

For Office Use Only:

File Number ANPL2023187
Related File Number _____
Pre-consultation Meeting _____
Application Submitted _____
Complete Application _____

Application Fee _____
Conservation Authority Fee _____
Well & Septic Info Provided _____
Planner _____
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: 3310-543-070-22600

A. Applicant Information

Name of Owner JANE ANNE BAMFORD

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 8 BETH COURT
Town and Postal Code TILLSONBURG, ONTARIO N4G 4N8
Phone Number 519-842-4669
Cell Number 519-983-1985
Email rbamford@execulink.com

Name of Applicant Robert and Jane Bamford
Address 8 Beth Court
Town and Postal Code Tillsonburg, On N4G 4N8
Phone Number 519-842-4669
Cell Number 519-983-1985
Email rbamford@execulink.com

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:

N/A

B. Location, Legal Description and Property Information

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

LOT 501, PT CLOSED PORTION OF DICKINSON AVENUE, PT BLOCK C, PLAN 436, GEOGRAPHIC TOWNSHIP OF SOUTH WALSHINGHAM

PARTS 2 & 3 OF 37R-7894 & PART 1 OF 37R-8117

Municipal Civic Address: 58 DICKINSON AVENUE

Present Official Plan Designation(s): RESORT RESIDENTIAL & HAZARD LANDS

Present Zoning: RR & 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:

SEASONAL- EXISTING STRUCTURE IS A COMBINATION BOATHOUSE & VACATION HOME WITH 5 BEDROOMS & 2 BATH

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:

EXISTING 2 STOREY BOATHOUSE/VACATION HOME- AREA OF 271.2 SQ M, LOT COVERAGE OF 14.8%

SETBACK OF 0.6 M FROM SOUTHERLY INTERIOR LOT LINE

SEE ATTACHED SURVEYOR'S REAL PROPERTY REPORT

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:

EXISTING BUILDING IS PROPOSED TO BE REPLACED WITH 2 STOREY, 9.1 M HIGH VACATION HOME/ BOATHOUSE IN THE SAME APPROXIMATE LOCATION WITH 4 BEDROOMS & 3 BATHROOMS

LOT COVERAGE- 14.73%, INTERIOR SIDE YARD WIDTH- 1.2 M- SEE ATTACHED SKETCH

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:

EXISTING STRUCTURE WAS BUILT IN 1957 (PER MPAC)

9. Existing use of abutting properties:

SEASONAL VACATION HOMES & BOATHOUSES, CHANNEL & PSW TO THE EAST & NORTH

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	20.117 M	15 M		20.117 M	
Lot depth	IRREGULAR- 45.68 M		N/A	IRREGULAR- 45.68 M	
Lot width	IRREGULAR- 22.61 M		N/A	IRREGULAR- 22.61 M	
Lot area	1795 SQ M	10000 SQ M		1827.6 SQ M	EXISTING DEFICIENCY
Lot coverage	14.8 %	15%		14.73%	
Front yard	13 M	6		13 M	
Rear yard	0	9 M		0	EXISTING DEFICIENCY
Height	8.5 M	9.1 M		9.1 M	
Left Interior side yard	0.55 M	3 M & 1.2 M		3 M & 1.2 M	
Right Interior side yard					
Exterior side yard (corner lot)	N/A	N/A	N/A	N/A	
Parking Spaces (number)	4	MIN. 2		> 4	
Aisle width	N/A	N/A	N/A	N/A	
Stall size					
Loading Spaces	N/A				
Other					

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

REPLACING EXISTING LEGAL NON-CONFORMING STRUCTURE WITH SIMILAR STRUCTURE IN SIMILAR LOCATION.

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:
LOCAL KNOWLEDGE

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 40 M

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 checked="" type="checkbox"/> Individual wells | <input type="checkbox"/> Other (describe below) |
-

Sewage Treatment

- | | |
|--|---|
| <input type="checkbox"/> Municipal sewers | <input type="checkbox"/> Communal system |
| <input checked="" 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 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:

DICKINSON AVENUE

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.

THIS APPLICATION IS BEING SUBMITTED IN ACCORDANCE WITH SECTION 45 (2) OF THE PLANNING ACT
TO PERMIT THE EXTENSION OF A LEGAL NON-CONFORMING USE.

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.

Jane Bamford
Owner/Applicant/Agent Signature

MAY 22/23
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 Jane Anne Bamford am/are the registered owner(s) of the lands that is the subject of this application.

I/We authorize Robert Bamford 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.

Jane Bamford
Owner

MAY 27/23
Date

Owner

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, Jane Bamford of Tillsonburg, ON

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:

TOWN OF TILLSONBURG

Jane Bamford
Owner/Applicant/Agent Signature

In THE COUNTY OF OXFORD

This 29th day of MAY

A.D., 2023

Janet P. Weaver

A Commissioner, etc.

JANET PATRICIA WEAVER,
a Commissioner, etc.,
Province of Ontario, for the
Corporation of the Town of
Tillsonburg. Expires April 22, 2026.

"LIGHTHOUSE CREEK"

"CHANNEL"

LOT 501
REGISTERED PLAN 436
(LONG POINT)
NORFOLK COUNTY
LOT AREA = 19,691 sq. ft.
(1829.4 sq.meters)

NOTE: (EXISTING STRUCTURE) (ON SEPARATE LAYER)
5 BEDROOM, 2 BATH LIVING SPACE, ABOVE BOAT HOUSE
WITH SEPTIC HOLDING TANK.
STRUCTURE COVERAGE = 271.2 sq.m. (2919.2 sq.ft.)
LOT COVERAGE = 14.8%

New Building Outline
2900.75 sq ft.
(269.49 sq.m)
Lot Coverage = 14.73%
Max. Building Height = 9.1 meters

Replacement
Boat Well

LOT

501

LOT

502

LOT

503

AVENUE

DICKINSON

"CHANNEL"

"Proposed" Tile Bed
Area 716.4 sq. ft.
(66.5 sq. meters)

CONCEPT 16 SITE PLAN

May 2, 2022

Norfolk County Planning Department

**RE: Planning Justification Report
Minor Variance Application
58 Dickinson Avenue, Long Point, Norfolk County**

This planning justification report is intended to provide justification and supporting information respecting a minor variance application, submitted pursuant to Section 45 (2) of the Planning Act, for a proposed vacation home / boathouse at lands known as 58 Dickinson Avenue, Long Point (herein referred to as the "Site").

