



CONSENT APPLICATION

MUNICIPALITY OF LEAMINGTON
 38 Erie Street North
 Leamington, Ontario
 N8H 2Z3

Attn: Tracey Pillon-Abbs, Planner
 Lucy Jackson, Secretary-Treasurer,
 Committee of Adjustment

Phone: (519) 326-5761 (ext. 205)
Fax: (519) 326-2481

Personal information on this form is collected under the authority of *The Planning Act*, R.S.O. 1990, Chapter P. 13, Section 45 and will be used for contacting the applicant(s) and for processing of the Application. Questions about this collection should be directed to the Secretary Treasurer for the Committee of Adjustment for the Municipality of Leamington.

2010 MEETING SCHEDULE

MEETING DATE	APPLICATION SUBMISSION DEADLINE
Tuesday, January 26, 2010 at 5:00 p.m.	Monday, December 21, 2009
Thurs, February 25, 2010 at 5:00 p.m.	Wednesday, January 20, 2010
Tuesday, March 30, 2010 at 5:00 p.m.	Monday, February 22, 2010
Tuesday, April 27, 2010 at 7:00 p.m.	Monday, March 22, 2010
Tuesday, May 25, 2010 at 7:00 p.m.	Tuesday, April 20, 2010
Tuesday, June 29, 2010 at 7:00 p.m.	Thursday, May 20, 2010
Tuesday, July 27, 2010 at 7:00 p.m.	Monday, June 21, 2010
Tuesday, August 31, 2010 at 7:00 p.m.	Tuesday, July 20, 2010
Tuesday, September 28, 2010 at 7:00 p.m.	Friday, August 20, 2010
NO OCTOBER MEETING - MUNICIPAL ELECTION	
Tuesday, November 30, 2010 at 5:00 p.m.	Wednesday, October 20, 2010
NO DECEMBER MEETING	

Note: Office Hours are Monday - Friday from 8:30 am to 4:30 pm. Applications are to be received by 4:30 p.m. on deadline date

**GENERAL INFORMATION SHEET
FOR CONSENT APPLICATIONS
MUNICIPALITY OF LEAMINGTON COMMITTEE OF ADJUSTMENT**

1. **MANDATORY PRE-CONSULTATION (ADDITIONAL \$50.00 FEE APPLICABLE)**

At any time when an application for Consent is being considered, the applicant must approach the Planner of the Committee of Adjustment of the Municipality to engage in a pre-consultation meeting to explain the proposed application being contemplated. This formal discussion should provide the applicant with procedural direction as to processing the application as well as determining planning policies under which the application can be considered for approval. At this time, the applicant may also wish to obtain a copy of the Consent Application Form.

2. **COMPLETION OF APPLICATION**

The Application for Consent should be completed by the applicant by answering all required questions in PART A and in PART B if the application is to create a new lot in an area designated Agricultural. A detailed sketch must also be prepared and submitted with the application (see sample). Please note that all measurements must be in metric. *Please use hatch marks instead of highlighters to identify area to be severed as maps are photocopied in black and white.* The Applicant should particularly ensure that the proposal complies with the planning policies of the Official Plan and the land use requirements of the Zoning Bylaw for the municipality. Additionally, when considering the creation of new boundary lines, attention should be paid to setback requirements from the front lot line, side lot line and rear lot line for buildings and structures, as well as minimum frontage and area requirements for the particular type of land use as provided by the Zoning Bylaw of the municipality. Please also note what property the land to be severed will be joined with.

3. **SUBMISSION OF APPLICATION**

The Applicant should submit **one (1) original application**, together with a detailed sketch and the necessary Application Fee made payable to the "Municipality of Leamington" in accordance with the following:

a)	Application to Create a New Lot	\$592.25 *
b)	Application for a Lot Addition or Boundary Adjustment	\$592.25 *
c)	Creation of Easement or Right-of-Way	\$412.00 *

* **An additional \$50.00 Pre-Consultation fee is also applicable.**

Please note that a re-circulation fee of \$66.95 will be charged should an application need to be re-circulated.

