

**For Office Use Only:**

File Number

Related File Number

Pre-consultation Meeting

Application Submitted

Complete Application

ANPL2019278

BNPL2019274

July 29/19

Aug 7/19

Application Fee

Conservation Authority Fee

Well &amp; Septic Info Provided

Planner

Public Notice Sign

\$1500

\$2710

74210

Aisha

**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:** 49308035700 & 49308035900**A. Applicant Information****Name of Owner**

McKeil Properties Limited

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

5135 Fairview Street

Town and Postal Code

Burlington, ON L7L 4W8

Phone Number

(416) 819-1092

Cell Number

Email

m.barry@breakwaterinvestments.ca

**Name of Applicant**

IBI Group c/o Brianne Comley

Address

Suite 200, East Wing - 360 James Street North

Town and Postal Code

Hamilton, ON L8L 1H5

Phone Number

(905) 546-1010 ext. 63116

Cell Number

Email

brianne.comley@ibigroup.com

<b>Name of Agent</b>	IBI Group c/o Brianne Comley
Address	Suite 200, East Wing - 360 James Street North
Town and Postal Code	Hamilton, ON L8L 1H5
Phone Number	(905) 546-1010 ext. 63116
Cell Number	
Email	brianne.comley@ibigroup.com

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 agent noted above.

☐ Owner
 ☐ Agent
 ☒ Applicant

Names and addresses of any holder of any mortgagees, charges or other encumbrances on the subject lands:

## B. Location, Legal Description and Property Information

- Legal Description (include Geographic Township, Concession Number, Lot Number, Block Number and Urban Area or Hamlet):  
 Part of Lot 22, Concession 1, Geographic Township of Charlotteville &  
 Part of Lot 23, Concession 1, Geographic Township of Charlotteville

Municipal Civic Address: 2870 Front Road

Present Official Plan Designation(s): Agricultural & Hazard Lands

Present Zoning: HL, A & A-14.286

- Is there a special provision or site specific zone on the subject lands?

☒ Yes ☐ No If yes, please specify:

Parcel 2: A-14.286

- Present use of the subject lands:

Predominantly vacant with the exception of a single detached dwelling and 7 seasonal cottages on the easterly portion of the lands (Parcel 2).

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:

Single-detached dwelling on easterly portion of the lands to be retained & 7 vacant seasonal cabins from previous Camp Ruddy to be renovated and/or demolished, minus the foundations.

5. If an addition to an existing building is being proposed, please explain what it will be used for (for example a bedroom, kitchen, or bathroom). If new fixtures are proposed, please describe.

N/A

6. Please describe **all proposed** buildings or structures/additions on the subject lands. Describe the type of buildings or structures/additions, and illustrate the setback, in metric units, from front, rear and side lot lines, ground floor area, gross floor area, lot coverage, number of storeys, width, length, and height on your attached sketch which must be included with your application:

Country Inn consisting of two buildings and a third building to act as a spa, outdoor recreational facilities (trails & beach access), parking lots (Parcel 1); and 6 seasonal rental cabins and single detached home to remain (Parcel 2).

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:

N/A

8. If known, the length of time the existing uses have continued on the subject lands:  
+/- 30 years

9. Existing use of abutting properties:

Canadian Raptor Conservancy, Triple C Bible Camp, Residential, Equestrian Facility

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.

#### 1. Site Information

Existing

Proposed

Please indicate unit of measurement, for example: m, m<sup>2</sup> or %

Lot frontage

\_\_\_\_\_

\_\_\_\_\_

Lot depth

\_\_\_\_\_

\_\_\_\_\_

Lot width

\_\_\_\_\_

\_\_\_\_\_

Lot area

\_\_\_\_\_

\_\_\_\_\_

Lot coverage

\_\_\_\_\_

\_\_\_\_\_

Front yard

\_\_\_\_\_

\_\_\_\_\_

Rear yard

\_\_\_\_\_

\_\_\_\_\_

Left Interior side yard

\_\_\_\_\_

\_\_\_\_\_

Right Interior side yard

\_\_\_\_\_

\_\_\_\_\_

Exterior side yard (corner lot)

\_\_\_\_\_

\_\_\_\_\_

2. Please outline the relief requested (assistance is available):

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

4. Description of land intended to be severed in metric units:

Frontage: 432.1 metres

Depth: Approx. 683 metres

Width: Approx. 610 metres

Lot Area: 312,046 Square metres

Present Use: Vacant

Proposed Use: Tourist Recreational Facility

Proposed final lot size (if boundary adjustment): TBD

### C. Purpose of Development Application

Note: Please complete all that apply.

1. Site Information	Existing	Proposed
Please indicate unit of measurement, for example: m, m <sup>2</sup> or %		
Lot frontage	+/-432.1m & +/-11.3m	+/-311.9m & +/-198.1m
Lot depth	varies	varies
Lot width	varies	varies
Lot area	+/-32.2ha & +/-7.4ha	+/-20.3ha & +/-19.3ha
Lot coverage	n/a	n/a
Front yard	n/a	n/a
Rear yard	n/a	n/a
Left Interior side yard	n/a	n/a
Right Interior side yard	n/a	n/a
Exterior side yard (corner lot)	n/a	n/a

\*Please see provided survey sketch for more detail

#### 2. Please outline the relief requested (assistance is available):

Reduced minimum lot area of a lot within an Agricultural Zone from 40 hectares (required) to 19.2 hectares (proposed).

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

Please refer to cover letter.