The Owners are proposing the removal of the existing legal non-conforming structure on the site, consisting of a boathouse with 5 bedrooms, two bathrooms, and kitchen/ living area with an approximate coverage of 271 m² (2,919.2 ft²) and replacing the existing legal non-conforming use with a new structure similar in design, consisting of 4 bedrooms with outdoor living area with an approximate coverage of 269.49 m² (2900 ft²).

The overall intent is to replace the existing structure which is in need of significant repairs with a new structure in approximately the same location. The proposed development would maintain the existing access to the channel, and would continue to have access from Dickinson Avenue.

1.0 Site Overview

The Site is located on the north side of Dickinson Avenue, at the eastern terminus of Dickinson Avenue, and has an area of 1795 m² (0.44 ac). The Site is legally described as Lot 501, Part of Parcel Lettered C, Part of Dickinson Avenue (Closed), Registered Plan No. 436 in the Geographic Township of South Walsingham. The Site is irregular in shape with frontage on Dickinson Avenue and is abutted by a channel known as Lighthouse Creek to the north, and an unnamed channel to the east. A new seawall was installed in 2021-2022 that eliminated the existing boatwell and access to the eastern channel, and a new boatwell was created at the northern portion of property with access to Lighthouse Creek.

Similar to other structures in the immediate vicinity, a portion of the existing structure (approximately 32.6 m²) was constructed upon lands owned by the Ministry of Natural Resources and Forestry. The owners approached MNRF staff and have executed an agreement of purchase and sale with the MNRF for these lands. The closing of this transaction is expected to occur Q2-Q3 2023.

The Site contains an existing legal non-conforming boathouse structure (circ. 1957), consisting of 5 bedrooms and 2 bathrooms. The existing bedrooms are located in the second storey above the boatwell. A multi-level wooden deck is also attached to the south and southeastern portion of the building. The building has an area of 247 m² (2660 ft²). The building is served by a sandpoint as a water source, and is currently serviced by a holding tank.

New seawall was installed in 2022, and the former boatwell in the southeastern portion of the property was relocated to the northern portion of the property. The site was appropriately graded at that time.

The land uses surrounding the Site consist of boathouses adjacent to the west of the subject lands with

vacation homes and dwellings located to the east, fronting on Dickinson Avenue. A marina (Old Cut Marina) is located to the northwest, on the opposite side of Lighthouse Creek, and boathouses are present to the north and north east on the south side of Rogers Avenue. Many of the boathouses on Dickinson Avenue are two storeys in height. Lands to the east and south are presently channel/marshlands.

Image 1: Overhead View of the Site



Source: Norfolk GIS Mapping, December 2022

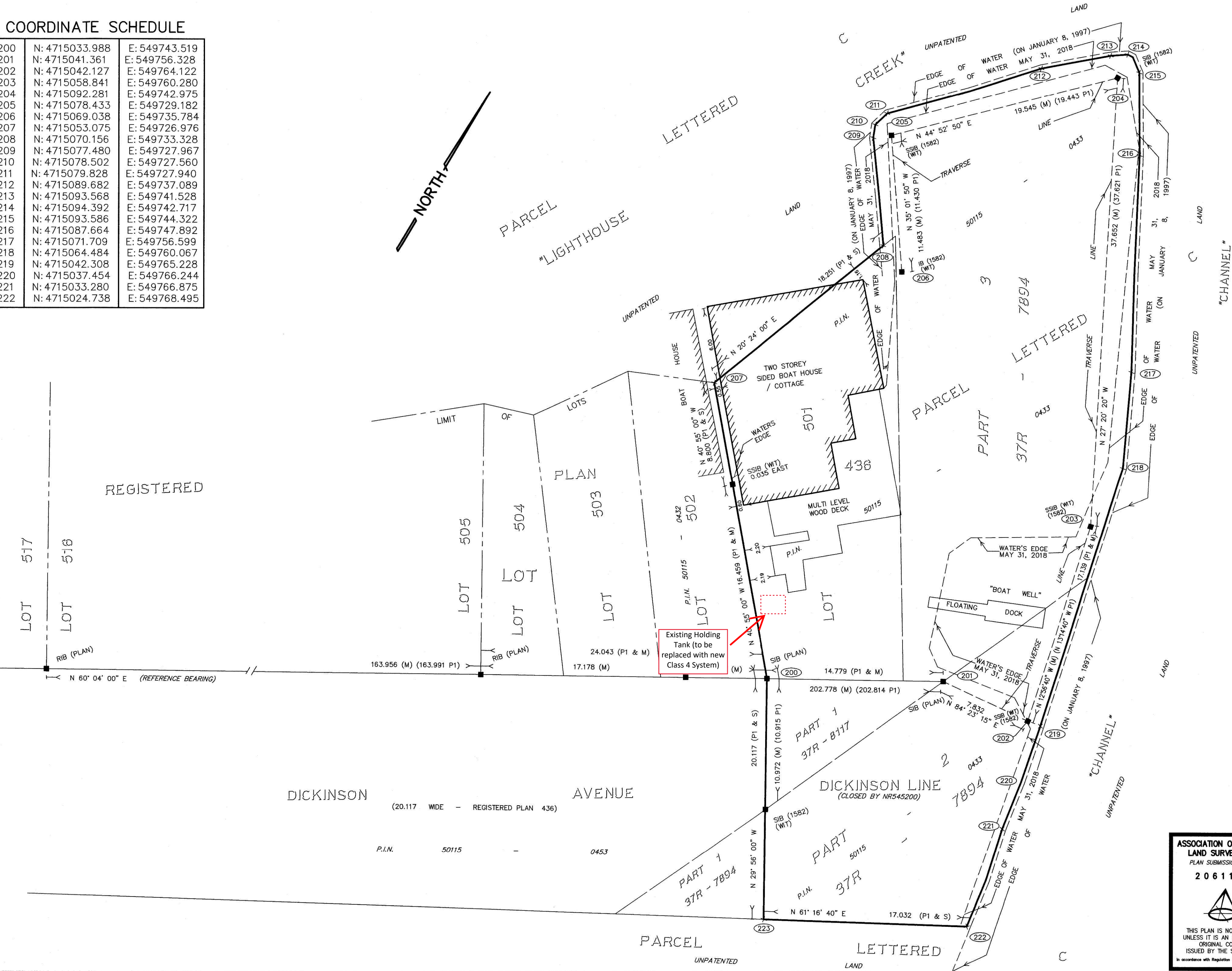
Image 2: Site Frontage (looking west)



