

For Office Use Only:

File Number	<u>ANPL2023292</u>	Application Fee	<u>\$2743.00</u>
Related File Number	<u>-</u>	Conservation Authority Fee	<u>\$514.15</u>
Pre-consultation Meeting	<u>-</u>	Well & Septic Info Provided	<u>N/A</u>
Application Submitted	<u>September 11, 2023</u>	Planner	<u>Hanne Yager</u>
Complete Application	<u>September 18, 2023</u>	Public Notice Sign	<u>-</u>

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: 543-060-10000-0000**A. Applicant Information****Name of Owner** Julian Mulcaster & Heather Belyca.

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 (Home) 47 Dromore Cres.**Town and Postal Code** Hamilton, ON, L8S 4A8**Phone Number** _____**Cell Number** 905-512-3591 / 905-577-3591**Email** jmulcaster@hotmail.com / heather-belyca@hotmail.com.**Name of Applicant** Julian Mulcaster**Address** 47 Dromore Cres**Town and Postal Code** Hamilton, ON, L8S 4A8**Phone Number** 905-512-3591**Cell Number** _____**Email** jmulcaster@hotmail.com.

Name of Agent

Please See Additional Notes - Attached.

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:

Canadian Imperial Bank of Commerce, Westdale Branch.
1015 King St. West. Hamilton. ON L8S 4L3

B. Location, Legal Description and Property Information

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

25 Pickeral Rd. SWAL Plan 429 Lot 85
Port Rowan (Long Point)

Municipal Civic Address: 25 Pickeral Rd. Port Rowan NOE 1H0

Present Official Plan Designation(s): Resort Residential

Present Zoning: Resort Residential

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:

Recreational / Part-time residential.

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:

Please See attached excerpt from legal survey describing
all existing buildings and structures. All are to be retained. Measurements
Setbacks are all illustrated, lot coverage is annotated as is floor
area and height.

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.

A Generac 22kW Automatic backup power generator
on a standard base placed on a concrete pad.

Please see attached additional notes

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:

Please see attached illustration showing detail of proposed
installation. All required measurements are annotated. Area
bounded by diagram noted on illustration of property.

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:

Approximately 37 years.

9. Existing use of abutting properties:

Primarily Recreational / Part time dwellings.

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	17.069m	$\geq 15m$.			
Lot depth	45.7 m.				
Lot width	17.069m				
Lot area	0.78 hectares	≥ 0.4 hectares.			
Lot coverage	n/a *				
Front yard	13.02m	$\geq 6m$.			
Rear yard	18.19m	$\geq 9m$.			
Height	n/a. *				
Left Interior side yard	1.46m	$\geq 1.2m$.			
Right Interior side yard	5.52m	$\geq 1.2m$.			
Exterior side yard (corner lot)	n/a.				
Parking Spaces (number)	5	2 or more.			
Aisle width	n/a.				
Stall size	n/a				
Loading Spaces	n/a.				
Other		1.2m	3.10	0.55m	0.65m.

* As per Norfolk Zoning Administrator, Building.

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

Please see attached pages supplemental
to this application.

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

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: *N/A.*

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

N/A

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:

This property and adjacent lands are zoned as resort
residential and I am unaware of any other prior zoning otherwise.

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:

It is exceedingly unlikely that the installation of an automatic backup electrical generator of residential scale would adversely affect stated habitats.

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:

Does not apply to this installation.

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

☐ Municipal piped water

☐ Communal wells

☐ Individual wells

☒ Other (describe below)

Private Water Supplier

Sewage Treatment

☐ Municipal sewers

☐ Communal system

☒ Septic tank and tile bed in good working order ☐ Other (describe below)

Storm Drainage

☐ Storm sewers

☐ Open ditches

☒ Other (describe below)

Passive drainage from elevated property towards road in front and channel in rear.

2. Existing or proposed access to subject lands:

☒ Municipal road

☐ Provincial highway

☐ Unopened road

☐ 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.

Please see attached pages supplemental to this application.

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

7 Sept - 2023
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 Julian Mulcaster and Heather Belyea am/are the registered owner(s) of the lands that is the subject of this application.

