

## Committee of Adjustment Application to Planning Department

### Complete Application

A complete Committee of Adjustment application consists of the following:

1. A properly completed and signed application form (signature must on original version);
2. Supporting information adequate to illustrate your proposal as listed in **Section H** of this application form (plans are required in paper copy and digital PDF format);
3. Written authorization from all registered owners of the subject lands where the applicant is not the owner as per Section N; and,
4. Cash, debit or cheque payable to Norfolk County in the amount set out in the Norfolk County User Fees By-Law.
5. The completed application and fees are to be mailed to the attention of **Secretary Treasurer – Committee of Adjustment**: 185 Robinson Street, Suite 200, Simcoe, ON N3Y 5L6 or email your application [committee.of.adjustment@norfolkcounty.ca](mailto:committee.of.adjustment@norfolkcounty.ca). Make sure submissions are clearly labelled including address, name, and application type. Failure to do so may impact the timing of your application.

The above listed items are required to ensure that your application is given full consideration. An incomplete or improperly prepared application will not be accepted and may result in delays during the processing of the application. This application must be typed or printed in ink and completed in full.

Please review all of the important information summarised below.

### Before your Application is Submitted

A pre-consultation meeting is not usually required for Committee of Adjustment applications; however, discussion with Planning Department staff prior to the submission of an application is **strongly encouraged**. The purpose of communicating with a planner **before** you submit your application is: to review your 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. You might find it helpful to retain the services of an independent professional (such as a registered professional planner) to help you with your application. Information about the Official Plan and Zoning By-law can be found on the County website: [www.norfolkcounty.ca/planning](http://www.norfolkcounty.ca/planning)

### After Your Application is Submitted

Once your payment has been received and the application submitted, in order for your application to be deemed complete all of the components noted above are required.

Incomplete applications will be identified and returned to the applicant. The *Planning Act* permits up to 30 days to review and deem an application complete.

Once your 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 also provided that is required to be posted on the subject lands that summarizes the application and identifies the committee meeting date. The comments received from members of the community will be included in the planning report and will inform any recommendations in relation to the application.

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 same time your application is submitted.

**Additional studies** required as part of the complete application shall be at the sole expense of the applicant. In some instances peer reviews may be necessary to review particular studies and that the cost shall be at the expense of the applicant. The company to complete the peer review 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. However, it is the applicant's responsibility 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 your application at the Committee of Adjustment meeting. Applicants are responsible for removal of 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. 1842 or [Committee.of.Adjustment@NorfolkCounty.ca](mailto:Committee.of.Adjustment@NorfolkCounty.ca)

**For Office Use Only:**

File Number	<u>BNPL2023276</u>	Application Fee	<u>4,952.00 - consent</u>
Related File Number	<u>ANPL2023277</u>	Conservation Authority Fee	<u>2,743.00 - minor variance</u>
Pre-consultation Meeting	<u>-</u>	Well & Septic Info Provided	<u>N/A</u>
Application Submitted	<u>Aug.30.2023</u>	Planner	<u>Hanne Yager</u>
Complete Application	<u>Sep.15.2023</u>	Public Notice Sign	<u>-</u>

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**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:** \_\_\_\_\_**A. Applicant Information****Name of Owner** \_\_\_\_\_

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 \_\_\_\_\_

Town and Postal Code \_\_\_\_\_

Phone Number \_\_\_\_\_

Cell Number \_\_\_\_\_

Email \_\_\_\_\_

**Name of Applicant** \_\_\_\_\_

Address \_\_\_\_\_

Town and Postal Code \_\_\_\_\_

Phone Number \_\_\_\_\_

Cell Number \_\_\_\_\_

Email \_\_\_\_\_

**Name of Agent**

Address

Town and Postal Code

Phone Number

Cell Number

Email

Please specify to whom all communications should be sent. Unless otherwise directed, all correspondence and notices in respect of this application will be forwarded to the owner and agent noted above.

☐ Owner

☐ Agent

☐ Applicant

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

**B. Location, Legal Description and Property Information**

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

Municipal Civic Address:

Present Official Plan Designation(s):

Present Zoning:

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:



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:

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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.

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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:

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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:

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

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9. Existing use of abutting properties:

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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:

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## C. Purpose of Development Application

Note: Please complete all that apply. **Failure to complete this section will result in an incomplete application.**

### 1. Site Information (Please refer to Zoning By-law to confirm permitted dimensions)

	Existing	Permitted	Provision	Proposed	Deficiency
<b>Lot frontage</b>	27.26m (existing)	15m (existing residential use)	Norfolk Zoning 5.2.2 b)	11.88m (retained) 15.38m (severed)	Retained lands Deficient - 3.12m
<b>Lot depth</b>	20.12m (existing)	N/A	N/A	20.12m (retained) 20.03m (severed)	
<b>Lot width</b>	27.26m (existing)	N/A	N/A	11.88m (retained) 15.38m (severed)	
<b>Lot area</b>	546.8m <sup>2</sup> (existing)	450 m <sup>2</sup> (existing residential use)	Norfolk Zoning 5.2.2 a)	238.5m <sup>2</sup> (retained) 308.3m <sup>2</sup> (severed)	Retained Lands Deficient - 211.5m <sup>2</sup>
<b>Lot coverage</b>	13.4% (existing)	N/A	N/A	30.8% (retained) N/A (severed)	
<b>Front yard</b>	3.71m (existing)	6m (existing residential use)	Norfolk Zoning 5.2.2 c)	3.71m (retained) N/A (severed)	Existing front yard on retained lands deficient - 2.29m
<b>Rear yard</b>	4.45m (existing)	7.5m (existing residential use)	Norfolk Zoning 5.2.2 f)	4.45m (retained) N/A (severed)	Existing rear yard on retained lands deficient - 3.05m
<b>Height</b>	7m (existing)	11m (existing residential use)	Norfolk Zoning 5.2.2 g)	7m (retained) N/A (severed)	
<b>Left Interior side yard</b>	3.40m (existing)	3.0m (existing residential use)	Norfolk Zoning 5.2.2 e)	3.40m (retained) N/A (severed)	
<b>Right Interior side yard</b>	17.21m (existing)	1.2m (existing residential use)	Norfolk Zoning 5.2.2 e)	1.83m (retained) N/A (severed)	
<b>Exterior side yard (corner lot)</b>	N/A	N/A	N/A	N/A	
<b>Parking Spaces (number)</b>	N/A	N/A	Norfolk Zoning 4.11	N/A	
<b>Aisle width</b>	N/A	N/A	Norfolk Zoning 4.11	N/A	
<b>Stall size</b>	N/A	N/A	N/A	N/A	
<b>Loading Spaces</b>	N/A	N/A	N/A	N/A	
<b>Other</b>	N/A	N/A	N/A	N/A	

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

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

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

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

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

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

Present Use: \_\_\_\_\_

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

Proposed final lot size (if boundary adjustment): \_\_\_\_\_

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

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Description of land intended to be retained in metric units:

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

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

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

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

Present Use: \_\_\_\_\_

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

Buildings on retained land: \_\_\_\_\_

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

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

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

Width: \_\_\_\_\_  
Area: \_\_\_\_\_  
Proposed Use: \_\_\_\_\_

**5. Surplus Farm Dwelling Severances Only:** List all properties in Norfolk County, which are owned and farmed by the applicant and involved in the farm operation

Owners Name: \_\_\_\_\_  
Roll Number: \_\_\_\_\_  
Total Acreage: \_\_\_\_\_  
Workable Acreage: \_\_\_\_\_  
Existing Farm Type: (for example: corn, orchard, livestock) \_\_\_\_\_  
Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built \_\_\_\_\_  
Date of Land Purchase: \_\_\_\_\_

Owners Name: \_\_\_\_\_  
Roll Number: \_\_\_\_\_  
Total Acreage: \_\_\_\_\_  
Workable Acreage: \_\_\_\_\_  
Existing Farm Type: (for example: corn, orchard, livestock) \_\_\_\_\_  
Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built \_\_\_\_\_  
Date of Land Purchase: \_\_\_\_\_

Owners Name: \_\_\_\_\_  
Roll Number: \_\_\_\_\_  
Total Acreage: \_\_\_\_\_  
Workable Acreage: \_\_\_\_\_  
Existing Farm Type: (for example: corn, orchard, livestock) \_\_\_\_\_  
Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built \_\_\_\_\_  
Date of Land Purchase: \_\_\_\_\_

