

# ZONING BY-LAW AMENDMENT

File Number ZNPL2014107  
 Related File Number 33-Z-2010  
 Pre-consultation Meeting On 2014, April, July  
 Application Submitted On December 19/2014  
 Complete Application On July 29/2015

Application Fee ✓  
 Conservation Authority Fee N/A  
 OSSD Form Provided ✓  
 Sign Issued ✓

kr.

This development application must be typed or printed in ink and completed in full. An incomplete or improperly prepared application may not be accepted and could result in processing delays.

**Property assessment roll number: 3310- 493.070.22380.000 and 22300.000**

Check whether this development application is for approval of:

- ☒ Zoning by-law amendment  
☐ Lifting holding by-law  
☐ Temporary use extension

*Revised Justification  
 Submitted April 14th/15.*

## A. APPLICANT INFORMATION

Name of Applicant <sup>1</sup> Burning Kiln Winery Inc. Phone # 1-519-586-9858  
 Address 1725 <sup>09</sup> Front Road RR # 2 Fax # n/a  
 Town / Postal Code St. Williams, Ont E-mail kmatthews@burningkilnwinery.com

<sup>1</sup> If the applicant is a numbered company provide the name of a principal of the company.

Name of Agent Michael D. McArthur Phone # 1-519-426-6763  
 Address 39 Colborne Street North Fax # 1-519-426-2055  
 Town / Postal Code Simcoe E-mail mcarthur@mhnlawyers.com

Name of Owner <sup>2</sup> \_\_\_\_\_ Phone # \_\_\_\_\_  
 Address \_\_\_\_\_ Fax # \_\_\_\_\_  
 Town / Postal Code \_\_\_\_\_ E-mail \_\_\_\_\_

<sup>2</sup> 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.

Please specify to whom all communications should be sent <sup>3</sup>: ☐ Applicant ☒ Agent ☐ Owner

<sup>3</sup> Unless otherwise directed, all correspondence, notices, etc., in respect of this development application will be forwarded to the Applicant noted above, except where an Agent is employed, then such will be forwarded to the Applicant and Agent.

Names and addresses of any holders of any mortgages, charges or other encumbrances on the subject lands:

Royal Bank of Canada (Norfolk Street, Simcoe), Farm Credit Canada (Simcoe) & VentureNorfolk



**B. LOCATION/LEGAL DESCRIPTION OF SUBJECT LANDS**

Geographic Township	<u>Charleottetown</u>	Urban Area or Hamlet	<u></u>
Concession Number	<u>A</u>	Lot Number(s)	<u>10</u>
Registered Plan Number	<u></u>	Lot(s) or Block Number(s)	<u></u>
Reference Plan Number	<u>37R 8056 and 10017</u>	Part Number(s)	<u>2 on both plans</u>
Frontage (metres/feet)	<u>Irregular</u>	Depth (metres/feet)	<u>Irregular</u>
Width (metres/feet)	<u></u>	Lot area (m <sup>2</sup> / ft <sup>2</sup> or hectares/acres)	<u>92.5 acres</u>
Municipal Civic Address	<u>1725 Front Road, RR# 2, St. Williams</u>		

For questions regarding requirements for a municipal civic address please contact [NorfolkGIS@norfolkcounty.ca](mailto:NorfolkGIS@norfolkcounty.ca).

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

☐ Yes ☒ No

If yes, describe the easement or covenant and its effect:

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Does the requested amendment implement an alteration to all or any part of the boundary of an area of settlement in the municipality or implement a new area of settlement in the municipality?

☐ Yes ☒ No

If yes, please describe its effect including details of the official plan or official plan amendment that deals with the matter:

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Does the requested amendment remove the subject land from an area of employment?

☐ Yes ☒ No

If yes, please describe its effect including details of the official plan or official plan amendment that deals with the matter:

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### C. PURPOSE OF DEVELOPMENT APPLICATION

Please explain what you propose to do on the subject lands/premises which makes this development application necessary and include the nature and extent of the amendment requested (if additional space is required, please attach a separate sheet):

To permit restaurant for less than 30 persons secondary to winery business operations

• on a site specific basis, permit banquet  
• conference centre

Please explain why the zoning by-law amendment is being requested (if additional space is required, please attach a separate sheet):

To allow the operation of food service restaurant associated with winery.

Present zoning:

Agricultural with additional uses per By-Law 6-SP-2010

Proposed zoning:

Additional Use to winery in Lakeshore Special Policy Area

Present official plan designation:

Agricultural

Explain how the application for zoning by-law amendment conforms to the official plan:

Additional use is secondary to agricultural and winery operations and compatible with surrounding uses

Are the subject lands within an area where zoning with conditions apply?

