

	ANPL2023173		\$1711.00
	ANPL2023190		\$1711.00
For Office Use Only:	BNPL2023189		\$3089.00
File Number		Application Fee	
Related File Number	BNPL2023174	Conservation Authority Fee	\$5145.15
Pre-consultation Meeting		Well & Septic Info Provided	N/A
Application Submitted	Resub. June 19, 2023	Planner	Hanne Yager
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: 33 10 493 110 40600 0000 & 33 10 493 110 40400 0000

A. Applicant Information

Name of Owner (Estate of) Roy MacPherson - c/o Carol Anderson & Gail Lazzarato, executors

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 18-800 Main Street (Carol Anderson)

Town and Postal Code Port Dover N0A 1N0

Phone Number 519-717-2280

Cell Number

Email cedarlace15@gmail.com

Name of Applicant Gail Lazzarato

Address 311 Sulphur Springs Road

Town and Postal Code Ancaster L4G 4T7

Phone Number 905-304-9956

Cell Number 905-577-7311

Email gail.lazzarato@gmail.com

Name of Agent	<u>Daniel Zulauf</u>
Address	<u>63 Charlotte Street</u>
Town and Postal Code	<u>Brantford N3T 5M3</u>
Phone Number	<u>519-756-8700</u>
Cell Number	<u>N/A</u>
Email	<u>dzulauf@dudleylambert.com</u>

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 mortgages, charges or other encumbrances on the subject lands:

None

B. Location, Legal Description and Property Information

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

LT 28, 30 PL 226; NORFOLK COUNTY

Municipal Civic Address: 63 Cedar Drive & 2 Harold Street, Turkey Point, Ontario N0E 1W0

Present Official Plan Designation(s): Resort Residential (RR)

Present Zoning: Resort Residential (RR)

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:

vacation homes

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 vacation homes (one on each lot), one shed (Harold Street lot). Sketch of the cottages is 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.

N/A

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:

N/A

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:

Not sure, but at least pre-dating October 1, 1962 when the first of the two lots was purchased by the deceased.

9. Existing use of abutting properties:

vacation homes

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	12.19m	15m	5.8.2b)i)	12.19m	2.81m
Lot depth	18.26m (irreg)			19.54m (irreg)	
Lot width	13.12m (irreg)			13.12m (irreg)	
Lot area	0.02312 ha	0.4 ha	5.8.2a)	0.02518 ha	0.37482ha
Lot coverage	39.2%	15%	5.8.2h)	25.9%	10.9%
Front yard		6m	5.8.2c)	3.05m	none
Rear yard		9m	5.8.2f)	1.52m	7.48m
Height		9.1m	5.8.2g)		
Left Interior side yard		1.2m	5.8.2e)i)	4.39m	none
Right Interior side yard		1.2m	5.8.2e)i)	0.62m	0.58m
Exterior side yard (corner lot)		N/A			
Parking Spaces (number)		N/A			
Aisle width		N/A			
Stall size		N/A			
Loading Spaces		N/A			
Other		3m/1.5m	3.6.c)/d)	1.68m/2.96m	1.32m/1.46m

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	15.24m	15m	5.8.2b)i)	15.24m	none
Lot depth	25.45m (Irreg)			25.45m (Irreg)	
Lot width	15.17m (irreg)			15.17m (irreg)	
Lot area	0.03515ha	0.4 ha	5.8.2a)	0.03309ha	0.36691ha
Lot coverage	13.1%	15%	5.8.2h)	13.8%	none
Front yard		6m	5.8.2c)	0.24m	4.21m
Rear yard		9m	5.8.2f)	9.27m	none
Height		9.1m	5.8.2g)		
Left Interior side yard		1.2m	5.8.2e)i)	9.2m	none
Right Interior side yard		1.2m	5.8.2e)i)	0.95m	0.25m
Exterior side yard (corner lot)		N/A			
Parking Spaces (number)		N/A			
Aisle width		N/A			
Stall size		N/A			
Loading Spaces		N/A			
Other		3m/1.5m	3.6.c)/d)	9.27m/1.55m	none/0.05m