Owners Name: \_\_\_\_\_  
Roll Number: \_\_\_\_\_  
Total Acreage: \_\_\_\_\_  
Workable Acreage: \_\_\_\_\_  
Existing Farm Type: (for example: corn, orchard, livestock) \_\_\_\_\_  
Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built \_\_\_\_\_  
Date of Land Purchase: \_\_\_\_\_

Owners Name: \_\_\_\_\_  
Roll Number: \_\_\_\_\_  
Total Acreage: \_\_\_\_\_  
Workable Acreage: \_\_\_\_\_  
Existing Farm Type: (for example: corn, orchard, livestock) \_\_\_\_\_  
Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built \_\_\_\_\_  
Date of Land Purchase: \_\_\_\_\_

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

**D. All Applications: Previous Use of the Property**

1. Has there been an industrial or commercial use on the subject lands or adjacent lands? ☐ Yes ☐ No ☐ Unknown

If yes, specify the uses (for example: gas station, or petroleum storage):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Is there reason to believe the subject lands may have been contaminated by former uses on the site or adjacent sites? ☐ Yes ☐ No ☐ Unknown

3. Provide the information you used to determine the answers to the above questions:

\_\_\_\_\_  
\_\_\_\_\_

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

**E. All Applications: Provincial Policy**

1. Is the requested amendment consistent with the provincial policy statements issued under subsection 3(1) of the *Planning Act, R.S.O. 1990, c. P. 13*? ☐ Yes ☐ No

If no, please explain:

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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:

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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:

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

4. All Applications: Are any of the following uses or features on the subject lands or within 500 metres of the subject lands, unless otherwise specified? Please check boxes, if applicable.

**Livestock facility or stockyard** (submit MDS Calculation with application)

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

**Wooded area**

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

**Municipal Landfill**

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

**Sewage treatment plant or waste stabilization plant**

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

**Provincially significant wetland (class 1, 2 or 3) or other environmental feature**

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

**Floodplain**

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

**Rehabilitated mine site**

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

**Non-operating mine site within one kilometre**

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

**Active mine site within one kilometre**

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

**Industrial or commercial use (specify the use(s))**

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

**Active railway line**

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

**Seasonal wetness of lands**

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

**Erosion**

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

**Abandoned gas wells**

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

## F. All Applications: Servicing and Access

1. Indicate what services are available or proposed:

### Water Supply

- |  |   |
|--|---|
| <input type="checkbox"/> Municipal piped water | <input type="checkbox"/> Communal wells         |
| <input type="checkbox"/> Individual wells      | <input type="checkbox"/> Other (describe below) |
- 

### Sewage Treatment

- |   |   |
|---|---|
| <input type="checkbox"/> Municipal sewers                               | <input type="checkbox"/> Communal system        |
| <input type="checkbox"/> Septic tank and tile bed in good working order | <input type="checkbox"/> Other (describe below) |
- 

### Storm Drainage

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

2. Existing or proposed access to subject lands:

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

Name of road/street:

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## G. All Applications: Other Information

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

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

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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.

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## **H. Supporting Material to be submitted by Applicant**

In order for your application to be considered complete, folded hard copies (number of paper copies as directed by the planner) and an **electronic version (PDF) of the site plan drawings, additional plans, studies and reports** will be required, including but not limited to the following details:

1. Concept/Layout Plan
2. All measurements in metric
3. Existing and proposed easements and right of ways
4. Parking space totals – required and proposed
5. All dimensions of the subject lands
6. Dimensions and setbacks of all buildings and structures
7. Location and setbacks of septic system and well from all existing and proposed lot lines, and all existing and proposed structures
8. Names of adjacent streets
9. Natural features, watercourses and trees

In addition, the following additional plans, studies and reports, including but not limited to, **may** also be required as part of the complete application submission:

- ☐ On-Site Sewage Disposal System Evaluation Form (to verify location and condition)
- ☐ Environmental Impact Study
- ☐ Geotechnical Study / Hydrogeological Review
- ☐ Minimum Distance Separation Schedule
- ☐ Record of Site Condition

Your development approval might also be dependent on Ministry of Environment Conservation and Parks, Ministry of Transportation or other relevant federal or provincial legislation, municipal by-laws or other agency approvals.

**All final plans must include the owner's signature as well as the engineer's signature and seal.**

### I. Transfers, Easements and Postponement of Interest

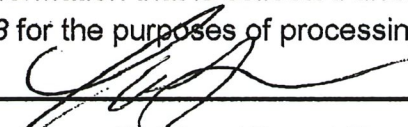
The owner acknowledges and agrees that if required it is their solicitor's responsibility on behalf of the owner for the registration of all transfer(s) of land to the County, and/or transfer(s) of easement in favour of the County and/or utilities. Also, the owner further acknowledges and agrees that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

### Permission to Enter Subject Lands

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

### Freedom of Information

For the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*, I authorize and consent to the use by or the disclosure to any person or public body any information that is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P. 13 for the purposes of processing this application.

  
\_\_\_\_\_  
Owner/Applicant/Agent Signature

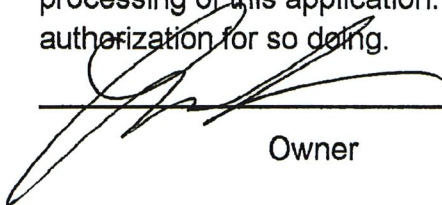
28/08/23  
\_\_\_\_\_  
Date

### J. Owner's Authorization

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

I/We Thomas Land am/are the registered owner(s) of the lands that is the subject of this application.

I/We authorize G. Douglas Vallee Limited to make this application on my/our behalf and to provide any of my/our personal information necessary for the processing of this application. Moreover, this shall be your good and sufficient authorization for so doing.

  
\_\_\_\_\_  
Owner

28/08/23.  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

**\*Note:** If property is owned by an Ontario Ltd. Corporation, Articles of Incorporation are required to be attached to the application.

**K. Declaration**

I, Thomas Land of Port Dover

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:


Scott Puillandre

  
\_\_\_\_\_  
Owner/Applicant/Agent Signature

In County of Norfolk

This 28 day of August

A.D., 20 23

  
\_\_\_\_\_

A Commissioner, etc.

**SCOTT CONNELL PUILLANDRE,**  
a Commissioner, etc., Province of Ontario,  
for G. Douglas Vallee Limited.  
Expires August 19, 2025.