Please note that the application must be signed in front of a Commissioner and if signed by a Corporation, must have the Corporate Seal affixed. If signed by an agent, a written authorization, attached, from the owner must also be submitted. **ALL REGISTERED OWNERS MUST SIGN.**

4. **NOTICE OF HEARING, POSTING CARD AND PROPERTY STAKES**

A Notice of the Hearing will be mailed by prepaid First Class Mail to the applicant and to every owner of land within 60 metres of the subject site not less than ten (10) days prior to the date the application is to be heard. A sign will be sent to the applicant not less than ten (10) days prior to the date the application is to be heard. The sign is to be placed on the land subject to the application at least ten (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 centre of the subject parcel, facing the public road and as close as possible to the property line.

The Applicant is also required to place property stakes approximately three feet high to locate the boundaries along the frontage of the subject lands in accordance with the Committee's instructions.

**** IMPORTANT - A DECISION WILL NOT BE MADE ON THE SUBJECT APPLICATION UNLESS THE PROPERTY IS POSTED AND THE PROPERTY STAKES PLACED AS REQUIRED.**

5. **HEARING AND DECISION**

The Applicant or an agent should attend the hearing at the designated time and location and speak on behalf of the application answering any questions, which the members of the Committee of Adjustments may have. A written decision will be forwarded to the applicant within ten (10) days of the Hearing Decision. Any conditions imposed by the Committee form part of the Decision and must be met in a manner acceptable to the Committee before final certification can be issued. Within twenty (20) days after the giving of the Notice of decision, the applicant may appeal the decision to the Ontario Municipal Board by filing the Notice of Appeal and the necessary \$125.00 fee with the Secretary-Treasurer for the Committee of Adjustment.

**CONSENT APPLICATION
CORPORATION OF THE MUNICIPALITY OF LEAMINGTON**

PART A (to be completed by all applicants)

1. Name of approval authority Municipality of Leamington Committee of Adjustment

2. Name of Registered Owner _____

Mailing Address _____

Postal Code _____ Telephone & Fax No. _____

Email Address: _____ Cell No. _____

Name of Owner's Solicitor
or Authorized Agent (If any) _____

Address _____

Postal Code _____ Telephone & Fax No. _____

Email Address: _____ Cell No. _____

Please specify to whom all communications should be sent:

Registered Owner Solicitor Agent

Indicate to whom signs are to be sent for posting:

Registered Owner Solicitor Agent

3. Location and description of subject land:

Former Municipality _____

Concession No. _____ Lot(s) No. _____

Registered Plan No. _____ Lot (s) No. _____

Reference Plan No. _____ Part(s) No. _____

Street Address _____

Assessment Roll No. 37-06- _____

4. Current Size of subject Parcel:

Frontage (m) _____ Depth (m) _____ Area (ha) _____

Frontage (ft) _____ Depth (ft) _____ Area (ac) _____

5. Are there any easements or restrictive covenants affecting the subject land?

yes no N/A

If yes, please provide a description of each easement or covenant and its effects:

6. a) Type and purpose of proposed transaction:

Conveyance

- creation of a new lot farm split
- surplus dwelling addition to lot
- technical severance

Other

- mortgage or charge partial discharge of mortgage
- easement/right-of-way agreement of sale and purchase
- correction of title other (specify) _____

b) Name of person(s) and address [purchaser, leasee, mortgagee, etc.] to whom land or interest in land is intended to be conveyed, leased or mortgaged

c) Relationship (if any) of person(s) named in (b) to owner (specify nature of relationship)

7. Description and use of land intended to be **severed**:

Frontage (m) _____ Depth (m) _____ Area (ha) _____
 Frontage (ft) _____ Depth (ft) _____ Area (ac) _____

Existing Use _____

Proposed Use _____

Number and use of buildings and structures (both existing and proposed) on the land to be **severed** :

Existing _____

Proposed _____

Is there an existing access bridge on this parcel?

- yes (locate on sketch) no

Is there a water service connection on this parcel?

- yes (locate on sketch) no

Is there a sanitary sewer connection on this parcel?