#### 4. Description of land intended to be severed in metric units:

Frontage:	Approx. 198.1 metres
Depth:	Varies
Width:	Varies
Lot Area:	+/- 11.9 hectares
Present Use:	Vacant
Proposed Use:	Tourist Recreational Facility

Proposed final lot size (if boundary adjustment): +/- 19.3 hectares

If a boundary adjustment, identify the assessment roll number and property owner of the lands to which the parcel will be added: \_\_\_\_\_

Lands to be taken from 49308035700 (Parcel 1) and to be added to  
49308035900 (Parcel 2)

Description of land intended to be retained in metric units:

Frontage: Approx. 311.9 metres

Depth: Varies

Width: Varies

Lot Area: +/- 20.3 hectares

Present Use: Tree Farm

Proposed Use: Country Inn

Buildings on retained land: N/a

5. Description of proposed right-of-way/easement in metric units:

Frontage: \_\_\_\_\_

Depth: \_\_\_\_\_

Width: \_\_\_\_\_

Area: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

6. List all properties in Norfolk County, which are owned and farmed by the applicant and involved in the farm operation:

Owners Name: McKeil Properties Limited

Roll Number: 49308035700

Total Acreage: 77.10

Workable Acreage: \_\_\_\_\_

Existing Farm Type: (for example: corn, orchard, livestock) Coniferous Trees

Dwelling Present?: ☐ Yes ☒ No If yes, year dwelling built \_\_\_\_\_

If a boundary adjustment, identify the assessment roll number and property owner of the lands to which the parcel will be added: \_\_\_\_\_

Lands to be taken from 49308035700 (Parcel 1) and to be added to 49308035900 (Parcel 2)

Description of land intended to be retained in metric units:

Frontage: 11.3 metres

Depth: Approx. 953 metres

Width: Approx. 321.4 metres

Lot Area: 89,250 square metres

Present Use: Residential - Single Detached Dwelling

Proposed Use: Family Campground

Buildings on retained land: Single-detached dwelling and existing vacant seasonal cabins

5. Description of proposed right-of-way/easement in metric units:

Frontage: \_\_\_\_\_

Depth: \_\_\_\_\_

Width: \_\_\_\_\_

Area: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

6. List all properties in Norfolk County, which are owned and farmed by the applicant and involved in the farm operation:

Owners Name: McKeil Properties Limited

Roll Number: 49308035700

Total Acreage: 77.10

Workable Acreage: \_\_\_\_\_

Existing Farm Type: (for example: corn, orchard, livestock) Coniferous Trees

Dwelling Present?: ☐ Yes ☒ No If yes, year dwelling built \_\_\_\_\_

Owners Name: McKeil Properties Limited  
Roll Number: 49308035900  
Total Acreage: 22.07  
Workable Acreage: \_\_\_\_\_  
Existing Farm Type: (for example: corn, orchard, livestock) \_\_\_\_\_  
Dwelling Present?: ☒ Yes ☐ No If yes, year dwelling built 20 years

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 \_\_\_\_\_

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 \_\_\_\_\_

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

#### **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):  
Existing Overnight Camp (Triple C Bible Camp) to the west, Former Camp Ruddy (Parcel 2) and Man-made coniferous tree farm on subject lands (Parcel 1).
2. Is there reason to believe the subject lands may have been contaminated by former uses on the site or adjacent sites? ☐ Yes ☒ No ☐ Unknown
3. Provide the information you used to determine the answers to the above questions:

4. If you answered yes to any of the above questions in Section D, a previous use inventory showing all known former uses of the subject lands, or if appropriate, the adjacent lands, is needed. Is the previous use inventory attached? ☐ Yes ☒ No

**E. 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:

Please refer to the cover letter submitted with this application

2. It is owner's responsibility to be aware of and comply with all relevant federal or provincial legislation, municipal by-laws or other agency approvals, including the Endangered Species Act, 2007. Have the subject lands been screened to ensure that development or site alteration will not have any impact on the habitat for endangered or threatened species further to the provincial policy statement subsection 2.1.7? ☒ Yes ☐ No

If no, please explain:

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

If no, please explain:

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

4. 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 +/- 128

**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 +/- 400

**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. Servicing and Access

1. Indicate what services are available or proposed:

### Water Supply

- ☐ Municipal piped water  
☒ Individual wells

- ☐ Communal wells  
☐ Other (describe below)
- 

### Sewage Treatment

- ☐ Municipal sewers  
☒ Septic tank and tile bed in good working order
- ☐ Communal system  
☐ Other (describe below)
- 

### Storm Drainage

- ☐ Storm sewers  
☒ Other (describe below)
- ☐ Open ditches
- 

2. Existing or proposed access to subject lands

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

Name of road/street:

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## G. Other Information

1. Does the application involve a local business? ☐ Yes ☒ No

If yes, how many people are employed on the subject lands?

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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.

N/A

## **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:

- ☐ Zoning Deficiency Form
- ☐ 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
- ☐ Agricultural Impact Assessment

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.

 July 4, 2019  
Owner/Applicant/Agent Signature Date

## J. Owner's Authorization

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

I/We McKeil Properties Limited am/are the registered owner(s) of the lands that is the subject of this application.

I/We authorize IBI Group c/o Brianne Comley 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.