April 2022

COORDINATE SCHEDULE

200	N: 4715033.988	E: 549743.519
201	N: 4715041.361	E: 549756.328
202	N: 4715042.127	E: 549764.122
203	N: 4715058.841	E: 549760.280
204	N: 4715092.281	E: 549742.975
205	N: 4715078.433	E: 549729.182
206	N: 4715069.038	E: 549735.784
207	N: 4715053.075	E: 549726.976
208	N: 4715070.156	E: 549733.328
209	N: 4715077.480	E: 549727.967
210	N: 4715078.502	E: 549727.560
211	N: 4715079.828	E: 549727.940
212	N: 4715089.682	E: 549737.089
213	N: 4715093.568	E: 549741.528
214	N: 4715094.392	E: 549742.717
215	N: 4715093.586	E: 549744.322
216	N: 4715087.664	E: 549747.892
217	N: 4715071.709	E: 549756.599
218	N: 4715064.484	E: 549760.067
219	N: 4715042.308	E: 549765.228
220	N: 4715037.454	E: 549766.244
221	N: 4715033.280	E: 549766.875
222	N: 4715024.738	E: 549768.495



SURVEYOR'S REAL PROPERTY REPORT **PLAN OF** **LOT 501** **PART OF PARCEL LETTERED C** **PART OF DICKINSON AVENUE** **(CLOSED BY NR545200)** **REGISTERED PLAN 436** **(LONG POINT)** **GEOGRAPHIC TOWNSHIP OF WALSINGHAM** **IN** **NORFOLK COUNTY**

SCALE 1:200
 METRIC
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

KIM HUSTED SURVEYING LTD.

REPORT SUMMARY (TO BE READ IN CONJUNCTION WITH PLAN OF SURVEY)

REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY : NONE REGISTERED ON TITLE
 COMPLIANCE WITH MUNICIPAL OFFICIAL PLANS AND ZONING BY-LAWS: NOT CERTIFIED BY THIS REPORT

ADDITIONAL REMARKS: PROPERTY DESCRIPTION: LOT 501, PART OF PARCEL LETTERED C PARTS 2 AND 3 37R-7894
 PART OF DICKINSON AVENUE (CLOSED BY NR545200) PART 1, 37R-8117
 REGISTERED PLAN 436
 (LONG POINT) GEOGRAPHIC TOWNSHIP OF WALSINGHAM IN NORFOLK COUNTY

SUBJECT PROPERTY AREA = 1795.0 SQUARE METRES
 AREA OF SUBJECT PROPERTY COVERED BY BOAT HOUSE AND MULTI LEVEL WOOD DECK = 238.6 SQUARE METRES

COVERAGE = 13.3 %

AREA OF PARCEL LETTERED C COVERED BY BOAT HOUSE = 32.6 SQUARE METRES

THIS SURVEYOR'S REAL PROPERTY REPORT HAS BEEN PREPARED FOR JANE ANNE BAMFORD AND ROB BAMFORD AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHERS

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT
- (1) - THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM
 - (2) - THIS SURVEY WAS COMPLETED ON THE 31st DAY OF MAY, 2018

JULY 17, 2018

DATE KIM S. HUSTED
 ONTARIO LAND SURVEYOR

THIS REPORT CAN BE UPDATED BY KIM HUSTED SURVEYING LTD. HOWEVER NO ADDITIONAL PRINTS OF THIS ORIGINAL REPORT WILL BE ISSUED SUBSEQUENT TO THE DATE OF CERTIFICATION

NOTES

- (1) - BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHERN LIMIT OF DICKINSON AVENUE HAVING A BEARING OF N 60° 04' 00" E AS SHOWN ON DEPOSITED PLAN 37R-7894
- (2) - THE LIMITS OF PART 3, 37R-7894 WAS ESTABLISHED BY CALCULATIONS FROM 37R-7894

LEGEND

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
SIB	DENOTES	STANDARD IRON BAR
IB	DENOTES	IRON BAR
RIB	DENOTES	ROUND IRON BAR
(WIT)	DENOTES	WITNESS
(PLAN)	DENOTES	MONUMENT ORIGINAL WITH REGISTERED PLAN 436
(SU)	DENOTES	SOURCE UNKNOWN
(1582)	DENOTES	KIM HUSTED SURVEYING LTD
(700)	DENOTES	H.V. JEWITT O.L.S.
(M)	DENOTES	MEASURED
(S)	DENOTES	SET
P.I.N.	DENOTES	PROPERTY IDENTIFIER NUMBER
(P1)	DENOTES	DEPOSITED PLAN 11R-7894

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ASSOCIATION OF ONTARIO
 LAND SURVEYORS
 PLAN SUBMISSION FORM
 2061151



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KIM HUSTED SURVEYING LTD.
ONTARIO LAND SURVEYOR
 30 HARVEY STREET, TILSONBURG, ONTARIO, N4G 3J8
 PHONE: 519-842-3638 FAX: 519-842-3639