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

This is a boundary adjustment. Buildings on the lots are legal non-conforming and setback deficiencies for the proposed lots are unchanged from prior to adjustment

3. **Consent/Severance/Boundary Adjustment:** Description of land intended to be severed in metric units:

Frontage: none
Depth: 13.12 (irregular)
Width: 1.28 (irregular)
Lot Area: 0.00206 hectares
Present Use: vacation home
Proposed Use: vacation home

Proposed final lot size (if boundary adjustment): 0.02518 hectares

If a boundary adjustment, identify the assessment roll number and property owner of the lands to which the parcel will be added: ~~33 10 493 110 40400 0000~~

owner: (Estate of) Roy MacPherson 3310493110406000000 - 63 Cedar H G

Description of land intended to be retained in metric units:

Frontage: 15.24
Depth: 25.45 (irregular)
Width: 15.17 (irregular)
Lot Area: 0.03309 hectares
Present Use: vacation home
Proposed Use: vacation home

Buildings on retained land: one vacation home

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

Frontage: N/A
Depth: N/A

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

This is a boundary adjustment. Buildings on the lots are legal non-conforming and setback deficiencies for the proposed lots are unchanged from prior to adjustment

3. **Consent/Severance/Boundary Adjustment:** Description of land intended to be severed in metric units:

Frontage: none
Depth: 13.12 (irregular)
Width: 1.28 (irregular)
Lot Area: 0.00206 hectares
Present Use: vacation home
Proposed Use: vacation home

Proposed final lot size (if boundary adjustment): 0.02518 hectares

If a boundary adjustment, identify the assessment roll number and property owner of the lands to which the parcel will be added: ~~33-10-493-110-40400-0000~~

owner: (Estate of) Roy MacPherson 3310493110406000000 - 63 Cedar *Hg*

DZ

Description of land intended to be retained in metric units:

Frontage: 15.24
Depth: 25.45 (irregular)
Width: 15.17 (irregular)
Lot Area: 0.03309 hectares
Present Use: vacation home
Proposed Use: vacation home

Buildings on retained land: one vacation home

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

Frontage: N/A
Depth: N/A

Width: N/A
Area: N/A
Proposed Use: N/A

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:

Personal knowledge of owners

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:

No development, site alteration or change of use is being proposed.

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

If no, please explain:

No development, site alteration or change of use is being proposed.

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 180

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 120

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 210

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 checked="" 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 checked="" type="checkbox"/> Other (describe below) |
- holding tank (on each property)
-

Storm Drainage

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

2. Existing or proposed access to subject lands:

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

Name of road/street:

Cedar Drive & Harold 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.

See attached Appendix.

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

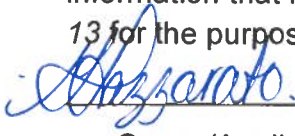
The owner acknowledges and agrees that if required it is their solicitor's responsibility on behalf of the owner for the registration of all transfer(s) of land to the County, and/or transfer(s) of easement in favour of the County and/or utilities. Also, the owner further acknowledges and agrees that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

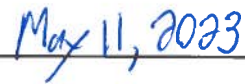
Permission is hereby granted to Norfolk County officers, employees or agents, to enter the premises subject to this application for the purposes of making inspections associated with this application, during normal and reasonable working hours.

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.



Owner/Applicant/Agent Signature



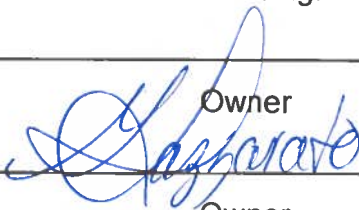
Date

J. Owner's Authorization

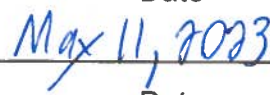
If the applicant/agent is not the registered owner of the lands that is the subject of this application, the owner must complete the authorization set out below.

I/We Carol Anderson & Gail Lazzarato am/are the registered owner(s) of the lands that is the subject of this application.

