



Committee of Adjustment Application for Minor Variance

Complete Application

The application must be completed by the owner or authorized agent. If the application is being submitted by an agent, the owner's written authorization is required. If the lands subject to this application are owned by more than one owner, the authorization of all owners is required. Submission of this application constitutes consent for authorized municipal staff to inspect the subject lands.

It is the responsibility of the applicant to research and evaluate the site and the proposal to ensure that the development will conform to the interests of the health, safety and welfare of future residents. Sufficient studies for the completion of the application should be carried out prior to submission and should be reflected in the application form.

Before the Application is submitted

A pre-consultation meeting is not required for Committee of Adjustment applications; however, further information can be provided by Planning Department staff prior to the submission of an application. The purpose of communicating with a planner before you submit your application is: to review the proposal / application, to discuss potential issues; and to determine the required supporting information and materials to be submitted with your application before it can be considered complete by staff.

Online Application Process

All applications must be submitted online via the County's CityView Portal. The portal can be accessed here: [Welcome - CityView Portal](#). The applicant will submit the materials required as part of a complete application. Once the County confirms receipt of a complete submission, the applicant will be contacted and provided further directions for payment options.

User Fees

The planning application fee will be determined when the application can be deemed complete according to Norfolk County Community Planning user fees: [User Fees | Norfolk County](#)

Cash, debit, credit or cheque payable to Norfolk County in the amount set out in the user fees By-Law that will be accepted and deposited once the application has been deemed complete.

If the subject lands are located in an area that is regulated by either the Long Point Region Conservation Authority or by the Grand River Conservation Authority an additional fee will be required if review by the applicable agency is deemed necessary. A separate cheque



payable to the Long Point Region Conservation Authority or the Grand River Conservation Authority is required in accordance with their fee schedule at the time of submission.

Grand River Conservation Authority

[Plan Review fees | Grand River Conservation Authority](#)

Long Point Region Conservation Authority

[Planning Fees - Long Point Region Conservation Authority](#)

After the application is submitted

In order for the application to be deemed complete, all of the components noted above are required. The *Planning Act* permits up to 30 days to review and deem an application complete.

Once the application has been deemed complete by the Planning Department, it is then circulated to public agencies and County departments for review and comment. A sign is provided that is required to be posted on the subject lands summarizing the application and specifying the committee meeting date. The comments received from members of the community will be included in the planning report and given consideration.

Additional studies required as part of the complete application shall be at the sole expense of the applicant. Any required peer reviews shall be at the expense of the applicant. The peer reviewer shall be selected by the County.

If the application is withdrawn prior to the circulation to commenting agencies, the entire original fee will be refunded. If withdrawn after the circulation to agencies, half the original fee will be refunded. No refund is available after the public meeting and/or approval of application.

Notification Sign Requirements

Planning Department staff may post a notification sign on your property in advance of the public meeting on your behalf. Please keep this sign posted until you have received a notice in the mail indicating that the Secretary Treasurer received no appeals.

It is the applicant's responsibly to ensure that the sign is correctly posted within the statutory timeframes, according to the *Planning Act*. Failure to post a sign in advance of the public meeting in accordance with statutory requirements will impact the timing of the Committee of Adjustment meeting. Applicants are responsible for removing the sign following the appeal period. The signs are recyclable and can be placed in your blue box.

Contact Us

For additional information or assistance in completing this application, please contact a planner at 519-426-5870 ext. 8159 or coa@norfolkcounty.ca



For Office Use Only:

File Number _____
Related File Number _____
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.

- Standard Minor Variance
- Complex Minor Variance (After the fact)
- Routine Minor Variance

Property Assessment Roll Number: 3310 493 050 02400

A. Applicant Information

Name of Owner JAMES NOBES & ANNA WALL

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 298 ST. JOHN'S ROAD W

Town and Postal Code SIMCOE, ON N3Y 4K1

Phone Number _____

Cell Number _____

Email Jamesn79@outlook.com

Name of Authorized Applicant ROBERT BROWN (OAKVIEW LAND USE PLANNING)

Address 6 ROYAL CRES, PO BOX 188

Town and Postal Code PAIN COURT, ON, N0P 1Z0

Phone Number 519-809-4539

Cell Number _____

Email rbrown@oakviewlup.ca



Name of Authorized 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:

LIBRO CREDIT UNION, 440 NORFOLK ST S, SIMCOE ON, N3Y 2X3

B. Location, Legal Description and Property Information

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

CHR CON 5, PT LOT 4

Municipal Civic Address: 298 ST. JOHN'S RD W

Land acquisition date (if known): 2019 08 30

Present Official Plan Designation(s): AGRICULTURAL

Present Zoning: A, AGRICULTURAL

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:

RURAL RESIDENTIAL



4. Please describe **all existing and proposed** buildings and structures on the subject lands and whether they are to be retained, demolished or removed.

	Existing	Proposed
Type of Building	<u>Existing & New Single Dwelling</u>	<u>New Single Dwelling & ARDU</u>
Number of Storey(s)	<u>see Appendix 1</u>	<u>see Appendix 1</u>
Number of Dwelling Units per lot	<u>2</u>	<u>2</u>
Buildings/Structures/ARDU Width (m)	<u>see Appendix 1</u>	<u>see Appendix 1</u>
Building/ Structures /ARDU Length (m)	<u>see Appendix 1</u>	<u>see Appendix 1</u>
Building/ Structures /ARDU Height (m)	<u>see Appendix 1</u>	<u>see Appendix 1</u>
Usable Floor Area (sq.m)	<u>Ex - 153 / New - 190</u>	<u>same</u>
Lot coverage	<u>1.5%</u>	<u>same</u>

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. 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:

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

8. Existing use of abutting properties:

RURAL RESIDENTIAL AND AGRICULTURAL

9. Are there any easements or restrictive covenants affecting the subject lands?

Yes No If yes, describe the easement or restrictive covenant and its effect:

APPENDIX 1

New One Storey Dwelling – 26 m l x 12 m w x 4 m h– non change proposed

Existing 1 ½ Storey Dwelling – 12.6 m l x 11.7 m w x 4 m h - (L-Shaped) to be reclassified as ARDU

Storage Shed – 1.8 m x 2.4 m x 2.4 m – no change proposed

Barn – 11.6 m x 6 m x 4 m – (L-Shaped) – no change proposed



C. Zoning Review (chart must be completed in metric units)

Please fill out the required information for the main and accessory buildings and structures

	Zoning By-law Requirement	Proposed	Deficiency
Lot area (m ²)	40ha	36423 sq. m	n/a - existing lot
Lot frontage (m)	30 m	118.68m	n/a
Lot depth (m)	n/a	239.69m	n/a
Front Yard Setback (m)	13m	13.7m	n/a
Left Side Yard Setback (m)	3m	8.2m	n/a
Right Side Yard Setback (m)	3m	20m	n/a
Rear Yard Setback (m)	9m	139m	n/a
Exterior side yard (if applicable) (m)	n/a		
Height (m)	11m	4m	n/a
Lot coverage (%)	10%	1.5%	n/a
Buildings/structures separation (m)	n/a		
Detached Additional Dwelling Unit (ADU) or Accessory Building			
i) Usable floor area (m ²)	75m ²	153m ²	+ 78sq.m
ii) Height (m)	8m	4m	N/A.
iii) Building separation (m)	40m	80m	+ 40m
Number of parking spaces	3	3	n/a



D. 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:

CURRENT ZONING DOES NOT PERMIT A GAS STATION, USE OF PROPERTY AND ADJACENT LANDS HAS BEEN
RURAL RESIDENTIAL OR AGRICULTURAL ONLY

4. If you answered yes to any of the above questions in Section D, a previous use inventory showing all known former uses of the subject lands, or if appropriate, the adjacent lands, is needed. Is the previous use inventory attached?

Yes No

E. Provincial Policy

1. Is the requested amendment consistent with the Provincial Planning Statements issued under subsection 3(1) of the *Planning Act, R.S.O. 1990, c. P. 13*?

Yes No

If you answered no, please explain:

2. It is the 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 Planning Statement ?



Yes No

If no, please explain:

REQUESTED VARIANCES ARE TO ADDRESS ALREADY PERMITTED NEW DEVELOPMENT

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:

REQUESTED VARIANCES ARE TO ADDRESS ALREADY PERMITTED NEW DEVELOPMENT

Note: If the subject lands are in an area of source water Wellhead Protection Area (WHPA) A, B or C, Issue Contributing Area, Intake Protection zone, please attach relevant information and approved mitigation measures from the Risk Manager Official.

4. Does the property have any significant environmental features on the subject land or within 500 metres:

Yes No

If yes, indicate: Significant Woodland Provincially Significant Wetland Floodplain Other _____

5. Does the property have any livestock facility or stockyard on the subject land or within 1000 metres:

Yes No

If yes, the submission of Minimum Distance Separation (MDS) calculations may apply.

F. Servicing and Access

1. Indicate what services are available or proposed:

Water Supply

- Municipal piped water Communal wells
 Individual wells Other (describe below)
-



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)
-

2. Existing or proposed access to subject lands:

- Municipal road Provincial highway
 Unopened road Other (describe below)

Name of road/street:

G. Other Information

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.

PLANNING RATIONALE REPORT IS ATTACHED



H. Supporting Material to be submitted by Applicant

In order for your application to be considered complete, folded hard copies and an electronic version of the site plan drawings, additional plans, studies and reports will be required in addition to a sketch plan in accordance with [Ontario Regulation 200/96](#).

i. Sketch in Metric Units

A sketch showing the following, in metric units:

- a) The boundaries and dimensions of the subject land.
- b) The location, size, dimensions, and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines.
- c) The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
- d) The current uses on land that is adjacent to the subject land.
- e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.
- f) If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- g) The location and nature of any easement affecting the subject land.
- h) Location and setbacks of septic system and well from all existing and proposed lot lines, and all existing and proposed structures.



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 to undertake 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. The owner further acknowledges and agrees that it is their solicitor's responsibility on behalf of the owner to undertake 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 purpose 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 purpose of processing this application.


James Nobes (Feb 3, 2026 13:48:17 EST)


A (Feb 12, 2026 18:20:34 EST)

Feb 03 2026

Owner/Applicant/Agent Signature

Date

J. Owner's Authorization

If the authorized 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 JAMES NOBES & ANNA WALL am/are the registered owner(s) of the lands that is the subject of this application.

I/We authorize ROBERT BROWN 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.


James Nobes (Feb 3, 2026 13:48:17 EST)

feb 03 2026

Owner

Date


A (Feb 12, 2026 18:20:34 EST)

Feb 03 2026

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, ROBERT BROWN of MUNICIPALITY OF CHATHAM-KENT

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:

2021 DIVISION RD N

Owner/Applicant/Agent Signature

In KINGSVILLE, ON

This 13th day of FEBRUARY

A.D., 2020

A Commissioner, etc.

Ryan McLeod, CPA, CA
Director of Financial Services
A Commissioner, etc., for
The Corporation of the Town of Kingsville
Province of Ontario, Canada












MV Application - Nobes

Final Audit Report

2026-02-12

Created:	2026-02-03
By:	Robert Brown (rbrown@oakviewlup.ca)
Status:	Signed
Transaction ID:	CBJCHBCAABAAoP8GIEF3tNtfwqEI7om_oqWXoflOv4po

"MV Application - Nobes" History

-  Document created by Robert Brown (rbrown@oakviewlup.ca)
2026-02-03 - 3:03:33 PM GMT
-  Document emailed to jamesn79@outlook.com for signature
2026-02-03 - 3:06:16 PM GMT
-  Email viewed by jamesn79@outlook.com
2026-02-03 - 6:42:21 PM GMT
-  Signer jamesn79@outlook.com entered name at signing as James Nobes
2026-02-03 - 6:48:15 PM GMT
-  Document e-signed by James Nobes (jamesn79@outlook.com)
Signature Date: 2026-02-03 - 6:48:17 PM GMT - Time Source: server
-  Document emailed to annaknelson@icloud.com for signature
2026-02-03 - 6:48:22 PM GMT
-  Email viewed by annaknelson@icloud.com
2026-02-03 - 7:30:01 PM GMT
-  New document URL requested by annaknelson@icloud.com
2026-02-12 - 11:15:48 PM GMT
-  Email viewed by annaknelson@icloud.com
2026-02-12 - 11:16:10 PM GMT
-  Signer annaknelson@icloud.com entered name at signing as A
2026-02-12 - 11:20:32 PM GMT
-  Document e-signed by A (annaknelson@icloud.com)
Signature Date: 2026-02-12 - 11:20:34 PM GMT - Time Source: server

✔ Agreement completed.