 July 4, 2019  
Owner Date

\_\_\_\_\_  
Owner Date

K. Declaration

I, Brianne Comley of City of Hamilton

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:

City of Hamilton

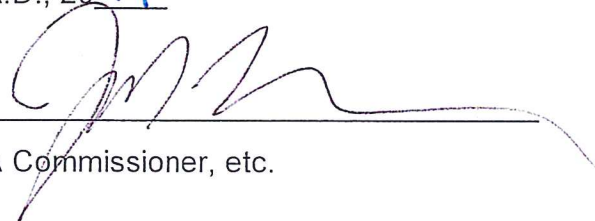
Brianne Comley

Owner/Applicant/Agent Signature

In Province of Ontario

This 29 day of July

A.D., 20 19

  
A Commissioner, etc.

Jared Vail Marcus, a Commissioner, etc.,  
Province of Ontario,  
for IBI Group.  
Expires December 5, 2020.



IBI GROUP  
200 East Wing – 360 James Street North  
Hamilton ON L8L 1H5 Canada  
tel 905 546 1010  
ibigroup.com

**RECEIVED**  
JUL 30 2019  
NORFOLK COUNTY  
LANGTON ADMINISTRATION BUILDING

July 29, 2019

Ms. Sherry Mott  
Secretary-Treasurer  
Committee of Adjustment  
Norfolk County  
Langton Administration Building  
22 Albert Street  
Langton, Ontario N0E 1G0

Dear Ms. Mott:

## **2870 FRONT ROAD - APPLICATIONS FOR CONSENT AND MINOR VARIANCE**

### **1.0 Introduction**

We are the planning consultants retained by Breakwater Investments Inc. (the “client” and “owner”) of 2870 Front Road (“Parcel 2”) and the adjacent property to the west (“Parcel 1”), legally known as Part of Lot 22, Concession 1 (Parcel 1), Geographic Township of Charlotteville and Part of Lot 23, Concession 1, Geographic Township of Charlotteville (Parcel 2), in Norfolk County (collecting, the “subject lands”). Please accept this application, made on behalf of our client, for consent to sever for the purpose of a lot line adjustment, in addition to a minor variance for lot area. The intent of this application is to adjust the lot line between the two parcels noted above, removing land from Parcel 1 and adding it to Parcel 2 to increase the frontage of Parcel 2 and ensure the new lot line better reflects the shape of the Natural Heritage Feature that is currently split between the two Parcels.

In accordance with the requirements for a complete application, please find attached the following in support of this application:

- One (1) copy of the completed application form (for both the Consent and Minor Variance applications);
- One (1) copy of the survey sketch, prepared by West and Ruuska Ltd.;
- One (1) copy of a full size lot adjustment sketch, prepared by IBI Group;
- One (1) copy of a full size new lot layout sketch, prepared by IBI Group;
- One (1) cheque made payable to Norfolk County in the amount of \$2,710.00 (Consent Application), submitted separately by the client;
- One (1) cheque made payable to Norfolk County in the amount of \$1,500.00 (Minor Variance Application), submitted separately by the client; and
- One (1) USB containing digital copies of the submission materials listed above.

Ms. Sherry Mott – July 29, 2019

## 2.0 Site Description and Context

The subject lands include a total of approximately 40.13 hectares (99.16 acres) located on the South side of Front Road, adjacent to the Canadian Raptor Conservancy. Parcel 1 of the subject lands, roll number 49308035700, has an area of approximately 32.2 hectares (79.60 acres) and a frontage of approximately 432.1 metres along Front Road. Parcel 2 of the subject lands, roll number 49308035900, has an area of approximately 7.4 hectares (18.3 acres) and a frontage of approximately 11.3 metres along Front Road. This application for consent requests a minor lot line adjustment, approximately 11.9 hectares (29.5 acres) of land is to be removed from Parcel 1 and added to Parcel 2. The remaining portion of Parcel 1 will include a reduced frontage to 311.9 metres and area of  $\pm 20.3$  hectares ( $\pm 50.2$  acres). Following the addition of the lands severed from Parcel 1, Parcel 2 will have an increased frontage along Front Road of 198.1 metres and a total area of  $\pm 19.3$  hectares ( $\pm 47.74$  acres) **Figures 2-1** and **2-2** below consist of the draft survey sketch and lot boundary adjustment sketch, which both depict the proposed lot line adjustment.

