



Consent Application

Municipality Of Leamington
 111 Erie Street North
 Leamington, Ontario
 N8H 2Z9

Attn: Daryan Branch, B.ES
 Planner
 Secretary-Treasurer

Phone: (519) 326-5761 (extension 1404)

Email: dbranch@leamington.ca

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. Please note that personal information contained in this application may be included in the Committee of Adjustment Hearing minutes and become part of the public record and posted on our municipal website. Questions about this collection should be directed to the Manager of Legislative Services/Clerk for the Municipality of Leamington.

2020 Committee of Adjustment Meeting Schedule

| Application Submission Deadline | Meeting Date |
|---------------------------------|--|
| Friday, December 20, 2019 | Wednesday, January 29, 2020 at 5:00 PM |
| Friday, January 17, 2020 | Wednesday, February 26, 2020 at 5:00 PM |
| Friday, February 14, 2020 | Wednesday, March 25, 2020 at 5:00 PM |
| Friday, March 20, 2020 | Wednesday, April 29, 2020 at 5:00 PM |
| Friday, April 17, 2020 | Wednesday, May 27, 2020 at 5:00 PM |
| Friday, May 15, 2020 | Wednesday, June 24, 2020 at 5:00 PM |
| Friday, June 19, 2020 | Wednesday July 29, 2020 at 5:00 PM |
| Friday, July 17, 2020 | Wednesday, August 26, 2020 at 5:00 PM |
| Friday, August 21, 2020 | Wednesday, September 30, 2020 at 5:00 PM |
| Friday, September 18, 2020 | Wednesday, October 28, 2020 at 5:00 PM |
| Friday, October 16, 2020 | Wednesday, November 25, 2020 at 5:00 PM |
| 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 PM on deadline date**

General Information Sheet

Consent Applications

Municipality of Leamington Committee of Adjustment

1. Mandatory Pre-Consultation

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

Applicants or agents will be required to file an application together with a pre-consultation with the planning department. The application must include a sketch of the subject property sufficient to illustrate the requested severance. At the pre-consultation stage, the application does not have to be signed by the applicant. The applicant or agent, will be required to attend a pre-consultation meeting with municipal staff. Following the pre-consultation meeting, if the applicant decides to proceed, then a complete application will be required which will include:

- the signature of the applicant/owner;
- the application fee, and;
- a surveyor's sketch satisfactory to the Municipality.

The surveyor's sketch is a new requirement for a completed application. The sketch must be up to date and prepared by a licensed Ontario land surveyor.

A completed application must be submitted approximately 5 weeks before the scheduled hearing date. The meeting schedule, including application deadlines, is available on our website.

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 | \$950.00 + \$200 ERCA fee * |
| b) | Application for a Lot Addition or Boundary Adjustment | \$950.00 + \$200 ERCA fee* |
| c) | Creation of Easement or Right-of-Way | \$950.00 + \$200 ERCA fee* |
| d) | Certificate of Validation | \$250.00 + \$200 ERCA fee* |

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.**

General Information Sheet (continued)

Consent Applications

Municipality of Leamington Committee of Adjustment

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 fourteen (14) days prior to the date the application is to be heard. A sign will be sent to the applicant not less than fourteen (14) 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 fourteen (14) 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 fifteen (15) 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 Local Planning Appeal Tribunal (LPAT) filing the Notice of Appeal and the necessary \$300.00 fee with the Secretary-Treasurer for the Committee of Adjustment.



| Office Use Only | |
|---|--|
| File Number: _____ | Combined Application Number: _____ |
| Type of Application: _____ | Date Pre-consultation Initiated: _____ |
| Date Application Received: _____ | Amount Paid: _____ |
| Date Application Deemed Complete: _____ | |

Application for Consent
Corporation of the Municipality Of Leamington

Part A (to be completed by all applicants)

1. **Registered Owner Information** (*Non-corporate Individual Owner(s)*):

Name(s): _____

Mailing Address: _____

Email Address: _____ Phone No. _____

2. **Registered Owner Information** (*Corporation - Include Name(s) and Title(s) of those authorized to bind the Corporation*):