2026-02-12 - 11:20:34 PM GMT

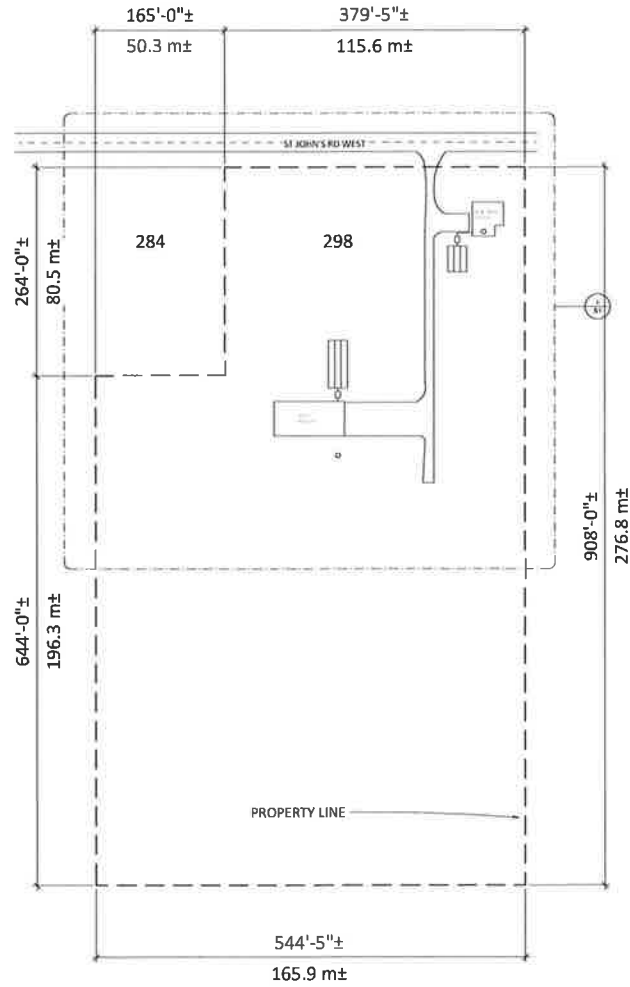
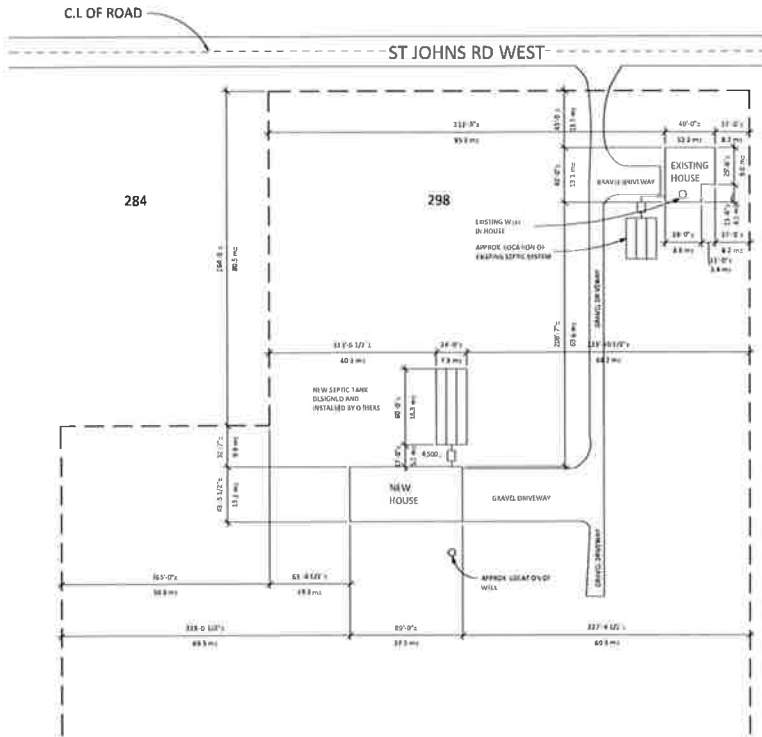


Adobe Acrobat Sign

SITE PLAN

FOR
298 ST JOHN'S RD W
 IN THE
TOWNSHIP OF DELHI
 IN THE REGIONAL MUNICIPALITY OF
COUNTY OF NORFOLK, ONTARIO

- 1 Site Plan - Cellar, 1
- 2 Site Plan - 1/4" = 1'-0"



PJ CONSTRUCTION GROUP

THESE PLANS MAY NOT
 BE RE-USED OR COPIED
 WITHOUT THE
 WRITTEN PERMISSION
 IN WHOLE OR IN PART
 FROM PJ DESIGNS

Revisions:

DRAWING:
 SITE PLAN

ADDRESS:

298 ST JOHN'S ROAD
 WEST, SIMCOE

CLIENT:

OAKVIEW LAND USE
 PLANNING

Drawn By:

Peter Najem
 (BCIN: 114534)

Issued By:

PJ DESIGNS
 FIRM BCIN: 202901
 Date: 2025-11-03
 226-975-4281

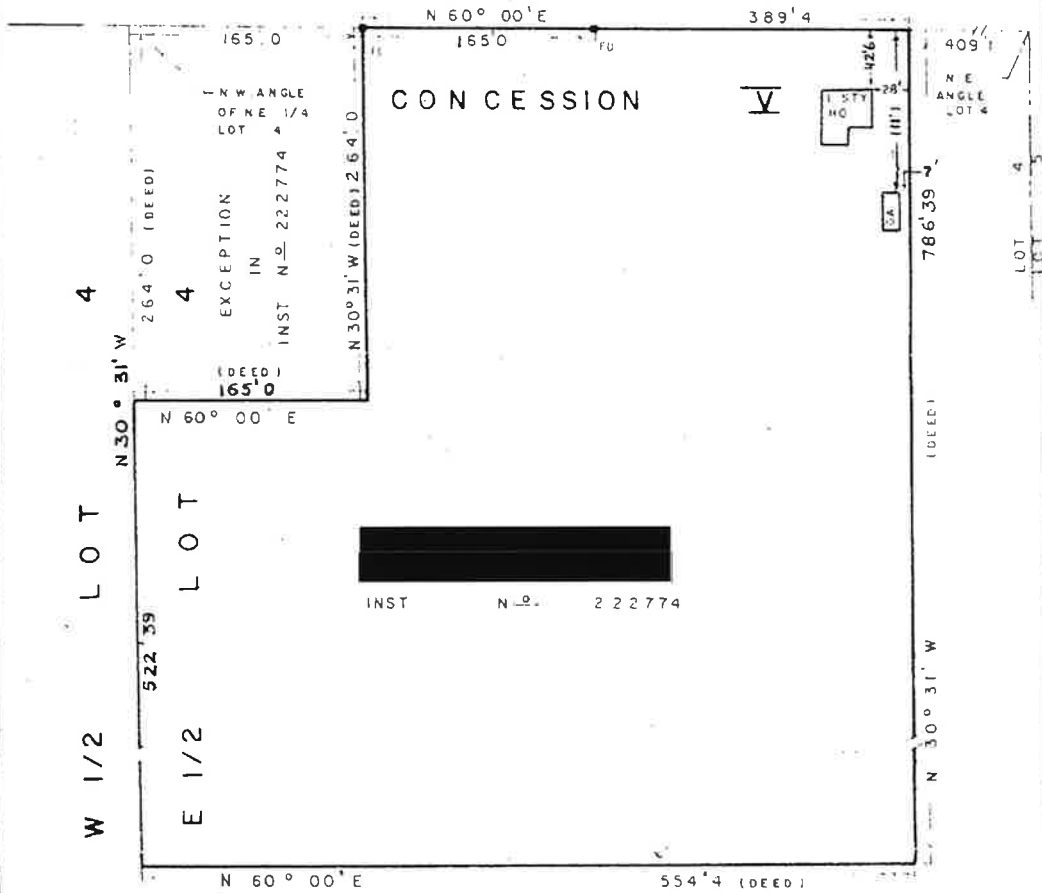


Sheet Number
S1
Scale: As Shown

PLAN OF SURVEY.
 OF PART OF
LOT 4 - CONCESSION V
 FORMERLY IN THE GEOGRAPHIC
TOWNSHIP OF CHARLOTTEVILLE
 IN THE
COUNTY OF NORFOLK
 NOW IN THE
TOWNSHIP OF DELHI
 IN THE REGIONAL MUNICIPALITY OF
HALDIMAND - NORFOLK
 SCALE 1" = 100'
1980
JEWITT AND DIXON LTD
CONCESSION

VI

66' ALLOWANCE FOR ROAD BETWEEN CONCESSIONS V AND VI



LEGEND

1	1" x 1" x 48" STANDARD IRON BARS SHOWN	
2	5/4" x 5/4" x 24" IRON BARS SHOWN	
3	5/8" x 24" ROUND IRON BARS SHOWN	
4	LOT LINES SHOWN	
5	HALF LOT LINES SHOWN	
6	DEED LINES SHOWN	
7	FENCES SHOWN	
8	FD. DENOTES FOUND	

I HEREBY CERTIFY THAT

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER
- THE SURVEY WAS COMPLETED ON THE 14TH DAY OF JULY 19 80

15 / 7 / 80
 O M Y

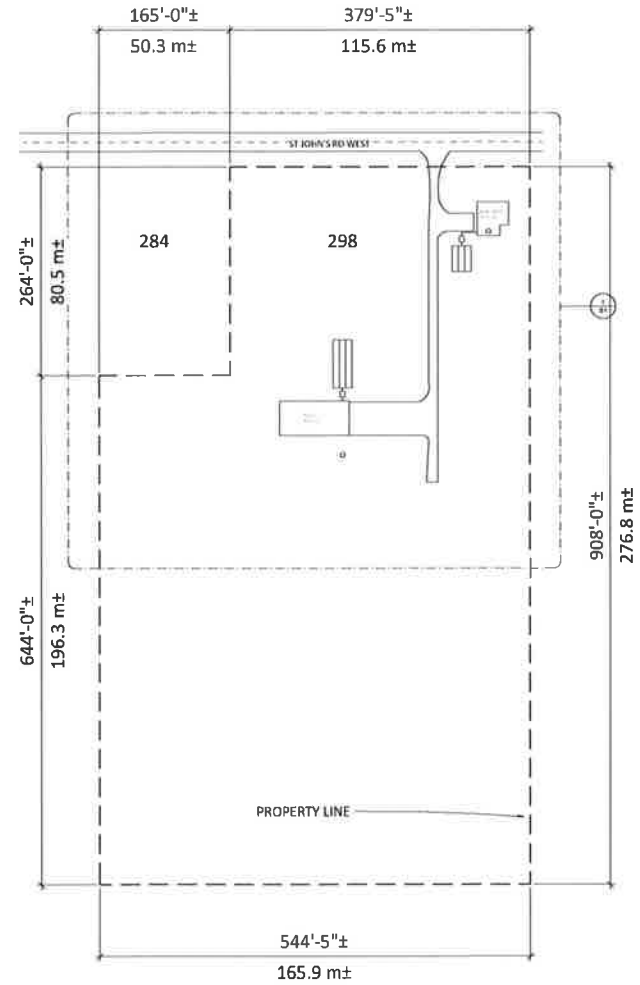
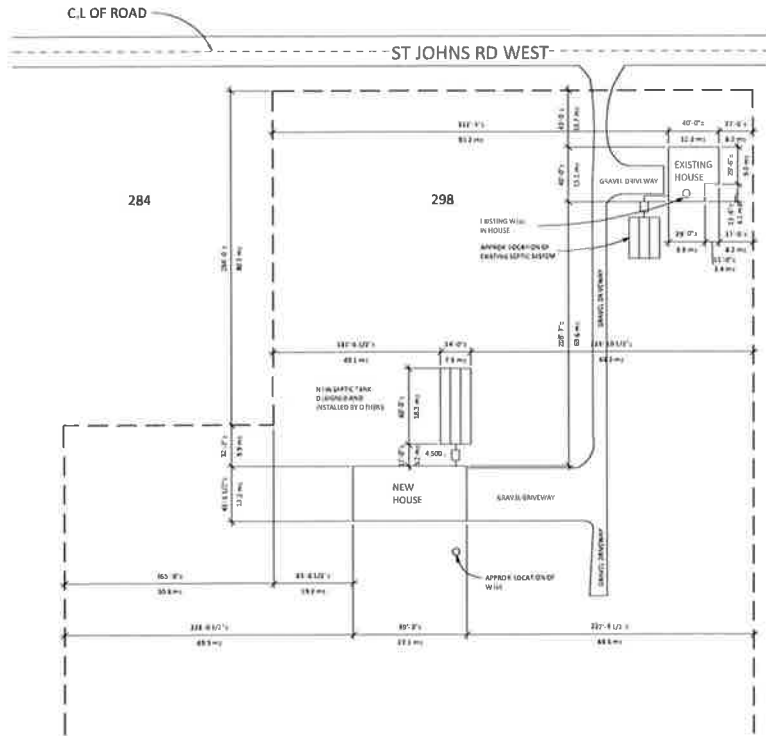
[Signature]
 JEWITT AND DIXON LTD
 ONTARIO LAND SURVEYORS
 90 KENT ST S SIMCOE, ONTARIO