☐ Yes ☒ No

If yes, please describe how the application conforms to the official plan policies relating to zoning with conditions:

Approximate area of lands affected by the proposed amendment:

Less than 2 acres

### D. PROPERTY INFORMATION

Present use of the subject lands:

Vineyard and winery



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**ZONING BY-LAW AMENDMENT**

Proposed use of the subject lands: **Vineyard and winery**

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Present use of adjacent properties: **Agriculture and Tourism**

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Is there a site specific zone on the subject lands? **Winery in Lakeshore Special Policy Area**

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Are there any existing buildings or structures on the subject lands?

☒ Yes ☐ No

If yes, please describe the type of building or structure and in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure and its dimensions or floor area:

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**As per approved site plan attached**

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Are there any buildings or structures proposed to be built on the subject lands?

☒ Yes ☐ No

If yes, please describe the type of building or structure and in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure and its dimensions or floor area:

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**As per plan attached**

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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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The date the subject lands was acquired by the current owner: **Approximately 2009**

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If known, the date existing buildings or structures were constructed on the subject lands:  
**Building renovations performed in 2010-2011 for winery and kilns**

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## ZONING BY-LAW AMENDMENT

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

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### E. PREVIOUS USE OF THE PROPERTY

Has there been an industrial or commercial use on the subject lands or adjacent lands?

☒ Yes      ☒ No      ☐ Unknown

If yes, specify the uses:

Adjacent lands for Eco-tourism

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Has the grading of the subject lands been changed through excavation or the addition of earth or other material?

☐ Yes      ☒ No      ☐ Unknown

Has a gas station been located on the subject lands or adjacent lands at any time?

☐ Yes      ☒ No      ☐ Unknown

Has there been petroleum or other fuel stored on the subject lands or adjacent lands at any time?

☐ Yes      ☒ No      ☐ Unknown

Is there reason to believe the subject lands may have been contaminated by former uses on the site or adjacent sites?

☐ Yes      ☒ No      ☐ Unknown

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

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If you answered yes to any of the above questions, 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

### F. STATUS OF OTHER PLANNING DEVELOPMENT APPLICATIONS

Has the subject land or land within 120 metres of it been or is now the subject of an application under the *Planning Act, R.S.O. 1990, c. P. 13* for:

1. a minor variance or a consent;
2. an amendment to an official plan, a zoning by-law or a Minister's zoning order; or
3. approval of a plan of subdivision or a site plan?

☒ Yes      ☐ No      ☐ Unknown

**ZONING BY-LAW AMENDMENT**

If yes, indicate the following information about **each application**:

File number: **By-law 6-SP-2010 re 33-Z-2010**

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Land it affects: **Same**

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Purpose: **Winery**

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Status/decision: **Approved**

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Effect on the requested amendment: **Additional secondary activity to winery**

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If additional space is required, please attach a separate sheet.

Is the above information for other planning developments applications attached?

☐ Yes ☒ No

**G. PROVINCIAL POLICY**

Is the requested by-law 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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Are the subject lands within an area of land designated under any provincial plan or plans?

☐ Yes ☒ No

If yes, does the requested amendment conform to or does not conflict with the provincial plan or plans:

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## ZONING BY-LAW AMENDMENT

Are any of the following uses or features on the subject lands or within 500 metres (1,640 feet) of the subject lands, unless otherwise specified? Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Lands		Within 500 Metres (1,640 feet) of Subject Lands (Indicate Distance)		
Livestock facility or stockyard (if yes, complete Form 3 – available upon request)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	____ distance
Wooded area	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	____ distance
Municipal landfill	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	____ distance
Sewage treatment plant or waste stabilization plant	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	____ distance
Provincially significant wetland (class 1, 2 or 3) or other environmental feature	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	____ distance
Floodplain	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	____ distance
Rehabilitated mine site	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	____ distance
Non-operating mine site within one kilometre	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	____ distance
Active mine site within one kilometre	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	____ distance
Industrial or commercial use (specify the use(s))	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	____ distance
Active railway line	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	____ distance
Seasonal wetness of lands	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	____ distance
Erosion	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	____ distance
Abandoned gas wells	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	____ distance

## H. SERVICING AND ACCESS

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  
☐ Other (describe below)

### Storm Drainage

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

n/a

If other, describe:

Will the requested amendment permit development on a privately owned and operated individual or communal septic system that produces more than 4500 litres of effluent per day as a result of the development being completed?