SKETCH SHOWING  
PROPOSED LANDS  
TO BE SEVERED



FOR:  
TOMMY LAND  
104 MARKET STREET

SCALE: 1 : 250

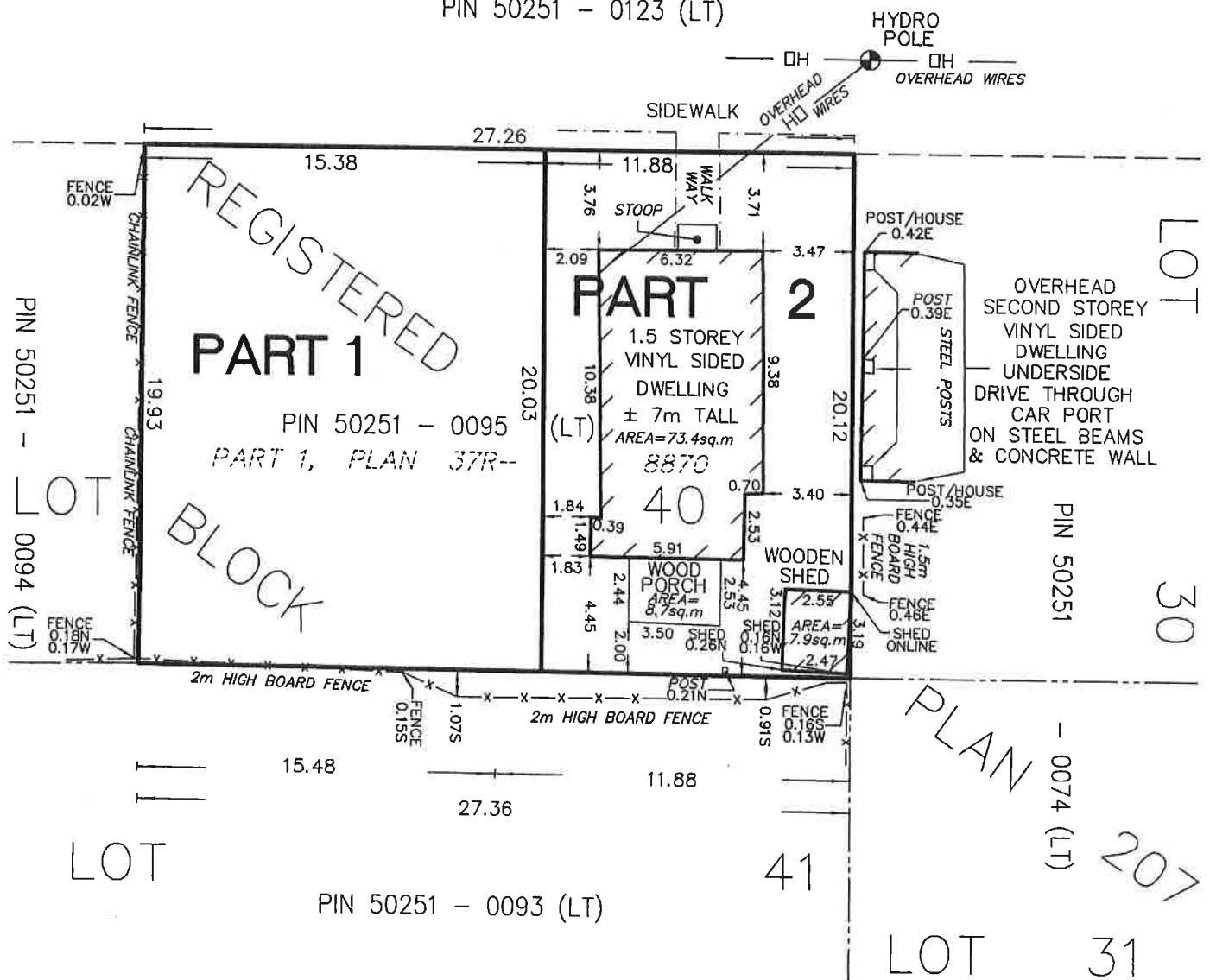


APRIL 11, 2023

NOTES

- AREA OF PART 1 = 308.3 sq.m
- AREA OF PART 2 = 238.5 sq.m
- DWELLING AREA, GARAGE & PORCH = 90 sq.m
- LOT COVERAGE ON PART 1 = 00.0%
- LOT COVERAGE ON PART 2 = 37.7%

MARKET STREET  
PIN 50251 - 0123 (LT)



PROPERTY DESCRIPTION:

PART OF LOT 40, BLOCK 51, REGISTERED PLAN 207  
TOWN OF PORT DOVER, TOWNSHIP OF WOODHOUSE

METRIC NOTE:

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND  
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

CAUTION:

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

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

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

JOB # 22-3621 CLIENT: LAND





## COORD. W/ ZONING BY-LAW FOR ALL OTHER ZONING REQ.'S



# Property Report

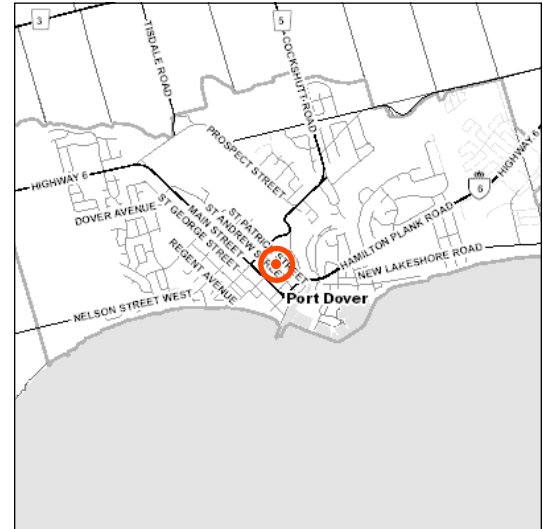
Safe to share



Address: 104 MARKET ST E  
Roll Number: 3310334010521000000



April 19, 2023



## Legal Description:

Legal 1: PDOV PLAN 207 BLK 51 PT LOT

Legal 2: 40 RP 37R8870 PART 1

Legal 3: REG

Legal 4: 0.14AC 90.00FR 66.00D

Legal 5:

## Landuse:

Under Site Plan Control: Yes

Heritage Designation: None Present

Special Provisions: None Present

Zoning Designation: CENTRAL BUSINESS DISTRICT ZONE\*

Official Plan Designation: Mixed Residential\Commercial

MNR Wetland Area: No

Significant Woodland: No

\* This is not an official Zoning Conformation.

## 6.0 Commercial Zones

### 6.1 Central Business District Zone (CBD)

#### 6.1.1 *Permitted Uses*

In a CBD Zone, no land, *building* or *structure* shall be used except in accordance with the following uses:

- a) adult education and training facility
- b) ambulance service
- c) *animal hospital*, provided the entire operation is carried on within an enclosed *building*
- d) antique shop
- e) art gallery
- f) *auction centre*
- g) *automobile gas station*
- h) *automobile service and repair station*
- i) *automobile washing establishment*
- j) automotive parts shop
- k) *bar or night club*
- l) *boutique*
- m) brew-your-own
- n) bus or taxi terminal
- o) *clinic or doctors' offices*
- p) college or trade school
- q) community centre
- r) *contractor supply and service shop*
- s) *convenience store*
- t) craft, souvenir and gift shop
- u) *day care nursery*
- v) delicatessen and specialty food shops
- w) *department store*
- x) *dry cleaning distribution station*
- y) *dry cleaning establishment*
- z) *dwelling, apartment* subject to the requirements of Subsection 6.1.4
- aa) *dwelling units* in any *permitted commercial building* subject to the requirements of Subsection 6.1.4
- bb) equipment rental establishment
- cc) *farmers market*
- dd) financial institution
- ee) fire hall
- ff) florist shop
- gg) fruit and vegetable outlet
- hh) funeral home
- ii) *garden supply centre*
- jj) hardware store
- kk) *home occupation*
- ll) *hotel*

mm) laundromat  
 nn) library  
 oo) *long-term care facility*  
 pp) *lumber yard and building supply establishment*  
 qq) *merchandise service shop*  
 rr) museum  
 ss) office, all types  
 tt) *parking lot*  
 uu) *personal service shop*  
 vv) pharmacy  
 ww) photographic studio or shop  
 xx) *place of assembly*  
 yy) *place of entertainment*  
 zz) *place of sports and recreation*  
 aaa) *place of worship*  
 bbb) police station  
 ccc) printing and publishing establishment  
 ddd) *private club*  
 eee) radio, television and cable television studio  
 fff) *restaurant*  
 ggg) *restaurant, fast-food*  
 hhh) *restaurant, take-out*  
 iii) *retail store*  
 jjj) *retirement home*  
 kkk) school  
 ll) *supermarket*  
 mmm) *training and rehabilitation centre*  
 nnn) *vehicle sales or rental establishment*  
 ooo) *video store*  
 ppp) *wholesale outlet.*

#### 6.1.2 Zone Provisions

In a CBD Zone, no building or structure shall be erected or altered except in accordance with the following provisions:

- |    |                                     |   |
|----|-------------------------------------|---|
| a) | minimum <i>front yard</i> :         | 0 metres  |
| b) | minimum <i>exterior side yard</i> : | 0 metres  |
| c) | minimum <i>interior side yard</i> : | 0 metres except abutting any residential Zone in which case the minimum <i>interior side yard</i> shall be 1.2 metres |
| d) | minimum <i>rear yard</i> :          | 0 metres except abutting any residential Zone in which case the minimum <i>rear yard</i> shall be 6 metres            |
| e) | maximum <i>building height</i> :    | six (6) <i>storeys</i>  |
| f) | maximum <i>front yard setback</i> : | 3 metres but does not permit parking  |
| g) | maximum <i>lot coverage</i> :       | 80 percent  |



#### 6.1.3 Zone Provisions for Dwellings

Notwithstanding the provisions in Subsection 6.1.2, all *single detached, semi-detached, duplex, tri-plex or four-plex dwellings* shall conform to the Urban Residential Type 3 (R3) Zone provisions in Subsection 5.3.