REPRODUCTION OF THIS PLAN ARE NOT VALID UNLESS BEARING THE SURVEYOR'S SEAL

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 IN THE
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 IN THE REGIONAL MUNICIPALITY OF
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 WEST, SIMCOE

CLIENT:
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 PLANNING

Drawn By:
 Peter Najem
 (BCIN: 114534)

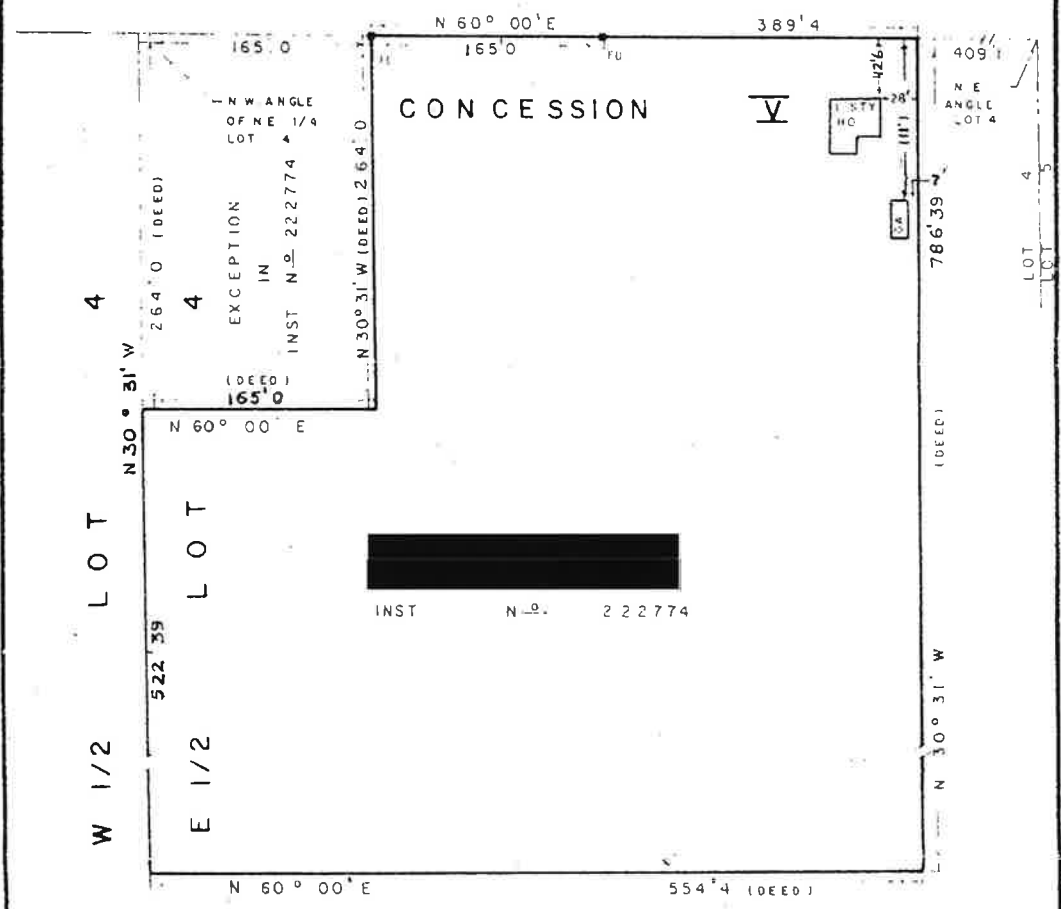
Issued By:
 PJ DESIGNS
 FIRM BCIN: 202901
 Date: 2025-11-03
 226-975-4281



Sheet Number
S1
Date: As indicated

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CONCESSION

66' ALLOWANCE FOR ROAD BETWEEN CONCESSIONS V AND VI



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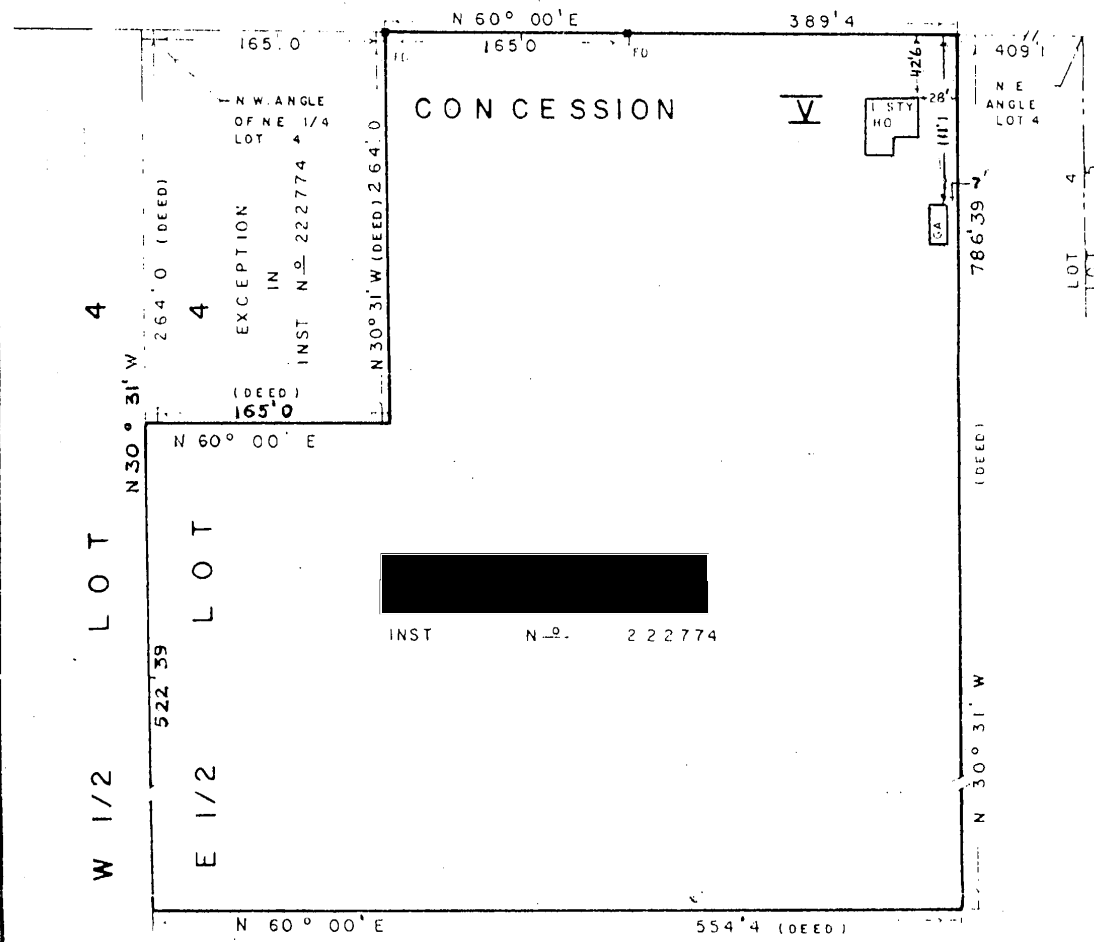
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 90 KENT ST S W SIMCOE, ONTARIO

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 SCALE 1" = 100'
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 CONCESSION



66' ALLOWANCE FOR ROAD BETWEEN CONCESSIONS V AND VI



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 O M Y

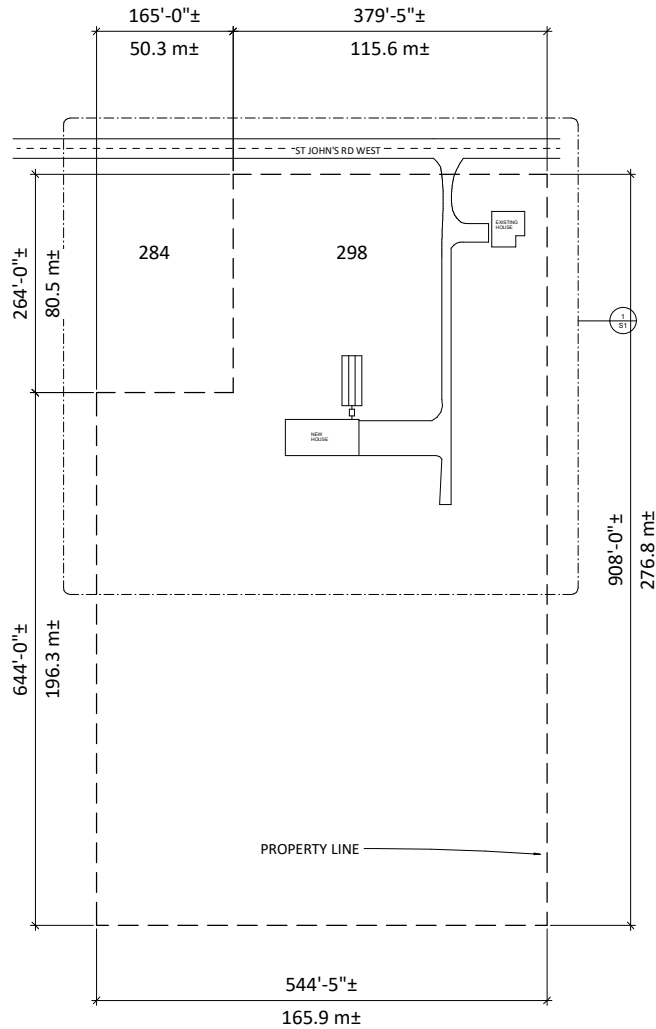
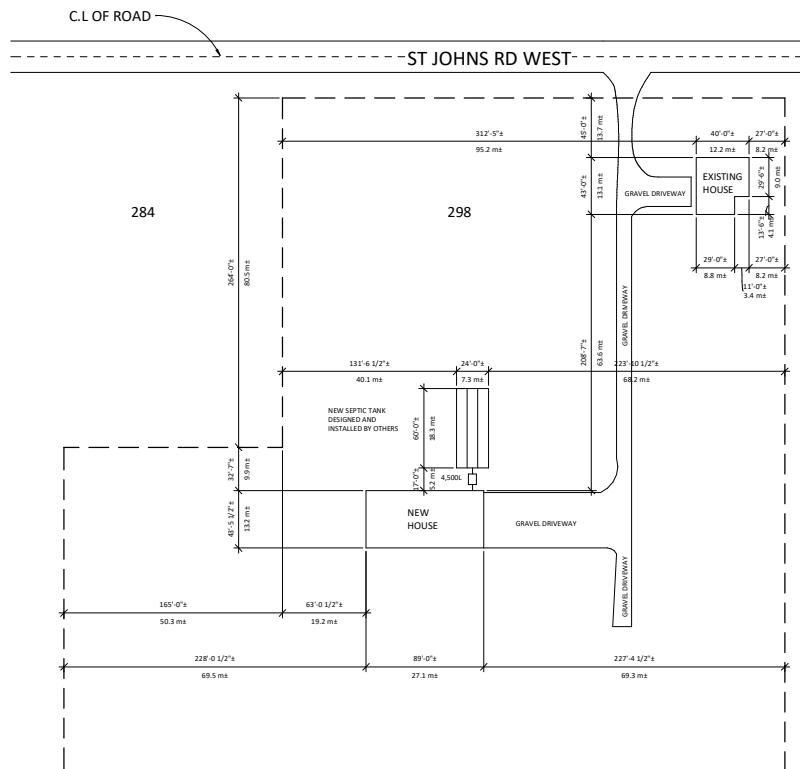
[Signature]
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 ONTARIO LAND SURVEYORS
 90 KENT ST S W SIMCOE, ONTARIO

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 Date: 2025-11-03
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Sheet Number:	S1
Scale:	As Indicated



6 Royal Cres, PO Box 188
Pain Court, Ontario N0P 1Z0
(519) 809-4539
rbrown@oakviewlup.ca

Date: January 27, 2026

To: County of Norfolk, Planning Services

RE: Planning Justification Report for
Proposed Application for Minor Variance
298 St. John's Road, Pt. of Lot 4, Concession 5 CHR,
Roll # 3310 493 050 02400

Author: Robert Brown, H. Ba, MCIP, RPP

Purpose

To provide an overview of the related land use planning considerations in support of a minor variance to grant relief from the zoning by-law to increase the permitted setback between an ARDU and the main dwelling, increase the size of a permitted ARDU and recognize that a new main dwelling has been established in advance of establishment of a permitted ARDU.

Background

The subject property is a 3.64 ha (9 ac.) parcel located on the south side of St. John's Road West between Forestry Farm Road and Charlotteville West Quarter Line Road. (See Figure One) The property contains two dwellings, a new single detached dwelling located approximately 90 m from the road and the original single detached dwelling located in the northeast corner of the lot approximately 19 m from the road. (See Figure Two and Two A)

A building permit was issued in November of 2021 for the construction of the new dwelling with the understanding that the existing dwelling on the property at that time would be removed. This is common practice in rural areas when an existing dwelling is being replaced. After completion of the dwelling the applicants, knowing that additional residential dwelling units were becoming an option both in urban and rural areas wanted to renovate and update the existing dwelling with the hope of using it as a rental unit. This unfortunately created a zoning compliance issue, having two dwellings on same lot

where only one is permitted. An order to comply was issued in June of 2024 which in turn brings us to today.

