



Application for a Zoning By-Law Amendment

1. **Pre-consultation**

The Applicant would be required to pre-consult with the Planning Department to discuss the proposal, review of municipal requirements, review of required background information, review of applicable provincial, county, and municipal policies and outline applicable fees.

2. **Completion Of The Application**

Part 1 of the application must be completed in its entirety. Part 2 is discretionary. Measurements shall be in metric. A sketch map (refer sample attached) is required showing the features outlined in Section 21 of the application. Failure to file a complete and accurate application may result in the application being returned or delayed in processing.

3. **Letter Of Authorization**

If the application is signed by a person (different than an owner) or an agent (e.g. planner, solicitor) on behalf of an owner, a letter of authorization (refer sample attached) duly signed by the owner must accompany the application. If the applicant is a corporation acting without an authorized agent, the application must be signed by an officer of the corporation who has the authority to bind the corporation.

4. **Filing The Application**

The duly signed and completed application shall be filed with the Municipality along with the required application fees payable in cash or by cheque to the Corporation Of The Municipality Of West Elgin as set out in Fees and Charges By-law, as amended time to time. Applications are normally considered by Council at a public meeting on the fourth Thursday of every month. Within **30 days** of

receipt of the application, the Municipality will notify the applicant and/or authorized agent that the information and material required under Ontario Regulation 545/06 has/has not been provided. This notification may be given together with notice of the public meeting or may be given separately.

5. Notice Of Public Meeting

Notice of the public meeting will be given by the Clerk of the Municipality by personal service or ordinary mail to every owner of land within 120 metres of the subject lands, and by posting a notice on the lands which are the subject of the application or, if posting on the lands is impractical, at a nearby location chosen by the Clerk, is of sufficiently general circulation in the area to which the amendment would apply that it would give the public reasonable notice of the meeting.

Notice will also be given to every person and public body that has given the Clerk a written request for a notice. Notice will also be given to persons and public bodies as prescribed by the Ontario Regulations, except those that have advised the Clerk that they do not wish to receive notice.

Notice will be given at least **20 days** prior to the day of the public meeting.

6. Attendance At The Public Meeting

The applicant and/or authorized agent is expected to attend the public meeting in order to present the application and answer any questions of Council and/or the public. Council may grant or deny the application, or defer its decision. In the case of a deferral, the applicant and/or authorized agent will be notified by the Clerk of the date on which Council will further consider the application and/or the public meeting will be resumed.

7. Notice Of Passing/Refusal

If Council enacts the amendment, Notice of Passing will be forwarded, not later than **15 days** after the day the amendment is enacted, to the applicant and/or authorized agent, and to any person or public body who filed a written request to be notified of the enactment. If Council refuses to enact the amendment, a written explanation for the refusal will be provided to the persons and parties in a similar manner through a Notice of Refusal.

8. Appeal

Any person or public body, including the applicant and/or authorized agent, may appeal the decision of Council to the Ontario Land Tribunal not later than **20 days**

after the day that the giving of written notice is completed. The appeal must be filed with the Municipality and must state the reasons for the appeal accompanied by an appeal fee payable to the MINISTER OF FINANCE. An Appellant may request a reduction of the filing fee, if the Appellant is a private citizen or eligible community group. The request for a reduction in the fee must be made at the time of filing the appeal. The appeal must be submitted on an 'appellant form' available from the Ontario Land Tribunal website (<https://olt.gov.on.ca/tribunals/lpat/about-lpat/>). If no appeals are received within the prescribed time, the amendment is deemed to be in effect as of the date of enactment thereof. An appeal may also be lodged with the Ontario Land Tribunal resulting from the refusal of the Municipality to adopt the requested amendment within **90 days** after the day the request for an amendment is received. The appeal procedure in this instance is the same as the procedure described above.

9. Other Requirements

Acceptance of the application by the Municipality shall not be construed as relieving the applicant from the obligation to obtain any license, permit, authority or other approval required by the Municipality, the conservation authority having jurisdiction, or any other public authority or body.