I/We authorize Daniel Zulauf 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

Date


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, Daniel Zulauf of the County of Brant

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:
the City of Brantford




Owner/Applicant/Agent Signature

In the Province of Ontario

This 11th day of May

A.D., 2023



A Commissioner, etc.

K. Declaration

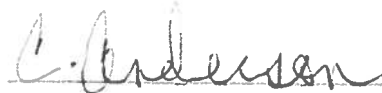
I, Daniel Zulauf of the County of Brant

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:

the City of Brantford




Owner/Applicant/Agent Signature

In the Province of Ontario

This 16 day of May

A.D., 2023


A Commissioner, etc.

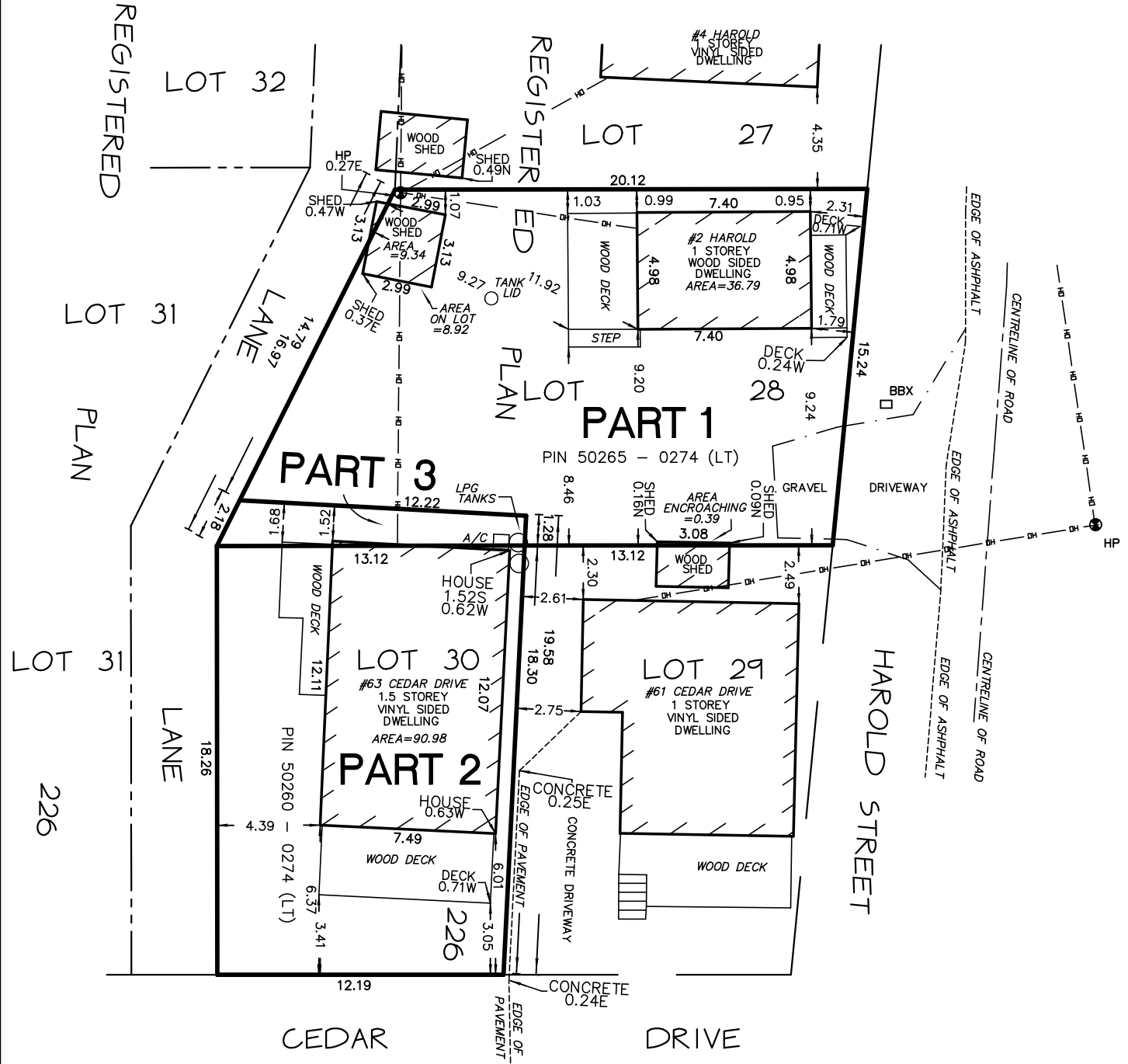
APPENDIX TO SEVERANCE/BOUNDARY ADJUSTMENT APPLICATION

The deceased, Roy MacPherson, purchased the property known municipally as 63 Cedar Street, Turkey Point (Lot 30, Plan 226) on October 1, 1962. The deceased later purchased the adjacent property 2 Harold Street, Turkey Point (Lot 28, Plan 226) on August 11, 1971.