PROJECT: 18-14033 REFERENCE: FF8

DISK No. 645

Image 3: Looking East across Lighthouse Creek to the Site



April 2022

Image 4: Looking South



April 2022

Image 5: Looking South East



April 2022

Image 6: Existing Boatwell



April 2022

Image 7- Bedroom 1



Image 8- Bedroom 2



Image 9- Bedroom 3



Image 10- Bedroom 4



Image 11- Bedroom 5



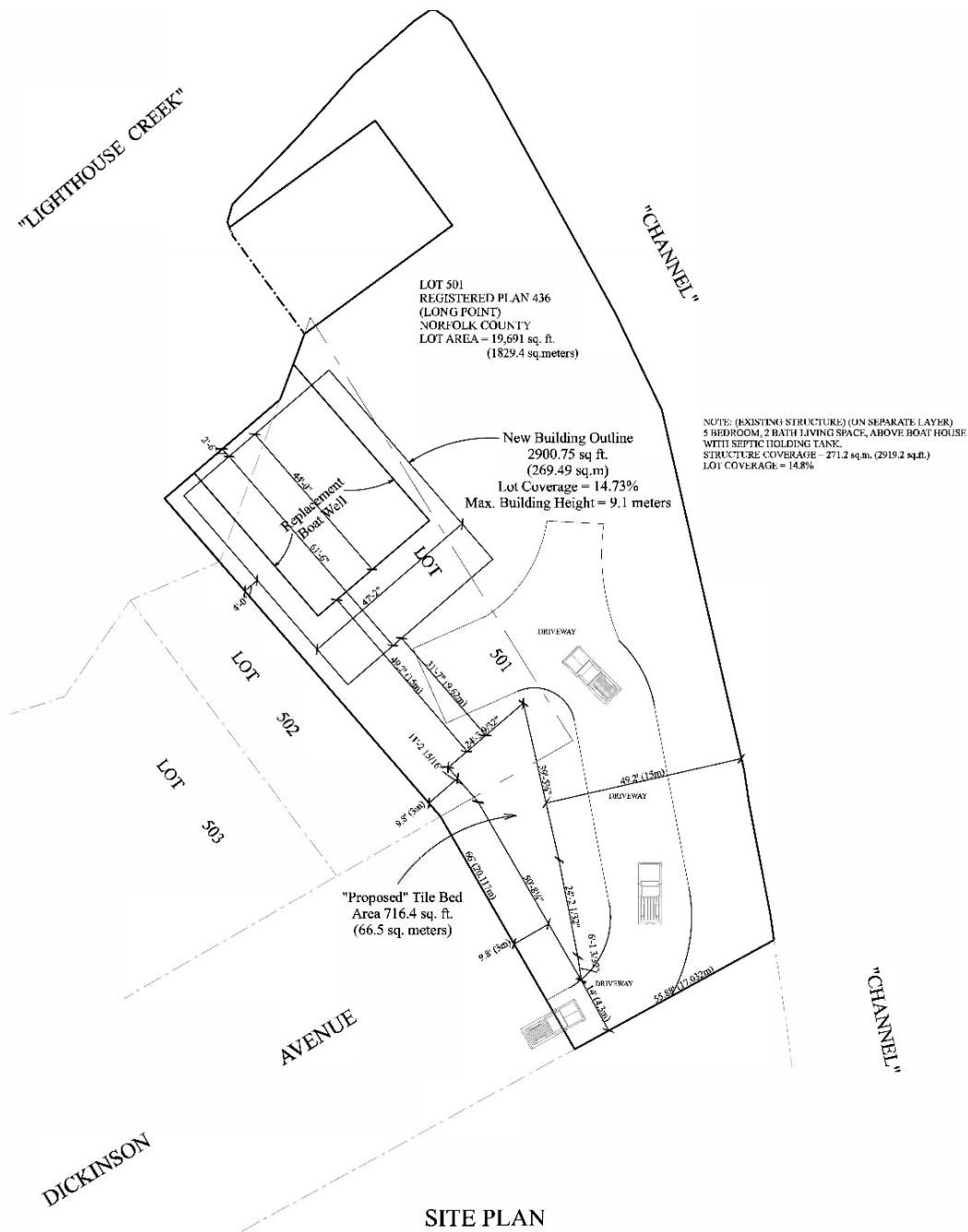
Image 12- View Looking Northwest



Proposed Development

The Owners are proposing to replace the existing 2 storey boathouse/ vacation home containing 5 bedrooms with a new 2 storey boathouse/ vacation home with 4 bedrooms. The overall footprint of the new structure would be slightly smaller than the existing footprint, but have a slightly larger overall floor area of 269.49 m² (2900.75 ft²).

The proposed structure would be serviced by a new Class 4 onsite sewage disposal system, located to the south-east of the existing structure, wholly contained within the RR zone. The proposed structure would represent a lot coverage of 14.73%.



2.0 Planning Policy Framework

The subject property is designated 'Resort Residential' & 'Hazard Lands' in the Norfolk County Official Plan, and are zoned 'Resort Residential (RR)' & 'Hazard Lands (HL)' in the Norfolk County Zoning By-Law, as depicted in Figure 1.



Figure 1

The Resort Residential designation applies to the Resort Areas along the lakeshore, and recognizes this area for the development of seasonal cottages and recreational facilities along the lakeshore.

Section 7.6.2 b) provides that infilling on existing lots of record for the purposes of developing a vacation home for seasonal use, replacement of existing buildings or structures, repairs and minor additions to existing buildings or structures may be permitted. Proposal for development in this regard must recognize the hazards that exist and be constructed in such a manner that the risk to the occupants and the structure is reduced. The Conservation Authority shall be consulted to determine the appropriate methods to minimize risk. Residential dwellings for permanent occupancy shall not be permitted.

The Hazard Land Designation applies to lands that have inherent environmental hazards such as flood susceptibility, erosion susceptibility, instability and other physical conditions which are severe enough, if developed upon, to pose a risk to occupants of loss of life, property damage and social disruption. Section 7.3.1

a) provides that uses legally existing on the date of the adoption of this plan shall be permitted. Section 7.3.2 b) provides that there are areas of extensive development located on Hazard Lands. In these areas, a reasonable compromise shall be made between the extent of the hazard and the continued use and future development of the area. Section 7.3.2.2 f) provides that the replacement of an existing building or structure may be permitted provided the hazard has been adequately addressed through the use of accepted engineering and resource management practices. Acceptable replacement shall not result in an increase of more than 50 m² to the original usable floor area of the building or structure, or alter the original use or affect shoreline processes.

Permitted uses within the Resort Residential zone include a vacation home or legally existing single detached dwelling used for permanent occupancy, subject to meeting the zoning provisions in Section 5.8.2. Section 5.8.3 prohibits an accessory building from containing a habitable room or washroom facilities. A boathouse may be permitted, subject to complying with the provisions of Section 3.2.2.

Planning Act

Section 34(9)(a) of the Planning Act creates an exemption to the scope of Zoning By-Laws that municipalities may enact. The effect of Section 34(9)(a) is to establish legal non-conforming uses which are lawful violations of current zoning by virtue of the fact that the use of land or structure existing in compliance with applicable by-laws before the by-laws with which there is non-compliance passed. Section 34(9)(a) provides:

34 (9) *No By-law passed under this section applies,*

(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.*

Section 45 (2) of the Planning Act provides that the Committee of Adjustment, in addition to its powers under Section 45 (1) of the Planning Act, upon any such application,

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,*

(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 not 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*

(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 previous permitted by the committee continued until the date of the application to the committee.*

Planning Analysis

The proposal to replace the existing boathouse/vacation home structure can be contemplated by the Committee of Adjustment under the applicable section of 45 (2) of the Planning Act.

The existing structure was constructed in 1957 (as per MPAC assessment data), which is prior to the enactment

of the Township of South Walsingham Zoning By-Law 74-2014, which was approved by municipal council on March 21, 1974. The subject lands were also zoned 'Long Point (LP)' in the Township of Norfolk Zoning By-Law 1-NO 85, and zoned 'Resort Residential (RR)' & 'Hazard Land Zone (HL)' in the Norfolk County Zoning By-law, approved in 2014.