10. Additional Information

For additional information/clarification of the procedure which is followed and the requirements for submitting and processing your application, contact the Municipality's Planning Office at:

Municipality of West Elgin

22413 Hoskins Line

Rodney, Ontario

N0L 2C0

Phone: (519) 785-0560

Fax: (519) 785-0644

Email: planning@westelgin.net

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**Application
For a
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Application No. D14 05-2022
(Office use only)

Part 1: Mandatory Information

1. Registered Owner of Lands

- a) Name Orford Sand and Gravel Limited
- b) Mailing Address 6858 14th Line, Merlin, ON, N0P 1W0
- c) Telephone 519-689-44419
- d) Fax _____
- e) E-mail dsykes@sykestrucking.ca
- f) Name and Address, if known, of the holder of any mortgage, charge or other encumbrance in respect of the lands.

2. Applicant (if different from owner)

- a) Name Canadian Commercial Inc.
- b) Mailing Address 484 Waterloo Street, London, ON., N6B 2P6
- c) Telephone _____
- d) Fax _____
- e) E-mail lee@canadian commercial.ca

3. **Agent** (if retained)

- a) Name Zelinka Priamo Ltd. c/o Matt Campbell
- b) Mailing Address 318 Wellington Road, London, ON., N6C 4P4
- c) Telephone 519-474-7137
- d) Fax _____
- e) E-mail matt.c@zpplan.com

4. **Communication**

To whom should all communication be directed? (check only one)

- a) Owner b) Applicant c) Agent

5. **Location of Lands**

- a) Lot No. Parts 17-18 Concession No. 8
- b) Lot No. _____ Registered Plan _____
- c) Part No. 3,6,7,9 Reference Plan No. 11R-9329
- d) Street No. and Name NW corner of Graham Road and Munroe Street

6. **Description of Lands**

- a) Frontage ~24m m
- b) Depth ~103m m
- c) Area ~0.32ha ha
- d) Topography Flat
- Soil Characteristics N/A
- Vegetation Few trees

7. **Date Lands Acquired by the Owner:** 2022

8. **Existing Use of Lands** (include length of time existing use(s) have continued)

Vacant

9. **Existing Buildings and Structures** (include type, height, floor area and date of construction)

None

10. **Proposed Use of Lands**

Drive-in restaurant

11. **Proposed Buildings and Structures** (include type, height and floor area)

See attached site plan

12. **Method of Water Supply**

a) public water supply



b) private individual well



c) private communal well



d) lake or other water



e) body other (specify)

13. **Method of Sewage Disposal**

a) public sanitary sewage system



b) private individual system



c) private communal system

d) other (specify) _____

If development is proposed on a privately owned and operated individual or communal septic system and more than 4,500 litres of effluent would be produced per day as a result of the development being completed, a servicing options report and a hydrogeological report will be required. Please consult with the Municipality.

14. Method of Storm Drainage

- a) storm sewers
- b) swales
- c) ditches
- d) other (specify) _____

15. Access (indicate name)

- a) County Road: _____
- b) Municipal Street/Road: Munroe Street
- c) Private Road: _____
- d) Right-of-Way: _____
- e) If b), is the street or road maintained year-round? Yes No

16. Official Plan

- a) Local Official Plan land use designation Downtown Area
- b) How does the application conform to the official plan? If necessary, attach additional pages.

See Planning Justification Report
- c) If the application is to implement an alteration to the boundary of a settlement area or to implement a new settlement area, provide details of the official plan or official plan amendment that deals with this matter. If necessary, attach additional pages.

d) If the application is to remove land from an employment area, provide details of the official plan or official plan amendment that deals with this matter. If necessary, attach additional pages.

e) If the land is within an area where zoning with conditions may apply, provide an explanation of how the application conforms to the official plan policies relating to zoning with conditions. If necessary, attach additional pages.

17. Zoning By-law

a) Existing zoning: Open Space (OS)

b) Describe the nature and extent of the zoning requested and the reason for the re-zoning:

Re-zone to site-specific C1-(_) zone to permit a drive-in restaurant

See Planning Justification Report for more information

c) If the land is within an area where the Municipality has pre-determined the minimum and maximum density requirements or the minimum and maximum height requirements, describe these requirements below:

18. Applications under the Planning Act

Has the subject land ever been the subject of

a) an application for an approval of a plan of subdivision?

Yes No Don't Know

b) an application for a consent?

Yes No Don't Know

E86-21 (Approved by Elgin County Land Division)

c) an application for an amendment to the zoning by-law?