I/We authorize Julian Mulcaster 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

7 Sept - 2023
Date


Owner

7 Sept - 2023
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, Julian Malcaster of Hamilton 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:

Hannelore Yager

[Signature]
Owner/Applicant/Agent Signature

In [Signature]

This 11th day of September.

A.D., 2023

[Signature]
A Commissioner, etc.

Hannelore Tenley Yager, a
Commissioner, etc., Province of Ontario,
for the Corporation of Norfolk County.
Expires November 21, 2025.

Additional notes in support of Committee of Adjustment Development Application Regarding:

25 Pickerel Rd. SWAL Plan 429 Lot 85

Roll Number 543-060-10000-0000

Name of agent:

As a physician, it is possible that my medical duties will prevent me from being able to attend any public meetings scheduled by Norfolk County pertinent to this application for this minor variance.

In this case, three individuals in the neighborhood have come forward and agreed to represent me in the event of my being unavailable. All are hereby authorized to serve as my agent(s) in the event of such an unavailability.

They are:

Mr. Guy Lavallée of 31 Pickerel Road, Long Point. NOE 1M0
1 (519) 983-8827
karra1519@gmail.com

Mr. Bradley Legein of 29 Pickerel Road, Long Point.
1 (289) 407-7152
blegein1960@gmail.com

Mr. Chris Brennan of 11 Poplar Road, Long Point. NOE 1M0
1 (519) 754-6530
brennan185@gmail.com

Section B question five:

Owing to repeated power outages over the past few years due to inclement weather and other circumstances, we feel it essential to install an automatic emergency backup generator.

We are not always present at this property, and as such, we would be unable to operate a manual backup power generator reliably.

The cottage is occasionally employed for year-round recreational use, and therefore requires year-round heating to avoid damage to the property, as well as to prevent the plumbing from becoming frozen and potentially bursting. A reliable source of electricity is required to operate the furnace at all times.

Finally, myself, the applicant, do use an electric vehicle, and as a physician, I occasionally do depart directly from my recreational property to attend to medical duties including on-call coverage. I feel it necessary therefore, that there be some capability to at least partially charge my battery electric vehicle in the event of a power outage to allow me to be able to attend to my medical duties.

Section C question 2:

There are very limited options for placement of an automatic backup power generator on this property.

This is largely due to the fact that the installation must locate the installed generator above the highest recorded floodwater level which in recent years has proved to exclude a great deal of my property from eligibility.

The provision to place the generator at this elevation therefore leaves very few options.

The right interior side yard is unsuitable due to the presence of a side driveway.

The rear yard is essentially entirely below the acceptable high watermark

A potential installation, in the front yard is unacceptable to us as the scale of the generator and the relatively small size of the cottage would prove visually incongruous and very unattractive:

Fairly recently, we have undertaken a major renovation with the goal of making the property as visually attractive as possible, thereby hopefully enhancing our property value commensurately in the process.

For the sake of our neighbourhood, we also prefer to have our property as visually pleasing as possible. To those ends, the propane tanks and air conditioning unit that exist in the left side yard have been concealed with an enclosure that matches the design of the main cottage.

In our opinion, the above considerations alone, would make such a placement in the front yard incompatible with our personal wishes concerning our property as well as those of the neighbourhood.

We also do not believe that any attempt to conceal an installation in the front yard with shrubbery or fencing would be effective because the required scale would overwhelm the scale of the cottage.

A final consideration of note pertinent to a front yard installation is that of a sentimental nature; there is a simple, planted bed in front of the cottage that was placed by my late mother who passed quite recently. My father, wife and I continue tend to this with great care in her memory. We would object greatly to a backup power generator being placed there.

The chosen location in the left interior side yard is the most visually discrete, satisfies all of the building codes specified to me by my electrical contractor, and can also be fenced in similarly to the propane tanks and air-conditioning unit so as to not provide visual disturbance to the neighbours at number 27 Pickerel Road as well as the neighborhood in general.

Section G question 2:

The reason that we are applying for a minor variance in in this instance is due to the fact that I personally received a stop work order from Bylaw Officer White, on August 9th 2022 while the installation of the emergency backup generator was already well underway.

At this point, we are simply seeking to complete the installation process that is already underway, and has already incurred some considerable financial input from us in excess of \$2500.

So far, the wiring intended to connect the emergency backup generator at its intended location all the way to the main electrical panel in the boat house is already installed, and a concrete form in preparation of the placement of the concrete pad has already been prepared.

The stop work order seems to have resulted as a result of an unexpected complaint from our neighbours at 27 Pickerel Road that occurred without notice and without their having had any discussion with us about their concerns.

Our contractor had not at that time made us aware that an automatic backup power generator required at a minimum 1.2-meter setback from a lot line as per the Norfolk County bylaws.

We subsequently learned from our contractor that this had not been a consideration in the decision-making process regarding the location of the emergency backup power generator because, in their experience, they had never encountered an occasion where this bylaw had been enforced, owing it to be on a complaint only basis. They reported that they commonly installed automatic backup power generators in locations closer to lot lines than the requisite 1.2-meter distance with that in mind.

Unfortunately, the neighbours at number 27 Pickerel Road have proven increasingly difficult to communicate with over the past few years with their more closely situated neighbours.

An attempt on my part to ascertain the neighbours' concerns was therefore limited, and further discussion proved fruitless, though I was able to ascertain two concerns on their part:

One was that there was some consideration to place an outdoor kitchen on their right interior side yard in the location occupied by their driveway near where the automatic backup power generator was to be located. Had I been able to, I could have certainly addressed those concerns considering our willingness to place a fence to conceal the installation entirely from their view.

A second concern seem to arise from the fact that this would preclude the neighbors from being able to install a future garage on their driveway which abuts our common lot line. My understanding of the Norfolk County bylaws would indicate that any garage built near our common lot line would require a minimum setback of 1.2 meters. This requirement would make their right interior side yard far too small to accommodate a garage without having to significantly relocate the south wall of their cottage as well as their driveway away from the lot line. We therefore don't think this concern has any merit.

In our opinion, with the proposed automatic backup power generator having an average 55 centimeter setback from our lot line, there is ample room to consider the neighbours' concerns at 27 Pickerel Road, though it does not meet the specifications of the Norfolk County bylaws. As such, we are therefore submitting this application for a minor variance.

Detail of proposed installation at 25 Pickersel Rd.

North west corner
of main cottage

Front of
property

scale:
1:100cm

172cm

Left
Lot line (not parallel to
main cottage)

432cm

(Grassy
Verge)

Proposed Concrete Pad

120cm x 147cm

43 cm setback
from left lot line (avg.)

17.36m setback
from front lot line

Proposed Backup
Power Generator

127cm wide

66 cm deep

81 cm tall (incl. base)

55cm setback from
left lot line (avg.)