Options for the property owners include removal of the original dwelling or a change to the zoning to permit an additional residential dwelling unit. In consultation with planning staff it was determined that in order to consider a zoning amendment to permit the original dwelling as an ARDU an amendment to the Official Plan would also be necessary to address the current situation and allow for the original dwelling to be considered the ARDU and the new home to be the main dwelling on the site. As such applications have been filed with the County for both an Official Plan and Zoning By-law amendment.

298 St. John's Rd W

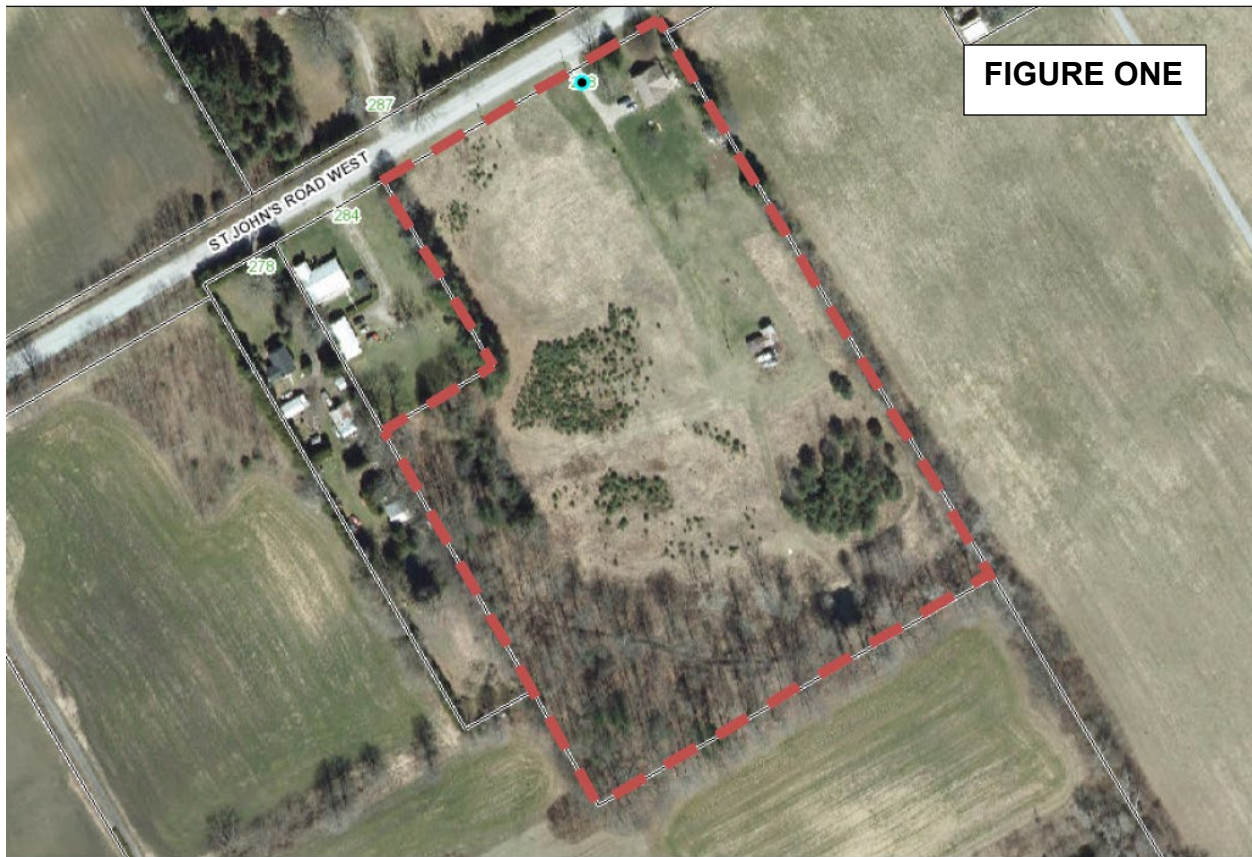
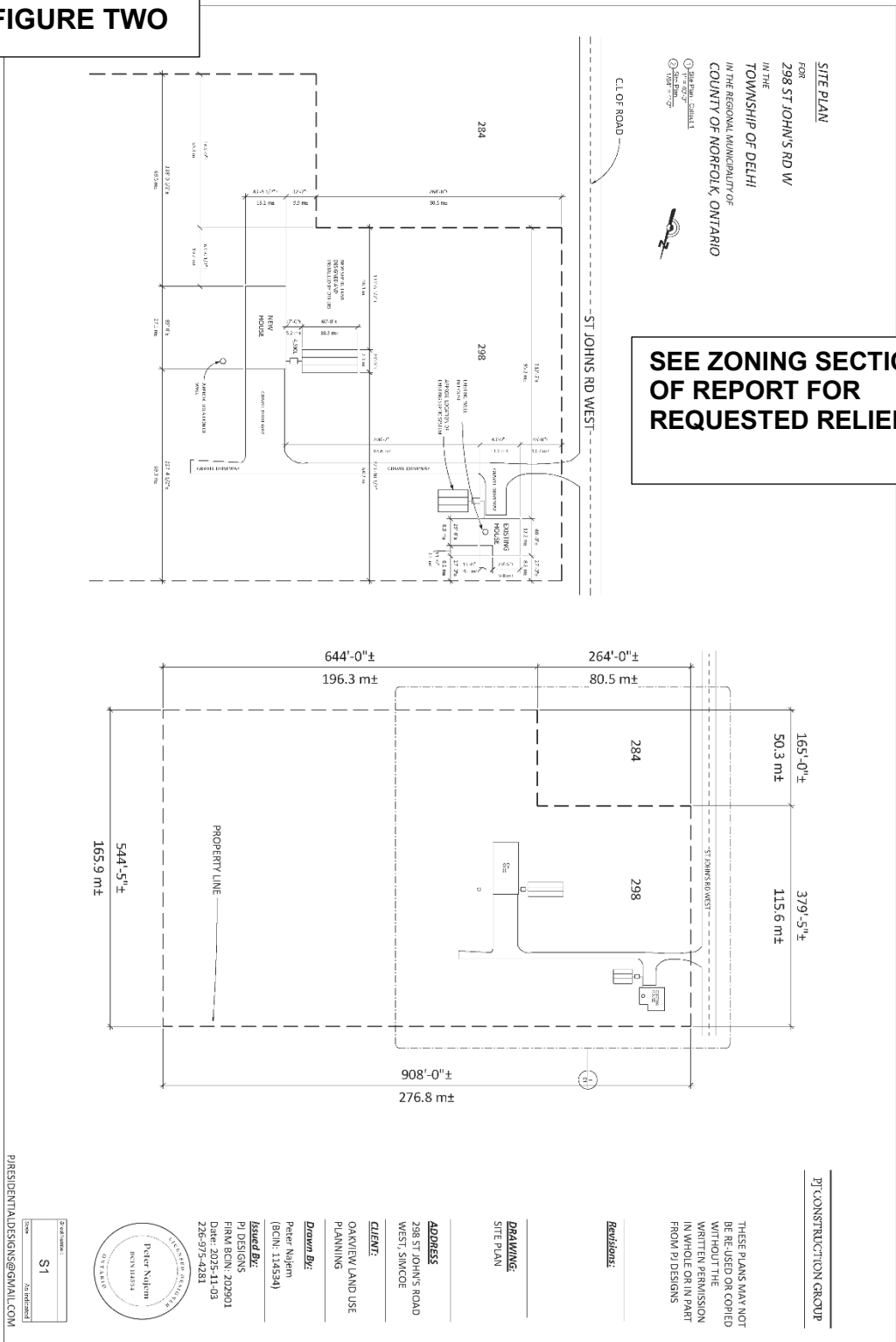
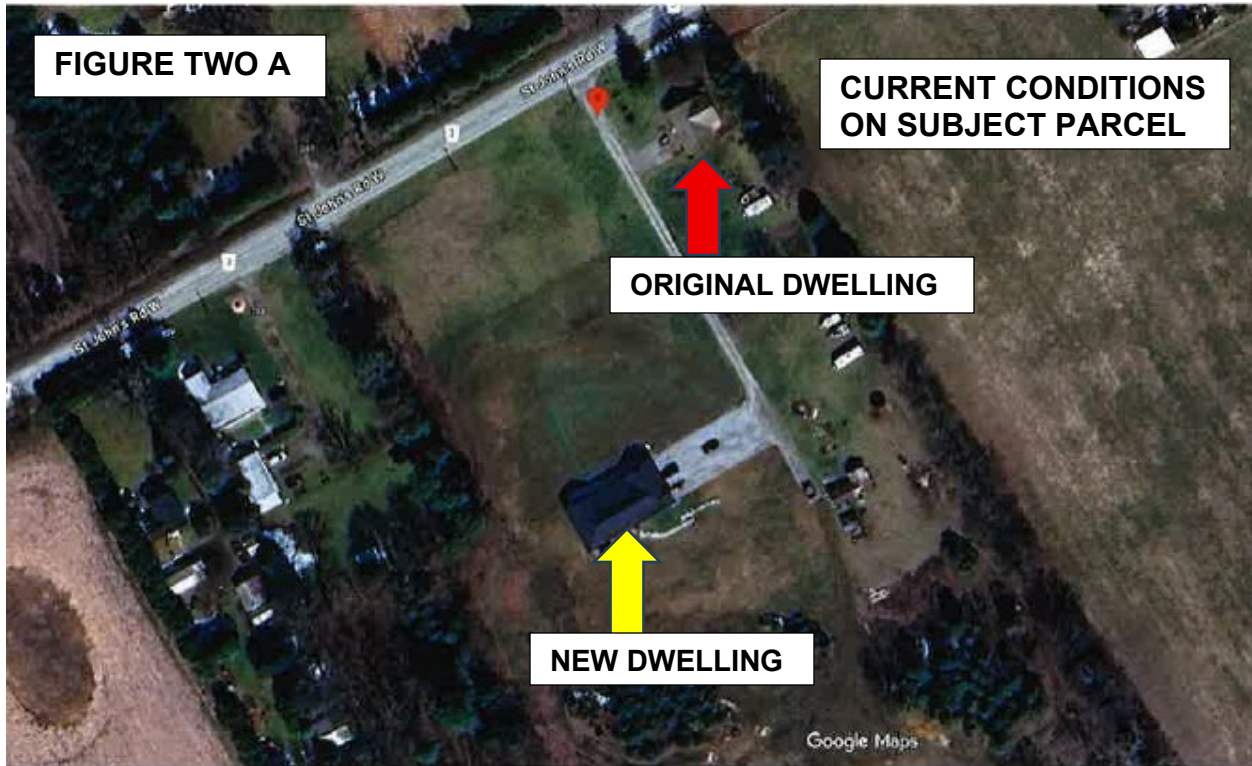
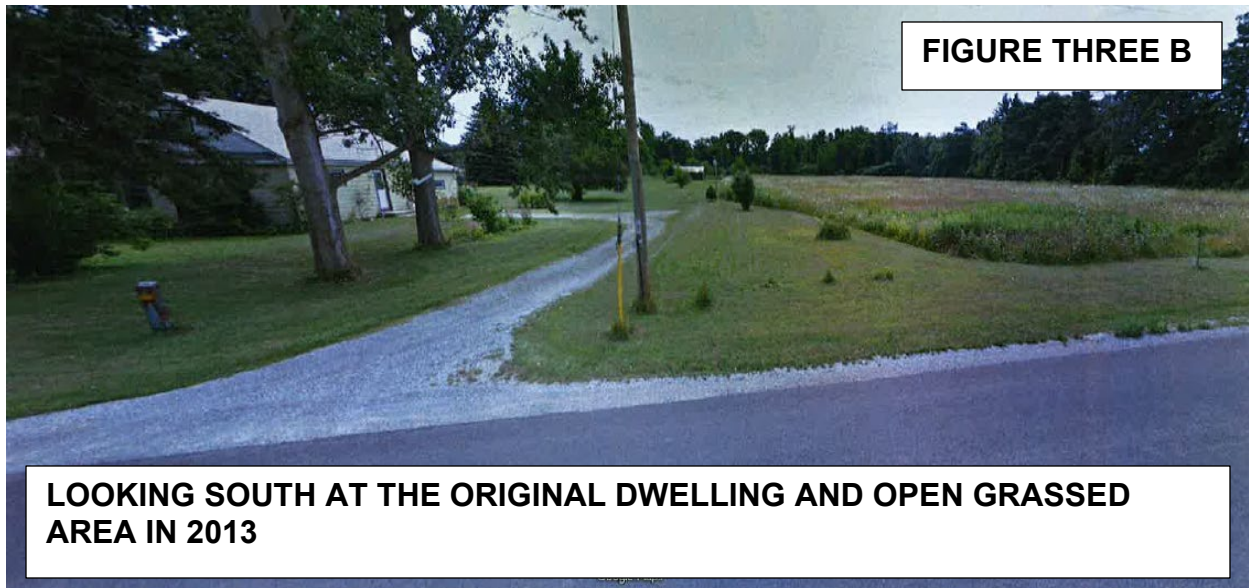


FIGURE TWO







Planning Rationale

Provincial Planning Statement (2024)

The Provincial Planning Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject parcel is designated Agricultural.

