorize DAVID MCPHERSON to make this	s application on my/our		
behalf and to act on my/our behalf as my/our authorized agent during the			
processing of this application.			
Moreover, this shall be your good and sufficient authorization for so doing.			
OWNER	Sept 22/2, DATE		
OWNER	DATE		

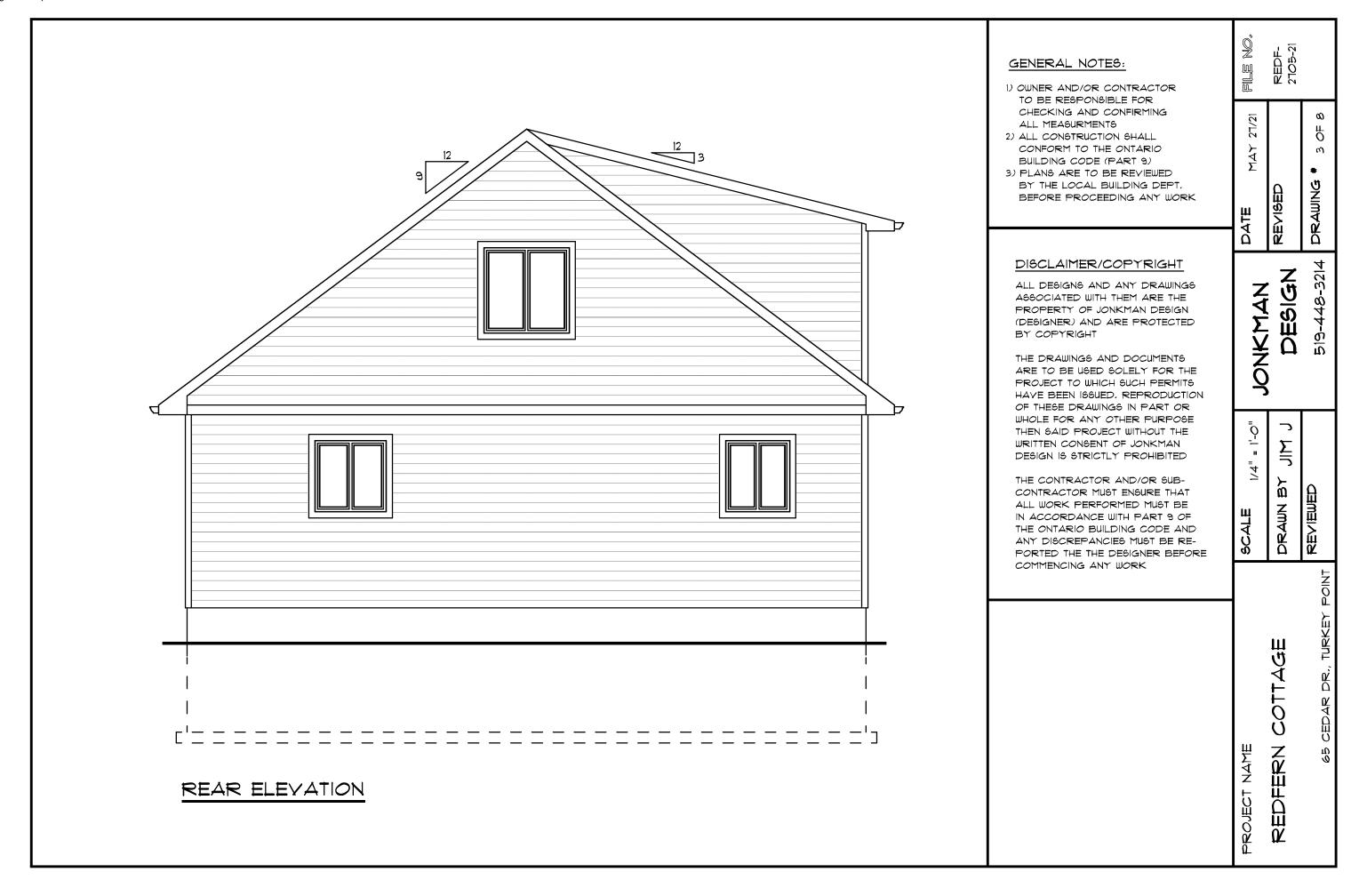


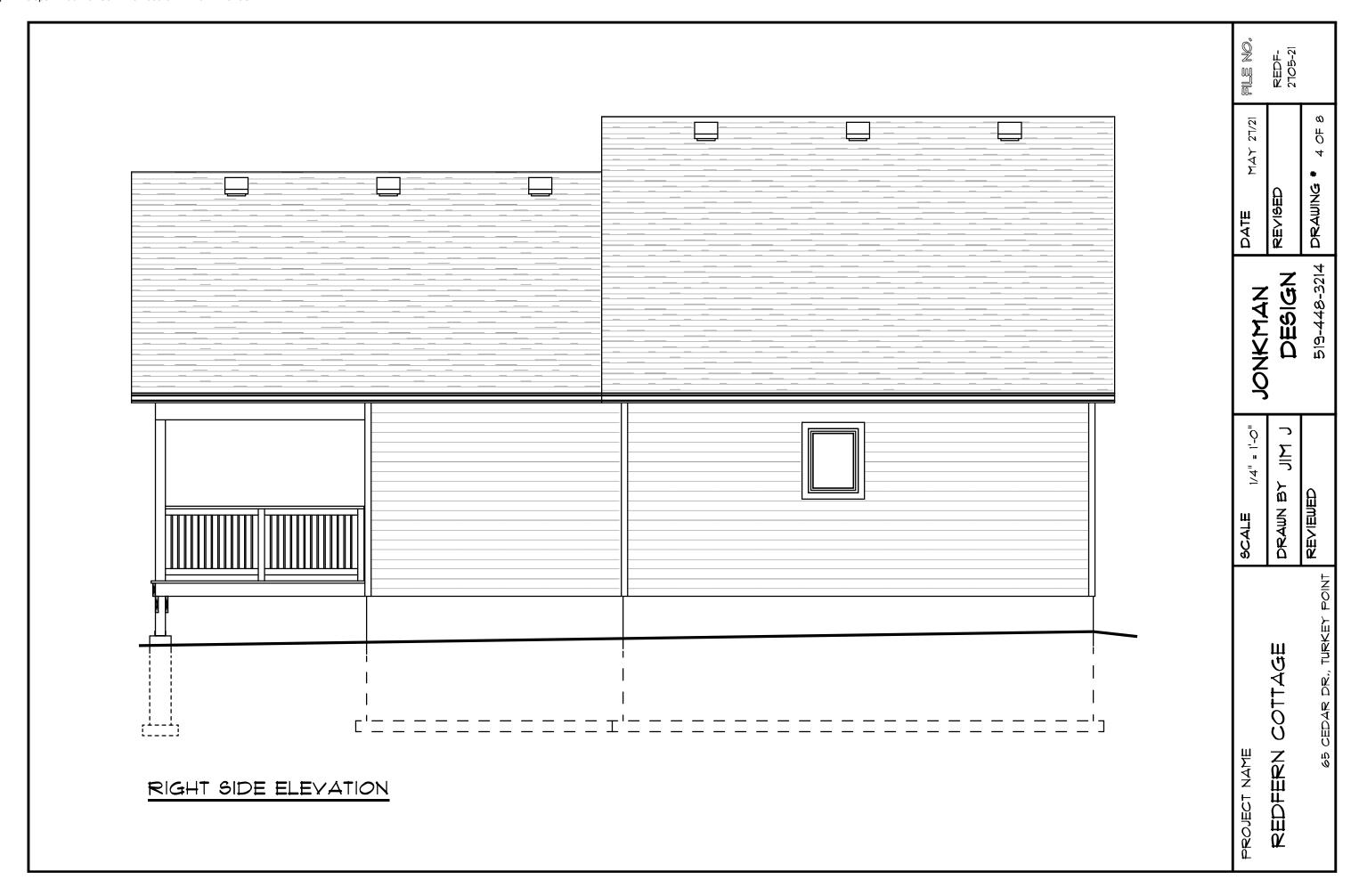
SITE PLAN

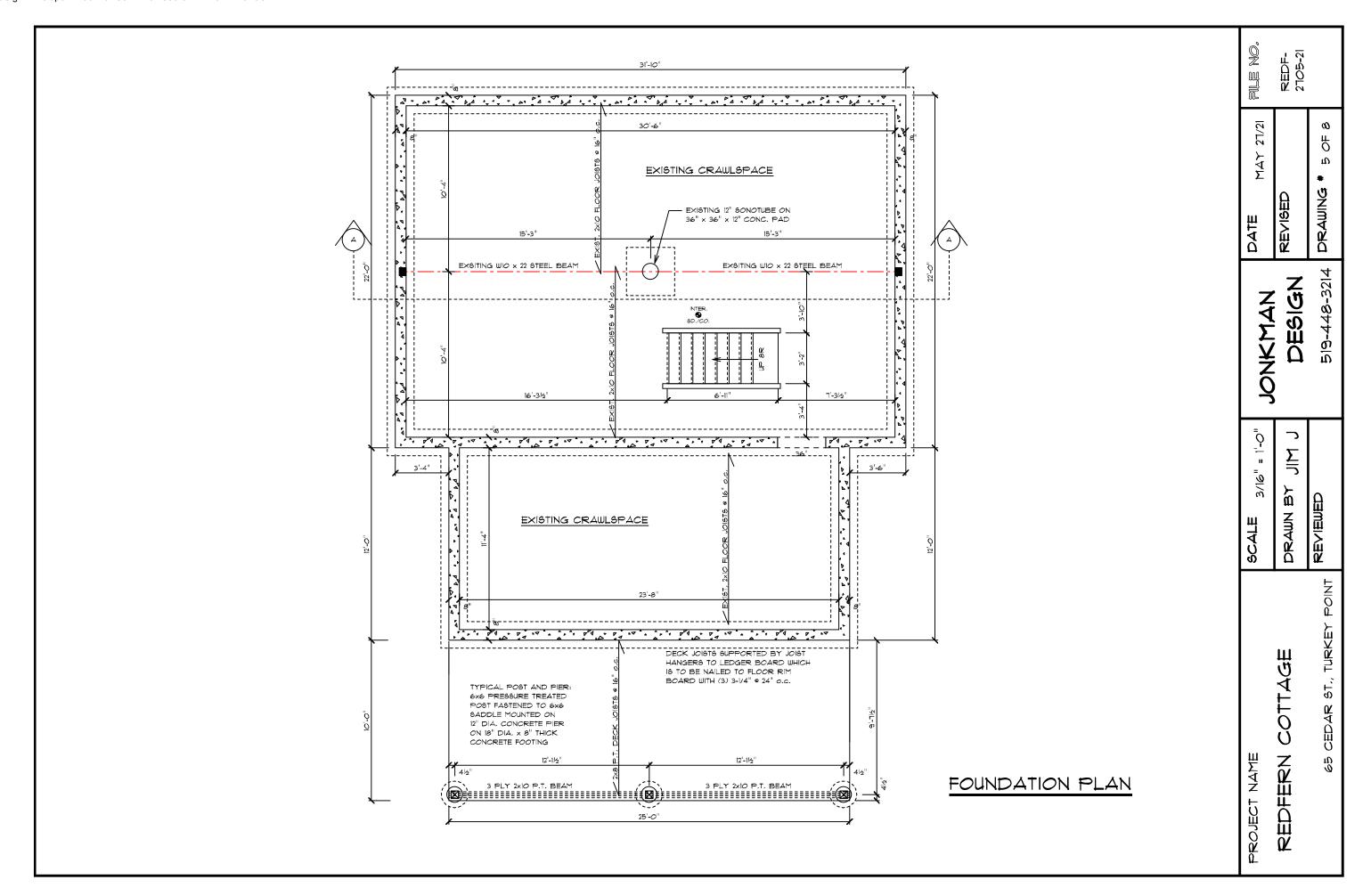
N.T.S.

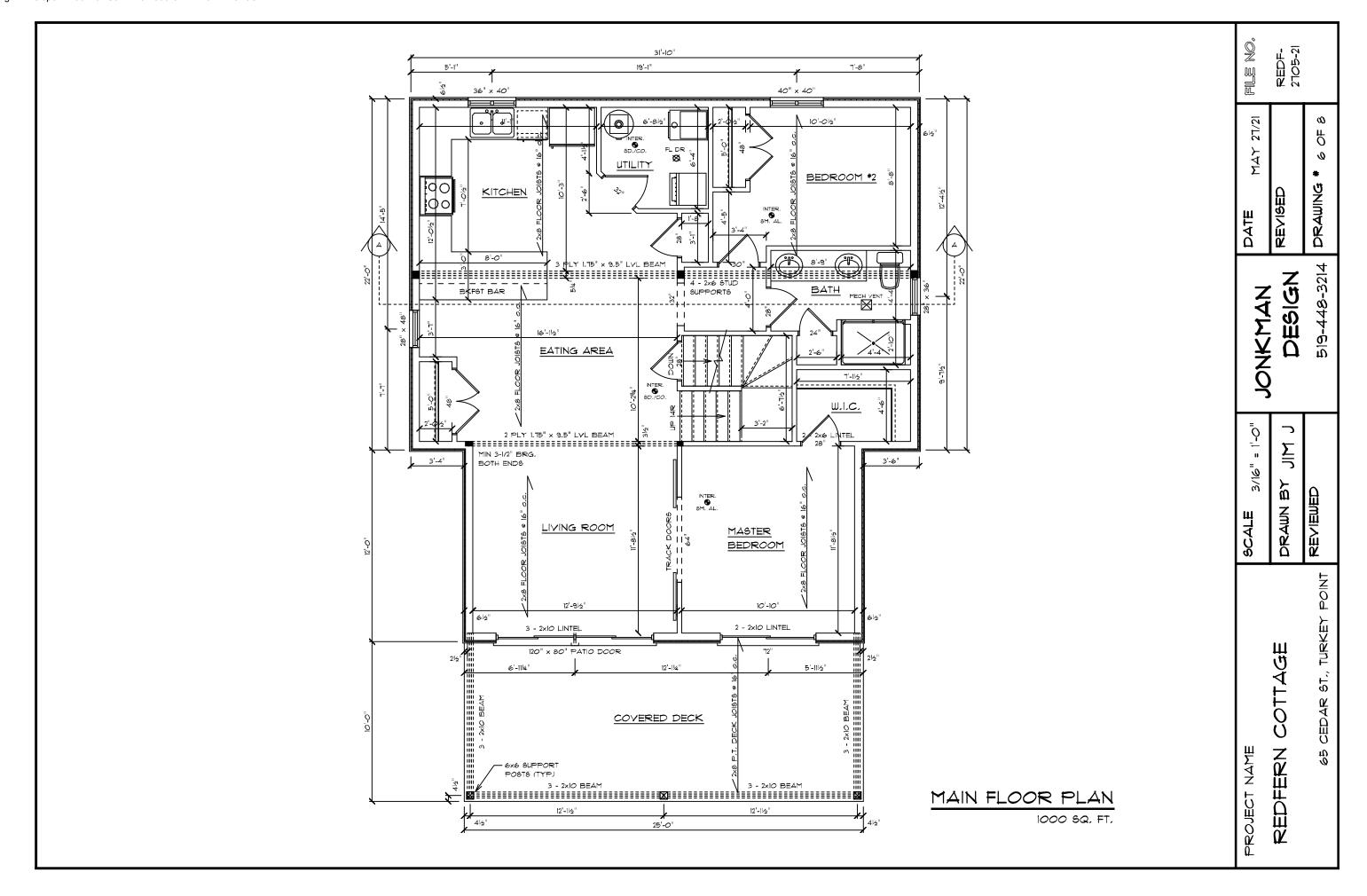


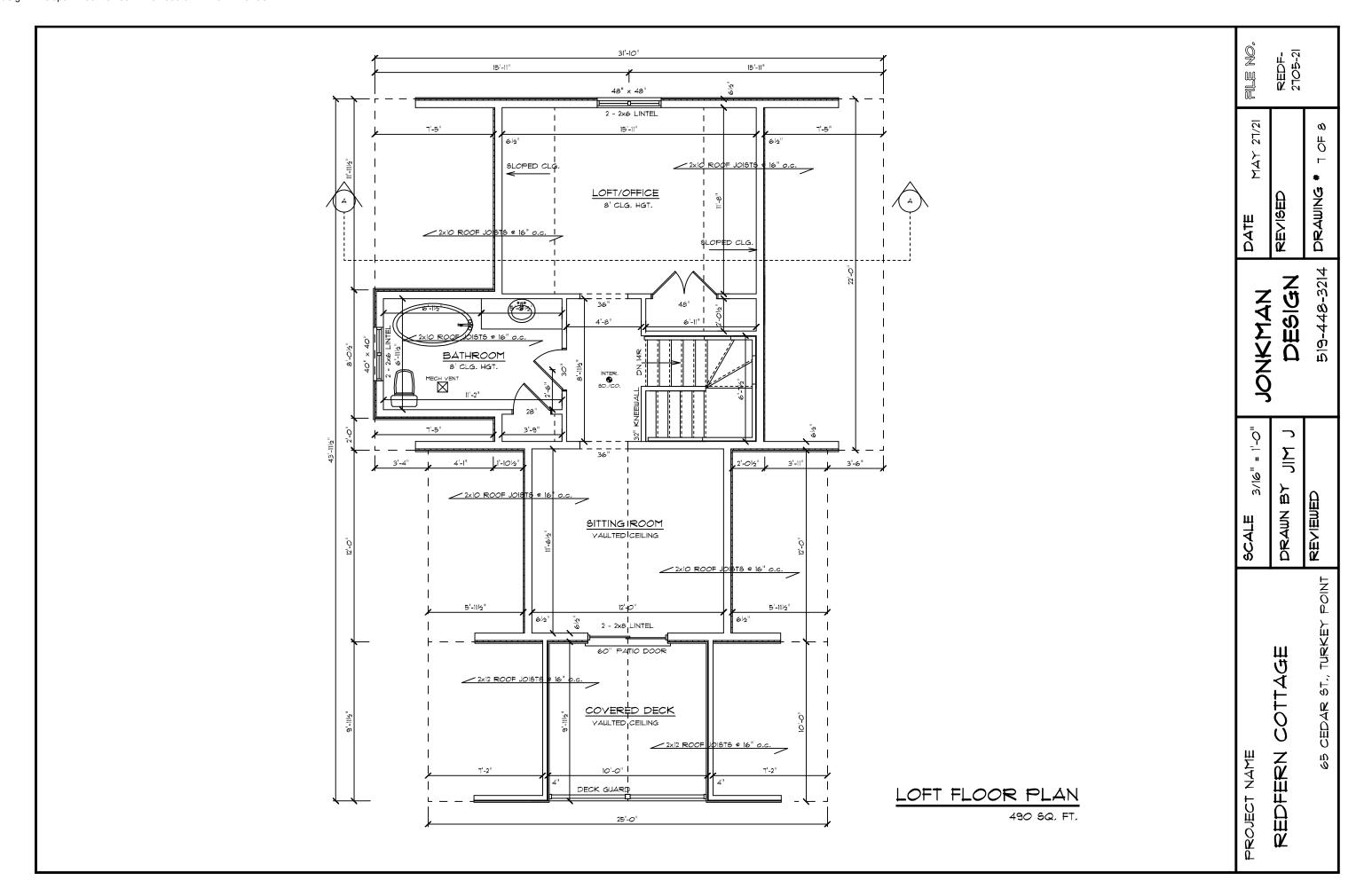


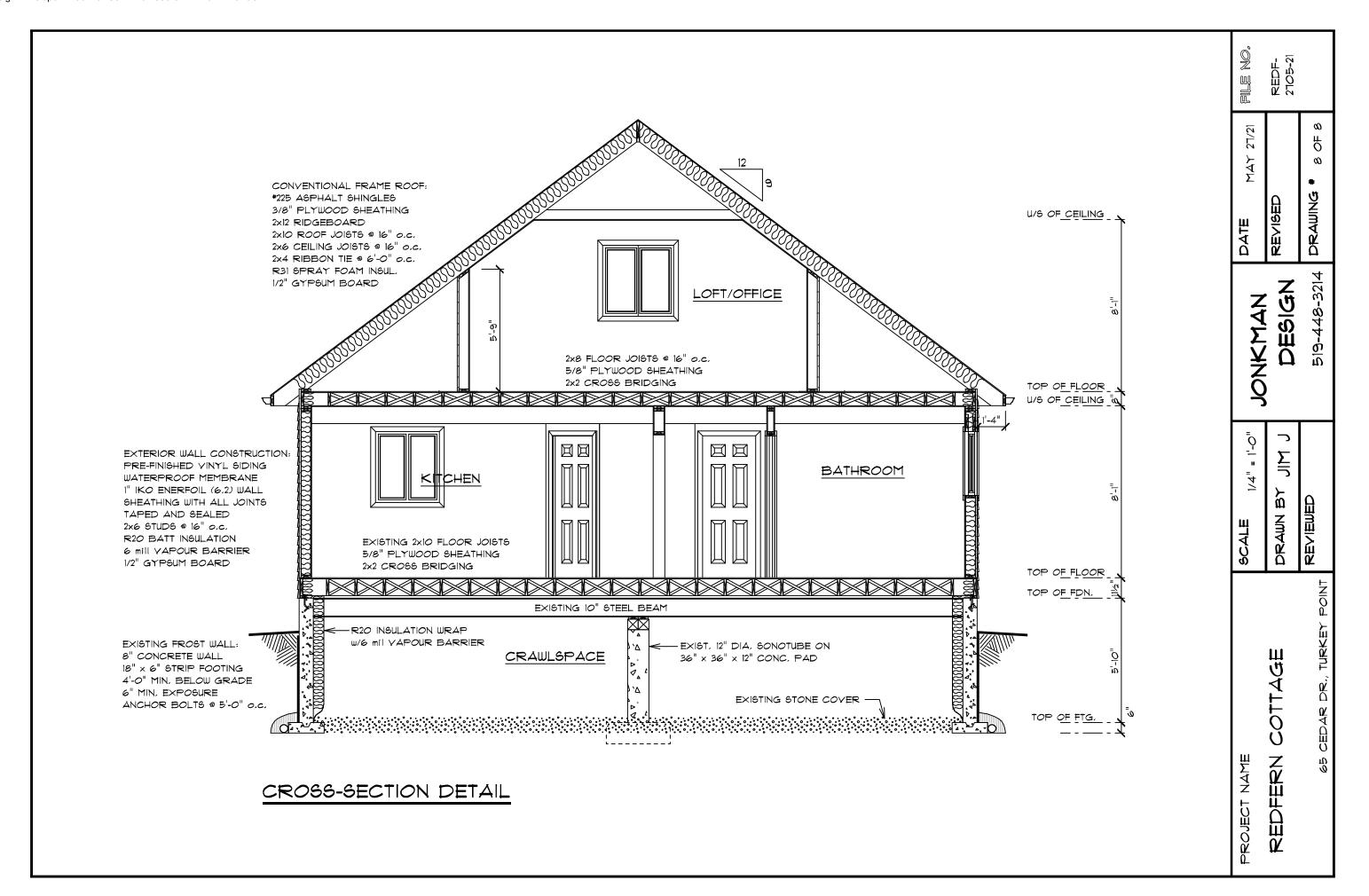






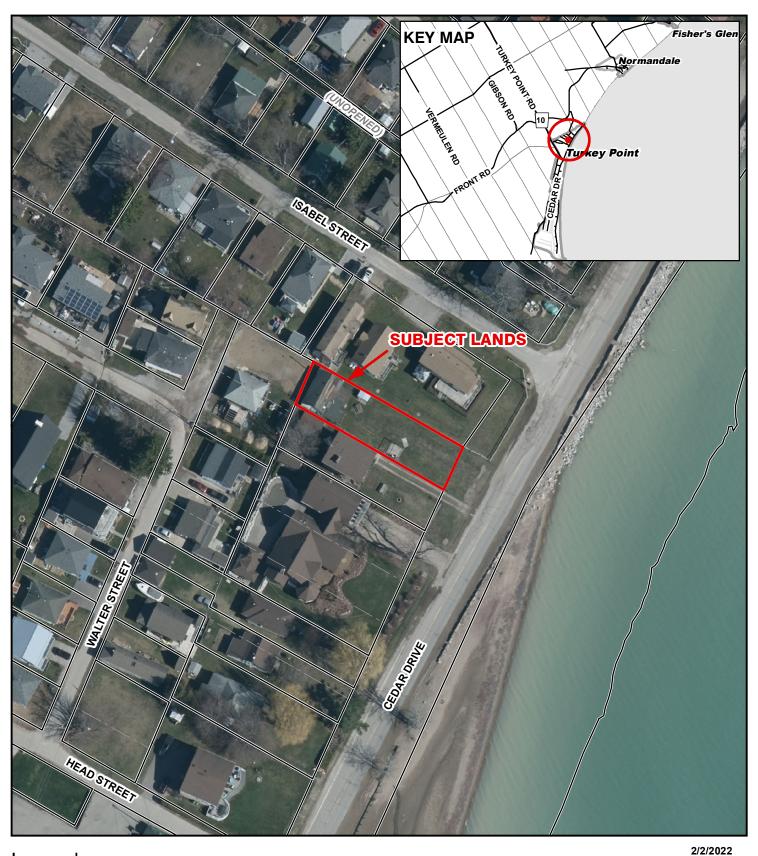