#### 6.1.4 Location and Use of First Storey

Any *dwelling units* in the CBD Zone shall not occupy more than 50 percent of the *usable floor area* of the *first storey*, and the frontages of the *first storey* shall be dedicated to retail, office or service uses. [66-Z-2018]

#### 6.1.5 Step Back of Upper Floors

The front wall of each floor located above four (4) *storeys* shall be stepped back 2 metres from the front wall of the fourth *storey*.

#### 6.1.6 Angular Plane

Where an *apartment dwelling* in a CBD Zone abuts an Urban Residential Type 1 Zone (R1-A), (R1-B) or Urban Residential Type 2 Zone (R2), no portion of an *apartment dwelling* shall exceed the height of a 45 degree *angular plane* originating at the *lot line* of the nearest Urban Residential Type 1 Zone (R1-A), (R1-B) or Urban Residential Type 2 Zone (R2).

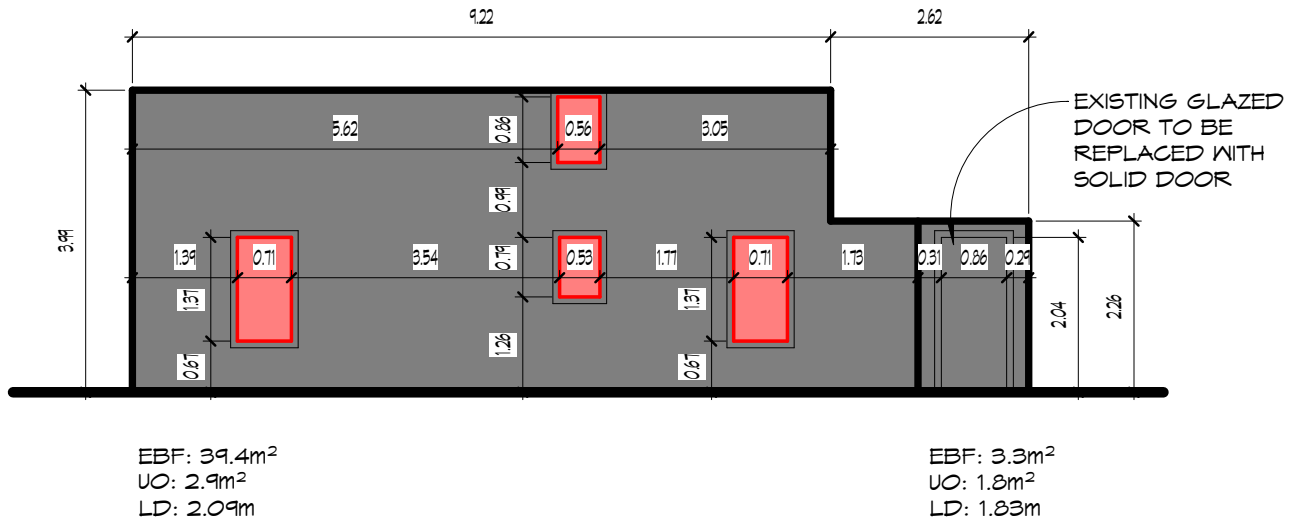
#### 6.1.7 Zone Provision for Convenience Store

The *usable floor area* of a *convenience store* shall not exceed 280 square metres.

#### 6.1.8 Zone Provision for a Drive Through

A Drive Through shall not be *permitted* within the Central Business District Zone (CBD). [6-Z-2018]

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1 SOUTHWEST ELEVATION  
PC101 SCALE 1 : 100

Spatial Separation - Construction of Exterior Walls

9.10.15.2. Area and Location of Exposing Building Face

(1) The area of an *exposing building face* shall be,  
(a) taken as the exterior wall area facing in one direction on any side of a *house*, and  
(b) calculated as,  
(i) the total area measured from the finished ground level to the uppermost ceiling,  
(ii) the area for each *fire compartment* where a *house* is divided into *fire compartments* by *fire separations* with *fire-resistance ratings* not less than 45 min, or  
(iii) where Table 9.10.15.4. is used to determine maximum area of glazed openings, the area of any number of individual vertical portions of the wall measured from the finished ground level to the uppermost ceiling.

9.10.15.

Wall	Area of EBF (m <sup>2</sup> )	L.D. (m)	L / H or H / L	Permitted % of Openings	Proposed % of Openings	FRR (Min.'s)	Listed Design or Description	Type of Const.	Type of Cladding	DIV. B - 9.10.15.4
SW(a)	39.4	2.09	N/A	11	7.4	N/A	N/A	COMB/NON-COMB	COMB/NON-COMB	
SW(b)	3.3	1.83	N/A	12	0	N/A	N/A	COMB/NON-COMB	COMB/NON-COMB	

**UNPROTECTED OPENING LEGEND  
(LIMITING DISTANCE)**

**HATCH IDENTIFICATION LEGEND**



AREA OF UNPROTECTED OPENING



AREA OF EXPOSING BLDG. FACE

Firm Name : G. DOUGLAS VALLEE LIMITED  
Firm BCIN : 124239  
Address : 2 TALBOT STREET NORTH  
SIMCOE, ONTARIO N3Y 3W4  
Contact Information : TEL. 1 (519) 426-6270  
Individual who reviews and accepts responsibility for Design Activities : *Lesley Hutton-Rhora*  
LESLEY HUTTON-RHORA (BCIN 33161)

104 MARKET ST. E.

104 MARKET STREET EAST,  
PORT DOVER, ON N0A 1N0



**vallee**  
Consulting Engineers,  
Architects & Planners

G. DOUGLAS VALLEE LTD.

2 TALBOT STREET NORTH  
SIMCOE ONTARIO N3Y 3W4  
(519) 426-6270

Drawing Title  
**SPATIAL SEPARATION**

Checked by:  
LHR

Drawn By:  
BM

Date:  
2023.08.04

Project No.

**23-001**

Drawing No.

**PC101**



# vallee

*Consulting Engineers,  
Architects & Planners*

August 28, 2023

Norfolk County Committee of Adjustment  
185 Robinson Street, Suite 200  
Simcoe, ON, N3Y 5L6

**Attention: Jodie Pfaff-Schimus  
Secretary Treasurer, Committee of Adjustment**

**Reference: Consent & Minor Variance Application  
104 Market Street East, Port Dover  
Our Project 23-001**

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## Introduction

G. Douglas Vallee Limited has been retained by Tom Land to make a consent application for the severance of lands located at 104 Market Street East within the urban area of Port Dover, Norfolk County. The consent application is paired with a related minor variance application to address minor zoning deficiencies created on the retained lot as a result of the proposed severance.

Included with this request is the following:

- Completed consent application form for severance;
- Completed minor variance application form;
- Appendix A – Severance Sketch prepared by Jewitt & Dixon;
- Appendix B – Proposed Site Plan prepared by G. Douglas Vallee;
- Appendix C – Property Information Report;
- Appendix D – Zoning;
- Appendix E – Spatial Separation Calculation for Existing Dwelling on Retained Parcel.

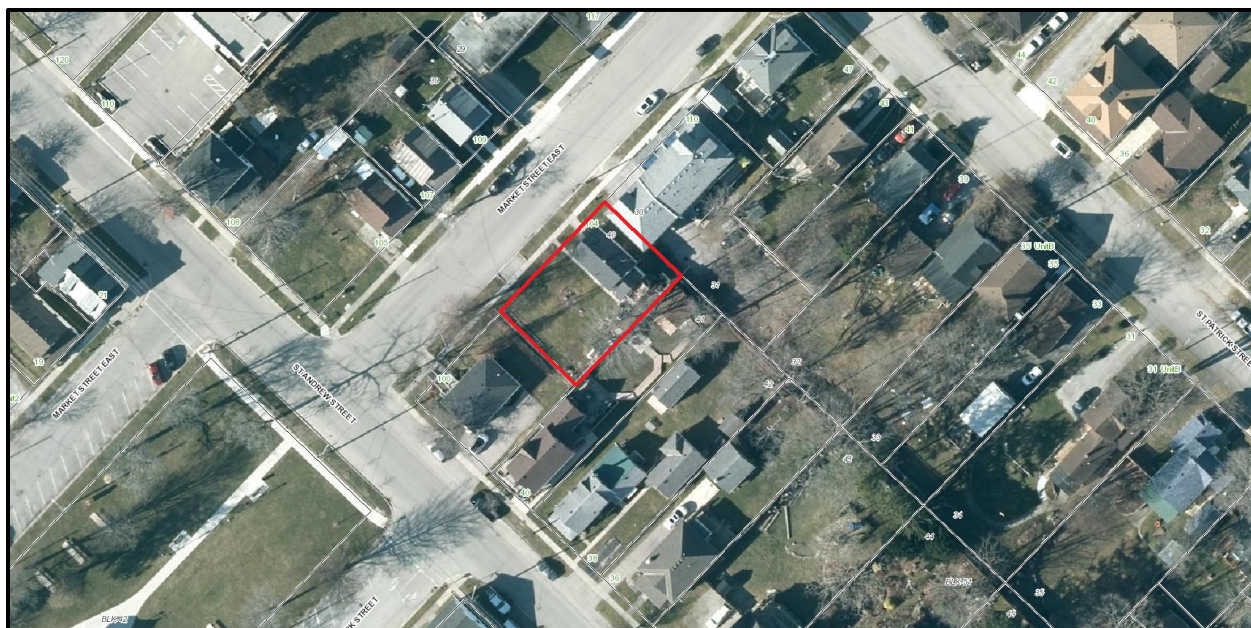
Payment of the required fees will be provided to the County by cheque upon notification of complete application and confirmation of fees due.

