



THE CORPORATION OF NORFOLK COUNTY  
COMMITTEE OF ADJUSTMENT

## COMMENT REQUEST FORM

# FILE NO: ANPL2010088

Building Department  
 Building Inspector (Sewage System Review)  
 Forestry Division  
 GIS Section  
 Fire/EMS  
 Public Works NOTE: If an agreement is required  
please attach the clauses you require in the  
agreement.

Railway  
 Norfolk Power  
 Ministry of Transportation  
 Conservation Authority

This Committee has received a consent/minor variance application concerning land within your jurisdiction. The proposal is explained on the attached application. If you require further information, please feel free to contact this office. In order to properly consider this application, the **Committee of Adjustment requires your comments by:**

## AUGUST 3<sup>RD</sup>, 2010

**APPLICANT:**

FRANKLIN ALLAN ROBERT  
FRANKLIN LYNDA JEAN, 259 HARRIS ST INGERSOLL, ON N5C 1Y5

**AGENT:**

CLINE BACKUS NIGHTINGALE MCARTHUR - CLINE, TOM, P.O. BOX 528 SIMCOE, ON N3Y 4H3

**LOCATION:** SWAL PLAN 436 LOT 607 (76 OLD CUT BLVD)

**ASSESSMENT ROLL NO.:** 3310543070365000000

**PROPOSAL:**

AN APPLICATION HAS BEEN RECEIVED TO REGULARIZE THE CONSTRUCTION OF AN ADDITION TO AN EXISTING COTTAGE REQUIRING RELIEF OF:

Section 6.23- Relief of 0.37 m (1.2 ft.) from the minimum required ground floor elevation of 176.5 m (579.1 ft.) to recognize an existing ground floor elevation of 176.13 m (577.9 ft.)

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### PLEASE REPLY BY EMAIL DIRECTLY TO:

SHIRLEY CATER, MCIP, RPP

60 Colborne Street South, Simcoe ON N3Y 4H3

(519) 426-5870 ext: 1290

EMAIL: [shirley.cater@norfolkcounty.ca](mailto:shirley.cater@norfolkcounty.ca)

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### COMMITTEE OF ADJUSTMENT DECISION:

If you wish to be notified of the Decision of Norfolk County, Committee of Adjustment in respect of the proposed application, you must make a written request to:

Karen Judd, ACST, Secretary-Treasurer  
P.O. Box 128, 22 Albert Street, Langton ON N0E 1G0  
Phone: (519) 875-4485 ext 1835; Fax: (519) 875-4789  
[karen.judd@norfolkcounty.ca](mailto:karen.judd@norfolkcounty.ca)

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### APPEALS TO THE ONTARIO MUNICIPAL BOARD:

If a person or public body that files an appeal of a Decision of Norfolk County Committee of Adjustment in respect of the proposed consent or variance does not make written submission to the Norfolk County Committee of Adjustment, before it gives or refuses to give a provisional consent or variance, the Ontario Municipal Board may dismiss the appeal.

**CIRCULATION DATE:** July 19<sup>th</sup>, 2010

## MINOR VARIANCE

### Office Use:

File Number:

ANPL 2010 098

Related File:

AN-04912008

Fees Submitted:

July 8, 2010

Application Submitted:

July 8, 2010

Signatory:

July 8, 2010

Complete Application:

July 8, 2010

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: 3310-543-070-36500

The undersigned hereby applies to the Committee of Adjustment under Section 45 of the Planning Act, R.S.O. 1990, c. P. 13, for relief as described in this application from by-law no. 1-NO 85