17.46 m setback from
front lot line

200cm

Asphalt on line

158cm

16cm

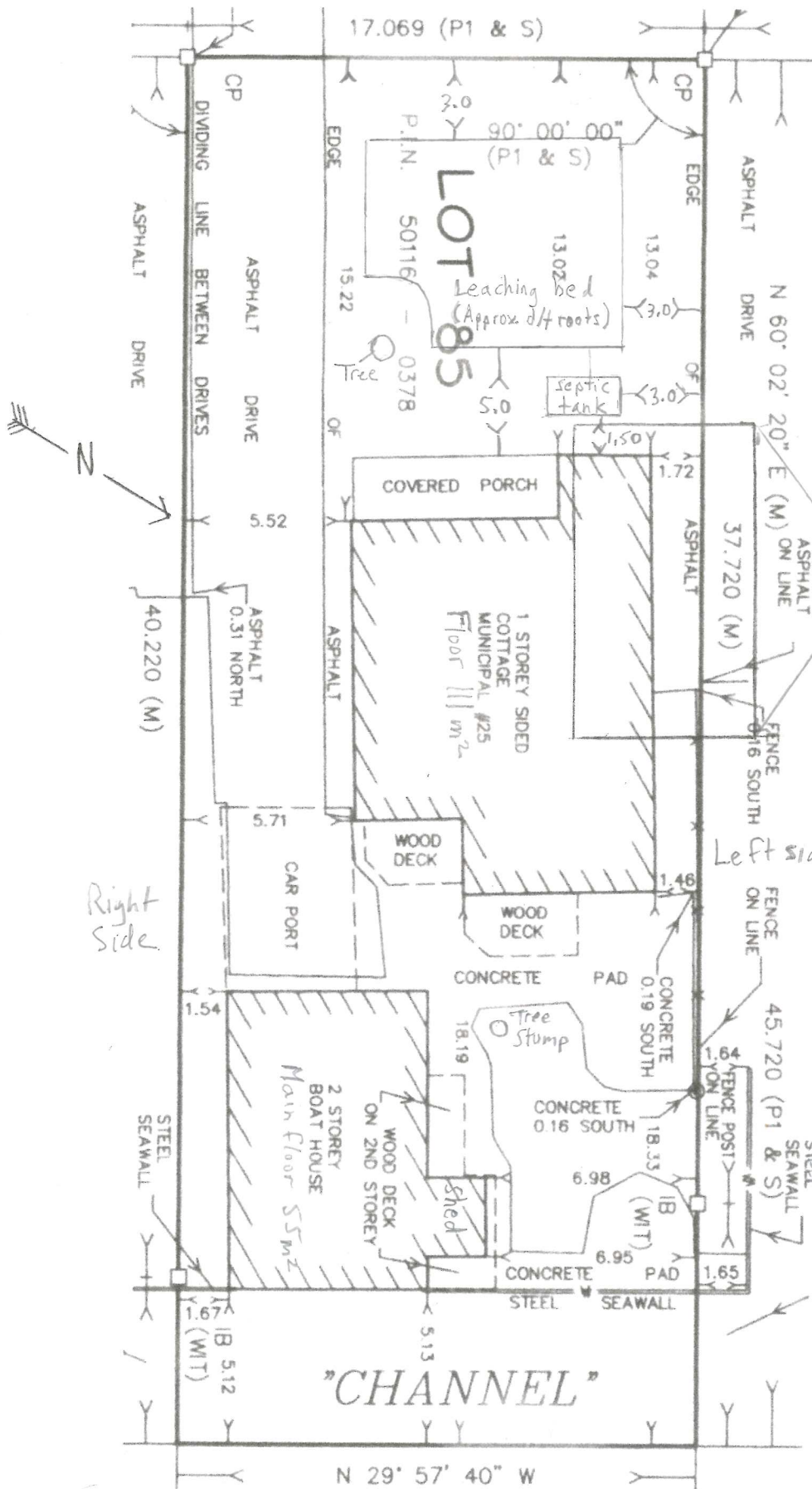
Fence (existing)

Lot line (Not parallel to
main cottage)

(Main Cottage
of 25 Pickersel Rd.)

Current Plan of 25 Pickersel Rd - SWAL Plan 429 Lot 85

(Excerpted From legal survey with additions and notes)



← Front = Street side of property

Dimensions of Main Cottage:

Area covered $\approx 133.9m^2$

$\approx 14.4m$ depth (total)

$\approx 9.9m$ wide

All setbacks noted on illustration

Area depicted in detailed diagram showing proposed installation:

Dimensions of Boathouse:

(Including attached shed on left side)

9.1m depth.

8.4m width.

Area covered $\approx 55.5m^2$

+ $5.04m^2$ for shed.

All setbacks as illustrated except $\approx 33.1m$ from Front.

Dimensions of Carport:

$\approx 5.67m$ depth.

$\approx 5.18m$ width.

Area Covered $\approx 29.2m^2$

Setback From Right = 1.2m.

Setback From Front = 27.4m.