Section 2.2 Housing

2.2.1 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet the projected needs of current and future residents of the regional market area by:

b) permitting and facilitating:

2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;

2.3.1.3 Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including

by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

Comment: In the simplest terms possible what these sections are saying is use the resources that you have including reuse of existing building stock. The proposed zoning and official plan amendment seek to undertake the redevelopment of the original dwelling into an ARDU, something that is clearly permitted but perhaps not executed in the way the current policy is outlined.

Section 4.3.2.5 outlines the following:

Where a residential dwelling is permitted on a lot in a prime agricultural area, up to two additional residential units shall be permitted in accordance with provincial guidance, provided that, where two additional residential units are proposed, at least one of these is located in or attached to the principal dwelling, and any additional residential units:

- a) comply with the minimum distance separation formulae:

Comment: there does not appear to be any livestock operations within 500 m or more of the subject property.

- b) are compatible with, and would not hinder, surrounding agricultural operations;

Comment: the surrounding uses consist of rural residential uses and farm parcels with and without dwellings. The subject property, including both of the dwellings are surrounded by trees and generally buffered from the farm parcels to the east and west. The property has contained a dwelling for many years and the location of the new dwelling will not impact on surrounding agricultural operations.

- c) have appropriate sewage and water services;

Comment: a new septic system was installed for the new dwelling. Water is supplied by a private water well. The original dwelling also has its own septic and private well.

- d) address any public health and safety concerns;

Comment: The property is privately serviced. Access to the property consists of one driveway that services both dwellings so there should be no public health or safety concerns.

- e) are of limited scale and are located within, attached, or in close proximity to the principal dwelling or farm building cluster; and

Comment: The existing dwelling is located close to the road in the northeast corner of the lot. The new dwelling is located approximately 80 m to the south of the existing dwelling. PPS does not define close proximity. This item is addressed in the Norfolk Official Plan and will be discussed in further detail under that section of the report.

f) minimize land taken out of agricultural production.

Comment: The property has not been used for cropping purposes given its limited size. The new dwelling is located in an area that was not cropped and actually was covered with small evergreens prior to being developed. (See Figure Two, Three A & B)

Section 4.1 Natural Heritage

The subject lands are not adjacent to any natural heritage features.

The property is within the area covered by the Long Point Region Conversation Area but is not within a regulated area.

Provincial Planning Statement clearly permits secondary dwelling units on Agriculturally designated lands subject to certain criteria. While the new dwelling was constructed with the intention of removing the originally dwelling there is nothing in PPS that would prevent consideration of the proposed conversion of the original dwelling to an ARDU.

As such the proposed minor variances is consistent with PPS, if approved.

Minor Variance

For a variance under Section 45(1) of the Planning Act to be considered minor it must pass four tests:

- i) Does the variance maintain the intent and purpose of the official plan?
- ii) Does the variance maintain the intent and purpose of the zoning by-law?
- iii) Is the variance requested desirable for appropriate and orderly development and use of the lands and buildings?
- iv) Is the variance minor in nature?

Each of the tests is reviewed in detail as follows:

Official Plan – County of Norfolk

Norfolk County policy clearly allows for ARDU development in all areas with some limitations on demonstrating that a given property can support such intensification. The policy also requires that the introduction of an ARDU requires

that a main use is established on a property before an ARDU would be permitted. This is not a new policy direction. ARDUs are similar to an accessory use and prior to establishment of an accessory use one must first have a main use.

It is also important to consider that PPS is an extension of the Planning Act and Section 16(3) of the Act is very clear that no Official Plan shall contain policy that has the effect of restricting the establishment of additional dwelling units. While the Official Plan policy provides limitations on size and location as a safeguard to the agricultural area it also has the potential to restrict or prohibit establishment of additional dwelling units by regulation. This in turn moves very close to being policy that contravenes the Act. However, it is also recognized that ARDU policy is new and that all potential circumstances may not have been considered as part of the ARDU policy development. This in turn highlights a need to be flexible and adapt to certain circumstances particularly if the result is the same as what would be permitted had the policy, as currently written, been followed.

For the subject property a permit was secured with the idea that the existing dwelling would be removed once the new dwelling was completed. Plans changed and the property owner is considering conversion of the existing dwelling to an ARDU. This is an approach that likely was not anticipated and may be considered somewhat backward. However, it is important to keep in mind that if this were a vacant lot and someone applied to construct a new dwelling and then an ARDU shortly there after it would have been permitted without any need for Planning Act approvals. This is not about introduction of a new use or prohibited use, this is about the order of operations. Reuse of any existing building, particularly for housing, regardless of location, is a cost effective, environmentally friendly and faster method to providing or maintaining housing stock.

The subject property is designated Agricultural in the Norfolk County Official Plan (See Figure Four). Section 7.2.1 Permitted Uses outlines the various uses that are allowed within the Agricultural designation. Specifically, Section 7.2.1 h) v) outlines the criteria related to an ARDU:

h) The following uses may also be permitted, provided these uses do not conflict with existing farming operations, or with any policies related to Provincially Significant Features or Natural Heritage Features:

v) Accessory Residential Dwelling, subject to the policies of Section 5.3.3 (Special Housing Forms) [OP-3-2020. Amendment 124];

The policies outlined below are applicable to both urban and rural ADRUs.

5.3.3.1 Additional Residential Dwelling Unit [2-OP -2014, Amendment 65][3-OP 2020, Amendment 124][7-OP-2022, Amendment 149] An “additional residential dwelling unit” is a self-contained residential dwelling unit supplemental to the

primary residential dwelling use of the property. The additional residential dwelling unit may be located within the primary dwelling (interior) or in a detached accessory building or detached structure ancillary to the primary residential unit. Additional residential dwelling units shall comply with the following policies:

- a) Interior Unit – One (1) additional residential dwelling unit may be permitted within a single detached dwelling, a semi-detached dwelling and street townhouse dwelling unit within areas designated Urban Residential, Hamlet, or Agricultural;

Comment: N/A

- b) Detached Unit – One (1) additional residential dwelling unit may be permitted in a detached building or structure ancillary to a single detached dwelling, semi-detached dwelling or street townhouse dwelling within areas designated Urban Residential, Hamlet, or Agricultural;

Comment: approval is being sought to consider conversion of the original dwelling to an ARDU with the new dwelling considered the main use.

- c) A maximum of two additional residential dwelling units, one interior unit and one detached unit, shall be permitted per lot. Where another special housing form exists on the lot, including without limitation, a garden suite or mobile home, as determined by Norfolk County, one (1) interior additional residential dwelling unit shall be permitted.

Comment: only one detached ARDU is being requested.

- d) Where an additional residential dwelling unit is located on a lot, a boarding, lodging or rooming house is not permitted. And alternatively, where a boarding lodging or rooming house already exists on the lot, an additional residential dwelling unit shall not be permitted on the same lot.

Comment: N/A

- e) Existing adequate municipal services (water and wastewater) or private services (septic and well) shall be available to service the additional residential dwelling unit to the satisfaction of Norfolk County. Norfolk County shall not be under any obligation to install such services as part of any specific application to establish an additional residential dwelling unit.

Comment: Each dwelling has its own septic system and water well. The approximate location of these are outlined in Figure Two.

- f) Additional residential dwelling units shall not be permitted on lands designated for seasonal or resort residential uses and are specifically not permitted in seasonal dwellings, vacation dwellings, and dwellings intended for short-term accommodation purposes.

Comment: N/A

- g) Development of an additional residential dwelling unit shall be subject to the following criteria:

- i) The structural stability of the building is adequate to accommodate the alterations necessary for an additional dwelling;

Comment: The original dwelling on the site was and remains in habitable condition. Should the requested application be approved a change of use permit will be required to review the structure for Building Code compliance. There is no indication that the dwelling is not structurally stable. The new dwelling was constructed under permit and is in compliance with Ontario Building Code.

- ii) Exterior changes to the structure shall be minimal;

Comment: Other than updating things such as windows, siding or roofing there are no plans to alter the exterior of the older dwelling.

- iii) Compliance with provisions of the Ontario Building Code, and all other relevant municipal and Provincial standards, including the Zoning By Law;

Comment: The original dwelling does not currently comply with the provisions of the Zoning By-law as there is more than one dwelling on the lot. This is one of the main issues that has resulted in a need for planning approval. At the time of the permit issuance for the new dwelling the applicants intended to remove the original dwelling. Since the dwelling was occupied and with the option to have an ARDU in agricultural areas the applicants thought that perhaps conversion of the original dwelling to an ARDU would be a viable option. On the surface, simple reclassification of the dwelling as an ARDU and application for a change of use permit seemed like a viable option. However, even with reclassification the separation between the original dwelling and new dwelling was more than 40m and the size of the original dwelling for an ARDU was larger than

permit. Both of these issues can be addressed through application for a minor variance and the Committee of Adjustment has entertained such requests, positively in the past. Unfortunately the order in which the current situation has evolved remains something that the County remains to have an issue with.

- iv) The unit is ancillary to the primary permitted single detached, semi-detached or street townhouse dwelling use, and is located within an existing primary residential building or within an accessory building or structure; and

Comment: This is one of the Plan criteria that must be amended to establish the new dwelling as the main dwelling and the original dwelling as the ARDU.

- v) An additional residential dwelling unit shall comply with Ontario Regulation 179/06 under the Conservation Authority Act as they relate to development within lands affected by flooding, erosion or located within hazardous lands.

Comment: The property is not within a regulated area.

- vi) The primary use shall be established on the site prior to the development of an accessory residential dwelling unit;

Comment: While it is understood what the intent of this policy is, it has an underlying limitation that makes retention and conversion of existing dwellings rather complicated and financially unfeasible. It is not uncommon on large rural lots and farms for an existing dwelling to need replacement as it may no longer meet the needs of the property owners. New dwellings are constructed with the intent of removing the existing dwellings. However, with the evolution of the Planning Act and requirement to permit ARDUs as-of-right in all areas local policy needs to consider that reuse rather than removal of existing building stock is a viable option.

This is where the wording of the Official Plan test under Section 45(1) needs to be read and understood very clearly. “*Does the variance maintain the **intent and purpose** of the official plan?*” The test does not say that variance conforms to the official plan but rather maintains the intent and purpose. There is a critical distinction between “intent and purpose” and “conforms with”.

The establishment of an ARDU prior to development of a primary use is technically impossible. On a vacant lot the initial permit issued for a permitted dwelling is for the primary use regardless of its size or intended use. A detached ARDU is technically just a

small dwelling. This conforms with the Official Plan as a primary use has been established. The Official Plan doesn't say that the primary use has to remain as the primary use in perpetuity. What the applicants are requesting is to simply now class the original dwelling (primary use) as the ARDU and the new dwelling as the new primary use subject to addressing the increased separation and size limitation in the zoning by-law, both of which are regulations that can be addressed via a minor variance request.

- vii) The entirety of a detached additional residential dwelling unit is to be located within a maximum of 40 meters from the primary dwelling. For detached additional residential dwelling units on private services (well and septic systems) they must be located within the 40 metre distance from the primary dwelling. Detached additional residential dwelling units in excess of the 40 metre distance requirement or other zoning provisions may be assessed through minor variance or a zoning by-law amendment application.

Comment: The new dwelling and original dwelling are located approximately 80 m apart. Since this is greater than the 40 m separation outlined in the Plan a variance is required to address this.

Part of the rationale for establishing a maximum separation is to address the requirement of "close proximity" that is noted in PPS. On active farm parcels this seeks to minimize the building footprint and limit the loss of actively farmed lands and perhaps also highlight that ARDU's are not intended to be severed from the parcel they are on.

In the case of the subject property the parcel is already an undersized lot and does not appear to have been actively cropped for many years so there is no loss of actively farmed land so having a larger footprint has minimal impact. The notion of future severance is also clear as lot creation is only permitted for very limited situations and as an undersized lot this property already does not support severance in an agricultural designation.