☐ Yes ☒ No

If yes, the following reports will be required: a servicing options report and a hydrogeological report.

Have you consulted with Public Works & Environmental Services concerning stormwater management?

☐ Yes ☒ No

Has the existing drainage on the subject lands been altered?

☐ Yes ☒ No





**ZONING BY-LAW AMENDMENT**

Does a legal and adequate outlet for storm drainage exist?

☐ Yes      ☐ No      ☐ Unknown      n/a

Existing or proposed access to subject lands:

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

If other, describe:

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Name of road/street:

Front Road

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**I. OTHER INFORMATION**

Is there a time limit that affects the processing of this development application?

☒ Yes      ☐ No

If yes, describe:

For 2015 operations

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Is there any other information that you think may be useful in the review of this development application? If so, explain below or attach on a separate page.

n/a

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## J. SUPPORTING MATERIAL TO BE SUBMITTED BY APPLICANT

In order for your development application to be considered complete, **two (2) copies of the plan(s) (folded to 8 1/2" x 11")** must be submitted, in metric units, drawn to scale, as part of the development application, which shows:

1. The boundaries and dimensions of the subject lands
2. The topographical features
3. The approximate location of all natural and artificial features including but not limited to, buildings, railways, roads, watercourses, municipal drains, drainage ditches, banks of rivers or streams, pipelines, gas wells, wetlands, wooded areas that are located on the subject land and on land that is adjacent to it and may affect the application
4. The location of any existing and proposed wells, septic systems and tile beds that is located on the subject land and on land that is adjacent to it and may affect the application
5. The location, name, status and width of any road, lanes, highways, railways, driveways or encroachments, both existing and proposed, 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
6. The location and nature of any easements affecting the subject land
7. The location, size and type of all **existing** and **proposed** buildings and structures on the subject land, indicating their distance from the front lot line, rear lot line and side lot lines, also including building dimensions, height and groupings for each building on the site
8. Outlines of all planting beds, buffer planting, lawn areas, areas to be seeded and sodded and any other landscaping or site improvements
9. Location and dimensions of off-street parking, parking structures and aisles, the number of parking spaces to be provided and location of accesses
10. Any pylon signs, fascia signs, etc., any lighting facilities and their location
11. Any proposed subdivision of the subject lands
12. Current uses of land that is adjacent to the subject land
13. Location of outside storage, refuse storage and disposal facilities
14. The legal description of the subject lands in question (lot, concession, registered plan no., geographic township)

**Five (5) copies of any applicable information/reports** indicated in the development application form.

If other documentation/supporting material become necessary, you will be contacted. This information must be submitted prior to your development application proceeding.

## K. NOTIFICATION SIGN REQUIREMENTS

For the purpose of public notification and in order for staff to locate your lands, you will be given a sign to indicate the intent and purpose of your development application. It is your responsibility to:

1. Post one sign per frontage in a conspicuous location on the subject lands
2. Ensure one sign is posted at the front of the subject lands at least three feet above ground level
3. Notify the Planner when the sign is in place in order to avoid processing delays
4. Maintain the sign until the development application is finalized and thereafter removed

## L. PERMISSION TO ENTER SUBJECT LANDS

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

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

April 29, 2015  
\_\_\_\_\_  
Date

## M. 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 development application.

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

April 29, 2015  
\_\_\_\_\_  
Date

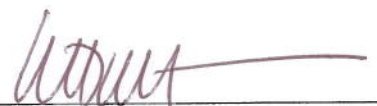
**N. DECLARATION**

I, Michael D. McArthur, President of Burning Kiln Winery Inc 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:

Simcoe

  
Owner/Applicant/Agent Signature

In Norfolk County

This 16<sup>th</sup> day of April

A.D., 20 15

  
A Commissioner, etc.

**O. OWNER'S AUTHORIZATION**

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

I/We Burning Kiln Winery Inc am/are the registered owner(s) of the lands that is the subject of this development application for a zoning by-law amendment.