## Site Description

The subject lands are located along Market Street East, between St. Andrew Street and St. Patrick Street, in the Urban Area of Port Dover, Ontario. The approx. 0.06ha parcel is presently occupied by an existing two storey dwelling.

In accordance with the Norfolk County Official Plan, the lands are designated as Mixed Residential/Commercial and are part of the Lakeshore Special Policy Area (LSPA). The lands are presently zoned as Central Business District (CBD) (see Appendix C).

The subject lands are surrounded by low rise single and multi-unit dwellings as well as small scale commercial establishments.



**Figure 1.** Aerial view of subject lands.

### Proposal

As shown in Appendix A and B, the application for consent would result in the severed lands having a frontage of 15.38m and a depth of 20.03m.

The retained lands would include the existing two-storey dwelling and result in a frontage of 11.88m and a depth of 20.12m. A spatial separation calculation has been prepared to demonstrate compliance with Section 9.10.15.2 of the Ontario Building Code for the existing structure on the retained parcel given the location of the proposed property line (see Appendix E). In support of the proposed severance, the application seeks minor variances to accommodate existing deficiencies and those created by the proposed severance on the retained parcel, as follows:

	Required	Provided
Minimum Lot Area per 5.2.2 a)	450 sq m	238.5 m
Minimum Lot Frontage per 5.2.2 b)	15 m	11.88 m
Minimum Front Yard per 5.2.2 c)	6 m	3.71 m (existing)
Minimum Rear Yard per 5.2.2 f)	7.5 m	4.45 m (existing)

The proposed minor variances for the retained parcel are in character with adjacent and surrounding properties, as follows:

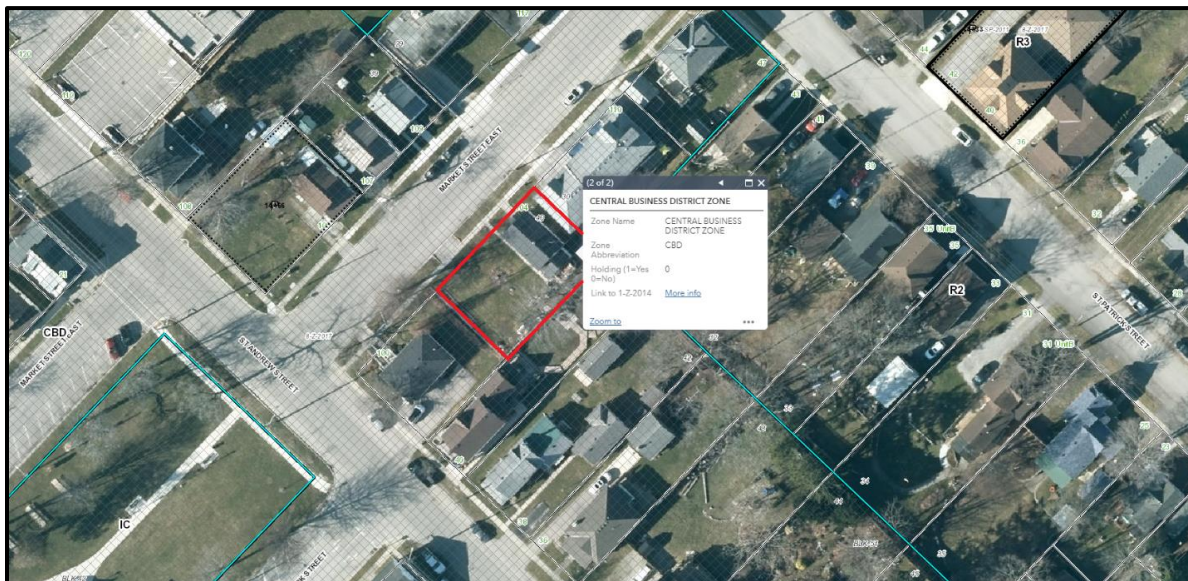
	Lot Area	Lot Frontage
107 Market Street East	220.7 sq m	11.0 m
109 Market Street East	237.0 sq m	11.6 m
31 St. Andrew Street	200.2 sq m	10.0 m
35 St. Andrew Street	259.7 sq m	12.9 m
21 Market Street East	161.9 sq m	9.5 m
19 Market Street East	323.7 sq m	14.3 m

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**Figure 2.** Official Plan Designation of subject lands.



**Figure 3.** Zoning Designation of subject lands.

## Policy Context & Review

Section 45(1) of the Planning Act gives power to the Committee of Adjustment to modify the zoning by-law provided that the application:

1. Maintains the general intent and purpose of the Official Plan;
2. Maintains the general intent and purpose of the Zoning Bylaw;
3. The variance is appropriate for the desirable development of the lands; and,
4. The requested variance is minor in nature.

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The Norfolk County Official Plan encourages and promotes the development of infill and intensification opportunities that leverage existing municipal services within its urban boundaries. It is important to note, according to the Norfolk County GIS the proposed severed lands have already been provided with service laterals. As part of the Lakeshore Special Policy Area (LSPA), the urban area of Port Dover is recognized as an “ecological resource” that “provides diverse tourism and recreational opportunities”. In accordance with Section 11.2.1.1 of the LSPA Secondary Plan, the objectives and goals of the County include directing growth to within the designated urban areas to mitigate potential impacts on valuable ecological and agricultural lands by reducing the need for urban expansions and encroachments. Approval of the proposed severance would provide an additional building lot within the urban area.

The Mixed Residential / Commercial designation under the Official Plan provides for “areas of transition from the relatively focussed and primarily commercial developments in Downtown areas to the lower density surrounding residential neighbourhoods”. The restricted range of commercial uses intended for the Mixed Residential / Commercial designated areas help to promote “attractive and diverse public and private sector development that is compatible with the character and charm of the existing community”. The CBD zoning designation permits a number of suitable commercial and mixed-use opportunities, notably including:

- automobile service and repair station;
- boutique;
- contractor supply and service shop;
- delicatessen and specialty food shops;
- dwelling, apartment (subject to Subsection 6.1.4);
- dwelling units in any permitted commercial building (subject to Subsection 6.1.4);
- office, all types;
- personal service shop;
- place of sports and recreation;
- retail store.

In accordance with Section 9.6.3 of the Official Plan, the activities of the Committee of Adjustment are guided on the premise that the “size of any parcel of land created by consent should be appropriate for the use proposed, considering the level of services available, the soil conditions, and other factors”.

The proposed severance represents opportunity to leverage an oversized residential lot to create a viable new parcel suitable for a variety of future uses that align with the objectives of the Official Plan and the provisions of the Zoning By-Law. While the proposed severance results in minor deficiencies to the referenced zoning provisions related to residential use on the retained parcel, they can be considered minor, appropriately scaled to the existing residential use, and consistent with the intent and objective of both the Official Plan and Zoning Bylaw. Considering the justification provided above, the requested relief meet the four-tests required of a minor variance and should be considered for approval by the committee.