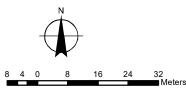
CONTEXT MAP

Geographic Township of CHARLOTTEVILLE



Legend

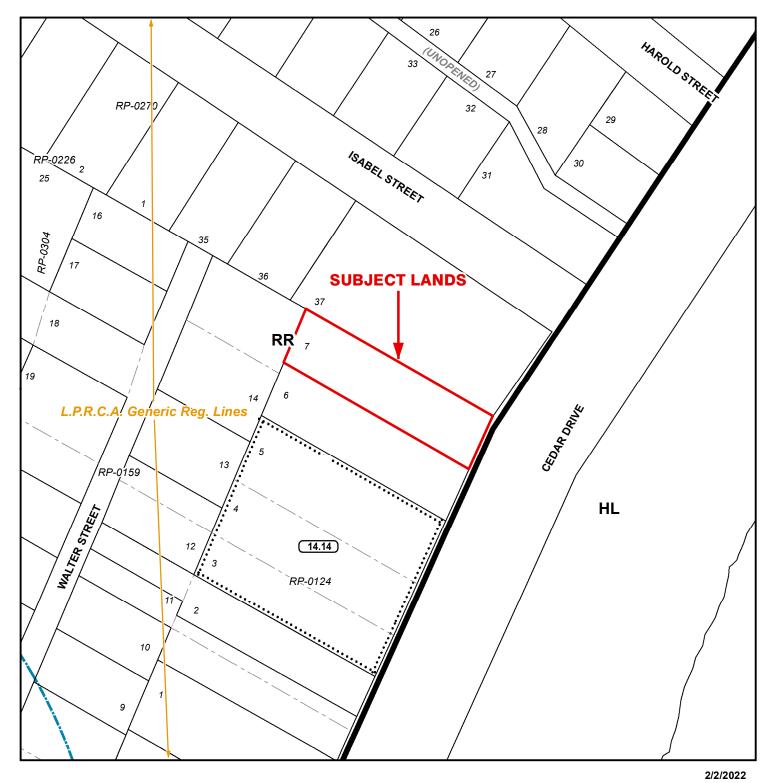




