

For Office Use Only:

File Number	_____	Application Fee	_____
Related File Number	_____	Conservation Authority Fee	_____
Pre-consultation Meeting	_____	Well & Septic Info Provided	_____
Application Submitted	_____	Planner	_____
Complete Application	_____	Public Notice Sign	_____

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: _____**A. Applicant Information****Name of Owner** _____

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 _____

Town and Postal Code _____

Phone Number _____

Cell Number _____

Email _____

Name of Applicant _____

Address _____

Town and Postal Code _____

Phone Number _____

Cell Number _____

Email _____

Name of Agent

Address

Town and Postal Code

Phone Number

Cell Number

Email

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 owner and 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):

Municipal Civic Address: _____

Present Official Plan Designation(s): _____

Present Zoning: _____

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:

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:

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:

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:

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. **Failure to complete this section will result in an incomplete application.**

1. Site Information (Please refer to Zoning By-law to confirm permitted dimensions)

	Existing	Permitted	Provision	Proposed	Deficiency
Lot frontage					
Lot depth					
Lot width					
Lot area					
Lot coverage					
Front yard					
Rear yard					
Height					
Left Interior side yard					
Right Interior side yard					
Exterior side yard (corner lot)					
Parking Spaces (number)					
Aisle width					
Stall size					
Loading Spaces					
Other					

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

3. **Consent/Severance/Boundary Adjustment:** 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: _____

4. **Easement/Right-of-Way:** Description of proposed right-of-way/easement in metric units:

Frontage: _____

Depth: _____

Width: _____
Area: _____
Proposed Use: _____

5. Surplus Farm Dwelling Severances Only: List all properties in Norfolk County, which are owned and farmed by the applicant and involved in the farm operation

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 _____
Date of Land Purchase: _____

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 _____
Date of Land Purchase: _____

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 _____
Date of Land Purchase: _____

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 _____
Date of Land Purchase: _____

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 _____
Date of Land Purchase: _____

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

D. All Applications: 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:

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. All Applications: 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. All Applications: 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 _____

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. All Applications: Servicing and Access

1. Indicate what services are available or proposed:

Water Supply

- | | |
|--|---|
| <input type="checkbox"/> Municipal piped water | <input type="checkbox"/> Communal wells |
| <input type="checkbox"/> Individual wells | <input type="checkbox"/> Other (describe below) |
-

Sewage Treatment

- | | |
|---|---|
| <input type="checkbox"/> Municipal sewers | <input type="checkbox"/> Communal system |
| <input type="checkbox"/> Septic tank and tile bed in good working order | <input type="checkbox"/> Other (describe below) |
-

Storm Drainage

- | | |
|---|---------------------------------------|
| <input type="checkbox"/> Storm sewers | <input type="checkbox"/> Open ditches |
| <input type="checkbox"/> Other (describe below) | |
-

2. Existing or proposed access to subject lands:

- | | |
|---|---|
| <input type="checkbox"/> Municipal road | <input type="checkbox"/> Provincial highway |
| <input type="checkbox"/> Unopened road | <input type="checkbox"/> Other (describe below) |

Name of road/street:

G. All Applications: 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:

- ☐ 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

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.

Mike Hogeveen
Owner/Applicant/Agent Signature

03/21/23
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 Peter & Judith Porter & Mike Hogeveen am/are the registered owner(s) of the lands that is the subject of this application.

I/We authorize Mary Elder of Elder Plans Inc. 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.

Mike Hogeveen
Owner
Peter Porter
Owner
Judith Porter

03/21/23
Date
03/21/23
Date

***Note:** If property is owned by an Ontario Ltd. Corporation, Articles of Incorporation are required to be attached to the application.

K. Declaration

I, Mary Elder 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:

Simcoe

Mary Elder
Owner/Applicant/Agent Signature

In Norfolk County

This 29 day of March

A.D., 2023

Jodi Lynn Pfaff-Schimus
A Commissioner, etc.

Jodi Lynn Pfaff-Schimus, a
Commissioner, etc., Province of Ontario.
for the Corporation of Norfolk County.
Expires March 1, 2025.