### Servicing

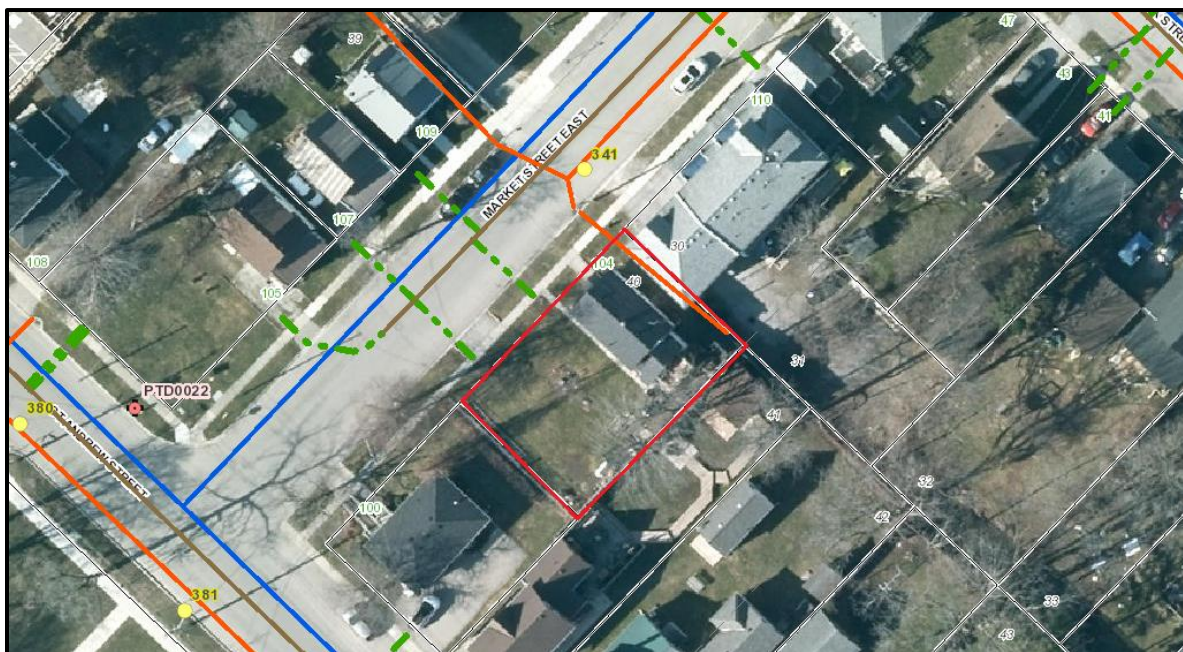
The subject lands are within an existing, developed residential neighborhood; as such, the area is currently serviced. Municipal storm, sanitary and water infrastructure exists in the roadway fronting the property on Market Street East. According to Norfolk County GIS, two sanitary servicing laterals currently extend to the property; one to the existing building and one to the lot

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to be severed. A municipal hydrant is located in close proximity to the property at the north-east corner of St. Andrew Street and Market Street East. There is a storm sewer lateral that extends to the north-east corner of the property which presumably drains a low area in the back yard of the existing dwelling.



**Figure 4.** Existing municipal services.

Thank you in advance for your review and consideration of the enclosed applications for severance and minor variance. If you have any questions, please feel free to get in touch.

Yours truly,

Scott Puillandre, CD, MSc., Planner  
**G. DOUGLAS VALLEE LIMITED**  
Consulting Engineers, Architects & Planners

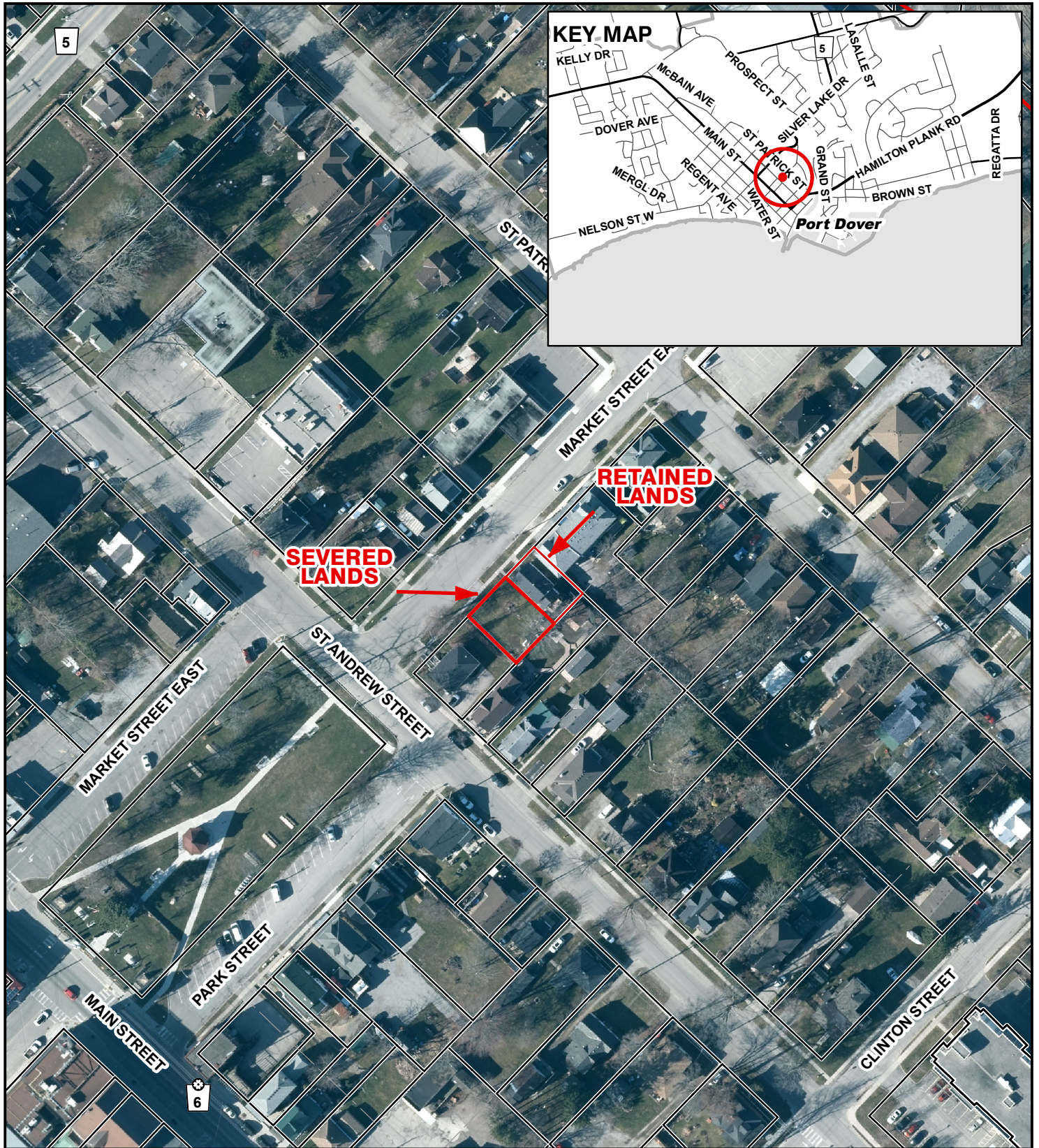
Z:\Projects\2023\23-001 Land 104 Market St E Port Dover\Agency\Committee of Adjustment\DRAFT 23-001 104 Market St. E - Severance.docx

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Consulting Engineers, Architects & Planners



**MAP A**  
**CONTEXT MAP**  
 Urban Area of PORT DOVER

BNPL2023276  
 ANPL2023277

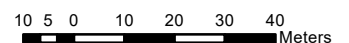
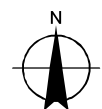