### A. APPLICANT INFORMATION

Name of Applicant<sup>1</sup> ALLAN & LINDA FRANKLIN Phone # 519-485-1016

Address 259 Harris Street Fax # \_\_\_\_\_

Town / Postal Code Ingersol, ON, N5C 1Y5 Email \_\_\_\_\_

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

Name of Agent THOMAS A. CLINE Phone # 519-426-6763

Address 39 Colborne St. N., P. O. Box 528 Fax # 519-426-2055

Town / Postal Code Simcoe, ON, N3Y 4N5 E-mail cline@clinebackus.com

Name of Owner<sup>2</sup> ALLAN & LINDA FRANKLIN Phone # \_\_\_\_\_

Address \_\_\_\_\_ Fax # \_\_\_\_\_

Town / Postal Code \_\_\_\_\_ Email \_\_\_\_\_

<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 mortgagees, charges or other encumbrances on the subject lands:

## MINOR VARIANCE

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

Geographic Township	South Walsingham	Urban Area or Hamlet	
Concession Number		Lot Number(s)	607
Registered Plan Number	436	Lot(s) or Block Number(s)	
Reference Plan Number		Part Number(s)	
Breadth (metres/feet)	44.54 ft.	Depth (metres/feet)	123.8 ft.
Width (metres/feet)	Average of 55 ft.	Lot area (m <sup>2</sup> / ft <sup>2</sup> or hectares/acres)	7,667 sq. ft.
Municipal Civic Address	76 Old Cut Blvd., Long Point		

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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### C. PURPOSE OF DEVELOPMENT APPLICATION

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

To regularize construction of an addition to the structure, which addition was put in place in 2009 in contravention of the land use by-law

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Please explain the nature and extent of the amendment requested (assistance is available):

There was a one-storey frame cottage with an exterior deck in place. The cottage was enlarged by way of an addition which essentially closed in the existing deck. A further deck was put in place. The addition and deck are identified in the enclosed diagram. It transpired, as well, that the addition did not comply with the minimum ground floor elevation under Section 6.23 of the land use by-law

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## MINOR VARIANCE

Please explain why it is not possible to comply with the provision of the zoning by-law:

The cottage constituted a legal non-conforming use relative to the regulatory provisions of the zoning bylaw. We are requesting an expansion of the legal non-conforming use.

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### D. PROPERTY INFORMATION

Present official plan designation(s):

Resort Residential

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Present zoning:

Long Point

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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, height, etc. on your attached sketch which must be included with your application:

There is an existing vacation home on the subject lands. Adjacent to the subject lands is a frame boathouse, which is situate on leased land from the Ministry of Natural Resources.

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If known, the date existing buildings or structures were constructed on the subject lands:

The structure in place prior to the addition was probably constructed in the 1960's

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

Family Room and Deck

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## MINOR VARIANCE

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, height, etc. on your attached sketch which must be included with your application:

As indicated, the purpose of the Application is to regularize an addition already in place

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If known, the date the proposed buildings or structures will be constructed on the subject lands:

The addition was constructed in 2009 without benefit of a Building Permit

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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:

2008

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Present use of the subject lands:

Vacation Home

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

+/- 1960

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Existing use of abutting properties:

Vacation homes and wetlands

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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:

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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

## MINOR VARIANCE

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:

Personal Knowledge

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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:

- (a) a minor variance or a consent;
- (b) an amendment to an official plan, a zoning by-law or a Minister's zoning order; or
- (c) approval of a plan of subdivision or a site plan?

Yes       No       Unknown

If yes, indicate the following information about each application:

File number:

AN/49-2008

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Land it affects:

Subject Lands

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Purpose:

To seek minor variance

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Status/decision:

Withdrawn

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## MINOR VARIANCE

Effect on the requested amendment:

Not applicable

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 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:

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:

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
Wooded area	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Municipal landfill	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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
Provincially significant wetland (class 1, 2 or 3) or other environmental feature	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Floodplain	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Rehabilitated mine site	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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
Active mine site within one kilometre	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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
Active railway line	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Seasonal wetness of lands	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Erosion	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Abandoned gas wells	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

## MINOR VARIANCE

### 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)

If other, describe:

Holding Tank

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

Does a legal and adequate outlet for storm drainage exist?