Concept Plan

8 Silver Lake Drive

Mike Hogveen

HL Zone provisions

1-Z-2014 none

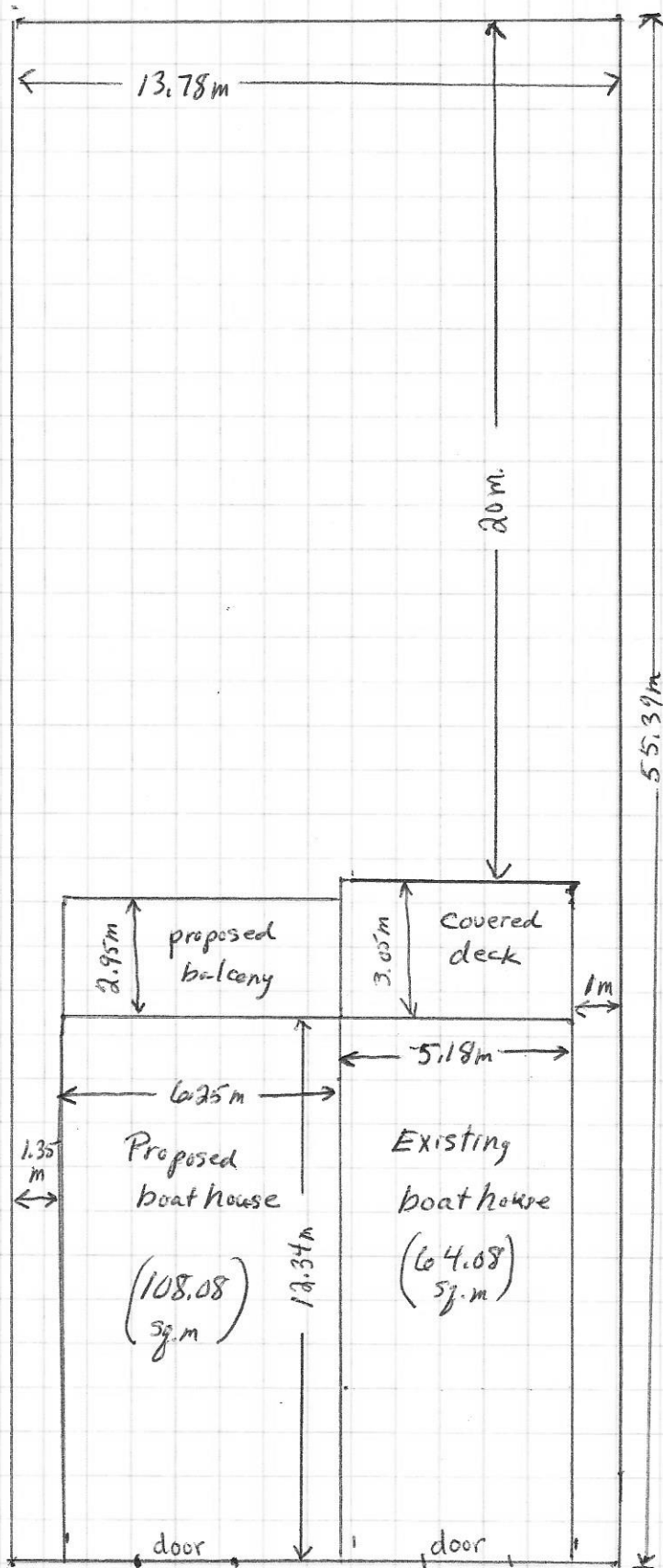
non-conforming use addition

NW 1-2000 Hazard Land Zone

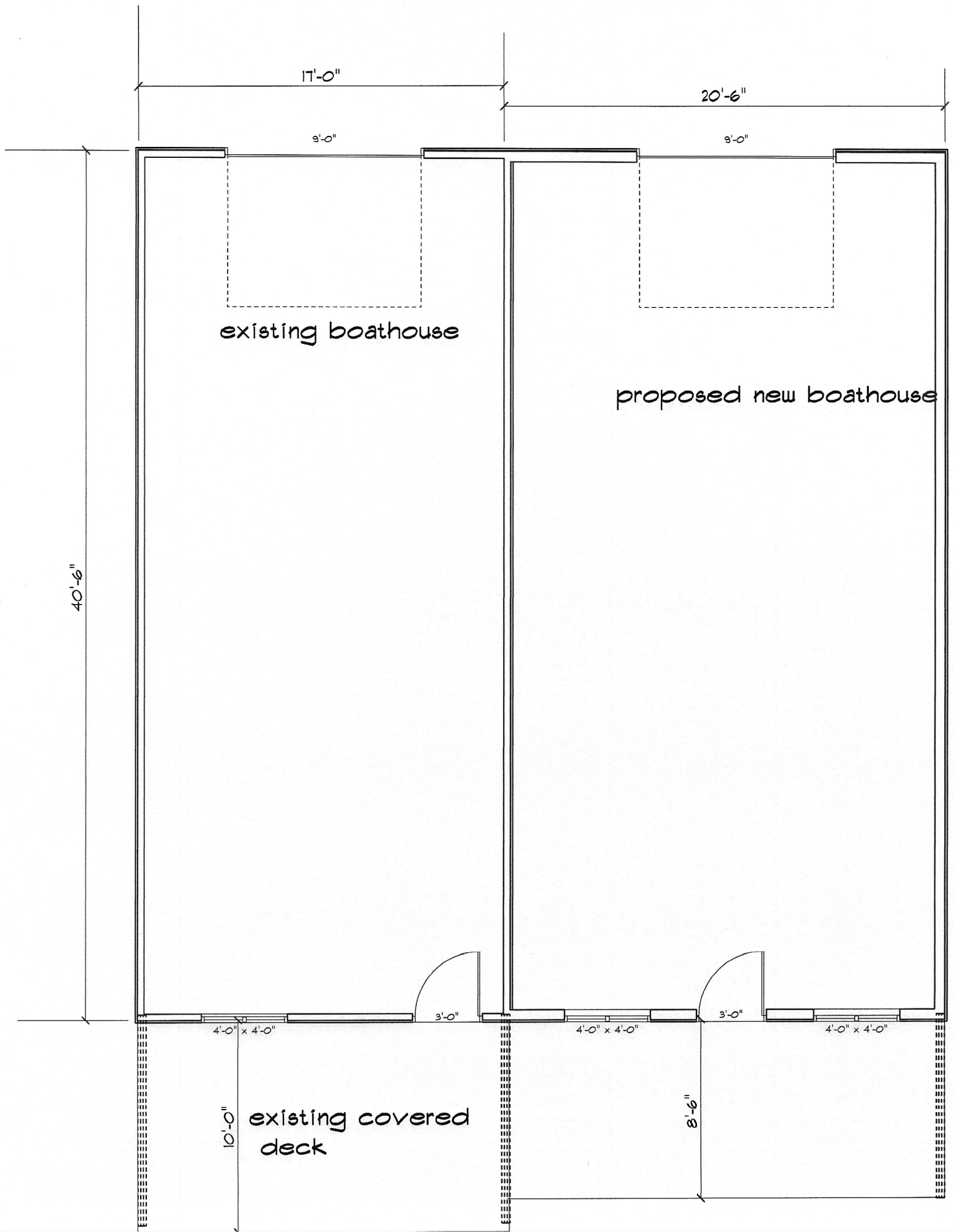
9.3.4 and 9.3.5

Provision	Required	Proposed
1. front yard	6m	20m.
2. interior side yard	1 m	1m & 1.35m
3. min rear yard	0m	0 m.
4. max. building height	5m	7.04m
5. max. useable floor area	40 sq.m	108.08 sq.m.
6. parking spaces (1 per 35 sq.m)	5	0

Silver Lake Drive



Lynn River





1.0 Introduction

The purpose of this report is to provide planning rationale for an enlargement/addition to a boathouse located on lands abutting the Lynn River and fronting on Silver Lake Road in Port Dover. The property is jointly owned by the Porter's and the Hogeveen's.

The subject lands are located at 8 Silver Lake Road and, in the Norfolk County Official Plan, are designated Urban Waterfront and are within the Lynn River/Black Creek Special Policy Area and also the Lakeshore Secondary Plan. These lands are zoned "HL" in the Norfolk County Zoning By-Law 1-Z-2014.

This report includes a review of the legally existing non-conforming use and Section 45.2 of the Planning Act regarding non-conforming uses and section 3.24 of the County Zoning By-law 1-Z-2014 along with a review of the Provincial Policy Statement, Norfolk Official Plan and Norfolk Zoning By-law 1-Z-2014.

2.0 Site description and neighbouring land uses

The subject lands front on the south side of Silver Lake Drive in the Port Dover Urban Area. The land slopes steeply away from the road toward the Lynn River which forms the southerly property boundary. There are boathouses on either side of the subject lands. Beyond that residential uses predominate to the north and east. Across the Lynn River, the site of a former fertilizer plant is proposed for redevelopment. Marine commercial uses have occupied the lands to the south for years but residential development is proposed.

3.0 Development Proposal

A new boathouse is proposed which will be an enlargement/addition to an existing 64.08 sq m (5.18 m by 12.34 m) boathouse owned by the Porter's. The new Hogeveen boathouse addition will be 7.04 m in height. It will be 77 sq m in size (6.24 m wide by 12.34 m long) and will have a 31.08 sq m second story storage area at the land end (north). The total usable floor area will be 108.08 sq m. The proposed addition is sized to fit the owner's boat and cover an existing boat slip. Basically, it replaces a previous boathouse that was too small to house the owner's boat.

