



Municipality of
Dutton Dunwich

APPLICATION FOR ZONING BY-LAW AMENDMENT

APPLICATION FEE: \$1,500 or \$2,300 if a condition of a consent application or \$2,000 (plus deposit) if for a temporary use plus \$200 (LTVCA) made payable to the 'Municipality of Dutton Dunwich'.

INSTRUCTIONS

Include the following when submitting this form: deed or offer to Purchase, sketch or a recent plan of survey of the subject land, conceptual site plan and any other document or drawings required for the development proposal. Provide as much information as possible, even if conceptual or draft. One hard copy and one PDF copy are required.

Read and complete the form in full, sign and date. Submit this application form, the application fee, and required information, document, and/or drawings to Planning, Municipality of Dutton Dunwich, planning@duttondunwich.on.ca, 199 Currie Road, Dutton, ON, N0L 1J0, 519-762-2204.

APPLICATION PROCESS

Pre-application consultation with the Municipal Planner is mandatory per By-law 2020-31. The Planner will assist you in determining what information and materials will be required in order to deem the application complete.

The application is reviewed to ensure all prescribed and required information and the fee have been submitted. Administration reserves the right to request additional information. Within 30 days of the receipt of the application, the applicant or agent will be notified in writing that the application is deemed incomplete or complete.

A Notice of the Hearing will be mailed to the applicant, various public agencies and to every owner of land within 120 metres of the subject site, not less than 20 days prior to the date the application is to be heard. A sign will also be sent to the applicant prior to the date the application is heard. The sign is to be placed on the land subject to the application at least 10 days prior to the hearing date and is to remain in place until the hearing has been held. The sign is to be placed at the center of the subject parcel, facing the public road and as close as possible to the property line.

The applicant or an agent should attend the hearing of Council for the Municipality of Dutton Dunwich at the designated time and location and speak on behalf of the application answering any questions, that the members may have. A written decision will be forwarded to the applicant and various public agencies within 15 days of the date of the hearing. Within 20 days of the date of the written decision, any person may appeal the decision to the Ontario Land Tribunal (OLT) by filing the Notice of Appeal and the required fee with the Clerk of the Municipality of Dutton Dunwich. If no appeals, the decision is final.

OWNER AND APPLICANT INFORMATION

Name and Contact Information of Owner(s): Joseph Franklin Livingstone and Trina Marie Livingstone
29861 Erin Line, Wallacetown ON N0L2M0

Name and Contact Information of Applicant(s) (if different from Owner):

Jamie McCaffery
8291 Currie Road, Wallacetown, ON N7G 1X6

Name and Contact Information of Agent: Courtney Sinclair

53 Front Street W, Strathroy ON N7G 1X6

Correspondence should be sent to: Owner Applicant Agent

SUBJECT LAND INFORMATION

Municipal Address: 29861 Erin Line, Wallacetown

Lot: Pt Lt 15-16 Concession: 10

Legal Description: PT LT 15-16 CON 10 DUNWICH PT 1, 2 11R4083; DUTTON/DUNWICH

Roll Number: 342900000807800

Name and Address of any mortgagees, charges or other encumbrances:

Royal Bank of Canada

Any easements or restrictive covenants affecting the subject lands: N/A

Frontage(m): Severed: 80 m Retained: 288.1884 m Depth (m): Severed: 100 m Retained: Irregular Area (sq.m/ha): Severed: 8000 sq m Retained: 113150.11 sq m

Existing Uses (include length of time): Severed: Residential Retained: Agricultural

Previous Uses: Same as existing uses.

PROPOSED DEVELOPMENT INFORMATION

Current Official Plan Designation: Agricultural

Current Zoning By-law Classification: Agricultural (A1)

Zoning Classification Request: Severed: Special Rural Residential (RS) Retained: Exception Agricultural (A1-XX)

Describe the purpose of the rezoning of the subject lands that is being requested by this application:

The rezoning is requested to fulfill the conditions of consent application ~~E 25-33~~ ^{E 25 23}. More specifically, the severed parcel is being rezoned to ~~RS to permit non-farm related residential uses, and the retained parcel is being rezoned to A2 with site specific relief to prohibit new residential uses.~~ Site-specific relief to the A2 zone is requested to reduce the minimum lot area to 11.33 ha.

Explain why the rezoning is being requested and how it conforms to the Provincial Policy, 2020 and the Official Plan (County of Elgin and Dutton Dunwich):

Provincial Policy Statement section E1.2.3.1 permits lot creation in agricultural lands as it pertains to residences surplus to farming operation. Lot creation in this context may be supported if the new lot size is limited in size to accommodate water and sewage, and new residential dwellings are prohibited on any remnant parcel. This zoning by-law amendment application achieves this objective. The County of Elgin Official Plan at section E1.2.3.4 permits surplus farm dwelling severances in the agricultural area provided the development of new residential uses is prohibited on the remnant parcel. This zoning by-law amendment application achieves this objective as the A2 zone prohibits new residential uses. The Dutton Dunwich Official Plan at section 8.3.4 contains criteria for the severance of a surplus farm dwelling, including that the severed lot be in compliance with the Special Rural Residential (RS) zone, and that the retained lot be in compliance with the Special Agricultural (A2) zone. This zoning by-law application achieves this objective.