The lawyer for the second purchase likely believed that Plan 226 was a registered plan of subdivision and that the properties would therefore not merge, being whole lots on that plan. Plan 226 was actually a Judge's Plan, however, which is not considered to be a registered plan of subdivision under the *Planning Act*. The two properties therefore merged in title when the second Transfer was registered and are now legally one single parcel which needs to be severed for the two properties to be dealt with separately.

After we had a survey done of the properties in January 2023, we discovered that there was a slight encroachment of the cottage on 63 Cedar Street over the former property line with 2 Harold Street. We are therefore proposing to also shift the property line slightly north of where it formally stood in order to eliminate that encroachment between the two properties.

SKETCH FOR
SEVERANCE APPLICATION
OF ALL OF
LOTS 28 & 30, REGISTERED PLAN 226
IN THE GEOGRAPHIC
TOWNSHIP OF CHARLOTTEVILLE
IN
NORFOLK COUNTY
SCALE: 1 : 250
JEWITT AND DIXON LTD.
JANUARY 19, 2023



	EXSISTING	PART 1	PART 2	PART 3
AREA (sq.m)	582.7m	330.9m	231.2m	20.6m
% LOT COVERAGE	23.5%	13.8%	39.2%	1.9%
FRONTAGE	12.19m	15.24m	12.19m	2.18m
WIDTH	27.73 (IRREG.)	15.17m (IRREG.)	13.12m (IRREG.)	1.28m (IRREG.)
DEPTH	33.43 (IRREG.)	25.45m (IRREG.)	18.26m (IRREG.)	13.12m (IRREG.)

NOTE:

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

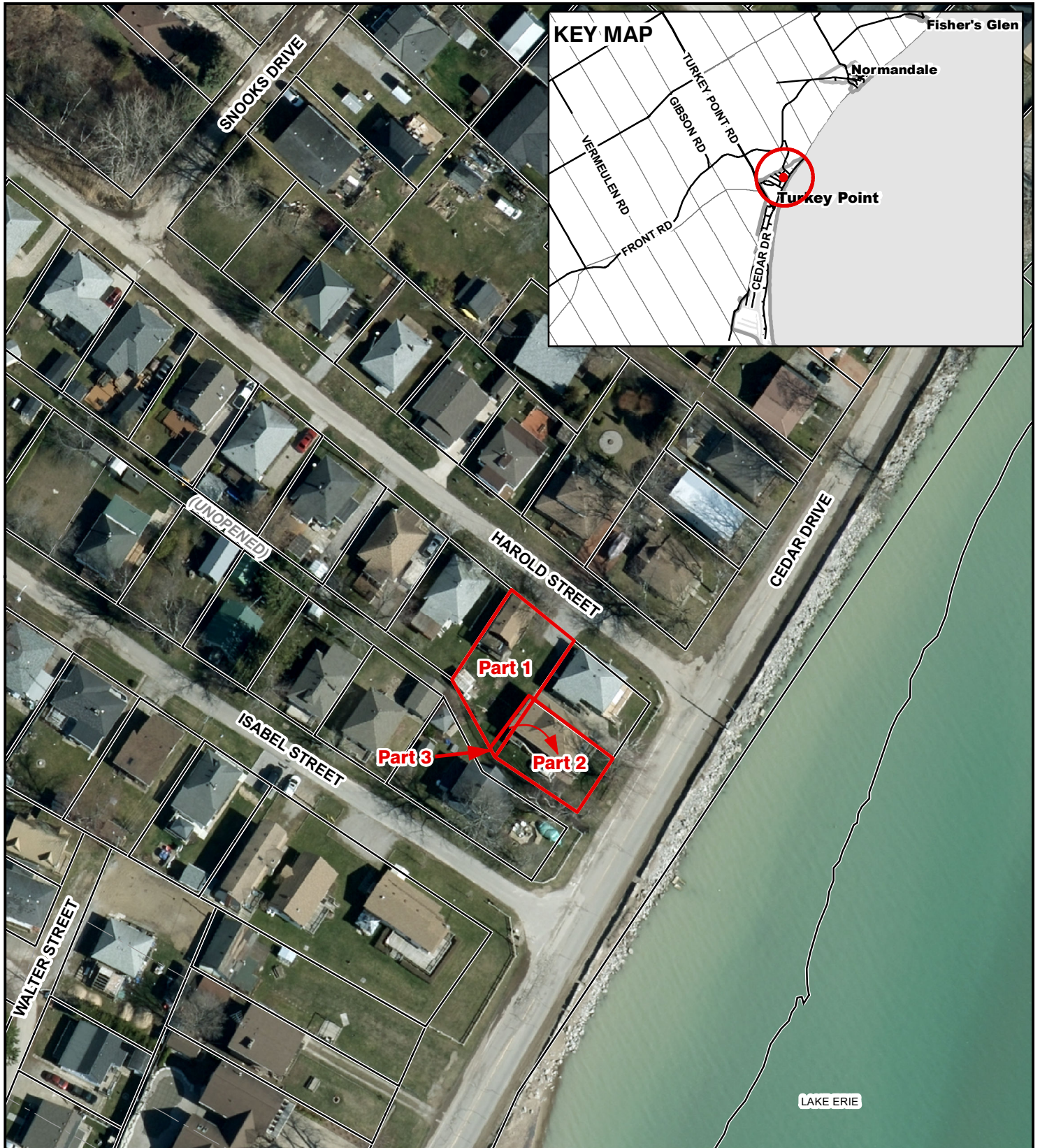
CAUTION:

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


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NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE, OR ALTER THIS PLAN, IN WHOLE OR IN PART, WITHOUT THE WRITTEN PERMISSION OF JEWITT AND DIXON LTD.

JEWITT AND DIXON LTD.
ONTARIO LAND SURVEYORS
R.R.1, SIMCOE, ONTARIO, N3Y 4J9
(51 PARK ROAD)

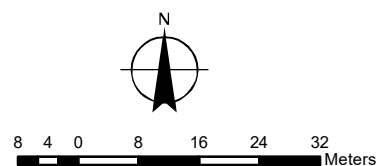
PHONE: (519) 426-0842
E-mail: info@jewittdixon.com