The boat house over a boat slip and an uncovered boat slip are present on the subject lands and have continually stored boats since before the City of Nanticoke Zoning By-law NW-1-2000 (predecessor to the Norfolk County Zoning By-law). In this by-law, a boathouse was a permitted use in the Hazard Land zone. About 20 to 25 years ago a boathouse covered each boat slip but the one on the right side of the lot had to be torn down as the owner's boat did not fit into it.

4.0 Policy Review

4.1 Planning Act – Zoning By-laws –

Ontario Planning Act	Comments
<p>Section 34 (9) Excepted lands and buildings</p> <p>(9) No by-law passed under this section applies,</p> <p>(a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or</p> <p>(b) in regards to issued permits . . .</p> <p><i>-not applicable to this situation.</i></p>	<p>The storage of boats either within a boathouse or in a boat slip has been lawfully permitted and carried out on this property since at least the time of the first City of Nanticoke Zoning By-law (1-NA-86) and likely the previous Township of Woodhouse Zoning By-law (first known zoning by-law). A boathouse and dock, pier or wharf are listed as a permitted uses in the Hazard Land Zone of the former City of Nanticoke Zoning By-law NW-1-2000. This by-law was replaced by the current Norfolk County Zoning By-law 1-Z-2014.</p> <p>Boathouses under this current by-law are only permitted as accessory uses to residential uses in section 3.2.2 and in the Marine Commercial and Marine Industrial zones.</p>
<p>Section 45 (2)</p> <p>In addition to its powers under subsection (1), the committee, upon any such application,</p> <p>(a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,</p> <p>(i) the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or</p> <p>(ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously</p>	<p>This proposal is to enlarge the existing legal non-conforming boathouse through an addition so that it covers the existing boat slip as it previously did. Boat storage in the two boat slips has been continuous on this property for many years. The enlargement of the existing boathouse which covers one of the boat slips, will not extend beyond the limits of the land owned by the applicants.</p> <p>Therefore, according to Section 45 (2) Committee may approve the enlargement of the boathouse.</p>

permitted by the committee continued until the date of the application to the committee; or(b)where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law. R.S.O. 1990, c. P.13, s. 45 (2).	
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Based on the history of use and the Zoning By-laws, the boathouse is considered a legal non-conforming use. The proposed enlargement should be reviewed and approved under section 45.2 of the Planning Act.

4.2 Provincial Policy Statement (2020)

The Provincial Policy Statement guides land uses planning for the entire province and the policies are to be read in their entirety. Decisions regarding land use planning matters are to be consistent with the Provincial Policy Statement. The following is a review of pertinent policies for this development proposal.

Provincial Policy Statement	Comments
<p>3.1 Natural Hazards</p> <p>3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:</p> <p>a) hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;</p> <p>b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and</p> <p>c) hazardous sites.</p> <p>3.1.2 Development and site alteration shall not be permitted within:</p> <p>c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and</p>	<p>Although the boathouse addition is considered development in hazardous lands, it is expected that a boathouse would be adjacent to a body of water which is normally considered hazard land. A boathouse should be permitted. No human habitation is planned, only boat and boating equipment storage. There is safe access from Silver Lake Drive to the property and the boathouse.</p>

<p>d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding</p>	
<p>3.1.4 Despite policy 3.1.2, development and site alteration may be permitted in certain areas associated with the flooding hazard along river, stream and small inland lake systems:</p> <p>a) in those exceptional situations where a Special Policy Area has been approved. The designation of a Special Policy Area, and any change or modification to the official plan policies, land use designations or boundaries applying to Special Policy Area lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry prior to the approval authority approving such changes or modifications; or</p> <p>b) where the development is limited to uses which by their nature must locate within the floodway, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows</p>	<p>As a legally existing non-conforming use, the enlargement of the existing boathouse should be permitted as the very nature of a boathouse requires access to navigable water. The owners will work with the Conservation Authority to obtain a permit. The enlargement will provide shelter to a boat that has been stored outside. No human habitation is to occur. Should it be necessary to access the boathouse during times of flooding, safety would be the top concern. As the boathouse will be between other existing boathouses and over an existing boat slip, it is not anticipated to affect flood flows.</p>
<p>3.1.7 Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:</p> <p>a) development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;</p> <p>b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;</p> <p>c) new hazards are not created and existing hazards are not aggravated; and</p> <p>d) no adverse environmental impacts will result.</p>	<p>The owner is aware the property is prone to damage from flooding during Lake Erie storm events, contains riverine flooding and erosion hazards and is within the Regulation Limit of O.Reg. 178/06. A permit from the Long Point Region Conservation Authority is required prior to any site development. <i>(based on direct communication from the Authority)</i></p> <p>Flood proofing, protection works and safety will all be vetted through the Conservation Authority permitting process. As an extension to an existing boathouse that will essentially replace a former boathouse, no new hazards will be created or existing ones aggravated.</p> <p>No adverse environmental impacts are anticipated. Fish habitat will be respected and any necessary permits obtained.</p>

A boathouse, by its very purpose, has to be located in Hazard Land. Working with the Long Point Region Conservation Authority, it is anticipated that appropriate measures can be taken in planning the addition to the existing boathouse to obtain a permit under O.Reg. 178/06. Through this work Provincial Policy will be upheld.

4.3 Norfolk County Official Plan

The County Official Plan contains policy to direct development in Hazard Lands and for non-conforming land uses.

Norfolk County Official Plan	Comments
6.5.2.4 Lynn River/Black Creek Special Policy Area In addition to the land uses permitted in the underlying land use designation, the following uses shall be permitted within the Lynn River/Black Creek Special Policy Area: ii) commercial and recreational uses catering specifically to boaters	The proposed addition to a boathouse is a recreational use catering specifically to its owners who are boaters.
7.3 Hazard Land Designation 7.3.1 Permitted Uses a) Uses legally existing on the date of adoption of this Plan shall be permitted.	Boathouses were permitted uses in the Hazard Land Zone of the City of Nanticoke Zoning By-law NW-1-2000 and were established on this property when the Norfolk County Official Plan was adopted in 2006.
7.3.2.1 Flood Plain (Riverine) Policies e) Replacement, minor infilling, minor additions, and redevelopment in some areas of existing development, located within the Hazard Lands Designation, may be permitted, subject to the policies of Section 9.10.2 (Non-conforming Uses). In such an area of existing development, infilling and redevelopment may be considered after detailed study of each local situation in consultation with the appropriate Conservation Authority. Proponents of development in such areas must undertake hazard minimization measures which meet the requirements of the appropriate Conservation Authority and other appropriate approval agencies.	<p>The proposed addition to the existing boathouse may also be considered a replacement of a boathouse that previously covered the existing boat slip. There are boathouses on either side of the subject lands so one could also consider the proposal minor infilling.</p> <p>The proposed 77 sq m addition is sized to fit over the existing boat slip and house a large boat currently owned. It is in the middle of several boathouses. With these considerations, the proposal is minor in nature.</p> <p>The owners want to work with the Conservation Authority to ensure plans</p>