In an application considered by the OMB, (and later Division Court), cited as *TDL Group Corp. v. Ottawa (City)* 2009 CarswellONT 7336 (O.M.B.) the City of Ottawa argued that the voluntary cessation of use, including for voluntary repair or replacement of elements of the building, brings legal non-conforming and non-complying uses to an end, and that such will not be the case only if such cessation is beyond the control of the property owner. However the Board disagreed, holding that the intention of the property owner was paramount. The Board states at pages 10-11:

The appellant would not lose its rights to its legal non-conforming use during a closure for a voluntary repair or even replacement of the building. The Board notes the words of the court in *Rotstein v. Oro-Medonte (Township of)*: "...intention is a relevant factor to be considered in the case of a long-established pattern of use." The Division Court affirmed this interpretation upon appeal and affirmed the OMB's findings.

In this instance, although the existing structure which is a combination vacation home/boathouse is not permitted in the RR zone, it is clearly considered legal non-conforming as it was constructed prior to the adoption of the first zoning by-law for the area in 1974, and the use has continued since the structure was constructed in 1957. As such, it is appropriate to consider the replacement and extension of the use through Section 45 (2) of the Planning Act.

Section 45 (2) of the Planning Act differs from Section 45(1) in that there are no applicable statutory four tests that are required to be satisfied. The only criteria that needs to be satisfied is contained in Section 45(2)(a)(i) & (ii).

The enlargement, extension and replacement of the existing structure can be considered appropriate as the existing structure is considered legal non-conforming as it has been used as a vacation home/boathouse since the structure was built in 1957, and that use of the property is proposed to continue into the future. Although a portion of the structure that was constructed on MNRF Crown land, the owners have reached an agreement with the MNRF to purchase those lands, and the transaction is expected to close imminently and the lands will be legally consolidated with the subject lands. As such, there will be no extension beyond the limits of the lands owned and used for the vacation home/ boathouse.

With respect to Subsection 45 (2) (ii), the proposal is consistent with this subsection:

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 ...

The proposed use is substantially the same use and identical purpose to the use that occupies the site presently. The owners wish to replace the existing structure which has deteriorated and has had water infiltrating the roof and building envelope with a more modern structure. Although the useable floor area is slightly larger than the existing building, the number of bedrooms is reduced and as such there is no relative increase to the human habitation or increased risk to human life when compared to the existing building. The proposed redevelopment will be more consistent with the RR zone provisions as the new structure will maintain a 1.2 m interior side yard

setback (greater than the present 0.6 m) and is within the lot coverage provisions for a vacation home and accessory structures (15% plus 10% for accessory structures). The proposed redevelopment will be serviced by a new Class 4 onsite private sewage disposal system, and the proposed height is within the 9.1 m maximum height permitted by the RR zone, and is consistent with other large boathouses and structures in the vicinity. The property is also the last lot on Dickinson Avenue, and the only abutting development is a large boathouse that has a higher height than the present structure on the subject lands (image 3). As such, no impacts to surrounding properties are expected. The proposed replacement structure will be constructed on the same general footprint as the existing building with a slightly revised location to provide the required interior side yard width along the southerly property line. The new building will also comply with all LPRCA requirements for floodproofing and other LPRCA requirements will be addressed through their permitting process as the lands are subject to Ontario Regulation 178/06.

3.0 Summary

The proposal to replace an existing legal non-conforming boathouse/vacation home with a new structure of a similar size in the similar location that represents an extension to the existing legal non-conforming use is consistent with the provisions and criteria contained within Section 45 (2) of the Planning Act.

From: [Rob Bamford](#)
To: [Rob Bamford](#)
Subject: Fwd: FW: Crown land purchase - 58 Dickenson Avenue, Long Point
Date: April 4, 2023 12:46:35 PM

From: Aylmer-Lands (MNRF)
Sent: Tuesday, January 3, 2023 1:10 PM
To: Rob & Jane Bamford <rbamford@execulink.com>
Subject: RE: Crown land purchase - 58 Dickenson Avenue, Long Point

Good afternoon Robert and Jane,

Thank you for your email dated December 28, 2022.

Aylmer District of the Ministry of Natural Resources and Forestry (MNRF) has received and processed payment for Crown land located at 58 Dickenson Avenue in Long Point. A survey has been deposited at the local Land Registry Office (LRO). The MNRF has sent a requisition to the Crown Land Registry to issue a patent for the lands as described in the survey, which is the final step in the disposition process. Essentially, the sale has been approved by the District Manager as the delegated authority to authorize the disposition, and once the patent is processed and deposited at the local LRO, the land is officially transferred to Jane, the owner of the upland parcel.

In principle, the District has no objections or concerns about the building permit being requested.

If you have any questions, please do not hesitate to contact me.