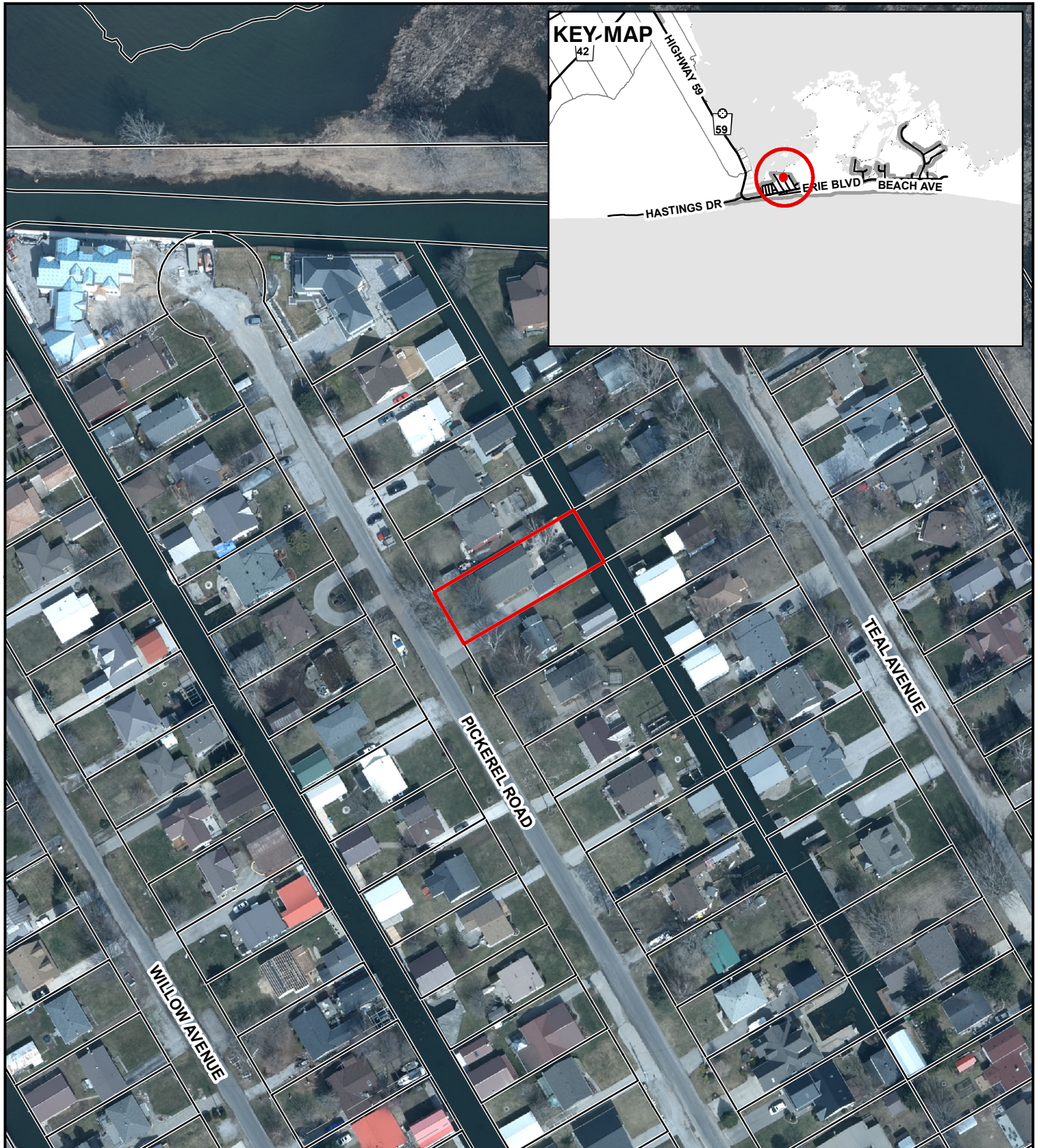
Setback From rear = 14.22m.

Setback From left = 10.37m.