<p>Proponents may be required to enter into an agreement regarding the undertaking of such measures.</p> <p>f) Any new development permitted in the flood plain shall be protected by acceptable flood proofing actions and measures.</p>	<p>meet their approval and that of any other approval agency. It is in the owner's best interest to ensure hazard minimization measures are taken and flood proofing measures and actions are utilized.</p>
<p>9.10.1 Existing Uses</p> <p>The following shall be the policy of the County:</p> <p>a) Nothing in this Plan shall affect the continuance of uses legally existing on the date this Plan was adopted by Council.</p>	<p>The existing boathouse and abutting boat slip were legally existing in 2006 when the Official Plan was adopted.</p>
<p>9.10.2 Non-Conforming Uses</p> <p>The County recognizes that some existing uses will not be consistent with all of the policies of this Plan. Notwithstanding the policies of this Plan to the contrary, such uses <u>may be permitted in the Zoning By-law in accordance with the legally existing standards on the date of adoption of this Plan</u>. To recognize such uses, the County may also develop suitable zone categories with appropriate standards in the Zoning By-law, provided that:</p> <p>a) The specific zone category shall not permit a change of use that would aggravate any situation detrimental to adjacent uses;</p> <p>b) The use or uses permitted shall not constitute a danger to surrounding uses and persons by creating any hazardous situations;</p> <p>c) The use or uses do not interfere with the desirable development of adjacent areas; and</p> <p>d) Minor adjustments to the boundaries of sites, or minor extensions of sites containing non-conforming uses that are recognized in the Zoning By-law shall be deemed to conform to this Plan.</p>	<p>The Zoning By-law NW-1-2000 for the City of Nanticoke was in effect when the Norfolk Official Plan was adopted. The legally existing standards are contained in it and will be examined in the next section regarding the Zoning By-law.</p> <p>A zone category to recognize legally existing uses that are non-conforming has not been developed by the County.</p>

The proposed addition to a legally existing boathouse should be considered minor, an infilling or even the replacement of a boathouse because of the previous boathouse and existing large boat slip situated between existing boathouses. The owner's intend to work on hazard minimization and flood proofing with the Conservation Authority to obtain a permit.

4.4 Norfolk County Zoning By-Law 1-Z-2014

The Norfolk County Zoning By-law regulates the use of lands, the frontage and depth of a parcel of land, the proportion of land occupied by a building or structure, the erection, use, height, bulk, size, floor area, spacing and location of building and structures, and the provision of parking facilities. It also provides exceptions for non-conforming uses.

Norfolk County Zoning By-Law	Comments
Site is currently zoned Hazard Land "HL"	No buildings are permitted. So thee non-conforming uses section must be utilized.
3.2.2 Boathouse Notwithstanding Subsection 3.2.1, a boathouse as an accessory use to a residential use shall comply with the provisions in the applicable Zone and with the following provisions:	As the boathouse is not accessory to a residential use, the provisions outlined in this section are not applicable.
3.24 Non-Conforming Uses 3.24.1 Nothing in this By-Law shall apply to prevent the use of any land, building or structure for any purpose prohibited by this By-Law if such land, building or structure was lawfully established and used for such purpose on the date of the passing of this By-Law, and provided that it continues to be used for that purpose.	In 2014, when Zoning By-law 1-Z 2014 was approved, the boathouse and adjacent boat slip were legally existing land uses on the subject lands through the previous Zoning By-law NW-1-2000 and its predecessors. The boathouse and boat slip have been continually used for boat storage.
3.24.2 Nothing in this By-Law shall prevent the strengthening or restoration of a nonconforming building or structure to a safe condition so long as the strengthening or restoration does not alter the height, area, size or volume of the building or structure or changes its use to other than a conforming use.	The proposed addition is not a strengthening or restoration so this section is not applicable.
3.24.3 Nothing in this By-Law shall prevent a non-conforming building or structure, which is partially or fully damaged or destroyed from being restored or reconstructed provided yard depths, height, area, size or volume of the building or structure as it existed at the time prior to the damage or destruction are maintained or compliance with regulations of the Zone in which the building or structure is located is not further reduced.	The proposed addition is not a restoration and it has been too long since the original boathouse was removed to consider the proposal a replacement. So this section is not applicable in this situation.

<p>3.25 Non-Complying</p> <p>Nothing in this By-Law shall prevent a non-complying building or structure from being enlarged, extended, reconstructed, repaired, renovated or used provided that the enlargement, extension, reconstruction, repair or renovation does not further reduce the compliance of the building or structure with any provision of this By-Law.</p>	<p>The proposed addition/extension to the existing boathouse will not further reduce compliance to provisions the Norfolk County Zoning By-law as there are none.</p>
<p>In the City of Nanticoke Zoning By-law NW-1-2000, Section 9.3.4 the HL zone provisions are;</p> <ul style="list-style-type: none"> a) Minimum front yard – 6 m <ul style="list-style-type: none"> i. Minimum interior side yard for a mutual boathouse with a common lot line – 0 m ii. And for all other structures – 1 m b) Minimum rear yard setback for a boathouse, dock, pier or wharf where the rear lot line abuts as navigable water course – 0 m c) Maximum building height – 5 m d) Maximum usable floor area for a boathouse – 40 sq m 	<p>In Official Plan policy section 9.10.2 it is stated <i>“Notwithstanding the policies of this Plan to the contrary, such uses may be permitted in the Zoning By-law <u>in accordance with the legally existing standards on the date of adoption of this Plan”</u></i> Those standards are found in NW-1-2000 and set out in the left column. As recommended by County planning staff, a minor variance is being sought as relief is needed for the size and height provisions of the day. This relief is needed due to the size of the existing boat slip and size of the boat to be stored in the addition.</p>

The boathouse is a legally existing non-conforming use. Enlarging the boathouse to fit over the existing boat slip and accommodate the owners boat requires additional height and size not envisioned in the NW-1-2000 Zoning By-law. The exception for a 7.04 m height and boathouse with second floor boating equipment storage of 108.08 sq m is considered appropriate in this situation. The height is needed in order to get the needed width. The storage area will reduce the need to carry equipment to and from the site. With no on site parking this is important.