Legend

-  Subject Lands
- 2020 Air Photo

7/10/2023








Legend

 Subject Lands

Official Plan Designations

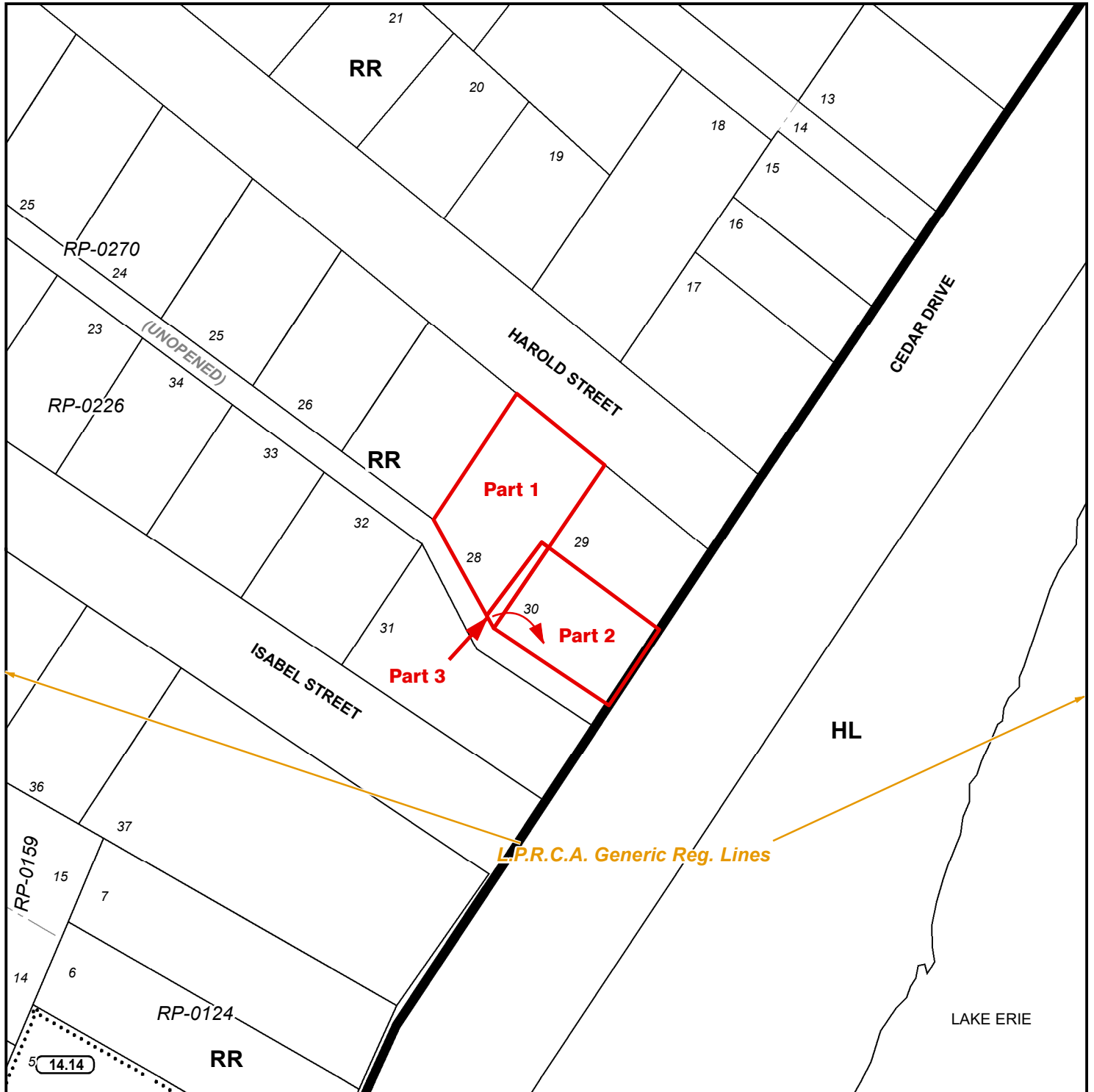
-  Resort Residential
-  Special Policy Area
-  Resort Area Boundary