(All noted measurements in meters) Rear of property

MAP A
CONTEXT MAP
Geographic Township of SOUTH WALSINGHAM

ANPL2023292

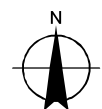


Legend

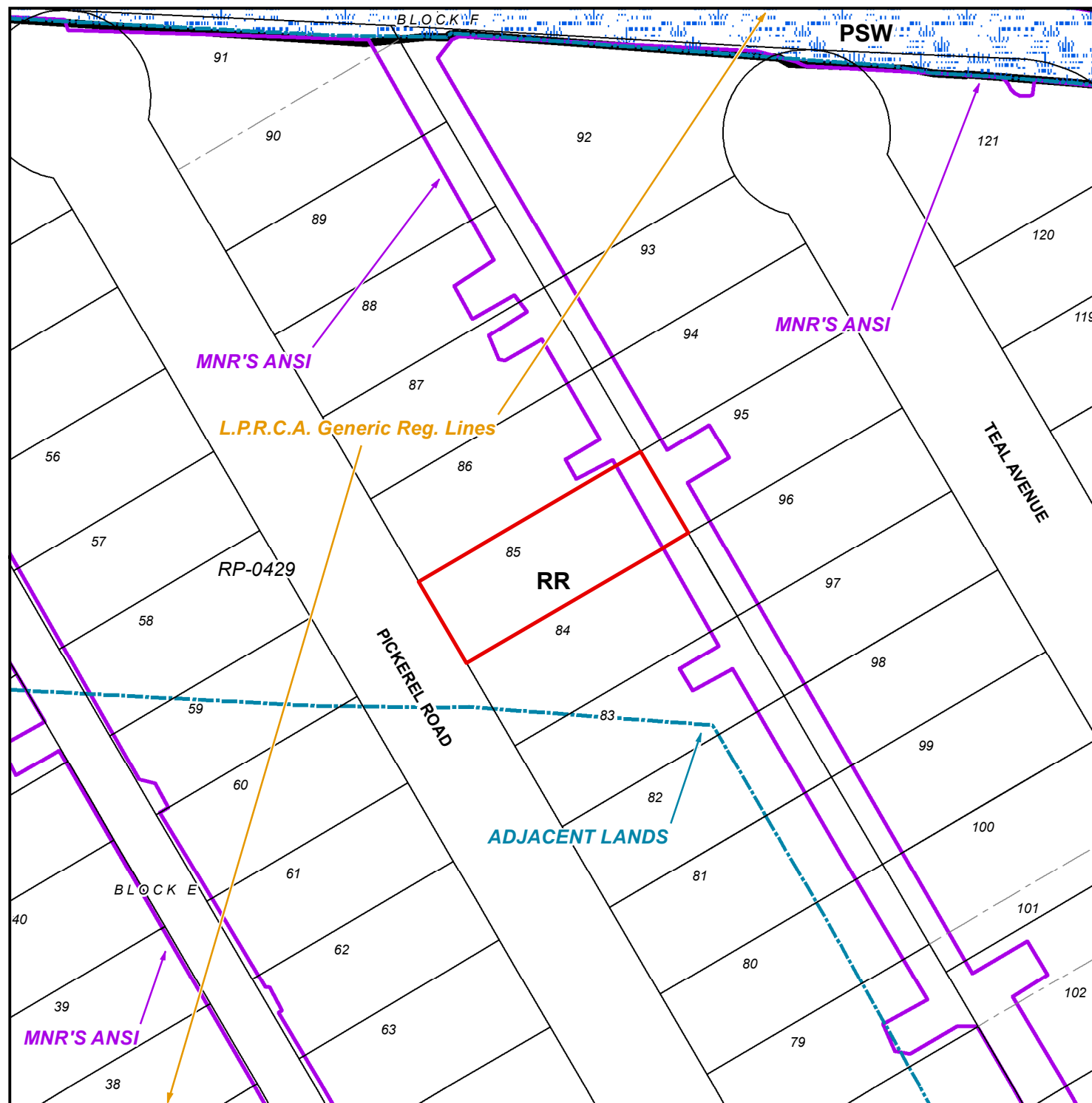
 Subject Lands

2020 Air Photo

9/19/2023








10 5 0 10 20 30 40
Meters



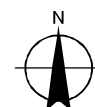
LEGEND

ZONING BY-LAW 1-Z-2014

9/19/2023

-  Subject Lands
 Adjacent Lands
 Wetland
 MNR ANSI
 LPRCA Generic

- (H) - Holding
PSW - Provincially Significant Wetland Zone
RR - Resort Residential Zone



A scale bar with markings at 8, 4, 0, 8, 16, 24, and 32 meters.

CONCEPTUAL PLAN

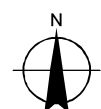
Geographic Township of SOUTH WALSINGHAM



Legend

Subject Lands

9/19/2023



2.5 1.25 0 2.5 5 7.5 10 Meters

CONCEPTUAL PLAN

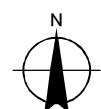
Geographic Township of SOUTH WALSINGHAM



Legend

Subject Lands

9/19/2023



2.5 1.25 0 2.5 5 7.5 10 Meters