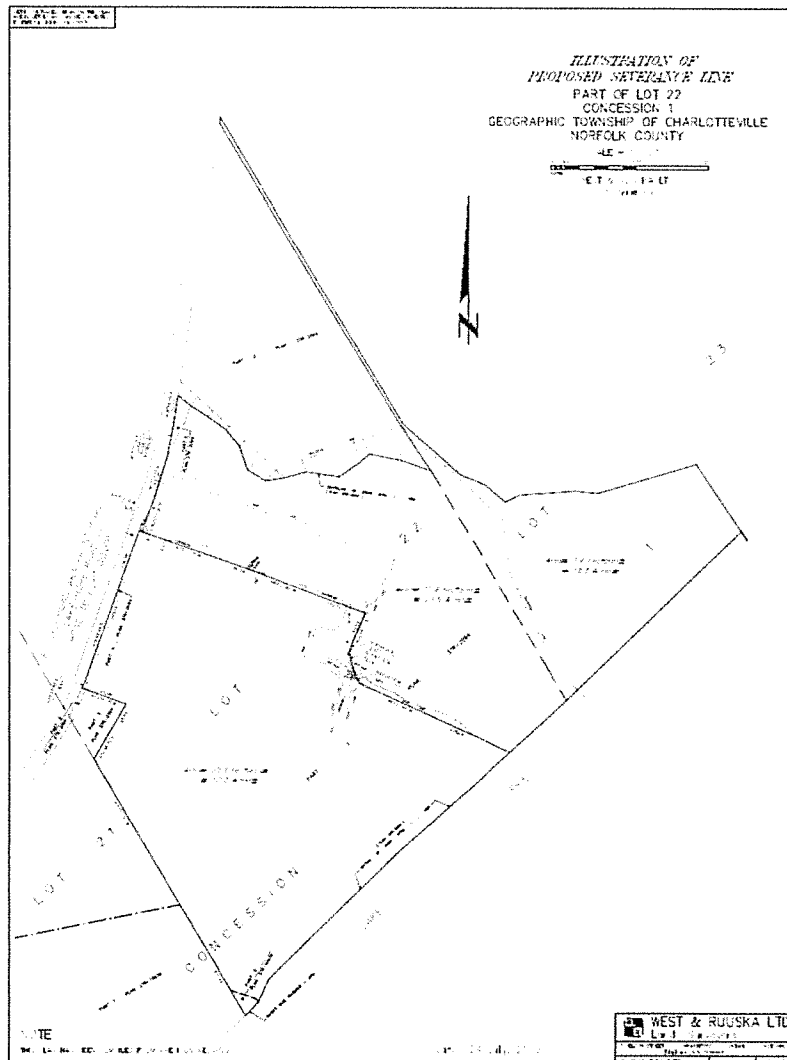


Figure 2-1, Survey of the Subject Lands depicting the proposed lot line adjustment.

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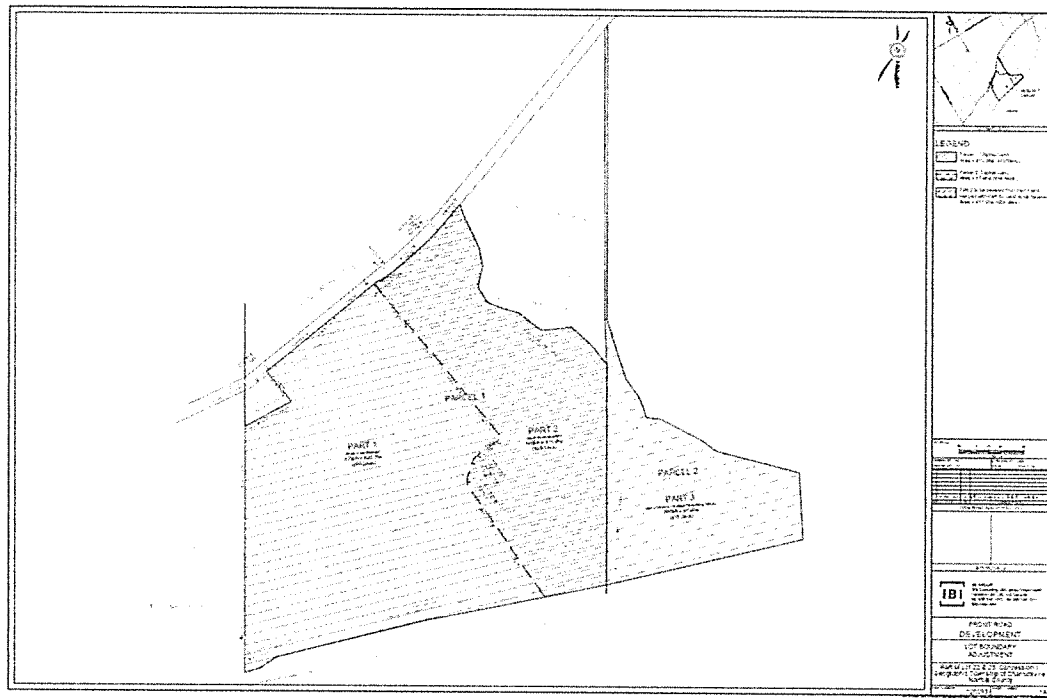


Figure 2-2, Survey of the Subject Lands depicting the proposed lot line adjustment and identifying the severed and retained portions of the subject lands.

### 3.0 Surrounding Context

The subject lands are located south of Front Road, which is designated as a “Local Road”, as per Schedule E-1 - Transportation of the Norfolk County Official Plan (the “NCOP”). The surrounding area consists predominately of agricultural uses, with few low-density residential uses and commercial uses. This context is depicted in **Figure 3-1** below, which shows an air photos of the surrounding area and the site.

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Figure 3-1: Subject lands and surrounding context, sourced from Google Earth

The following table outlines the surrounding uses:

NORTH	WEST
<ul style="list-style-type: none"> <li>• Canadian Raptor Conservancy</li> <li>• Front Road</li> <li>• Ryerse Glen Farm</li> </ul>	<ul style="list-style-type: none"> <li>• Natural Open Space</li> <li>• Residential Dwellings</li> <li>• Triple 'C' Bible Camp</li> </ul>
SOUTH	EAST
<ul style="list-style-type: none"> <li>• Lake Erie Lakeshore</li> </ul>	<ul style="list-style-type: none"> <li>• Lakeside Vista</li> <li>• Natural Open Space</li> <li>• Agricultural Fields</li> </ul>

#### 4.0 Application for Consent to Sever

Based on a review of the applicable policies of the County Official Plan, consent applications pertaining specifically to lands designated Agricultural must conform to the severance policies of Section 7.2.3, Agricultural Lot Creation and Lot Adjustment Policies.