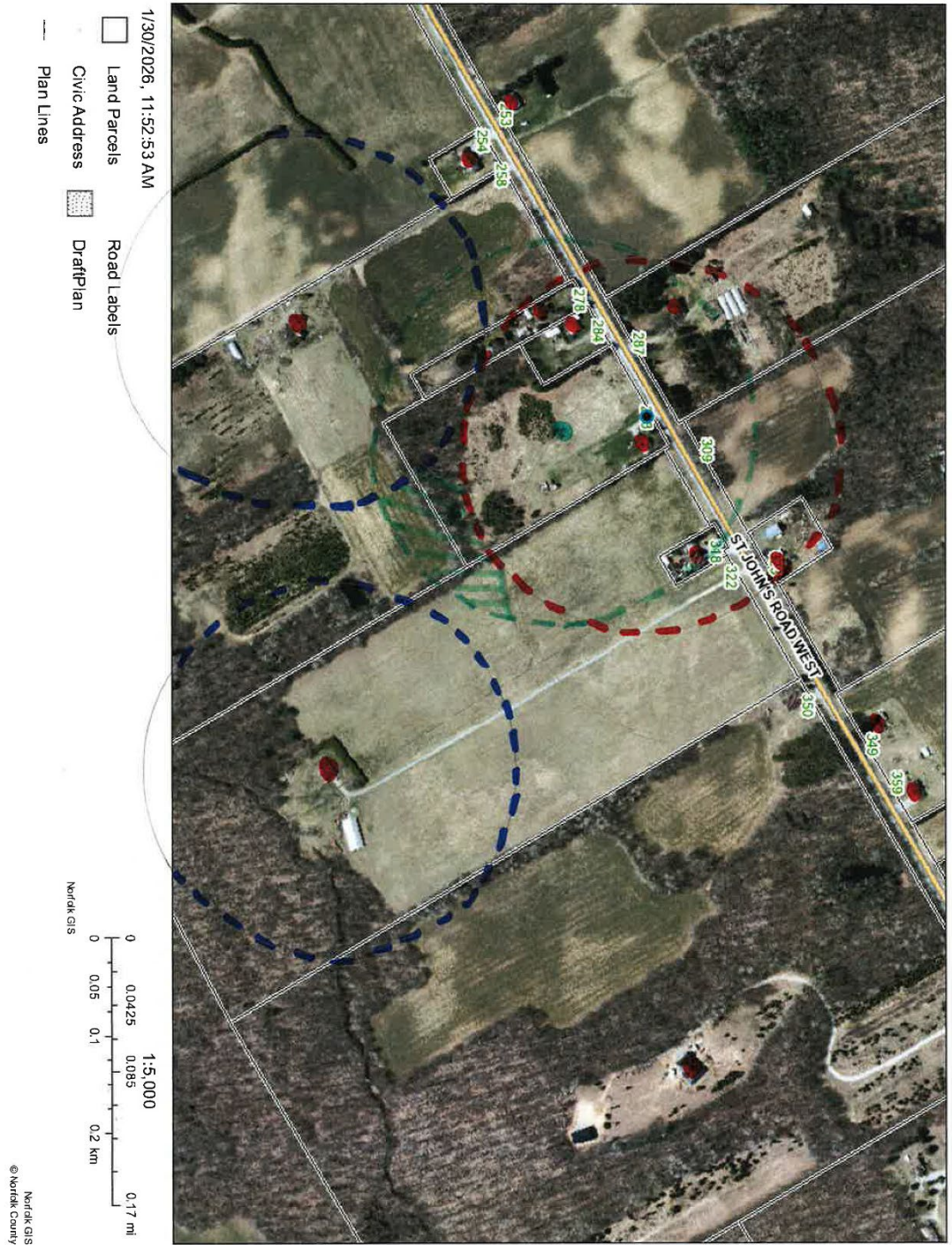
The other issue that has been raised in consultation with staff is the potential impact that the increased setback may have on surrounding agricultural operations. The most notable impact would be related to the establishment of new large scale livestock operations and compliance with Minimum Distance Separation (MDS).

Within approximately one half of a kilometer of the subject property are thirteen dwellings. About half of those are on rural residential lots or undersized farm parcels with the remaining dwellings on various sized farm lots. The area is also impacted by a significant amount of natural heritage in the form of tree cover. An illustration has been provided (Impact Area) that shows a 200 m area around the original dwelling on the subject lands (in red) and the new dwelling (in green). It also includes the same radius around two nearby dwellings to the southeast and southwest. The area that is hatched in green is an area that is potentially impacted by locating the new dwelling 80 m from the existing dwelling (proposed ARDU). This area is approximately 1.25 acres in size and located close to existing lot lines. MDS would also require that a new large scale livestock operation be located a minimum distance from the impacted lot lines. This would also be the case for the zoning by-law itself. Once these are factored into the analysis the lands impacted by the increased 80 m separation is reduced to almost nothing. Purely from an MDS standpoint there is no further impact to the area in question due to the existing dwellings in the area that would already impact on the location of any significant livestock operations.

In terms of impact to agricultural operations in general the new dwelling, regardless of the decision of the Committee of Adjustment, will remain on the site. The original dwelling has been located on this property for well over 50 plus years. Its removal or reclassification as an ARDU will not somehow change the day-to-day interaction between the agricultural area and the subject property.

With these factors in mind, the requested variance does maintain the intent and purpose of the official plan.

Impact Area



Norfolk County OFFICIAL PLAN Schedule "B-9"

LAND USE LEGEND

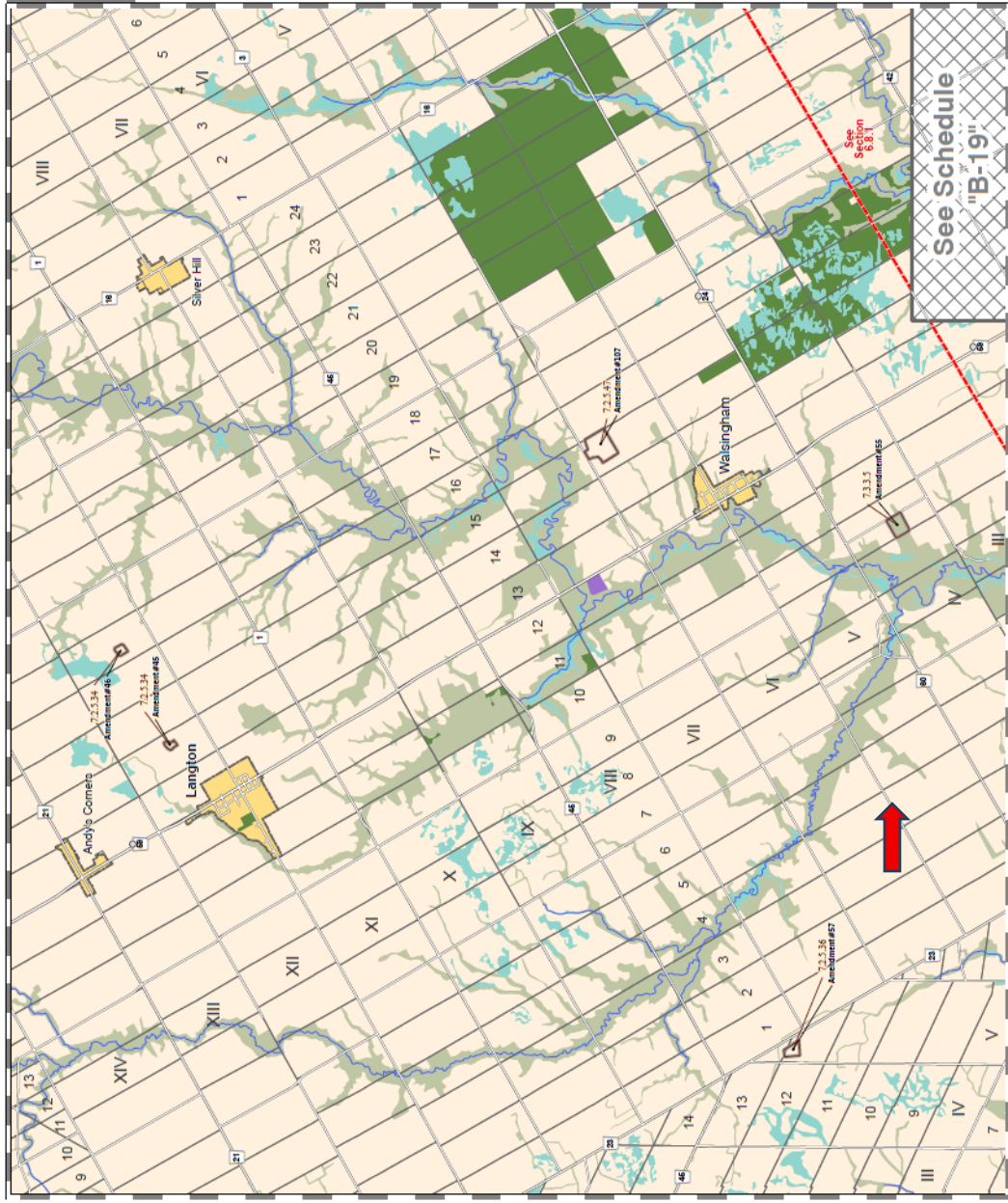
- Agricultural
- Hazard Lands
- Provincially Significant Wetland
- Hamlet
- Resort Residential
- Urban Residential
- Mixed Residential/Commercial
- Downtown
- Shopping Centre Commercial
- Commercial
- Protected Industrial
- Industrial
- Major Public Infrastructure
- Major Institutional
- Parks & Open Space
- Urban Waterfront
- Built Boundary
- Special Policy Area
- Site Specific Policy Area
- Industrial Influence

Map Use in Hazard Lands (Section 7.3.1(g)(iii))

- Urban Area Boundary
- Hamlet Area Boundary
- Resort Area Boundary

0 0.5 1 2 3 Km

FIGURE FOUR



Comprehensive Zoning By-law – County of Norfolk

Does the variance maintain the intent and purpose of the zoning by-law?

The surrounding area is all within the Agricultural Zone (A) (see Figure Five). The Norfolk Zoning By-law lays out the following provisions under Section 3.2.4.

- a) Additional Residential Dwelling Units shall be permitted in the following zones:
 - i. Urban Residential Type 1 (R1);
 - ii. Urban Residential Type 2 (R2);
 - iii. Urban Residential Type 3 (R3);
 - iv. Urban Residential Type 4 (R4);
 - v. Hamlet Residential (RH); and
 - vi. Agricultural (A).

Comment: The subject property is located in the Agricultural (A) Zone similar to most of the surrounding properties in the area.

- b) Additional Residential Dwelling Units shall be permitted in single detached, semi-detached and street townhouses and located on the same lot as the primary dwelling.

Comment: Technically the original dwelling is a single detached dwelling that would permit an ARDU. In this case the request is to consider the original dwelling as a detached ARDU now that a new main dwelling has been constructed on the lot.

- c) Additional Residential Dwelling Units shall not occupy any part of a front yard or a required exterior side yard except an accessory building or structure in an Agricultural Zone (A) which shall occupy no part of a required front yard.

Comment: In the Agricultural (A) Zone the required front yard setback is 13 m. The existing dwelling is shown on the attached site plan with an existing setback of 13.7 m. Therefore, if the original dwelling is considered as an ARDU it will be in compliance with this provision.

- d) The Additional Residential Dwelling Unit shall have its own exterior entrance separate from the exterior entrance to the primary dwelling unit, but shall not be permitted on an elevation, or facade of the building that faces a public street or private road; and shall have no means of

internal access to the primary dwelling unit, except that access to a primary and second dwelling through a common vestibule entry is permitted.

Comment: Not applicable

- e) The maximum number of residential dwelling units permitted per lot shall be three (3), including a primary dwelling unit, one Interior Additional Residential Dwelling Unit and one Detached Additional Residential Dwelling Unit. Two Interior Additional Residential Dwelling Units or Two Detached Additional Residential Dwelling Units are not permitted.

Comment: If approved the original dwelling would now be considered as an ARDU and the main dwelling as the primary use.

- f) Two (2) Additional Residential Dwelling Units are permitted on a lot occupied by a primary dwelling unit. Where an Additional Residential Dwelling Unit is located on a lot, none of, a boarding or lodging house, or rooming house are permitted on that lot. If a boarding or lodging house, or rooming house already exists on a lot, an Additional Residential Dwelling Unit is not permitted.

Comment: Not applicable

- g) A lot may contain both an Interior Additional Residential Dwelling Unit and a garden suite but not a Detached Additional Residential Dwelling Unit and a garden suite.

Comment: Not applicable

- h) An Additional Residential Dwelling Unit shall not be permitted in a vacation home or any other dwelling intended for vacations, recreation, seasonal or short-term accommodation purposes.

Comment: Not applicable

- i) Additional Residential Dwelling Units are not permitted within a farm building or an on-farm diversified use.

Comment: The proposal is to utilize the existing original house as a detached ARDU.

- j) All Additional Residential Dwelling Units shall be required to meet all

legislation, regulation, By-Law standards and requirements and all appropriate permits must be issued prior to the establishment of the Additional Residential Dwelling Unit.

Comment: A change of use will be required for the original house to review applicable OBC items. The requested planning application has been brought forward to address any applicable policy and regulation issues.

- k) Additional Residential Dwelling Units are permitted in dwelling units connected to municipal water and wastewater services or private water and septic systems.

Comment: Both the new dwelling and the original dwelling are on private services. There is an existing septic system and sand point water well for the original house and new septic and well servicing the new dwelling. See Figure Two for locations.