With thanks,

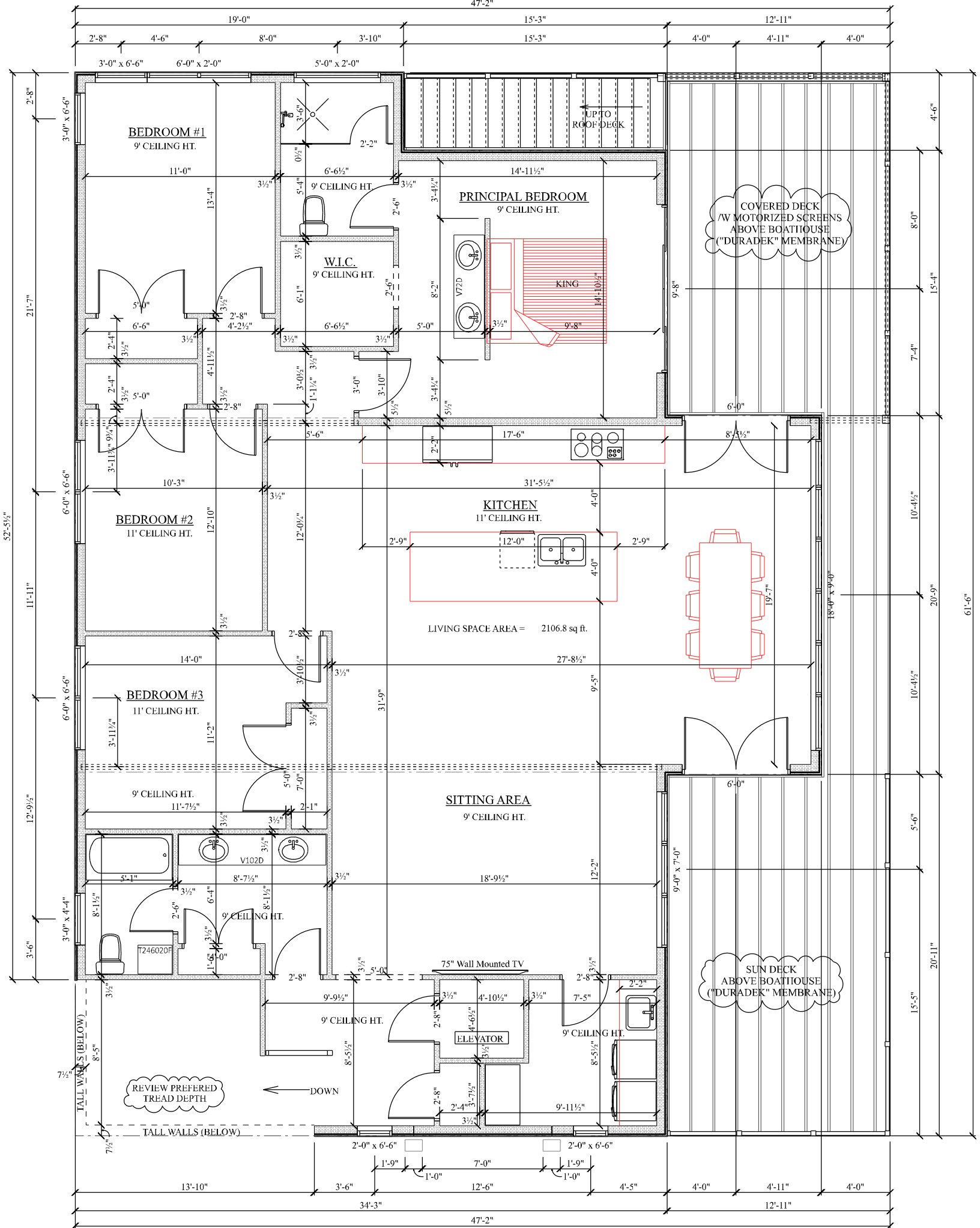
Shakira Azan

Integrated Resource Management Technical Specialist
Ministry of Natural Resources and Forestry
Aylmer District
615 John St. N, Aylmer, ON, N5H 2S8
226-926-5118

As part of providing [accessible customer service](#), please let me know if you have any accommodation needs or require communication supports or alternate formats.

From: Rob & Jane Bamford <rbamford@execulink.com>
Sent: December 28, 2022 10:22 AM
To: Aylmer-Lands (MNRF) <Lands.Aylmer@ontario.ca>
Subject: Re: Crown land purchase - 58 Dickenson Avenue, Long Point

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.



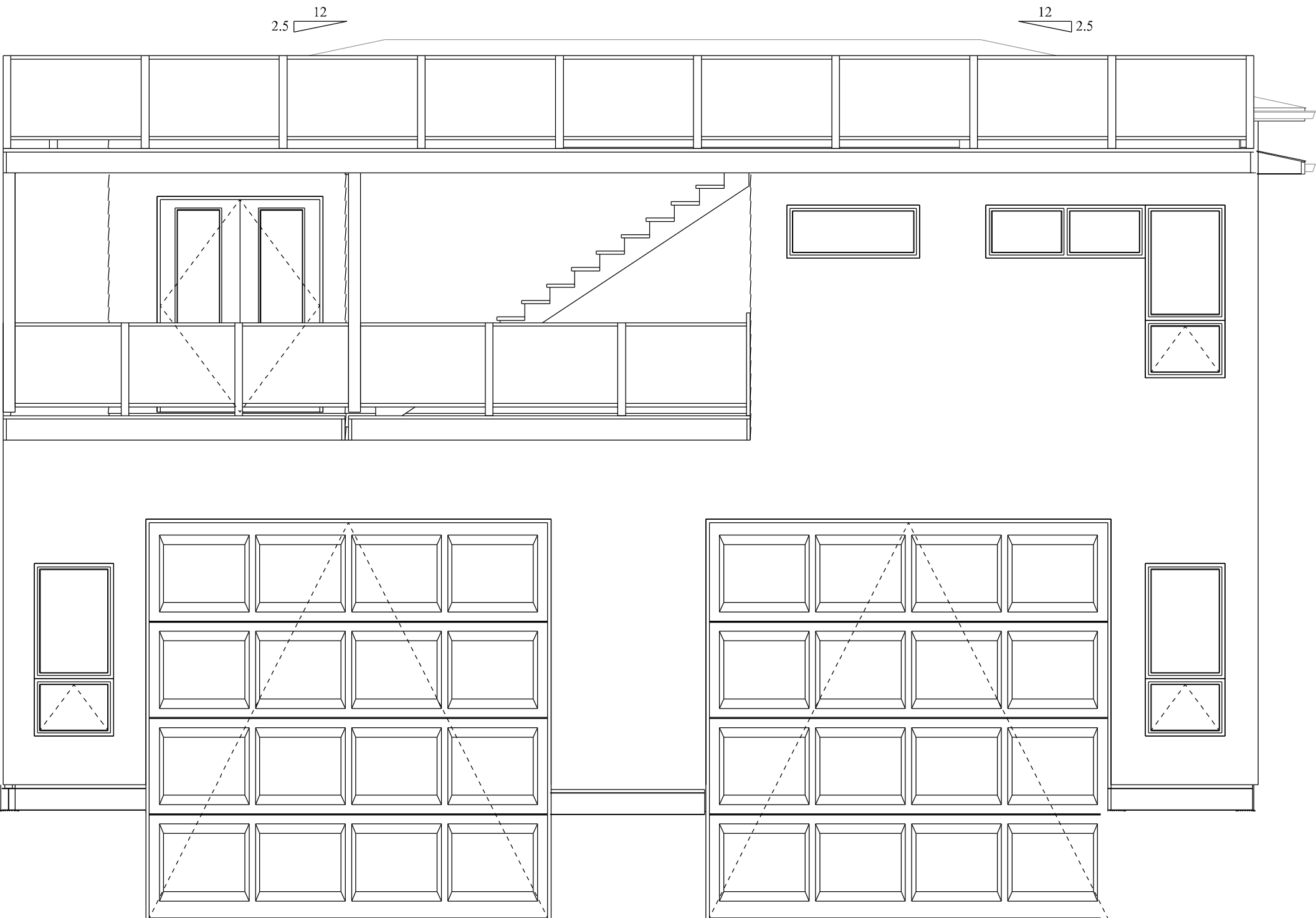
CONCEPT 16 "UPPER LEVEL"
TOTAL FOOTPRINT (47'-2" x 61'-6") = 2900.75 SQ.FT.