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As such, Section 7.2.3 states that:

*The following policies apply to land designated Agricultural.*

a) *Consent to sever land may be considered for the following purposes:*

i) *The assembly or disassembly of agricultural lots for agriculture uses including agriculturally related boundary adjustments which do not result in the creation of a new lot, subject to the policies of Section 7.2.4 (Agricultural Designation - Agricultural Lot Size Policies);*

ii) *Agriculture-related commercial and industrial uses in accordance with the policies of Section 7.2.2(Agricultural Designation – Land Use Policies);*

iii) *Agriculture-related commercial, institutional and industrial uses existing prior to August 24, 1978, provided the retained parcel of land is not considered a vacant lot, and subject to the policies of this Plan;*

iv) *Infrastructure and utilities, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way;*

v) *A currently habitable farm dwelling surplus to a farming operation as a result of the consolidation of farm properties located within Norfolk County and adjacent municipalities, subject to the policies of Sections 7.2.3(b) and (c);*

vi) *Technical reasons including **minor boundary adjustments**, corrections of deeds, quit claims, easements or rights-of-way, or other purposes that do not create an additional separate lot, and which do not change the lot configuration such that a non-agricultural lot is created which would not be in conformity with the policies of this Plan.*

(Emphasis in “**bold**” added)

With regard to the above policies, the application is a minor lot line boundary adjustment. This subjects the proposed boundary adjustment to be considered as one that is ‘minor’ in nature.

The purpose of this application is to increase the frontage of Parcel 2 and to ensure that the parcel fabric better reflects the extent of the Natural Heritage Feature on the subject lands. It should be noted that no additional lots are to be created by means of this adjustment. The adjustment ensures that the existing agricultural uses on each Parcel of the subject lands remain intact without hindering current operation or future development potential. The proposed boundary adjustment follows the edge of the existing tree farm on Parcel 1 and adds the remaining portions of the Feature to Parcel 2. An overlay of the proposed new lot layout on an aerial image of the subject lands is depicted in **Figure 4-1** below. In following these features, additional lands are to be added to the smaller shaped parcel that is irregular in shape and currently has inadequate frontage along Front Road, without hindering the current uses existing on each of the Parcels. This will create more consistent lot sizes with those in the surrounding area.

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Figure 2-1. Survey of the Subject Lands depicting the proposed lot line adjustment.

The current use of Parcel 1 includes a man-made coniferous tree lot that has acted as a tree farm for approximately 20 to 30 years, which is depicted in **Figure 4-1** above. Based on the nature of the boundary adjustment noted above, the applicant would be able to continue the use as is, without having operations or development potential hindered by the location of the new lot line. Further, the current use of Parcel 2 includes an existing rural non-farm residential lot that benefits from the increase in lot frontage and area, and is to remain as its existing use.

It should be noted that based on the proposed boundary adjustment, the retained parcel of land will be transferring the existing access lane to Parcel 2 and the severed lands. By doing this an access permit will be required for Parcel 1 and a new access will be provided to the satisfaction of Norfolk County.

#### 4.1 Conclusion

It is our opinion that the proposed lot line adjustment should be considered as minor in nature based on the facts that it does not result in the creation of a new lot, ensures that the existing uses located on Parcels 1 and 2 can continue, and increases consistency in lot size and frontage with lots in the surrounding area. Furthermore, the proposed lot boundary ensures that the intent of the agricultural designation is maintained and no non-agricultural lots are to be created, and as such represents good planning.

### 5.0 Application for Minor Variance

Two new lots sizes are to be created based on the adjustment of lot line, as noted above. In doing so, the areas of both Parcels 1 and 2 are to be less than the 40 hectares (98.84 acres) required for Agricultural Zones under Section 12.1.2 of the County of Norfolk Zoning By-law 1-Z-

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2014 (the “Zoning By-law”). As such, an application for Minor Variance from the Zoning By-law is required.

Section 45(1) of the Planning Act, R.S.O. 1990, c. P.13 (the “Act”) prescribes the four (4) tests applied to a Minor Variance Application to determine if the variance is to be approved. These tests and associated responses are outlined below.

Is the application minor in nature?

Section 12.1.2 of the Zoning By-law indicates that the minimum lot area for properties zoned as ‘Agricultural’ is to be 40 hectares (98.84 acres). On the basis of the lot line adjustment of Parcels 1 and 2, the areas of the lots would be 20.3 hectares, from 32.2 hectares for Parcel 1, and 19.3 hectares, from 7.4 hectares for Parcel 2. The proposed lot boundary adjustment aims to create parcels of similar size. Additionally, it should be noted that neighbouring properties, that are zoned ‘Agricultural’, and are therefore subject to the same zoning provisions of the subject land, range in size from 1.76 hectares to 29.21 hectares and larger. As such, it is apparent that the proposed areas of Parcels 1 and 2 are consistent with the lot areas of surrounding properties, and should therefore be considered minor in nature.

Is it desirable for the appropriate development or use of the land, building or structure?

As noted earlier in this report, the proposed boundary adjustment ensures that the existing uses of Parcels 1 and 2 are preserved and that agricultural operations could continue. Further, the proposed boundary adjustment results in an increase in area for Parcel 2 and increase of its frontage along Front Road ensuring that the lands are more consistent, based on size and frontage, of surrounding properties. It also provides new area for a more efficient and safe driveway access that better reflects the extent of the Natural Heritage Feature.

Is it in keeping with the general intent and purpose of the Zoning By-law?

Section 12.1.1 of the Zoning By-law outlines the permitted uses of lands zoned ‘Agricultural’. As mentioned earlier in this report, both a single-detached dwelling and farm operation are permitted within the zone. The proposed consent application, which this minor variance application is a product thereof, ensures that the existing uses and agricultural operations associated with Parcels 1 and 2 continue to operate and function as is.