**Legend**

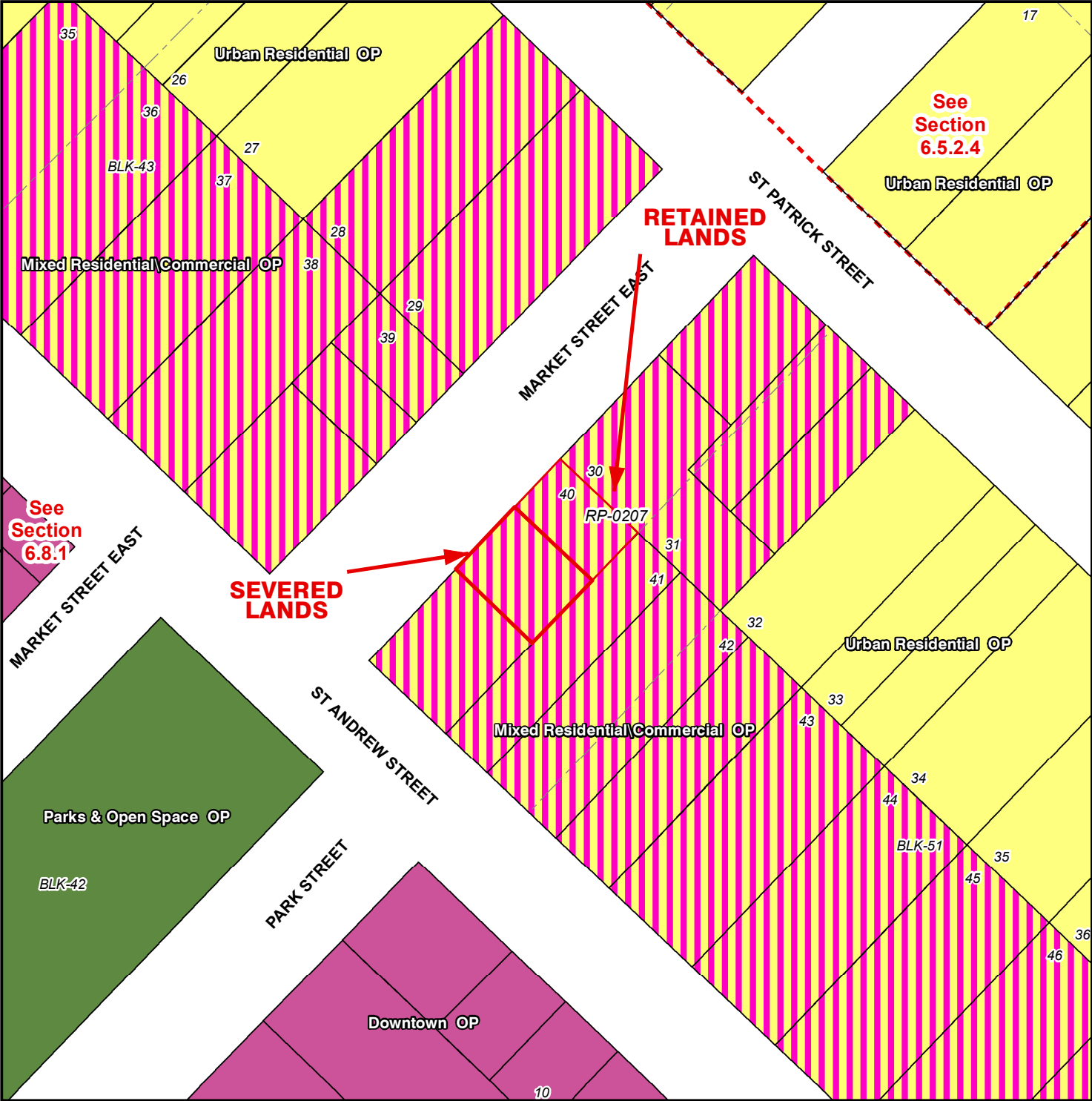
- Subject Lands
- Lands Owned

2020 Air Photo

9/19/2023







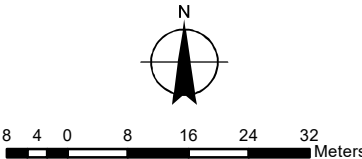
Legend

- Subject Lands
- Lands Owned

Official Plan Designations

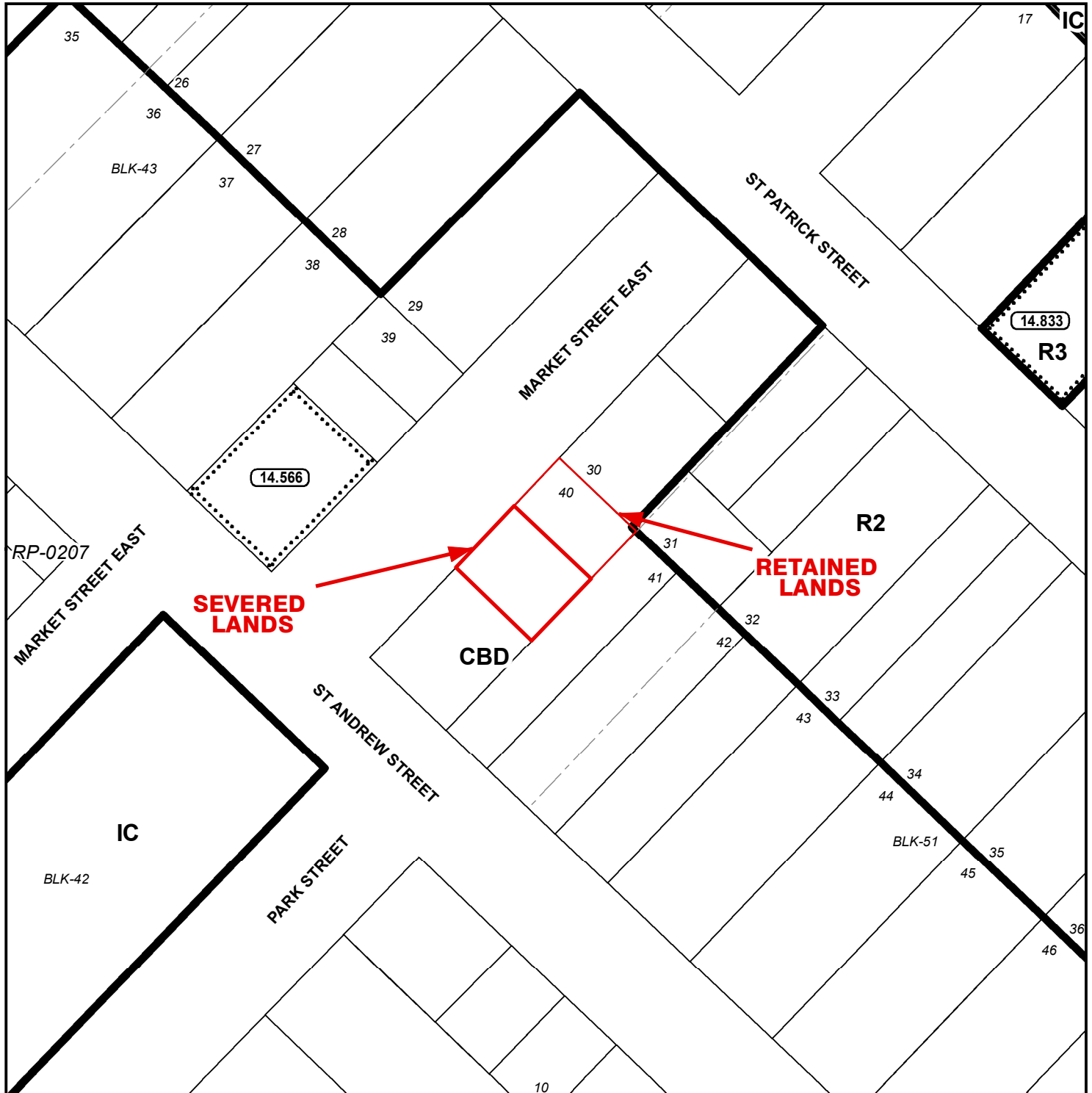
- Urban Residential
- Mixed Residential/Commercial
- Downtown
- Parks & Open Space
- Special Policy Area
- Urban Area Boundary