- yes (locate on sketch) no

8. Description of land intended to be **retained**:

Frontage (m) _____ Depth (m) _____ Area (ha) _____
 Frontage (ft) _____ Depth (ft) _____ Area (ac) _____

Existing Use _____

Proposed Use _____

Number and use of buildings and structures on the land to be retained:

Existing Use _____

Proposed Use _____

Is there an existing access bridge on this parcel?

yes (locate on sketch) no

Is there a water service connection on this parcel?

yes (locate on sketch) no

Is there a sanitary sewer connection on this parcel?

yes (locate on sketch) no

9. Number of new lots (not including retained lots) proposed _____

10. Access to proposed **severed** lot:

Municipal Road County Road Provincial Highway
 Private Water

If access to the subject land is by water only, indicate the parking and docking facilities to be used and the approximate distance between these facilities and the nearest public road

Access to the proposed **retained** lot:

Municipal Road County Road Provincial Highway
 Private Water

If access to the subject land is by water only, indicate the parking and docking facilities to be used and approximate distance between these facilities and the nearest public road

11. Type of water supply:

<u>TYPE</u>	<u>PROPOSED LOT</u>	<u>RETAINED LOT</u>
Municipally owned and operated piped water supply	<input type="checkbox"/>	<input type="checkbox"/>
Well	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)		

12. Type of sanitary sewage disposal:

<u>TYPE</u>	<u>PROPOSED LOT</u>	<u>RETAINED LOT</u>
Municipally owned and operated	<input type="checkbox"/>	<input type="checkbox"/>
Septic	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify) _____		

13. When will water supply and sewage disposal services be available?

14. (a) Have there been any previous severances of land from this holding?

Yes No

(b) If the answer to (a) is "yes", please indicate previous severances on the required sketch and supply the following information for each lot severed:

Grantee's Name _____

Relationship of Owner (if any) _____

Use of Parcel _____

Date Parcel Created _____

15. Has the parcel ever been the subject of an application for approval of a plan of subdivision under Section 51 or a consent under Section 53 of The Planning Act, as amended, or its predecessors:

Yes No

If "Yes" please indicate the file number and decision

16. Please indicate whether the property is the subject of an application for one of the following:

- Official Plan or Official Plan Amendment approval
- Zoning By-law Amendment
- Minor Variance
- Consent or approval of a Plan of Subdivision

If known, indicate the file number and status of the foregoing application(s):

17. Is the owner, solicitor or agent applying for additional consents on this holding simultaneously with this application, or considering applying for additional consents in the future?

Yes No

18. Is the owner, solicitor or agent applying for any minor variance or permission to extend or enlarge under Section 45 of The Planning Act, R.S.O. 1990, as amended, in relation to any land that is the subject of this Application?

Yes No

PART B

(To be completed by applicants applying to create a lot in an area designated **AGRICULTURAL ONLY** from Official Plan Policies as adopted by Council, November 24, 2003, Section 5)

NOTE: No more than one (1) consent shall be allowed for every complete 10 hectares of lot area on any farm lot as it existed on May 7, 1985 (date of original 'cap' policy) regardless of changes in property ownership.

PLEASE COMPLETE ONLY THE APPLICABLE SECTION BELOW, WHICH PERTAINS TO YOUR APPLICATION:

19. FARM LOT DIVISIONS

a) Is the consent intended to divide a farm lot into two farm lots each having a minimum lot area of 10 hectares except in the case of an existing 0.5 hectare greenhouse operation where a minimum lot area shall be 2 hectares?

Yes No

If no, please explain _____

b) Is any residential building proposed in compliance with the setbacks provided by the Minimum Distance Separation Formula, or at least 300 metres from any Mushroom Operation?

Yes No

If no, please explain _____

20. **SURPLUS DWELLINGS**

a) Is the consent intended to sever a “surplus dwelling” that is considered surplus in accordance with the Official Plan policies for the municipality as a result of the ownership or acquisition of additional farm property, which has a minimum lot area of 10 hectares or 2 hectares if an existing 0.5 hectare greenhouse operation?

Yes No

If yes, please provide:

Date of Purchase (Surplus Dwelling Property) _____

Date Surplus Dwelling was Constructed _____

Date of Purchase (Home Farm Property) _____

Property Location of Home Farm Property _____ (hectares) _____

b) Is the consent for a “surplus dwelling” located on a farm lot less than 10 hectares or 2 hectares as required by 20 a) but abuts farm land owned by the applicant/owner and it is intended that the two farm parcels be joined pursuant to subsection 3 of Section 50 of The Planning Act 1990?