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

  
Owner

April 16, 2015

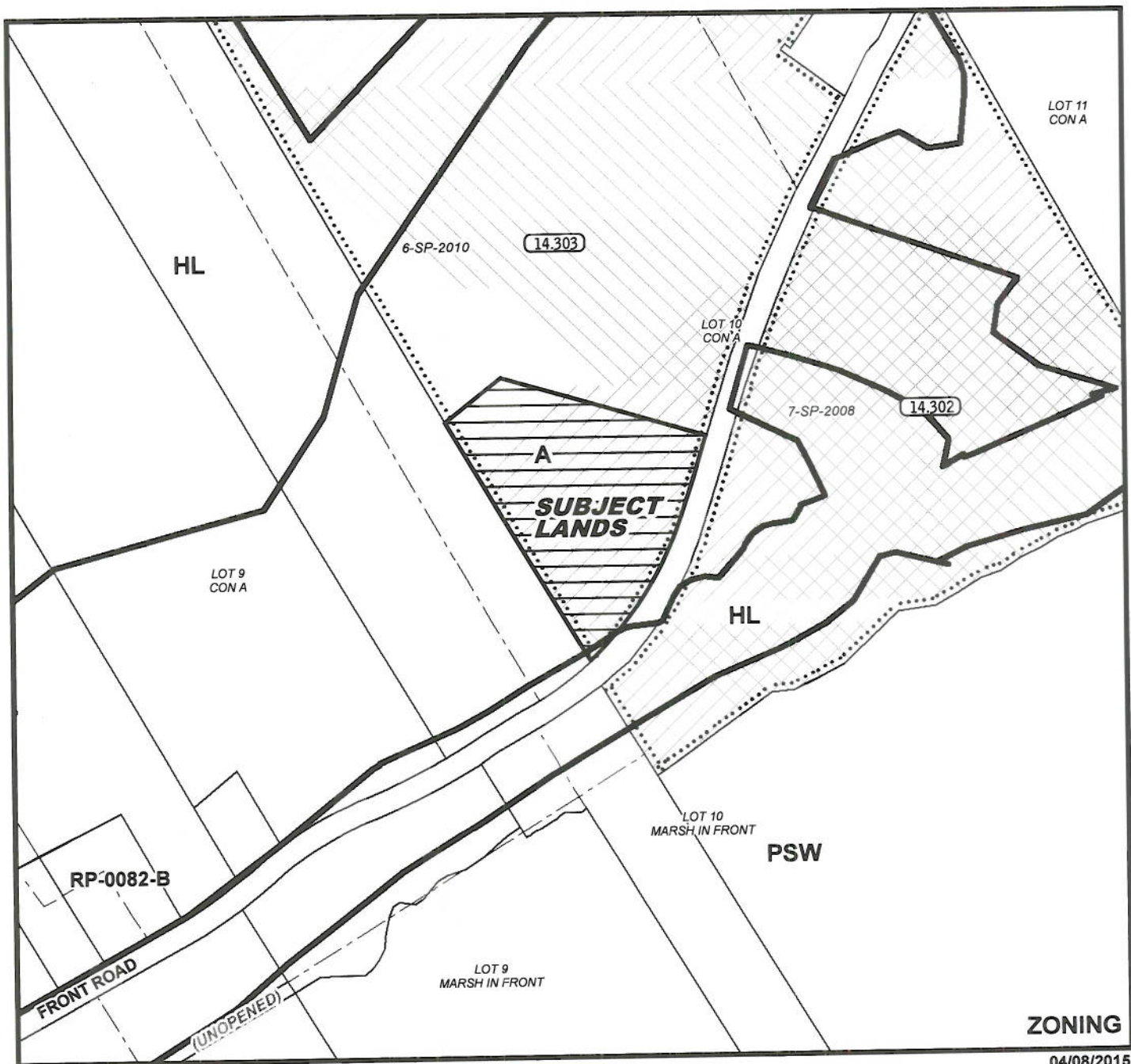
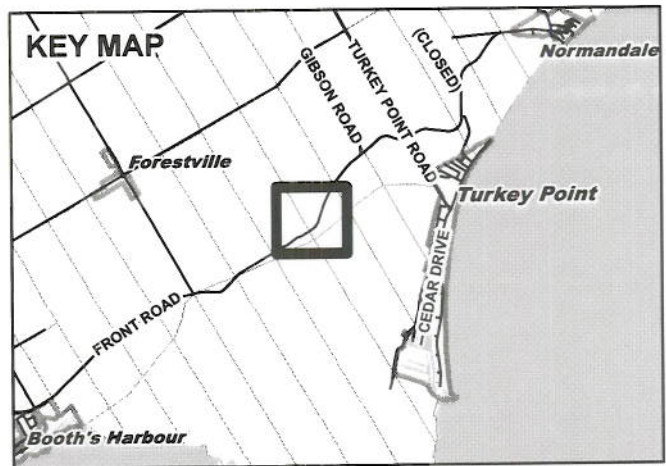
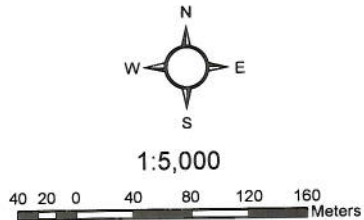
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date