Is it in keeping with the general intent and purpose of the Official Plan?

Section 3.5.2 of the Official Plan indicates that, in maintaining consistency with the Provincial Policy Statement, the protection and enhancement of Natural Heritage Features is encouraged. Schedule ‘C-5’ – Natural Heritage identifies the presence of a Natural Heritage Feature located predominantly on Parcel 2, with remaining portions located on Parcel 1. The proposed consent application aims to utilize the addition of land to Parcel 2 to better reflect the extent of the Feature ensuring that the boundaries of it are distinct, in turn eliminating fragmentation of the feature.

Furthermore, Section 7.2.1 outlines the permitted uses with regard to lands designated “Agricultural”. As mentioned earlier, the existing uses of the subject lands consist of a man-made coniferous tree farm on Parcel 1, and a non-farm related residential development. Based on the nature of the associated consent application, which this application for minor variance is a product thereof, the existing uses of the subject lands will not be negatively impacted or altered in any way by the requested variance from required lot area. This is based on the fact that existing uses will be able to continue operation without being hindered by the proposed adjustment of the lot line.

Ms. Sherry Mott – July 29, 2019

## 7.0 Conclusion

It is our opinion that this application for minor variance for a reduction in required lot area, as well as consent for the purpose of a lot line adjustment between Parcel 1 and Parcel 2 of the subject lands, municipally known as 2870 Front Road, represent good planning, as they are consistent with, and conform to, the Provincial Policy Statement, County of Norfolk Official Plan, and respective severance policies, and the County of Norfolk Zoning By-law.

We look forward to working with staff on this proposal. Should you require anything further, please contact the undersigned directly.

Yours truly,

IBI group



Brianne Comley | CPT  
Intermediate Planning Technician



Christian Le Pichouron  
Student Planner

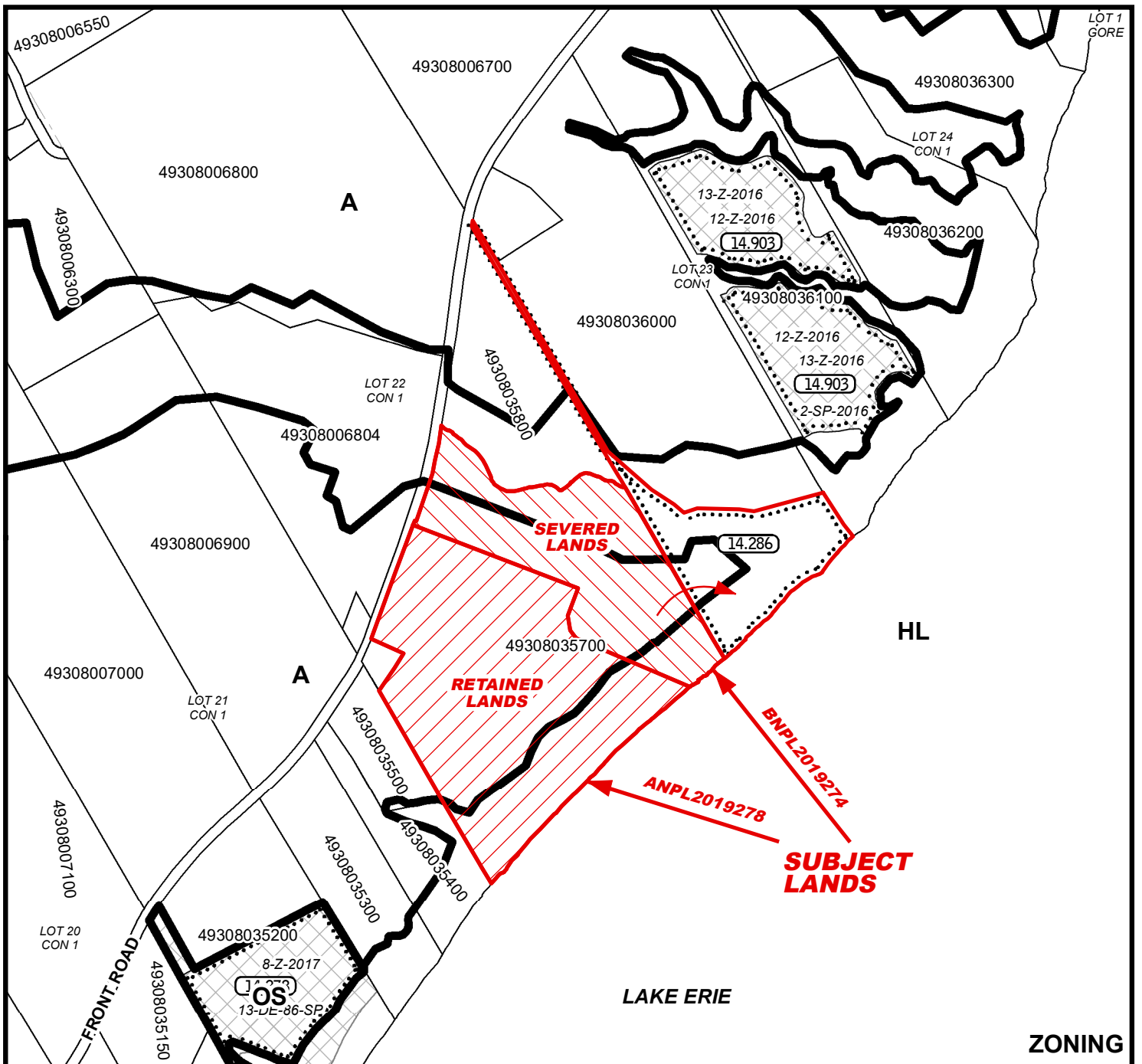
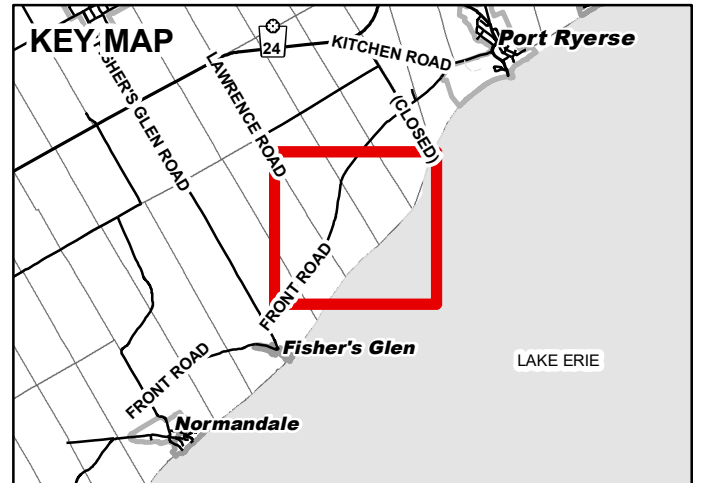
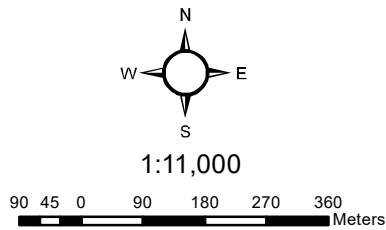
Cc:

Alisha Cull, Senior Planner – Norfolk County  
Breakwater Investments Inc. c/o Michael Barry

# MAP 1

## File Number: BNPL2019274 & ANPL2019278

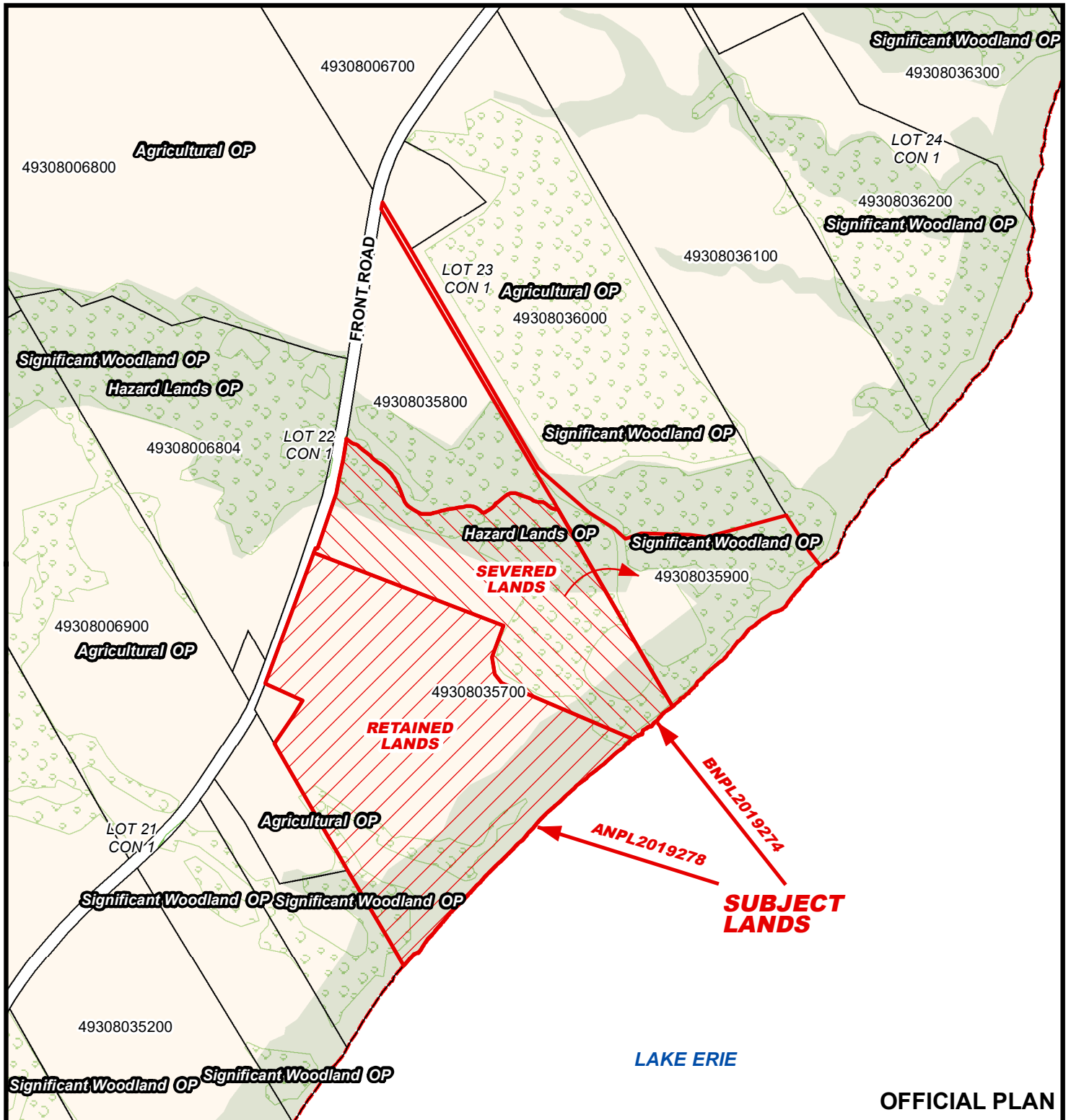
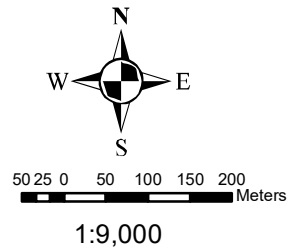
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**CHARLOTTEVILLE**