Corporation Name: _____

Name(s): _____

Title (*if applicable*): _____

Mailing Address _____

Email Address: _____ Phone No. _____

3. **Authorized Agent** (*Consultant, Purchaser, etc.*):

Name(s): _____

Mailing Address: _____

Email Address: _____ Phone No. _____

4. **Lawyer/Solicitor:**

Name: _____

Mailing Address _____

Email Address: _____ Phone No. _____



Please specify to whom all communications should be sent:

Registered Owner

Agent

Lawyer/Solicitor

Indicate to whom signs are to be sent for posting:

Registered Owner

Agent

Lawyer/Solicitor

5. Property Information:

Municipal Address: _____

Legal Description: _____

Assessment Roll Number: 3706-_____

Current Size of subject parcel: See Part(s) _____ on attached survey

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

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

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

yes

no

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

7. Are there any mortgages on the property? yes no

If yes:

Mortgagee (ex. Farm Credit Canada): _____

Municipal Address: _____

8. Type of Application:

Conveyance

creation of new lot

farm split

lot addition

minor boundary adjustment

Other

mortgage or charge

partial discharge of mortgage

easement/right-of-way

agreement of sale and purchase

correction of title

other (specify) _____



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

See Part(s) _____ on attached survey

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 **severed**:

Existing _____

Proposed _____

Services connected to the existing buildings and structures on the land to be **severed**:

Water Hydro Gas
 Storm/Sanitary Sewer Septic System Other _____

Locate any existing service(s) on the sketch.

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

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:



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

See Part(s) _____ on attached survey

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 _____

Proposed _____

Services connected to the existing buildings and structures on the land to be **retained**:

Water Hydro Gas
 Storm/Sanitary Sewer Septic System Other _____

Locate any existing service(s) on the sketch.

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

Access to 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 the 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 | <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. (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:

Previous Applicant’s Name _____

Consent Application Number _____

Date Parcel Created _____

14. 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 related file number and type of application (ex. farm split).

15. Please indicate whether the property is also the subject of a current application for one of the following:

- | | |
|--|---|
| <input type="checkbox"/> Official Plan Amendment | <input type="checkbox"/> Consent |
| <input type="checkbox"/> Zoning By-law Amendment | <input type="checkbox"/> Minor Variance |

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

16. 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

17. 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

Complete only the applicable section below that pertains to your application.

Part B - Agricultural Severances

This section is to be completed only by applicants applying to create a lot in an area designated **Agricultural** under the Leamington Official Plan policies as approved by Council on February 5, 2008.

Note: Surplus Dwelling Severances are to be submitted separately as a Combined Zoning and Consent Application.

1. **Farm Lot Division**

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

Yes No

If no, please explain _____

b) Is any proposed residential building 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 _____



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

Yes No

c) Property information of the lands that the severed parcel is to be consolidated with:

Municipal Address: _____

Legal Description: _____

Assessment Roll Number: 3706-_____

Current Size of Parcel:

See Part(s) _____ on attached survey

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

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

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 related file number and type of application (e.g. farm split):

Part C - Easement

1. Easements greater than 21 years less a day

a) What are the dimensions of the easement?

See Part(s) _____ on attached survey

Length (m) _____ Width (m) _____ Area (ha) _____

Length (ft) _____ Width (ft) _____ Area (ac) _____

b) What is the purpose of the easement?

Telecommunications

Hydro

Oil/Gas Pipeline

Gas

Water

Storm/Sanitary Sewer

Access

Drainage

Other: _____

c) Who is party to the easement?

Name: _____

Name: _____

Name: _____

Name: _____

d) Details of the easement:

Draft terms of the easement attached.

If no draft is attached, describe the easement in detail:

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 in the Municipality

of Leamington in the County of Essex

on this _____ day of _____

A.D., 20____.

Applicant

Applicant

Applicant

A Commissioner, etc.



If Your 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

Address and legal description of the 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.*