Yes No

c) Is the applicant/owner willing to enter into an Agreement with the municipality to be registered on title that “no more consents” and “no more residential dwellings” are to be allowed on the lands being retained?

Yes No

21. **MINOR LOT ADJUSTMENT OR BOUNDARY CHANGE**

a) Is the consent being requested to permit a minor lot adjustment or minor boundary change conditional to Subsection 50 (3) or (5) of The Planning Act, R.S.O. 1990?

Yes No

b) Name of person(s) to whom land will be joined with: _____

c) Address of person(s) to whom land will be joined with: _____

c) Size or parcel to be joined with: _____

d) Does the lot adjustment propose to convey land to the abutting farm and retain a building lot?

Yes No

DECLARATION

I/We _____

of the _____ of _____

in the _____ of _____

DO SOLEMNLY DECLARE:

- 1. THAT all the statements contained in this application 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; and
- 2. THAT it is my understanding that this CONSENT APPLICATION must have "regard for" the Provincial Policy Statement which pertains to three (3) general areas of Provincial concern including a) the efficient cost of effective development and land use patterns, b) resources and c) public health and safety and accordingly, I request the municipality to receive the Application as a "Completed Consent Application", pursuant to the provisions of the Planning Act, R.S.O. 1990, as amended; and
- 3. THAT it is my understanding that in those areas where there are no municipal sanitary sewers, approved Class IV septic systems are required for the purposes of new lot development and accordingly the Leamington Building Services Department should be contacted to determine calculation requirements for this development proposal; and
- 4. THAT I have reviewed the "MTO Notice of Concern" on the following page regarding properties which may require access to a Provincial Highway controlled by the Ontario Ministry of Transportation (MTO) and accordingly am submitting herewith copies of necessary MTO permits and Approvals required for my Application approval.

Declared before me at the Municipality)
of Leamington in the County of Essex)
this _____ day of _____)
A.D., 20____.) Applicant - Registered Owner

Applicant - Registered Owner

Applicant - Registered Owner

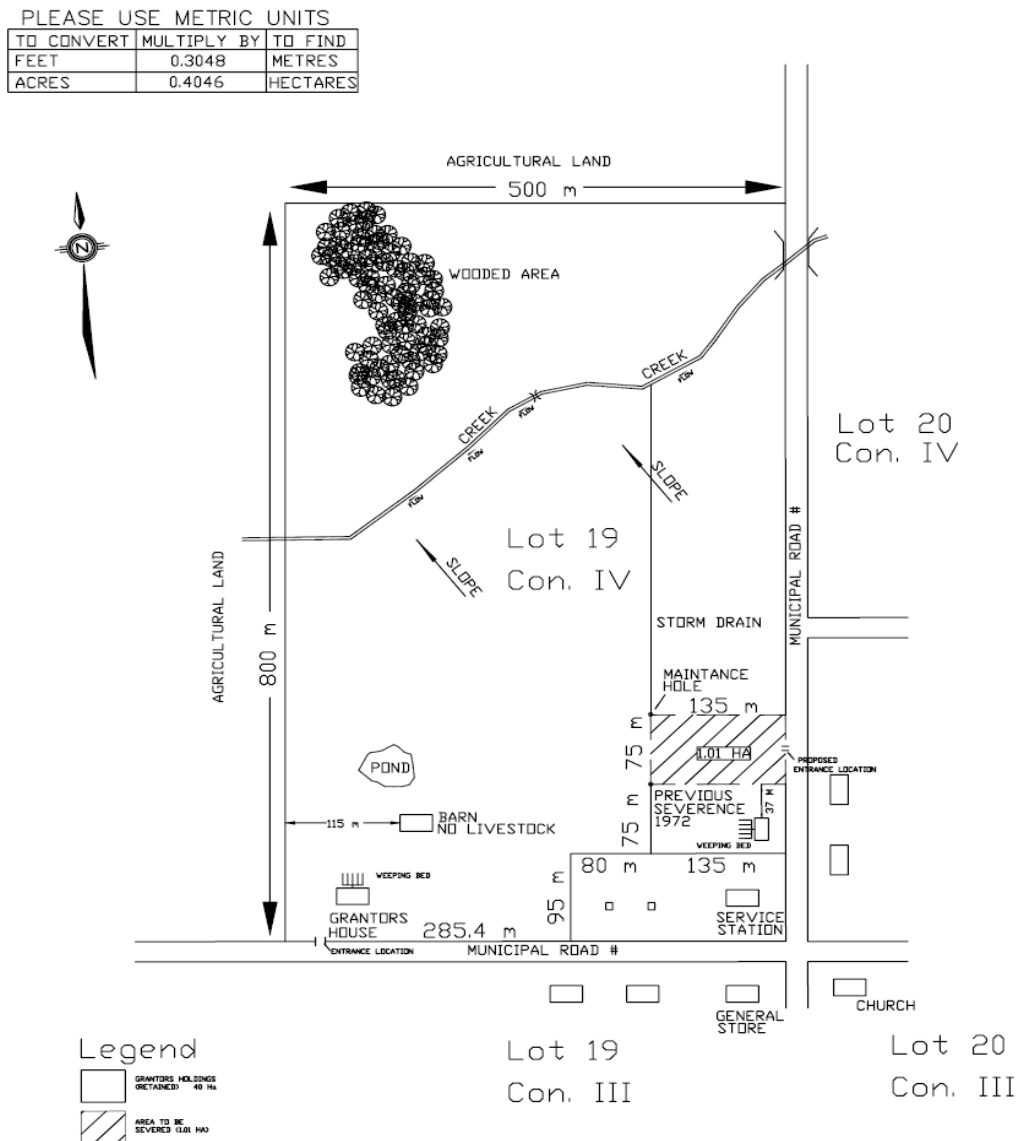
A Commissioner, etc.