5.0 Review Summary

The proposed addition/enlargement of a legally existing boathouse should be supported. Under Section 45 (2) of the Planning Act the Committee of Adjustment has authority to approve the enlargement of a lawfully existing use as long as the use has continued and will not extend onto another property as it is permitted in

Although the Provincial Policy Statement generally directs development away from hazardous areas, exceptions are permitted for uses that must be located there. Boathouses by their very nature need to be located next to a body of navigable water. No human habitation is to occur in the boathouse and a

permit will be obtained as required from the Long Point Region Conservation Authority. Any fish habitat will be protected. Flood proofing measure and hazard minimization will be undertaken.

The Norfolk County Official Plan permits recreational uses for boaters in the Lynn River/Black Creek Special Policy Area. In the Hazard Land designation, legally existing uses are permitted. As the Nanticoke Zoning By-law NW-1-2000 permitted boathouses in the Hazard Land Zone and was in effect when the Official Plan was adopted in 2006 and the boathouse was established well before that, legal non-conformity is established. According to Section 9.10.2 non-conforming uses may be permitted in the Zoning By-law in accordance with the legally existing standards on the date of adoption of the Official Plan.

In considering the Zoning By-law and an approval for an addition/enlargement to a non-conforming use, exceptions for the size and height provisions of Zoning By-law NW-1-2000 are needed. There is also no on site parking and no way to provide it. Due to the cluster of boathouses along the Lynn River and the subject lands being within the cluster, the proposal should be considered appropriate infilling. As the existing boat slip and boat to be housed are larger than the provisions provide for an exception should be supported. Due to the width needed to cover the boat slip additional height is needed to span across the width at the height needed for the boat. Height considerations also must account for times of higher water levels. The additional usable floor area on a planned second story at the land end of the boathouse will be used for storage of marine equipment. This will be much safer than carrying equipment in and out from neighbouring streets as there is no available parking on the subject lands and no way to provide it. These are appropriate reasons to grant the requested exceptions.

In summary I find the proposed boathouse addition appropriate in this situation and good planning.