9/19/2023



**MAP C**  
**ZONING BY-LAW MAP**  
 Urban Area of PORT DOVER

BNPL2023276  
 ANPL2023277



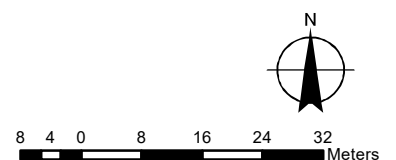
**LEGEND**

- Subject Lands
- Lands Owned

ZONING BY-LAW 1-Z-2014

9/19/2023

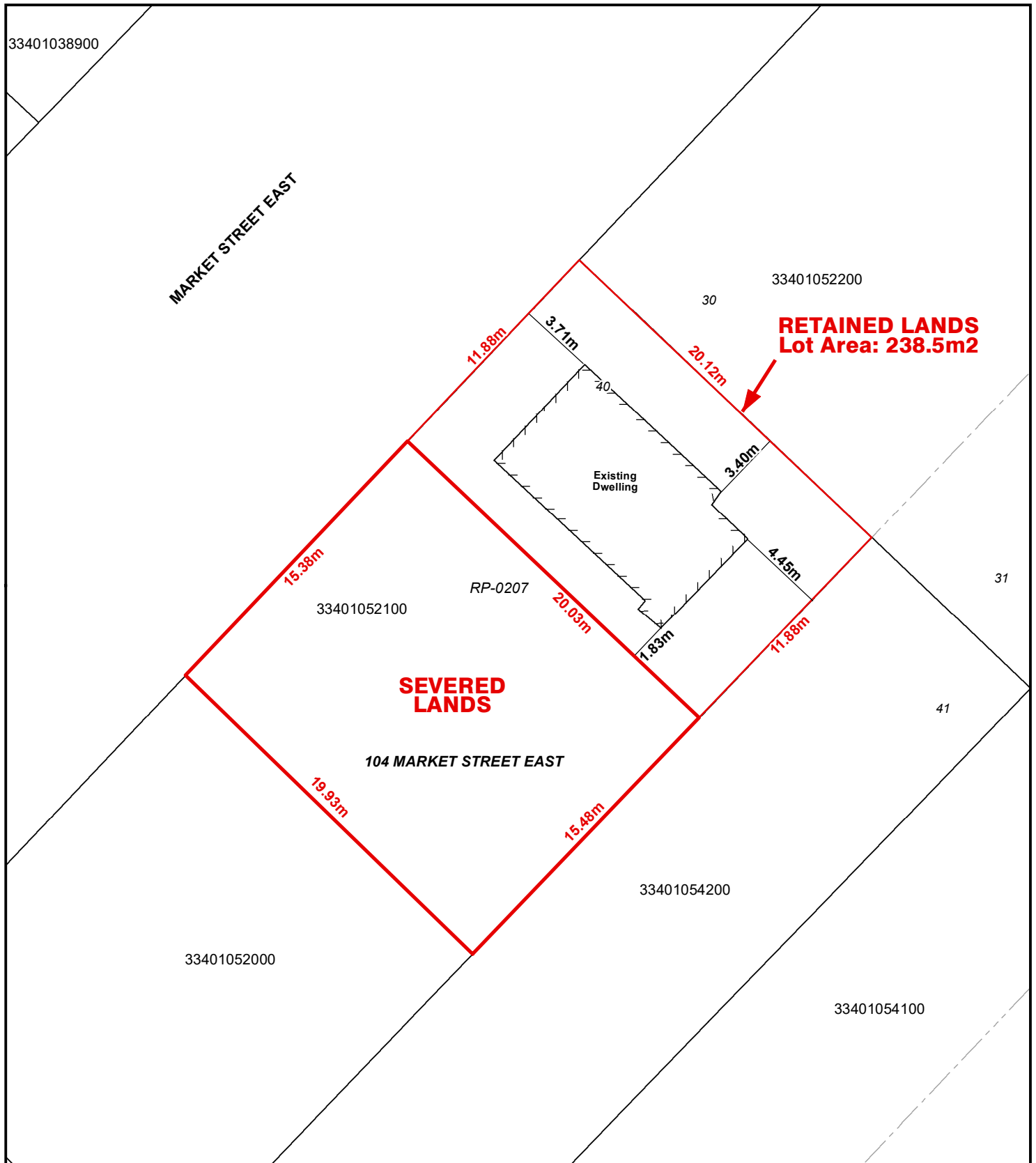
- (H) - Holding
- CBD - Central Business District Zone
- IC - Community Institutional Zone
- R2 - Residential R2 Zone
- R3 - Residential R3 Zone





# MAP D

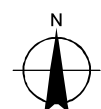
## CONCEPTUAL PLAN Urban Area of PORT DOVER

BNPL2023276  
ANPL2023277



### Legend

-  Subject Lands
-  Lands Owned



9/19/2023

2 1 0 2 4 6 8 Meters

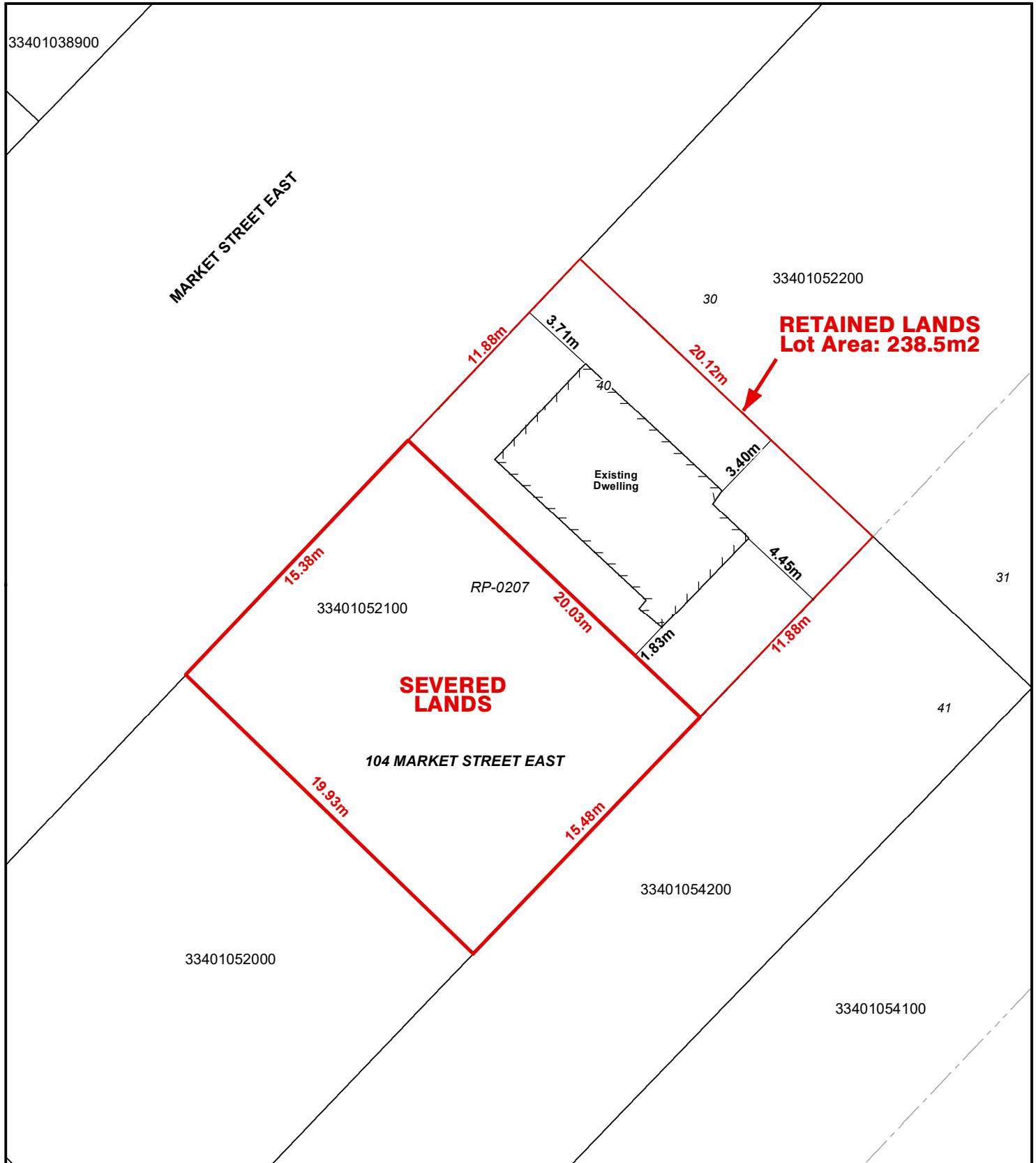
# LOCATION OF LANDS AFFECTED

## CONCEPTUAL PLAN



Urban Area of PORT DOVER

BNPL2023276

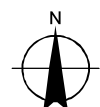
ANPL2023277



### Legend

-  Subject Lands
-  Lands Owned

9/19/2023



2 1 0 2 4 6 8 Meters