# MAP 2

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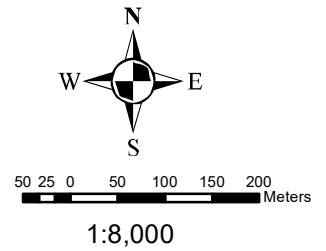
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# MAP 3

File Number: BNPL2019274 & ANPL2019278

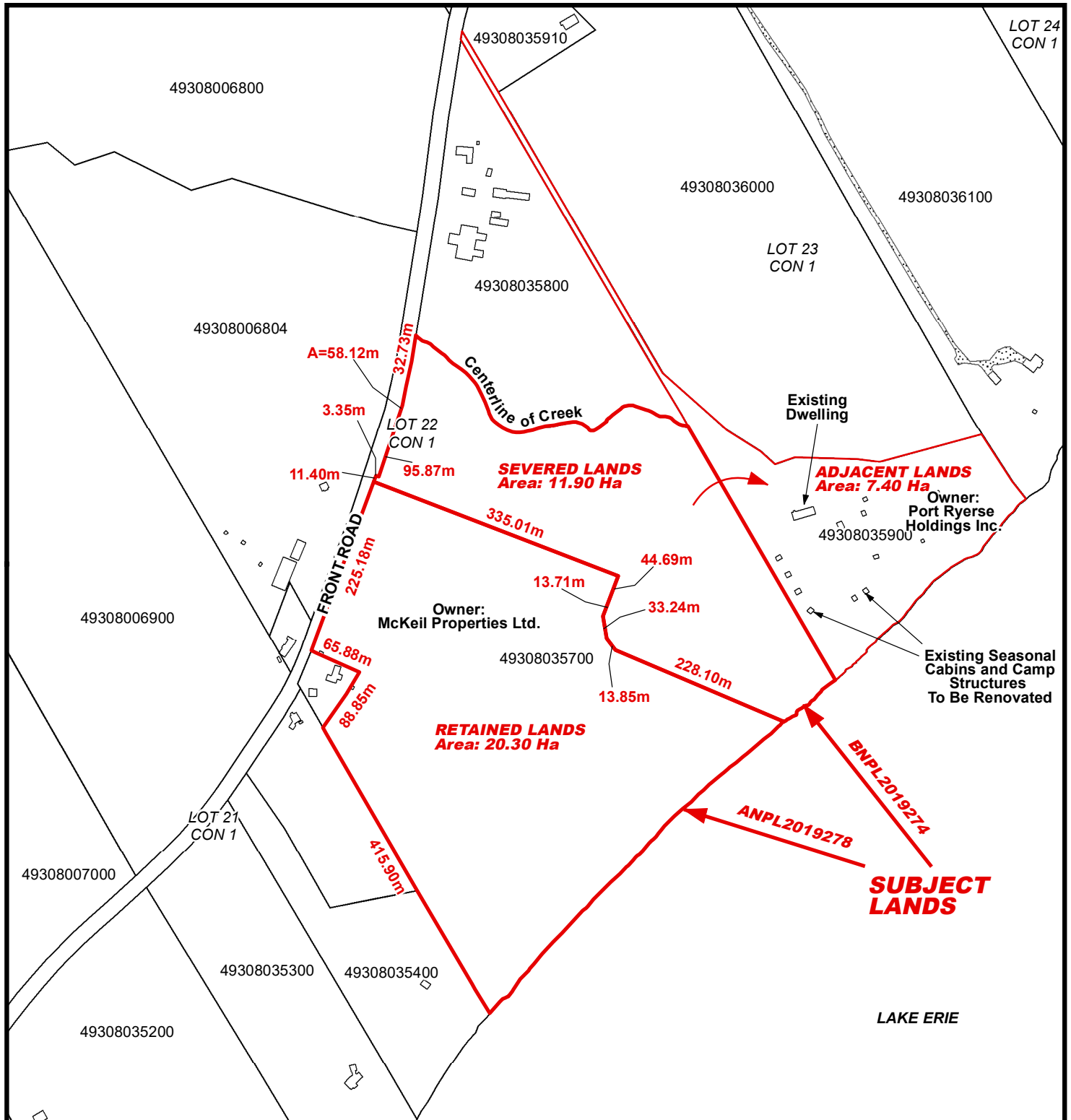
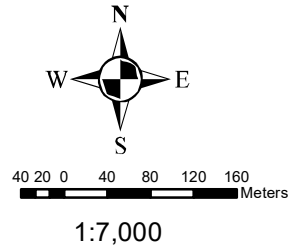
Geographic Township of CHARLOTTEVILLE



# MAP 4

File Number: BNPL2019274 & ANPL2019278

Geographic Township of CHARLOTTEVILLE



# LOCATION OF LANDS AFFECTED

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Geographic Township of CHARLOTTEVILLE