TOP OF ROOF

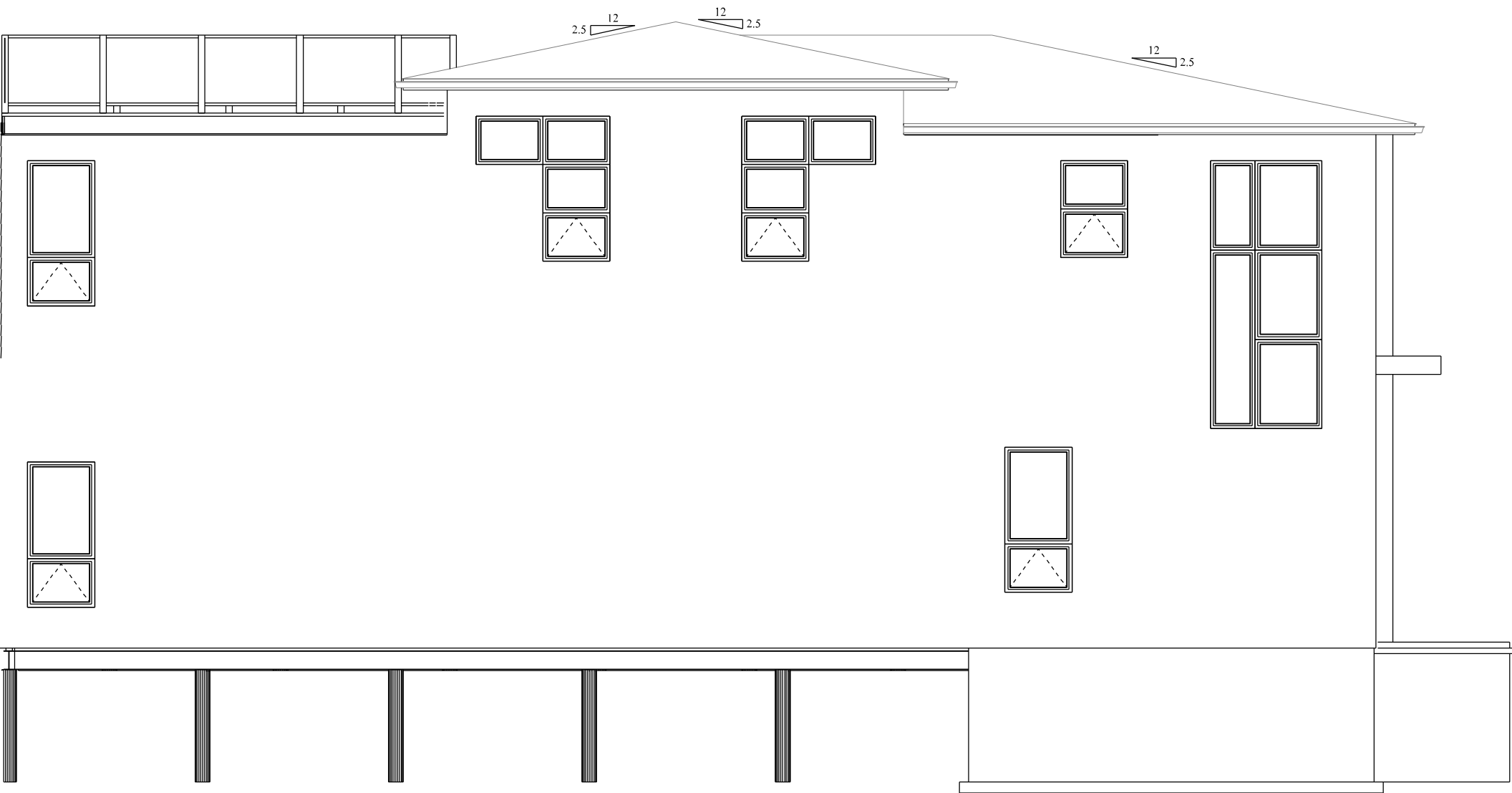
34'-0 17/32"

GRADE










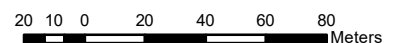
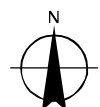
CONTEXT MAP