**MAP 1**  
**File Number: ZNPL2014107**  
Geographic Township of  
**CHARLOTTEVILLE**



**ZONING**

04/08/2015

## MAP 2

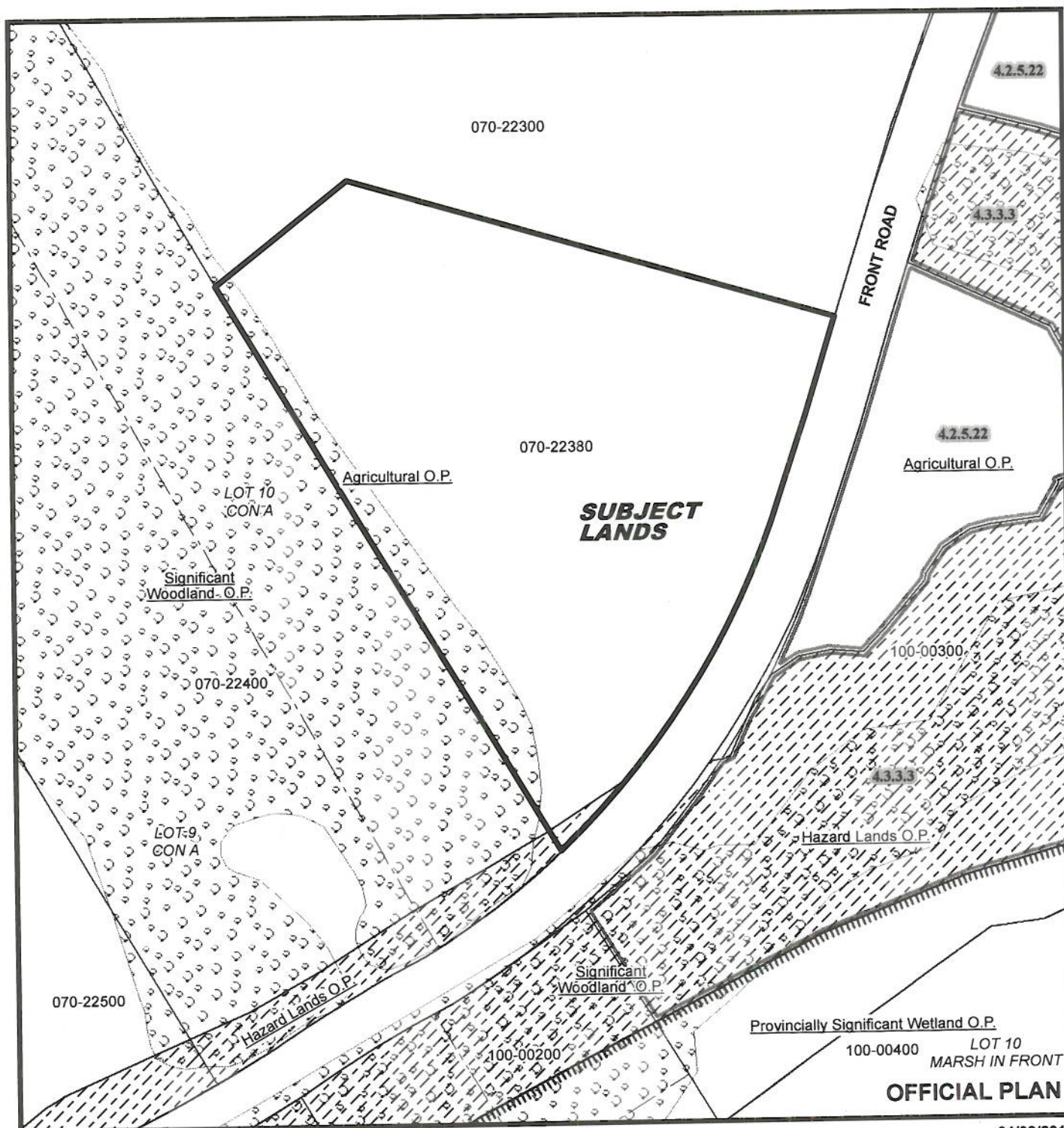
File Number: ZNPL2014107

Geographic Township of CHARLOTTEVILLE



8 4 0 8 16 24 32 Meters

1:2,000