Please use hatch marks instead of highlighters to identify area to be severed as maps are photocopied in black and white.

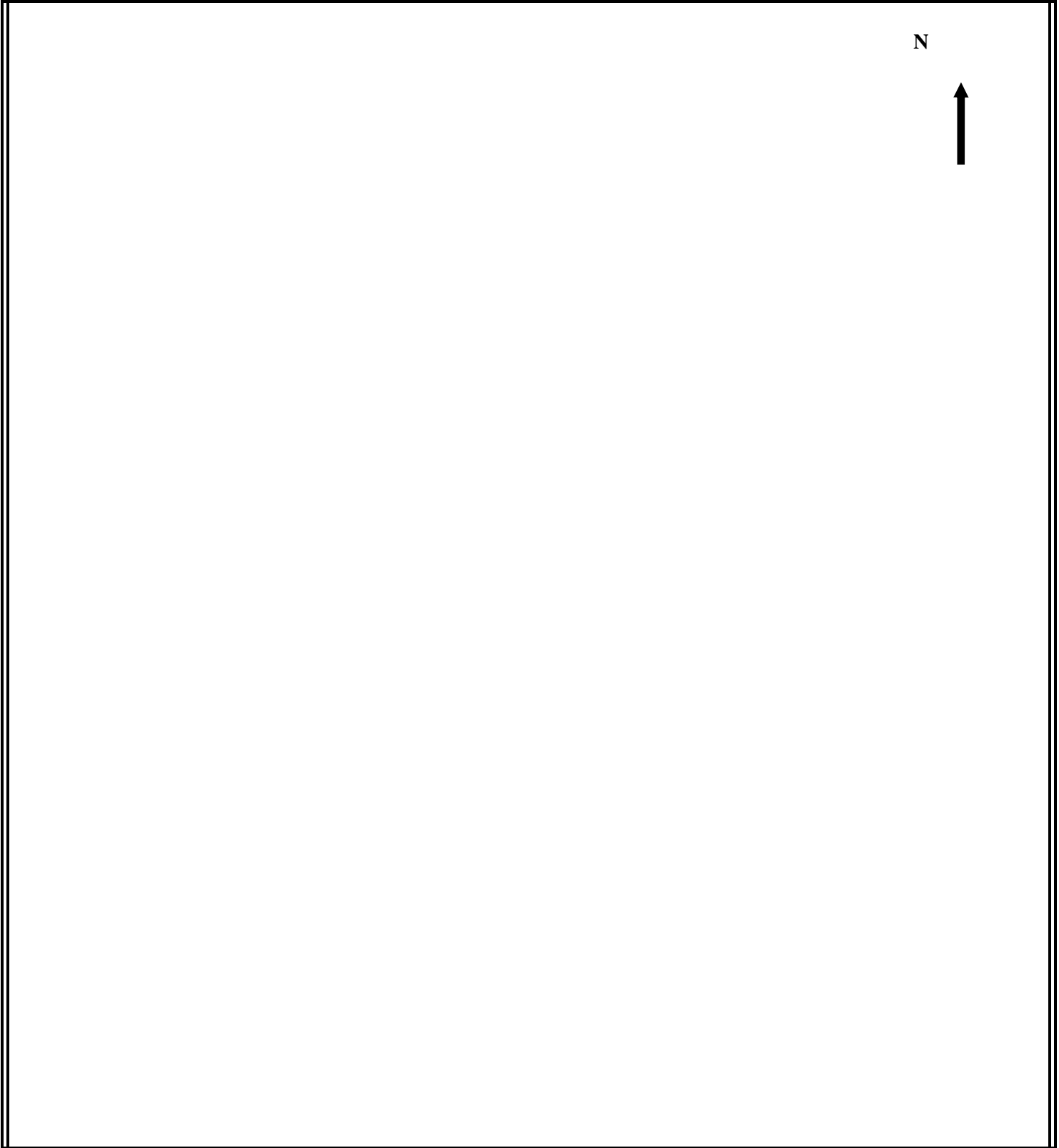
SKETCH REQUIREMENTS:

1. Applications must be accompanied by a sketch showing;
 - a) the boundaries and dimensions of the subject land;
 - b) the location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines (in metres);
 - c) the approximate location of all natural and artificial features on the subject land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples of features include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks/ tile fields;
 - d) the current uses on land that is adjacent to the subject land;
 - e) all public or private roads or rights-of-way;
 - f) the location and nature of any easement affecting the subject land;
 - g) area to be severed to be clearly identified with hatch marks (no highlighting or shading);
 - h) the direction in which the lands are to be joined, if a minor lot line adjustment;
 - i) north arrow and all 911# on lots to be shown on sketch.

SAMPLE SKETCH



REQUIRED SKETCH (USE SEPARATE SHEET IF NECESSARY)



IF YOU PROPERTY IS ADJACENT TO PROVINCIAL HIGHWAY 77 OR HIGHWAY 3

“The provincial highways are controlled by the Ministry of Transportation (MTO). In order to maintain the efficiency and safety of the provincial highway system, all development adjacent to the highways must also comply with the standards and requirements of the Ministry of Transportation (MTO). These standards affect many aspects of development including highway access, building setback (including wells and septic systems), the location and size of signs, drainage, etc.

Therefore, in addition to all the necessary municipal approvals, all development near the highways must also be reviewed by MTO and, in accordance with the Public Transportation and Highway Improvement Act, must obtain MTO's permits for access to the highway and for all buildings, structures and signs.

In order to determine MTO's requirements and to avoid unnecessary delays, please contact the Corridor Management Officer (CMO) at MTO's Southwestern Regional Office prior to submitting your application. They are located at 659 Exeter Road, London, Ontario N6E 1L3.
Telephone: (519) 681-1441.

AUTHORIZATION

(Please see note below)

To: Secretary - Treasurer
Committee of Adjustment
Municipality of Leamington

Description and Location of Subject Lands:

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize _____ of the _____ of _____ to:

- (1) make an application on my/our behalf to the Committee of Adjustment for the Municipality of Leamington;
- (2) appear on my behalf at any hearing(s) of the application; and
- (3) provide any information or material required by the Committee of Adjustment relevant to the application.

Dated at the _____ of _____ in the _____ of _____, this _____ day of _____, 20__.

Signature of Witness

Signature of Registered Owner

Signature of Witness

Signature of Registered Owner

Signature of Witness

Signature of Registered Owner

*** Note:** *This form is only to be used for applications, authorizing someone else, other than the Registered Owner, to process the application and attend the hearing.*