6 3 0 6 12 18 24 Meters

MAP C
ZONING BY-LAW MAP
 Geographic Township of CHARLOTTEVILLE

ANPL2023173
 BNPL2023174
 BNPL2023189
 ANPL2023190



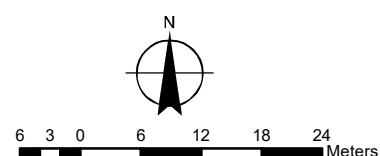
LEGEND

- Subject Lands
- LPRCA Generic RegLines

ZONING BY-LAW 1-Z-2014

7/10/2023

- (H) - Holding
- HL - Hazard Land Zone
- RR - Resort Residential Zone



MAP D

CONCEPTUAL PLAN

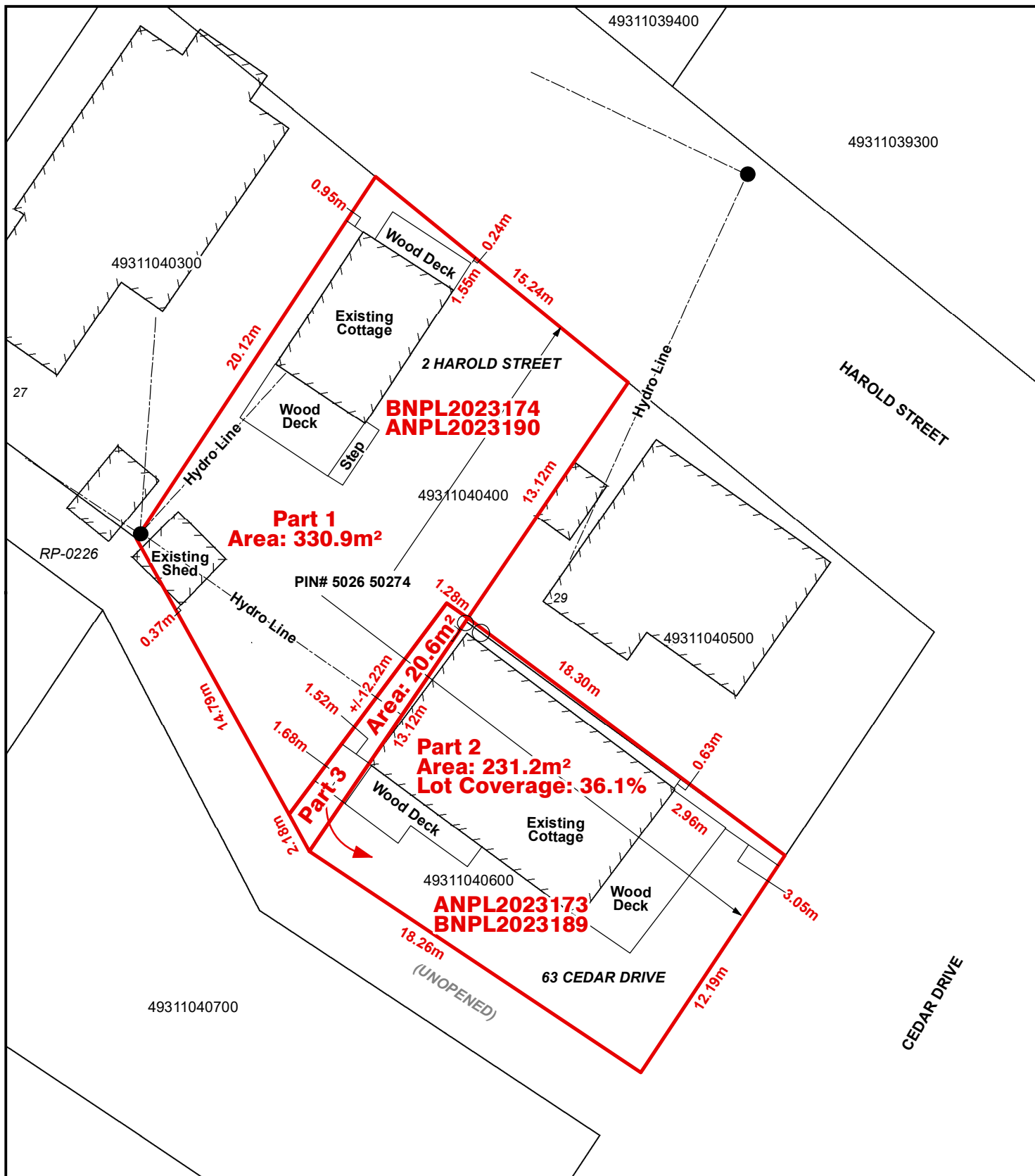
Geographic Township of CHARLOTTEVILLE