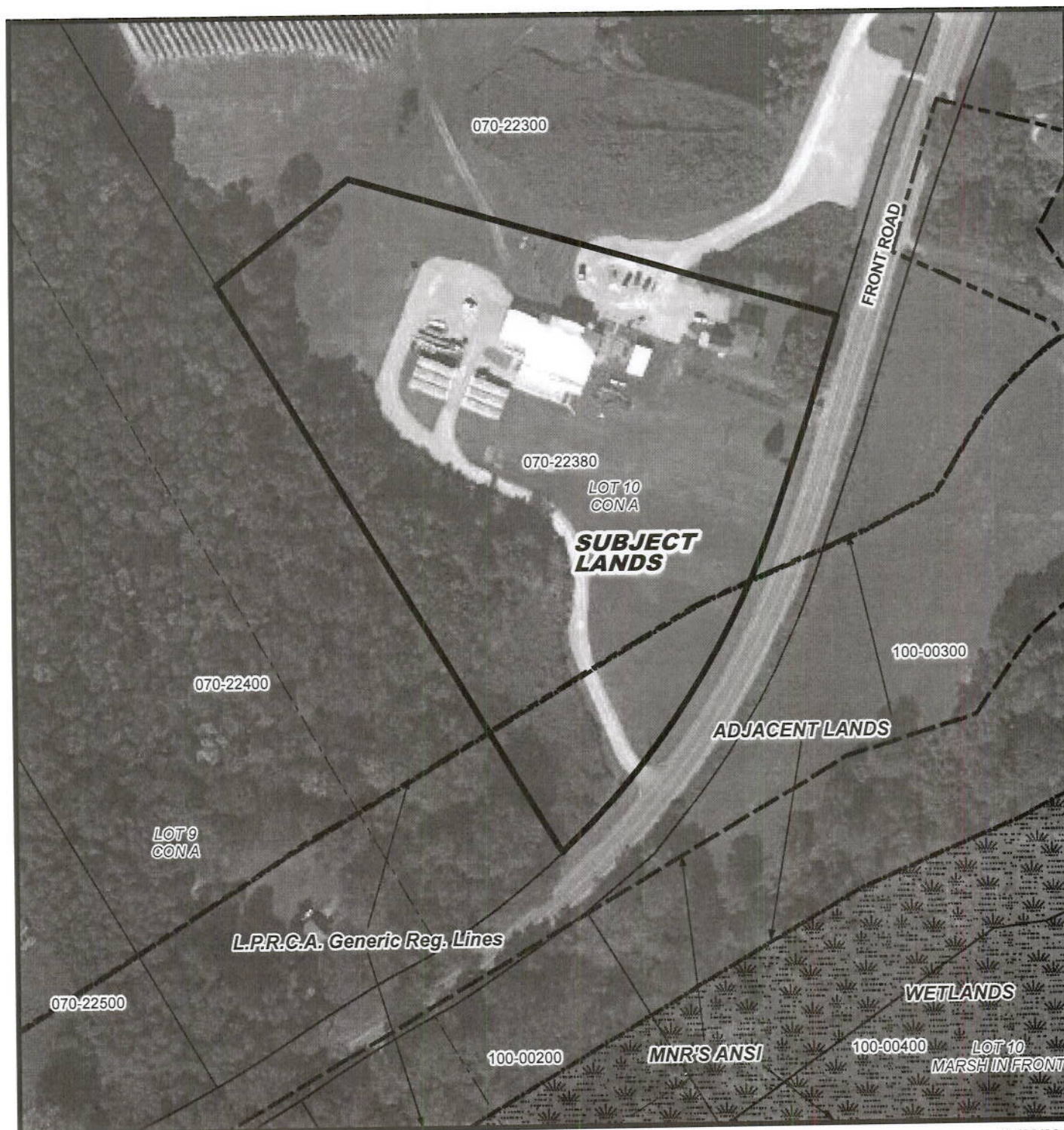
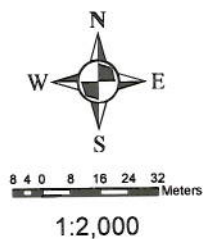
04/08/2015



# MAP 3

File Number: ZNPL2014107

Geographic Township of CHARLOTTEVILLE



# MAP 4

File Number: ZNPL2014107

Geographic Township of CHARLOTTEVILLE



6 3 0 6 12 18 24 Meters

1:1,500