- l) Properties on a Provincial Highway that are regulated by the Ministry of Transportation (MTO) shall only be permitted to have an additional residential dwelling unit subject to MTO approval and permit.

Comment: Not applicable

3.2.3.1 Interior Additional Residential Dwelling Unit

- a) One (1) Interior Additional Residential Dwelling Unit is permitted within the primary dwelling of any single detached, semi-detached and street townhouse dwelling. Interior Additional Residential Dwelling Units proposed in the basement of a primary dwelling may occupy the whole basement.

Comment: Not applicable to this proposal.

- b) The useable floor area of an addition to the primary dwelling unit to accommodate an Interior Additional Residential Dwelling Unit shall not exceed 75 m² (807 square feet). In the case of an interior additional residential dwelling unit which is located in the basement of a single detached, semi-detached and street townhouse dwelling the interior dwelling unit may occupy the whole basement.

Comment: Not applicable

- c) The Additional Residential Dwelling Unit shall have its own exterior

entrance separate from the exterior entrance to the primary dwelling unit, but shall not be permitted on an elevation, or facade of the building that faces a public street or private road; and shall have no means of internal access to the primary dwelling unit, except that access to a primary and second dwelling through a common vestibule entry is permitted.

Comment: Not applicable

- d) Decks and Unenclosed Porches are subject to the provisions outlined in Section 3.6 of the Norfolk County Zoning By-Law 1-Z-2014.

Comment: If such is added to either dwelling on the property, duly noted.

- e) One (1) off-street parking space shall be provided for the additional residential dwelling unit in addition to the minimum required parking spaces for the primary dwelling, and in accordance with provisions in the Off Street Parking Section of this By-Law except that the required parking spaces may be located in tandem.

Comment: Each dwelling has adequate room already in place that provides the required parking.

- f) A minimum of 50 percent of the front yard shall be maintained as landscaped open space. [7-Z-2020]

Comment: Well over 50% of the front yard is currently used as landscaped open space.

- g) The lot complies with all other provisions of Norfolk County Zoning By-Law 1-Z-2014.

Comment: The minor variance application that has been submitted will address any compliance issues with the Norfolk County zoning By-law. The details of the requested items are outlined in the Conclusions section of this report.

3.2.3.2 Detached Additional Residential Dwelling Unit

- a) Detached Additional Residential Dwelling Units are not permitted within a farm building or a building used for an on-farm diversified use.

Comment: The intention is to use the original dwelling on the property as a detached ARDU. No farm buildings are being proposed for use as ARDUs.

- b) The maximum usable floor area of a Detached Additional Residential Dwelling Unit is 75m² (807 square feet). This includes any basement area and excludes any attached garage.

Comment: The purpose of size limits on secondary uses such as ARDUs or accessory buildings is to make sure that the main use on a given property remains the dominant use and/or structure. In agricultural areas this tends to be less of a concern because of the very low-density nature of development. The current size of the original dwelling is 153 sq m (1,645 sq. ft.). Despite this the new dwelling is larger and would be seen as the dominant structure on the large lot. The proposed minor variance includes a request to recognize the existing size of the original dwelling as the proposed size limit in order to repurpose the dwelling as an ARDU. The request is not to permit new construction.

- c) Be nearer than 1.2 meters of an interior side yard and rear yard, except:
- i. In the case of a mutual private garage in the rear yard on a common interior side lot line, no separation distance is required;
 - ii. In the case of a rear lot line adjoining a private or public lane, no setback is required;

Comment: The original dwelling on the property is located over 8 m from the nearest interior side lot line.

- d) Detached Additional Residential Dwelling Units shall not occupy any part of a front yard or exterior side yard.

Comment: This provision seems to be in conflict in Section 3.2.4 c) which notes that an accessory building, which could house an ARDU, in the Agricultural (A) Zone can't occupy any part of a required front yard. The original house is located 13.7 m from the front lot line. The required front yard setback in the Agricultural (A) Zone is 13 m. The original dwelling proposed for use as a detached ARDU is not located in the required front yard however would still technically be located in the front yard as such the minor variance includes a request to address this for clarity purposes.

- e) The entirety of the building height of a Detached Additional Residential Dwelling Units shall not exceed 5 metres in height.

Comment: The original dwelling on the lot is a 1 ½ storey building that is within the height limit.

- f) The entirety of the Detached Additional Residential Dwelling Unit is to be located within a maximum of 40 metres from the primary dwelling.

Comment: The goal of the setback limit is to highlight the need to maintain a compact form of development, particularly in agricultural areas and on actively farmed parcels. As noted earlier, this parcel has not been actively farmed for quite some time and no farmland is being removed. Even if the new dwelling had been kept within 40 m of the original dwelling it would likely have removed farmland from use if the parcel was being actively cropped.

The original dwelling and the new dwelling are separated by 80 m. The minor variance is requesting relief from this provision of the by-law.

- g) Decks and Unenclosed Porches are subject to the provisions outlined in Section 3.6 of the Norfolk County Zoning By-Law 1-Z-2014.

Comment: Duly noted, if a deck or unenclosed porch are added in the future.

- h) One (1) off-street parking space shall be provided for the additional residential dwelling unit in addition to the minimum required parking spaces for the primary dwelling, and in accordance with provisions in the Off Street Parking Section of this By-Law;

Comment: There are existing parking areas in place for both the new dwelling and original dwelling that provide more than adequate room for the required parking on-site.

- i) A minimum of 50 percent of the front yard shall be maintained as landscaped open space. [7-Z-2020]

Comment: There is well in excess of 50% of the front yard area maintained as landscaped open space.

- j) In addition to the provisions outlined in Section 3.2.3.2, a Detached Additional Residential Dwelling Unit is also subject to the provisions outlined in Section 3.2.3.

Comment: Noted. There are no provisions in 3.2.3 that are at issue with the use of the original dwelling as an ARDU.

3.26 Number of Dwellings on a Lot

Where this By-Law allows a dwelling to be located on a lot, not more than one (1)

dwelling shall be permitted, except within Urban Residential Zones (R1-R4), Hamlet Residential Zone (RH) and Agricultural Zone (A) in which one Interior Additional Residential Dwelling Unit and one Detached Additional Residential Dwelling Unit (for a total of two (2) Additional Residential Dwelling Units) are permitted.

Comment: The proposal will be in compliance with this limitation.

With the details outlined under the zoning section of this report the requested variances meet the intent and purpose of the zoning by-law.

Is the variance requested desirable for appropriate and orderly development and use of the lands and buildings?

Comment: The reuse and redevelopment of existing building stock is one of the cornerstones of good land use planning. No where is this more important than for housing and housing in agricultural areas. Farm consolidation and ever-increasing farm size have led to the erosion of many services in rural communities. Small four corner towns that provided access to a wide variety of daily services can no longer survive economically as the population is not longer there to support them. The agricultural industry however still requires workers and what better place to house these works than in the areas where they work.

The retention and reuse of the existing dwelling as and ARDU for rental purposes provides an additional housing opportunity in the area, has no significant impact on the surrounding agricultural area in the short or long term and supports the intent of Provincial Planning Statement to increase housing opportunities in rural areas. For what other reason would this have been included in the PPS 2024?

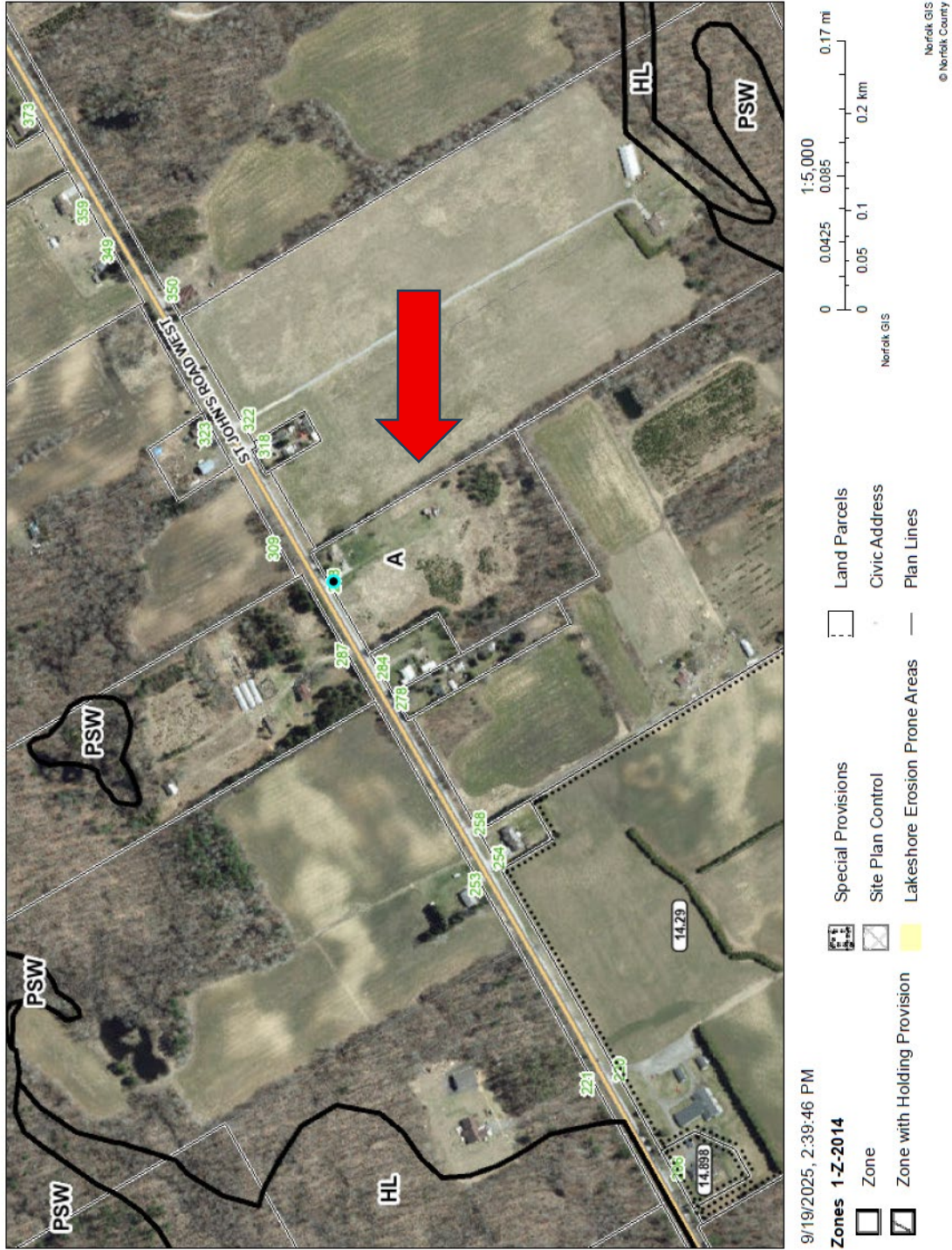
With this in mind the requested variances are desirable for the appropriate and orderly development and use of the lands and buildings.

Is the variance minor in nature?

Comment: Simply put, what is being requested addresses technical requirements in the zoning by-law. The two main issues of setback and size are both issues that can be addressed through a justified variance request. The current zoning on the subject property would permit the construction of a single detached dwelling and a detached ARDU.

FIGURE FIVE

Zoning - 298 St. John's Road W



Summary/Conclusions

The requested minor variances do not represent a significant planning issue as the proposed development of the site would result in a dwelling and an additional residential dwelling unit, both of which are permitted as-of-right subject to certain policy and provision requirements. The property prior to 2021 contained a single detached dwelling. In late 2021 a permit was issued for a new dwelling with the intention that the existing dwelling would be removed once the new dwelling was completed. Since the owners now wish to retain the original dwelling on the site and utilize it as an ARDU this has created a conformity issue with the Zoning By-law.

The requested variances would address the following zoning provisions:

- i. Section 2.52.1 – “Additional Residential Dwelling Unit” shall mean a self-contained residential dwelling unit supplemental to the primary residential dwelling use of the property. The additional residential dwelling unit can be located with the primary residential dwelling, or in a detached accessory building on the same lot as the primary dwelling.

Requested Variance - Notwithstanding the provisions of Section 2.52.1 the Committee of Adjustment grant relief from this section to allow the original dwelling on the lot to be converted to an additional residential dwelling unit accessory to the recently constructed new dwelling.

- ii. Section 3.2.3.2 b) The maximum usable floor area of a Detached Additional Residential Dwelling Unit is 75 sq. m (807 sq. ft.), This includes any basement area and excludes any attached garage.

Requested Variance – To permit an ARDU with up to 153 sq. m (1,645 sq. ft.) of usable square footage limited to the conversion of an existing dwelling.

Comment: As the by-law currently reads it would appear that an internal ARDU within an existing dwelling does not have a size limit. An addition for that purpose, however, would have a limit of 75 sq. m (807 sq. ft.). The proposed use of the original dwelling is in effect utilizing the square footage of both an addition to the primary dwelling and the limit for an ARDU in a detached accessory building so the overall potential size limit is only exceeded by about 30 sq. ft.