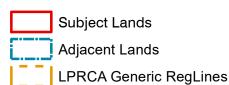
MAP B

ZONING BY-LAW MAP

Geographic Township of CHARLOTTEVILLE



LEGEND

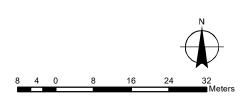


ZONING BY-LAW 1-Z-2014

(H) - Holding

HL - Hazard Land Zone

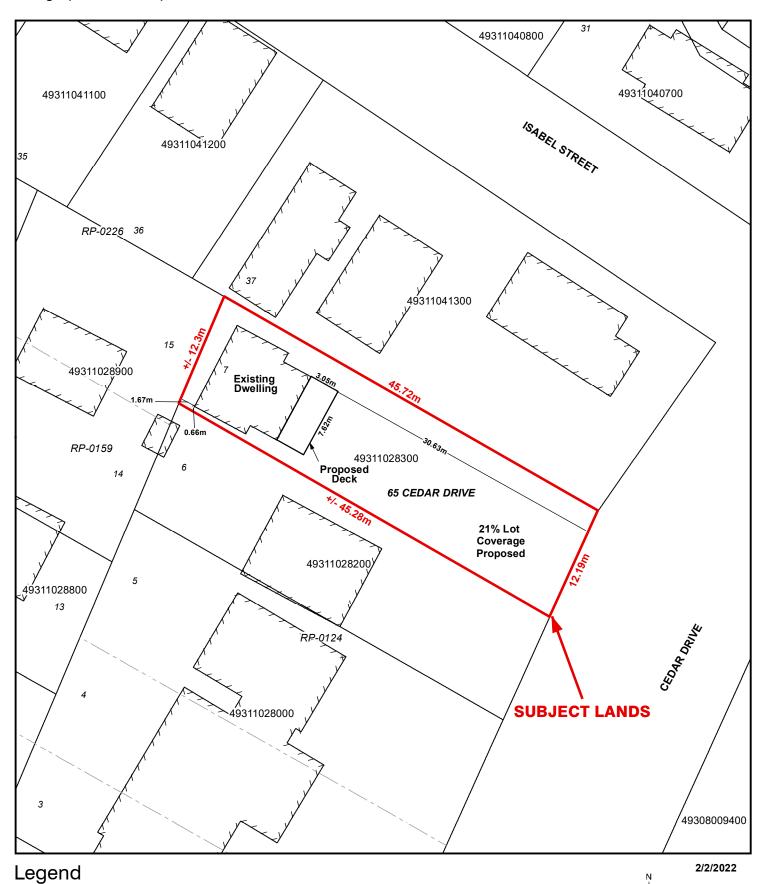
RR - Resort Residential Zone

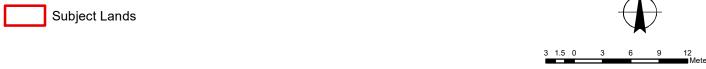


MAP C ANPL2022030