Respectfully submitted,

Mary Elder MCIP RPP

MAP A


CONTEXT MAP

Urban Area of PORT DOVER

ANPL2023141

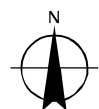


Legend

 Subject Lands

2020 Air Photo

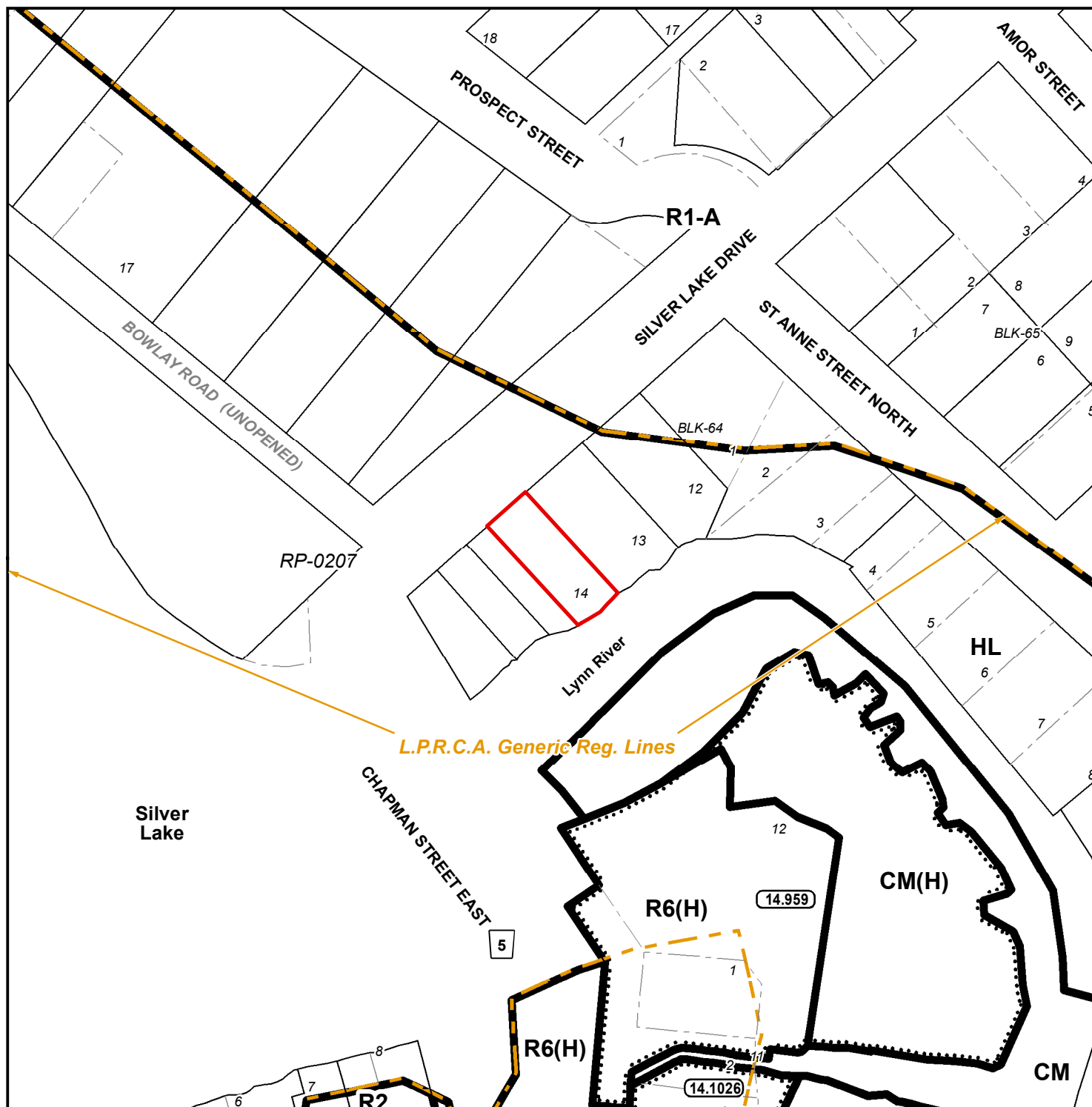
5/23/2023



20 10 0 20 40 60 80 Meters

MAP B
ZONING BY-LAW MAP
 Urban Area of PORT DOVER

ANPL2023141



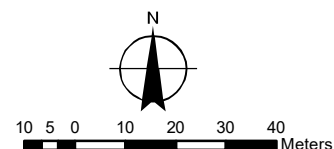
LEGEND

- Subject Lands
- LPRCA Generic RegLines

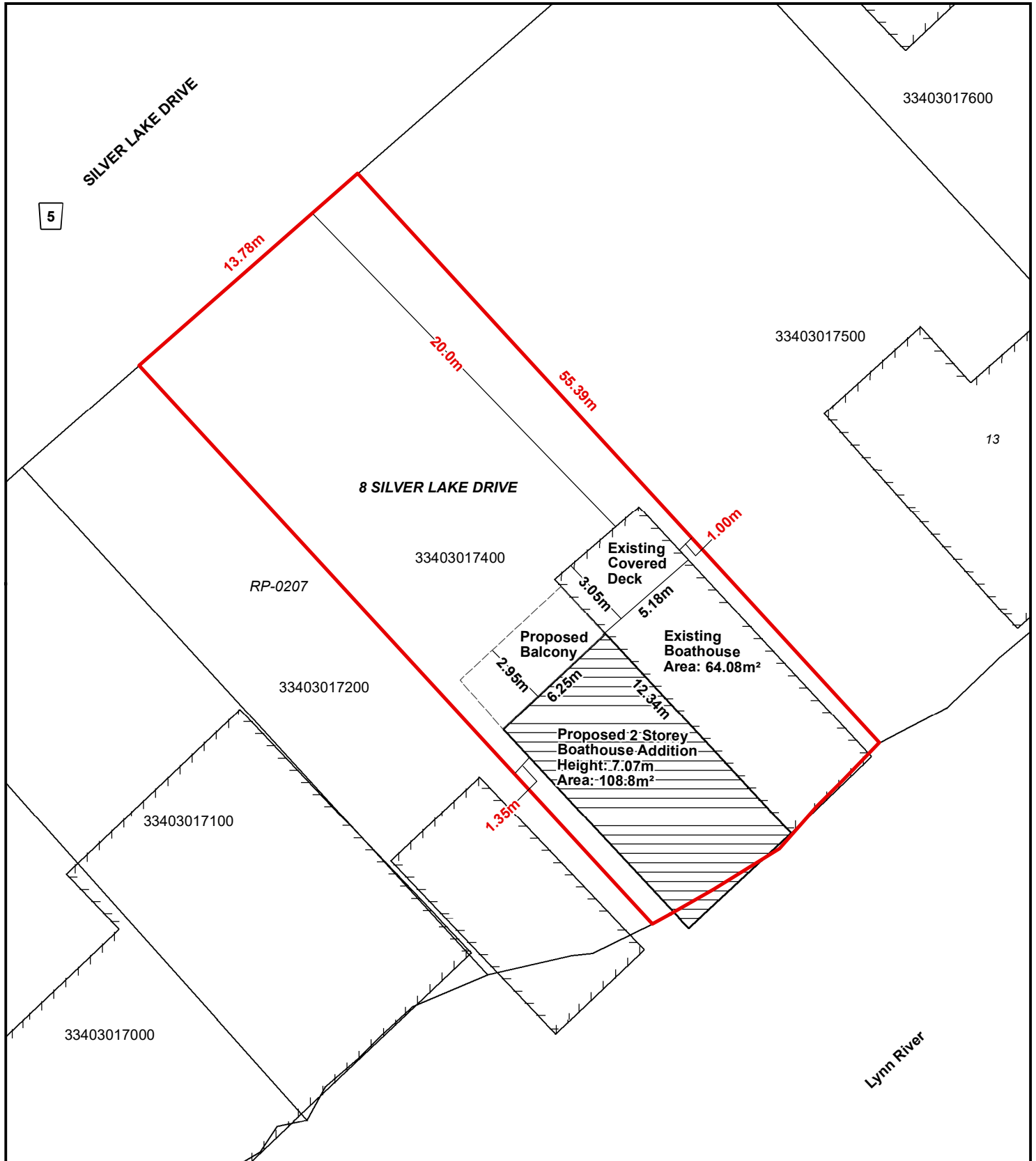