ANPL2023173

BNPL2023174

BNPL2023189

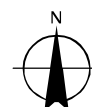
ANPL2023190



Legend

Subject Lands

7/10/2023



2 1 0 2 4 6 8 Meters

LOCATION OF LANDS AFFECTED

CONCEPTUAL PLAN

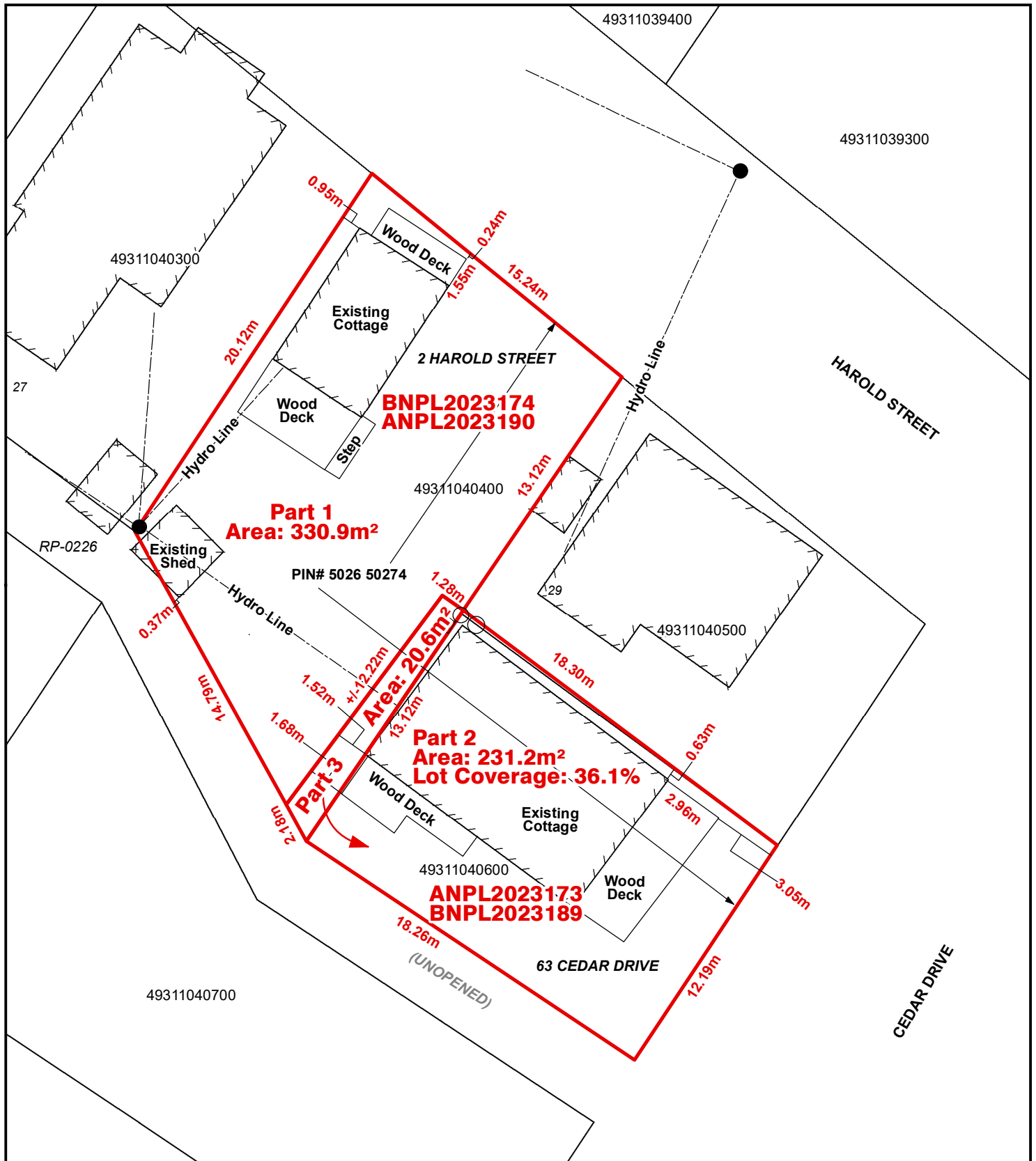
Geographic Township of CHARLOTTEVILLE

ANPL2023173


BNPL2023174

BNPL2023189

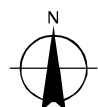
ANPL2023190



Legend

 Subject Lands

7/10/2023



2 1 0 2 4 6 8 Meters