Geographic Township of SOUTH WALSINGHAM



Legend

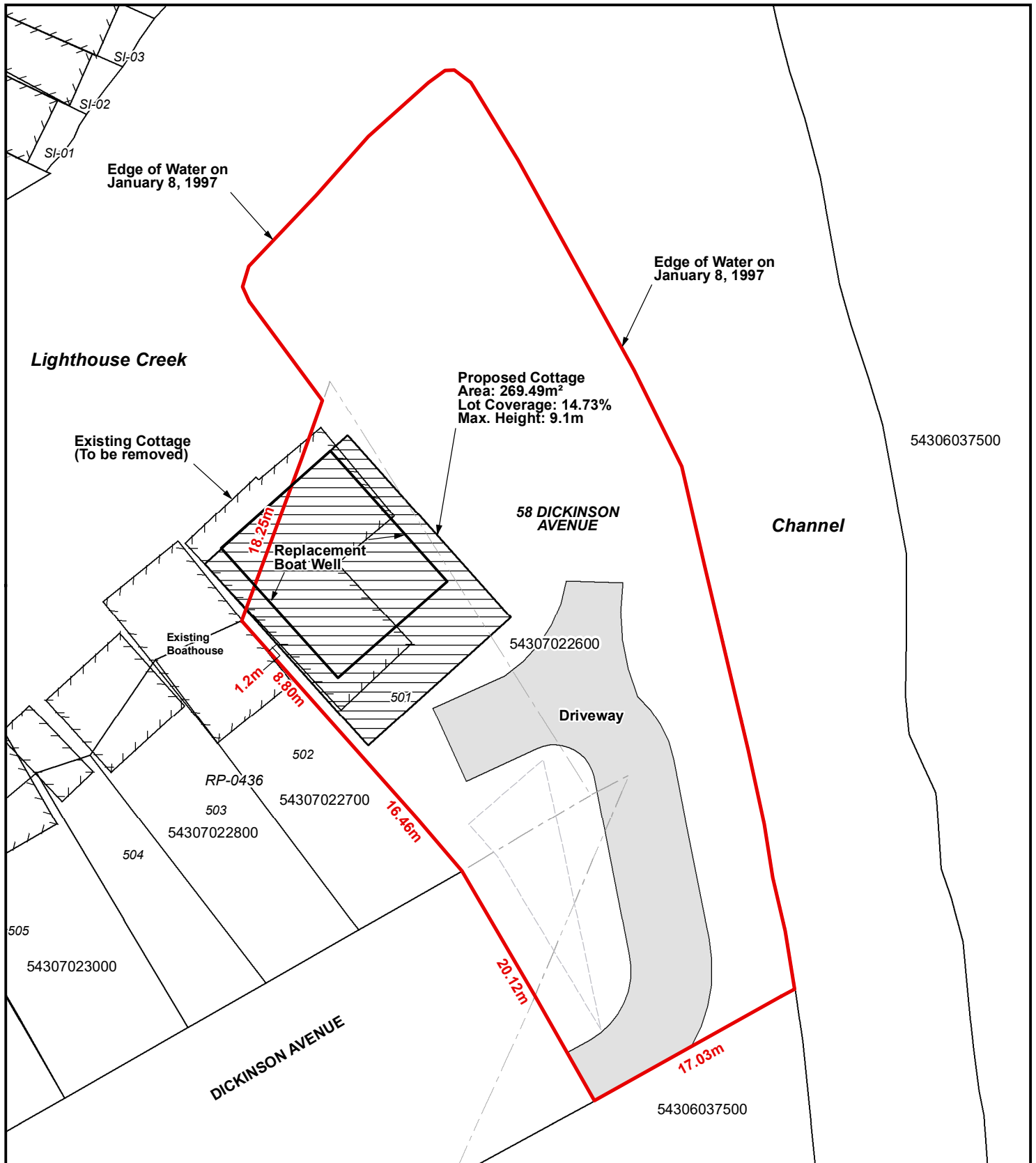
-  Subject Lands
- 2020 Air Photo



A scale bar with markings at 10, 5, 0, 10, 20, 30, and 40 meters.

CONCEPTUAL PLAN

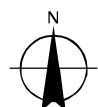
Geographic Township of SOUTH WALSINGHAM



Legend

Subject Lands

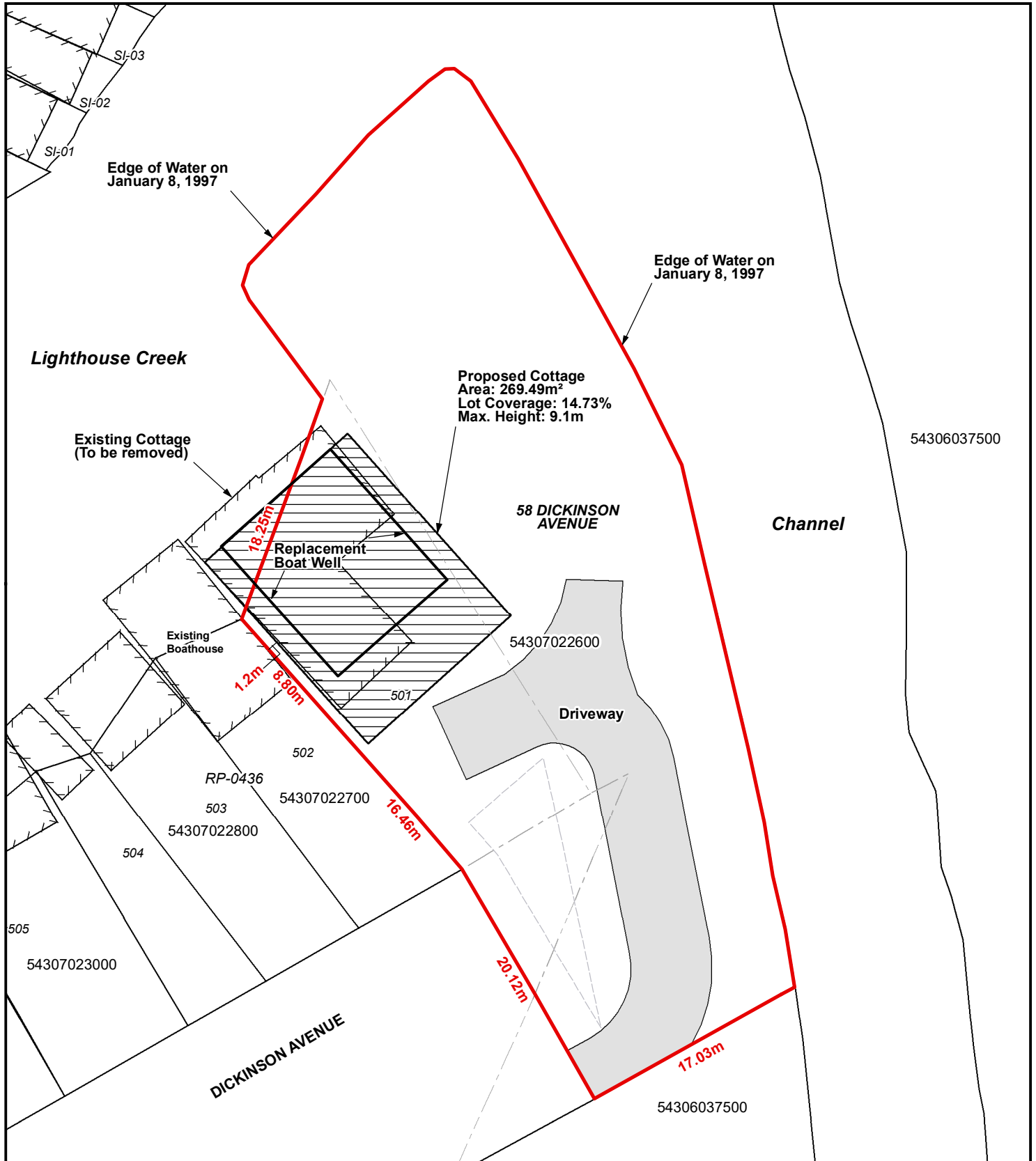
8/1/2023



3 1.5 0 3 6 9 12 Meters

CONCEPTUAL PLAN

Geographic Township of SOUTH WALSINGHAM



Legend

Subject Lands

8/1/2023



3 1.5 0 3 6 9 12 Meters