ZONING BY-LAW 1-Z-2014

5/23/2023

- (H) - Holding
- CM - Marine Commercial Zone
- HL - Hazard Land Zone
- R1-A - Residential R1-A Zone
- R2 - Residential R2 Zone
- R6 - Residential R6 Zone



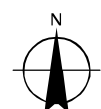
CONCEPTUAL PLAN
Urban Area of PORT DOVER



Legend

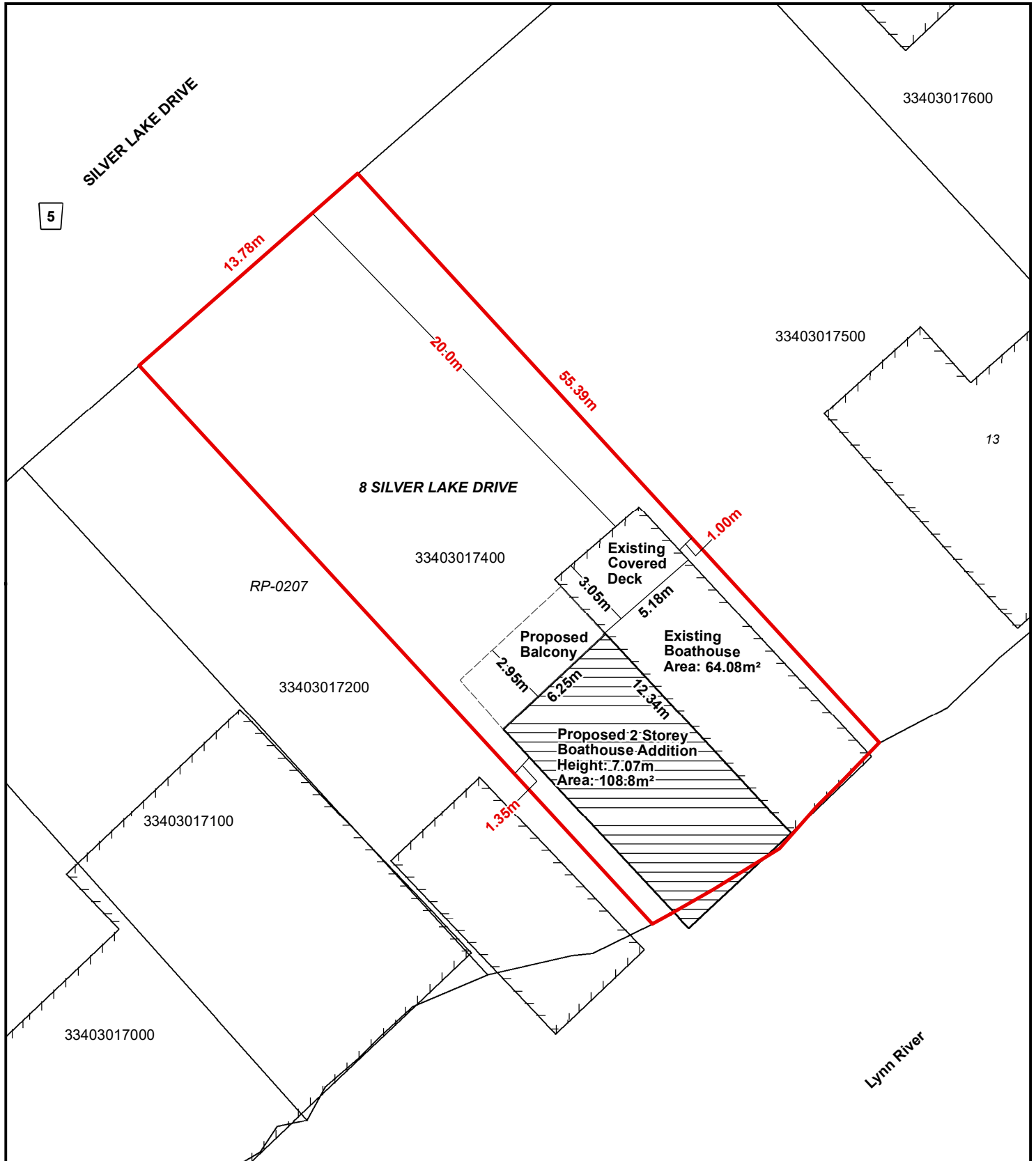
Subject Lands

5/23/2023



2 1 0 2 4 6 8 Meters

CONCEPTUAL PLAN Urban Area of PORT DOVER



Legend

Subject Lands

5/23/2023