Yes No Don't Know

d) a Minister's Zoning Order?

Yes No Don't Know

If the answer to any of the above is Yes, and if known, indicate in the space provided, the file number of the application, the name of the approval authority considering the application, the lands affected by the application, the purpose of the application, the status of the application and the effect of the application on the proposed amendment. If necessary, attach additional pages.

19. Provincial Policy Statement

Is the application consistent with the Provincial Policy Statement?

Yes No Don't Know

20. Designation under Provincial Plan(s)

a) Are the subject lands within an area designated under any provincial plan or plans?

Yes No Don't Know

If Yes, what is the name of the said plan or plans? _____

b) Does the application conform or otherwise not conflict with the said provincial plan or plans?

Yes No Don't Know

21. Sketch Map

Prepare and include a sketch map (in metric units) and containing the following information must accompany every application where a specific development or change in use is being proposed.

- a) boundaries and dimensions of the subject lands;
- b) existing buildings and structures (if any) and their size and type;
- c) distance of existing building and structures (if any) to all property lines;
- d) proposed buildings and structures (if any) and their size and type;
- e) distance of proposed buildings and structures (if any) to all property lines;
- f) name, location and width of any roads or highways within or abutting the subject lands and the status of the road or highway (e.g. unopened road allowance, public travelled road, private road, right-of-way);
- g) land uses and buildings on neighbouring properties and opposite any abutting roads or highways;
- h) location and nature of easements or rights-of-way;

- i) physical features (e.g. watercourses, drains, woodlots, wetlands, rail lines) on the subject lands and adjacent lands;
- j) existing use of adjacent lands; and
- k) other information that may affect the application.

Part 2: Requested Additional Information

1. Municipal Drains

Are the subject lands presently assessed under the Drainage Act?

Yes No

If Yes, and if known, state the name of the drain: _____

2. Livestock Barns and Manure Storage Facilities

a) In order to determine compliance with the Minimum Distance Separation (MDS), provide the following information for every barn on the subject lands which accommodates or is capable of accommodating livestock:

<u>Description of Barn</u>	<u>Type of Livestock</u>	<u>Capacity</u>

b) In order to determine compliance with the Minimum Distance Separation (MDS), provide the following information for every manure storage facility on the subject lands:

<u>Description/Location</u>	<u>Type of System*</u>

* where A means - covered storage system

where B means - open solid and runoff storage system

where C means - open liquid tank and runoff storage system

where D means - earthen liquid and runoff storage system

c) How much tillable land is there on the subject lands? _____ Ha

d) Are there any livestock building or manure storage facilities within 1 km of the subject lands?

Yes No Don't Know

If Yes, indicate name of the operation and location in relation to the subject lands.

Declaration

I/We (please print) Matt Campbell

am/are the _____ Owner(s) _____ Applicant(s)^X _____ Agent

of the City _____ of St. Thomas, in the

County of Elgin, do solemnly declare:

That to the best of my/our knowledge and belief, all the information and statements given in this requested amendment and in all the plans, drawings and exhibits transmitted herewith are true; and

That 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.

Declared before me at

City
_____ of London, in the

County of Middlesex

this 14th day of March

20 22

Commissioner, etc.

Owner(s), Applicant(s) or Authorized Agent

DAVID JOHN HANNAM, a Commissioner, etc.,
Province of Ontario, for Zelinka Priamo Ltd.
Expires September 21, 2024.

Owner(s), Applicant(s) or Authorized Agent



Authorization

If the applicant is not the owner of the lands that are the subject of this application, the written authorization of the owner must be included with this form or the authorization set out below must be completed.

**Authorization of Owner for
Agent To Make the
Application**

I/We _____ am the owner of the land that is the subject of this
Application for Zoning By-law Amendment and I/we authorize _____
to make this application on my/our behalf.

Date Signature of Owner

Date Signature of Owner

For Office Use Only

1. Date of Receipt: March 18, 2022
2. Checked By: H. James, Planner
3. Approved for Processing: H. James April 1, 2022
name date
4. Application Fee Received: Yes
5. Application No: D14 05-2022
6. Assessment Roll No: 34340360013001
7. Tax Arrears (if any): N/A
8. Outstanding Orders (if any): N/A
9. Additional Information:
None