CONCEPTUAL PLAN

Geographic Township of CHARLOTTEVILLE

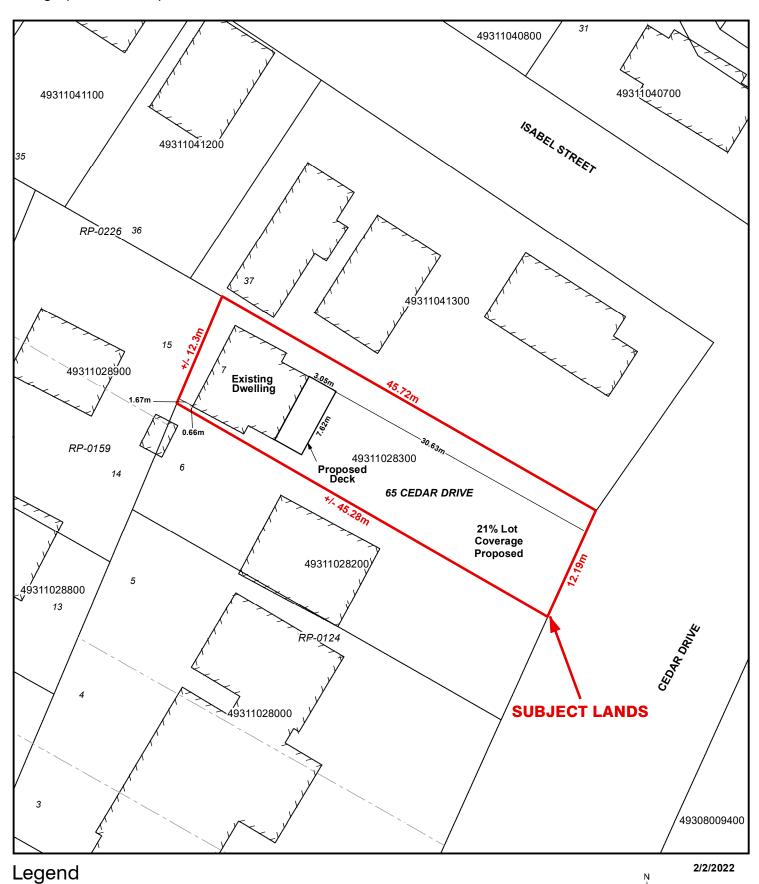




CONCEPTUAL PLAN

Subject Lands

Geographic Township of CHARLOTTEVILLE



3 1.5 0