Yes       No       Unknown

Existing or proposed access to subject lands:

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

If other, describe:

Name of road/street:

76 Old Cut Blvd., Long Point

## MINOR VARIANCE

### I. OTHER INFORMATION

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

Yes       No

If yes, describe:

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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.

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# ZONING DEFICIENCY

Simcoe: 8 Schelburg Ave.  
Simcoe, ON  
N3Y 2J4  
519-426-4377

Langton: 22 Albert St.  
Langton, ON  
N0E 1G0  
519-875-4485

## PROPERTY INFORMATION

STREET # 76

ROLL No. 3310543070365000000

LEGAL DESCRIPTION:  
SWAL PLAN 436 LOT 607, IRREG.  
0.18AC 44.54FR D

UNIT #

TOWNSHIP Norfolk - S. Walsingham

STREET NAME OLD CUT BLVD

ZONING LP

## ZONING DEFICIENCY

DEVELOPMENT STANDARD	REQUIRED (m/ft)	PROPOSED (m/ft)	DEFICIENCY (m/ft)
LOT AREA			
LOT FRONTAGE			
FRONT YARD SETBACK			
EXTERIOR SIDE YARD			
INTERIOR SIDE YARD (RIGHT)			
INTERIOR SIDE YARD (LEFT)			
REAR YARD SETBACK			
DWELLING UNIT AREA			
GROUND FLOOR ELEVATION (AMSL)	176.5	579.1	176.13
577.9	0.37	1.2	
% LOT COVERAGE			
BUILDING HEIGHT			
ACCESSORY BUILDING			
ACCESSORY BUILDING COMMENTS			
PARKING SPACES			

### ADDITIONAL COMMENTS:

Existing deficiencies in Lot Frontage, Interior Side Yard Setback, and Rear Yard Setback recognized by variance No. AN-053/2009 (approved). Relief is sought for minimum first floor elevation. LPRCA approval has been granted under work permit No. SR-55/10.

The proposed information and any supporting documents have been provided by the owner/applicant. The above information is only in respect to the associated planning application and does not relieve the owner/applicant from obtaining all other permits/approvals required. The owner/applicant hereby accepts full responsibility for the accuracy of the proposed information provided on this form.

I have read and understand the above.

Signature of owner or authorized agent

Date

PREPARED BY: Scott Hamill

AS PER:

Signature of building Inspector

Date

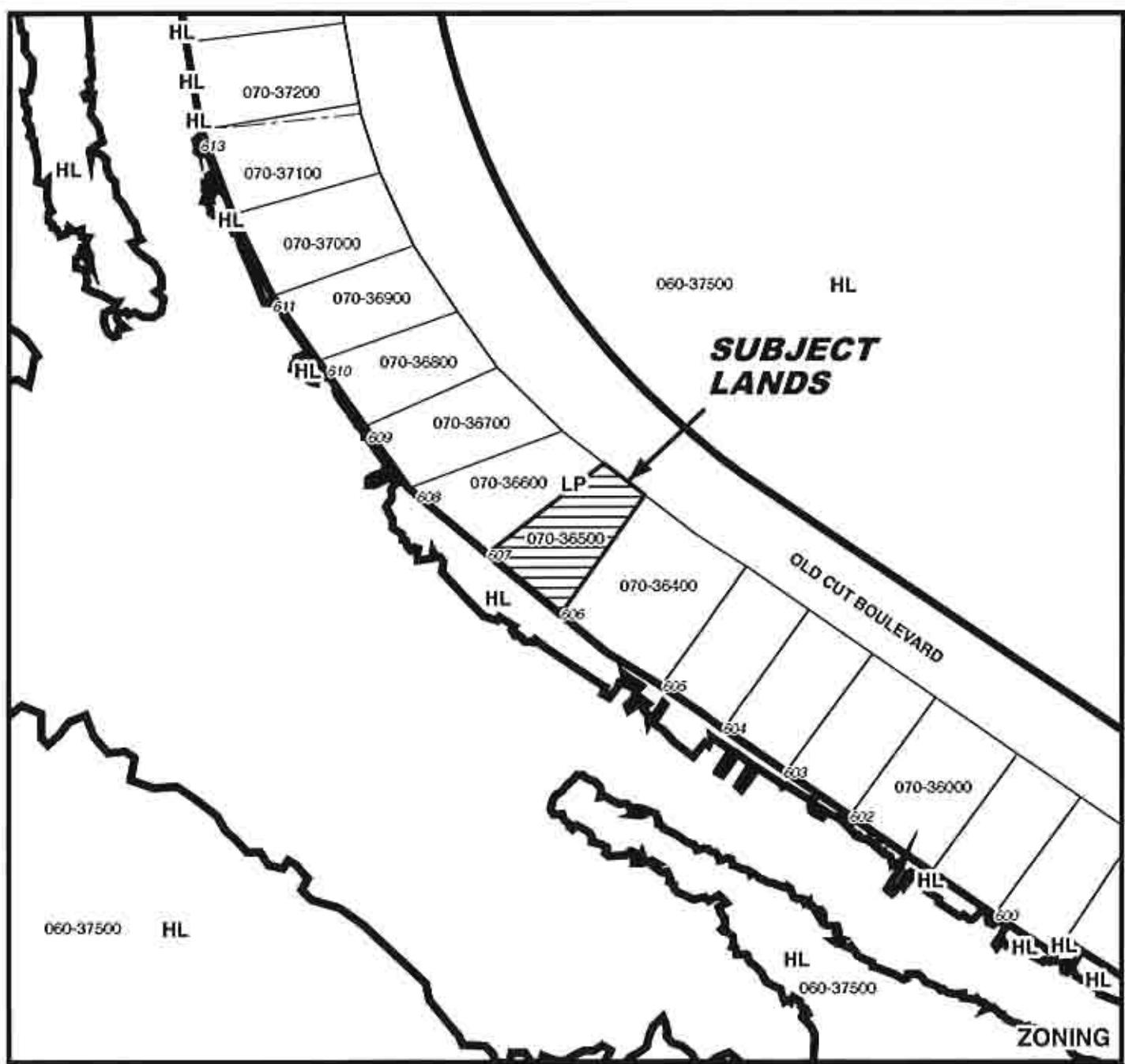
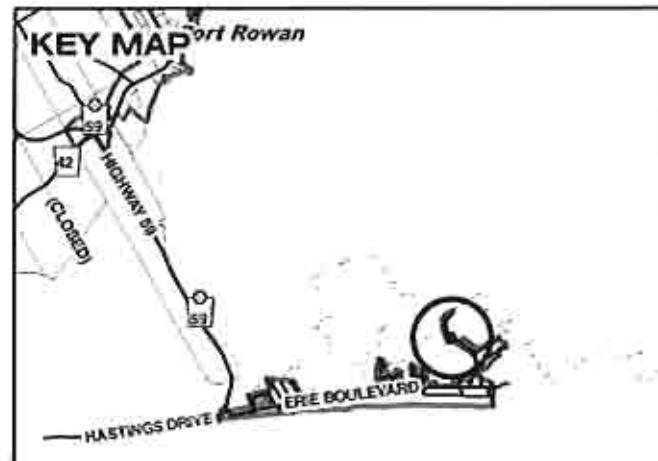
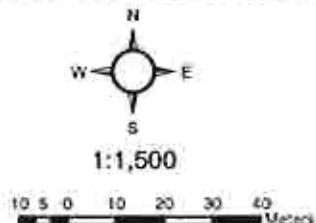
Fritz R. Enzlin CBCO, CRBO  
Chief Building Official  
Manager, Building & Bylaw Division  
Norfolk County

# MAP 1

File Number: ANPL2010088

Geographic Township of

## SOUTH WALSINGHAM



**MAP 2**

**File Number: ANPL2010088**

**Geographic Township of SOUTH WALSINGHAM**



1:1,000



**MAP 3**

File Number: ANPL2010088

Geographic Township of SOUTH WALSINGHAM