- iii. Section 3.2.3.2 d) Detached Additional Residential Dwelling Units shall not occupy any part of a front yard or exterior side yard.

Requested Variance – To permit an existing dwelling utilized as a detached ARDU to be located in a front yard.

Comment: This relief is being requested as more of a technical clarity issue since the existing dwelling that is planned for conversion to an ARDU is technically located

in the front yard area of what is to be considered the primary dwelling (new house). This would only apply to the existing dwelling.

- iv. Section 3.2.3.2 f) The entirety of the Detached Additional Residential Dwelling Unit is to be located within a maximum of 40 metres from the primary dwelling.

Requested Variance – To permit a detached ARDU to be located 80 meters from the primary dwelling.

It is worth noting that the Committee of Adjustment in July of 2025 approved a variance (Neufeld – Glen Meyer Rd) to increase usable square footage from 75 sq. m to 93 sq. m and increase the permitted setback from the main dwelling from 40 m to 78.66 m. This property is also zoned and designated Agricultural. The lot is surrounded by highly active farm land on all sides, far more than the subject property and

Prepared by:



Robert Brown, H, Ba, MCIP, RPP
Principal Planner
Oakview Land Use Planning

Properties

PIN 50195 - 0207 LT *Interest/Estate* Fee Simple
Description PT LT 4 CON 5 CHARLOTTEVILLE AS IN NR493352; NORFOLK COUNTY
Address 298 ST JOHNS ROAD WEST
 SIMCOE

Consideration

Consideration \$390,000.00

Transferor(s)

The transferor(s) hereby transfers the land to the transferee(s).

Name AITKEN, PAMELA JOI
Address for Service 724 Chemin Canton
 Drummond, New Brunswick
 E3Y 1M3

I am at least 18 years of age.

I am not a spouse

This document is not authorized under Power of Attorney by this party.

Transferee(s)

	<i>Capacity</i>	<i>Share</i>
<i>Name</i> NOBES, JAMES RUSSELL DOUGLAS	Joint Tenants	
<i>Date of Birth</i> 1979 03 09		
<i>Address for Service</i> 8 Bills Corners Road Simcoe, Ontario N3Y 4K5		

<i>Name</i> WALL, ANNA	Joint Tenants	
<i>Date of Birth</i> 1980 05 25		
<i>Address for Service</i> 8 Bills Corners Road Simcoe, Ontario N3Y 4K5		

Statements

STATEMENT OF THE TRANSFEROR (S): The transferor(s) verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene the Planning Act.

STATEMENT OF THE SOLICITOR FOR THE TRANSFEROR (S): I have explained the effect of the Planning Act to the transferor(s) and I have made inquiries of the transferor(s) to determine that this transfer does not contravene that Act and based on the information supplied by the transferor(s), to the best of my knowledge and belief, this transfer does not contravene that Act. I am an Ontario solicitor in good standing.

STATEMENT OF THE SOLICITOR FOR THE TRANSFEREE (S): I have investigated the title to this land and to abutting land where relevant and I am satisfied that the title records reveal no contravention as set out in the Planning Act, and to the best of my knowledge and belief this transfer does not contravene the Planning Act. I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing.

Signed By

Maria Martha Nicole Kinkel 39 Colborne Street North, P.O. Box 528 acting for Signed 2019 08 30
 Simcoe Transferor(s)
 N3Y 4N5

Tel 519-426-6763

Fax 519-426-2055

I am the solicitor for the transferor(s) and I am not one and the same as the solicitor for the transferee(s).

I have the authority to sign and register the document on behalf of the Transferor(s).

Peter James Karsten 39 Colborne Street North, P.O. Box 528 acting for Signed 2019 08 30
 Simcoe Transferee(s)
 N3Y 4N5

Tel 519-426-6763

Fax 519-426-2055

I am the solicitor for the transferee(s) and I am not one and the same as the solicitor for the transferor(s).

I have the authority to sign and register the document on behalf of the Transferee(s).

Submitted By

MHN Lawyers LLP 39 Colborne Street North, P.O. Box 528 2019 08 30
Simcoe
N3Y 4N5

Tel 519-426-6763
Fax 519-426-2055

Fees/Taxes/Payment

Statutory Registration Fee	\$64.40
Provincial Land Transfer Tax	\$4,325.00
Total Paid	\$4,389.40

File Number

Transferor Client File Number : 51951-MK
Transferee Client File Number : 52064-CN

CONTEXT MAP


Geographic Township of CHARLOTTEVILLE



SUBJECT LANDS

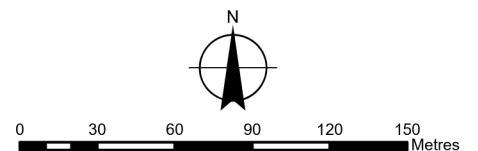
LOT 3
CON 5

Legend

 Subject Lands

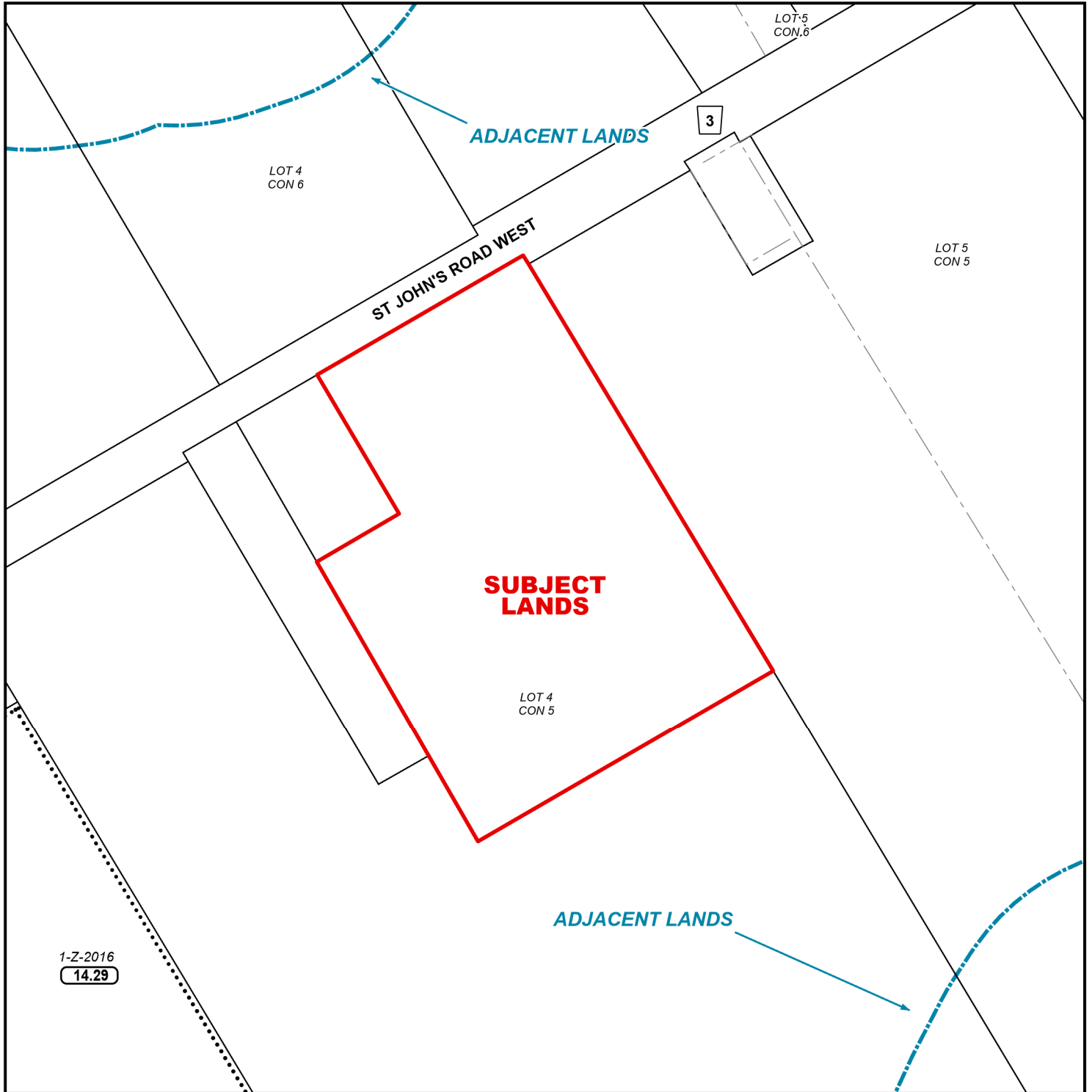
4/10/2026

2025 Air Photo





MAP B
ZONING BY-LAW MAP
Geographic Township of CHARLOTTEVILLE

ANPL2026036



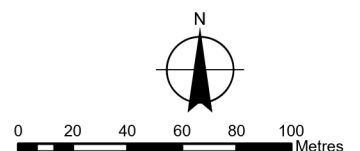
LEGEND

-  Subject Lands
-  Adjacent Lands

ZONING BY-LAW 1-Z-2014

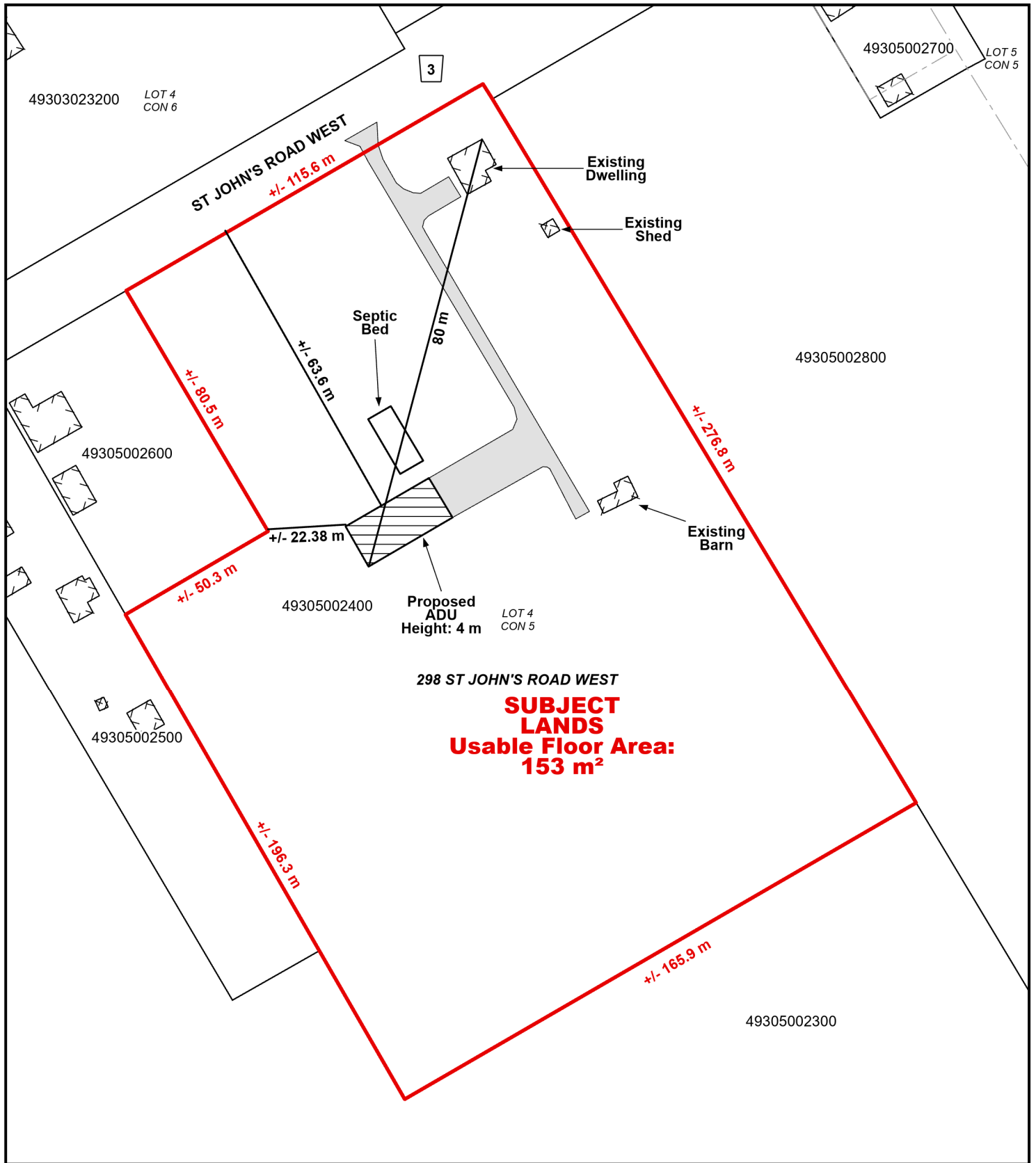
(H) - Holding

4/10/2026




CONCEPTUAL PLAN

Geographic Township of CHARLOTTEVILLE



Legend

 Subject Lands

4/10/2026