Number and type(s) of buildings or structures existing on the subject land:

Severed: one residence and one metal clad garage
Retained: none

Number and type(s) of buildings or structures proposed to be built on the subject land:

No buildings or structures proposed to be built on severed or retained lands.

Existing uses of abutting properties:

North: A1

East: A3

South: A3

West: A1

Have the subject lands ever been subject to any of the following applications (provide file number and status):

- Official Plan Amendment: Yes _____ No X
- Zoning By-law Amendment: Yes _____ No X
- Minor Variance: Yes _____ No X
- Consent/Severance: Yes X No _____
- Plan of Subdivision: Yes _____ No X
- Site Plan Control: Yes _____ No X

Concurrent with this application.

AVAILABLE SERVICES

Water is supplied to the subject property by the following:

- X Publicly owned and operated piped water system
- ___ Private well
- ___ Communal well (privately owned/operated)

Sewage disposal is provided to the subject property by the following:

- ___ Publicly owned and operated sewage disposal system
- X Private sewage system
- ___ Communal system (privately owned/operated)
- ___ Other _____

Storm drainage is provided to the subject property by the following:

- ___ Sewers
- X Ditches
- ___ Swales
- ___ Other _____

Access is provided to the subject property by the following:

- Provincial Highway
- Municipal Road (yearly maintenance)
- Municipal Road (seasonal maintenance)
- County Road
- Right-of-Way
- Other _____

If access to subject land is by private road or right-of-way, please indicate the name of the owner of the land or road, who is responsible for its maintenance and whether it is seasonal or year-round.

SKETCH INSTRUCTIONS

Attach a sketch showing, in metric units:

1. the boundaries, zoning matrix and dimensions of the subject lands;
2. the location, size and type of all existing buildings or structures on the subject land, including their distance from the front lot line, rear lot line and side lines;
3. the approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that are located on the subject land and on land that is adjacent to it, and in the applicant's opinion, may affect the application;
4. the current uses of all land that is adjacent to the subject land;
5. the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
6. if access to the subject land will be water only, the location of the parking and docking facilities to be used; and
7. the location and nature of any easement affecting the subject land.

ENVIRONMENTAL SITE SCREENING QUESTIONNAIRE

Use or Feature	On Subject Land
Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
Has there been petroleum or other fuel stored on the subject land or adjacent lands?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been applied as pesticides and/or sewage sludge applied to the lands?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
Agricultural Operation including livestock facility or stockyard within 500 m?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
Have the lands or adjacent lands ever been used as a weapons firing range?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational/non-operational public or private waste disposal site, landfill or dump?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
Industrial or Commercial Use (specify users)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
Natural Heritage Feature on or within 120 metres of subject land?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
Flood Plain?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
Active Railway within 500 m?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

ACKNOWLEDGEMENTS

I/WE, Courtney Sinclair, solemnly declare that all statements contained in this application are true, and I/We 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.


I/WE acknowledge that receipt of this application does not guarantee it to be a complete application.

I/WE hereby authorize staff of the Municipality of Dutton Dunwich to enter upon the subject lands and premises described in the application form for the purpose of evaluating the merits of this application.

I/WE shall assume responsibility for all costs related to the said application and understand and agree that the payment of said costs shall be a condition of this signed application. I/We also agree to accept all costs as rendered.

I/WE further acknowledge that pursuant to the provisions of the Planning Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.

Dated this 31 day of May, 2023

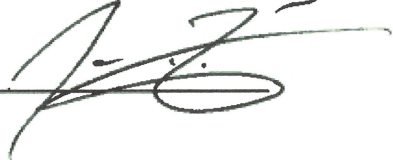

Signature of Applicant
(owner or authorized agent)

AUTHORIZATION (complete only if Owner is not the Applicant)

I/WE, Joseph Franklin Livingstone and Trina Marie Livingstone, hereby authorize Courtney Sinclair

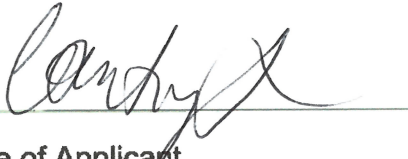
to act on my behalf regards to the above application.

Dated this 30th day of May, 2023

 
Signature of Owner

SWORN DECLARATION (complete in the presence of a Commission for Taking Affidavits)

I/WE, Courtney Sinclair, solemnly declare that the information required under Schedule 1 to Ontario Regulation 545/06 and provided by the applicant is accurate and that the information contained in the documents that accompany this application is accurate, 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.



Signature of Applicant
(owner or authorized agent)

Declared before me at the (Municipality/City) City of London

Dated this 31 day of May, 2023.



Signature of Commissioner

<p>For Office Use:</p> <ul style="list-style-type: none">• Pre-Application Consultation Date:• Complete Application Date Received:• File Number:• Amount Received and Receipt No:
