



THE MUNICIPALITY OF CENTRAL ELCIN

MINOR VARIANCE/PERMISSION APPLICATION

Form MVA-1/2014

REQUIREMENTS FOR A COMPLETE APPLICATION:

Note: Until the Municipality of Central Elgin has received the information and material requested herein (as required under subsection 2 of Ontario Regulation 200/96) and any fee under Section 69(1) of the Planning Act, the application will be deemed incomplete and the time periods referred to in section 45(4) of the Act will not begin. Please ensure your submission includes:

OFFICE USE ONLY
Date Stamp - Date Received:
MAR 08 2024
Fee Paid: [ ] Yes [ ] No

- The completed application form and declarations.
1 digital copy of sketch/plan showing EXISTING and PROPOSED building(s) and structure(s) on subject lands, where applicable. Sketch is to include, for each existing and proposed building or structure, the location including setbacks from lot lines, height and dimensions (or floor areas) in metric units. See Section 18 of this application for more detail.
Application Fee made payable to "The Municipality of Central Elgin". Application Fee Amount: \$ 534.50
A Letter of Authorization from the Owner (with dated, original signature) OR completion of the Owner's Authorization on page 7, if the Owner is not filing the application.
Other information identified through Pre-consultation.

PLEASE LIST THE REPORTS OR STUDIES THAT ACCOMPANY THIS APPLICATION (supply two copies of each):

Note: This section applies to all reports that may have been identified as a result of any pre-application consultation meeting as studies required for a complete application.

Letter, surveyors sketch, minor variance sketch, and zoning table

About Pre-Consultation

Prior to submitting this application for a Minor Variance to the Municipality of Central Elgin, a proponent is encouraged to consult with relevant staff. Pre-application consultation is intended to facilitate early discussions between the proponent and staff pertaining to the application, and to allow staff to assist in determining the specific reports, studies and information that may be required to be submitted together with the application form as part of a complete application.

THIS APPLICATION PACKAGE MUST BE SUBMITTED TO:

Central Elgin Planning Office
9 Mondamin Street, St. Thomas, Ontario N5P 2T9
Telephone: 519-633-2560
Facsimile: 519-633-6581
or
Municipality of Central Elgin
450 Sunset Drive, St. Thomas, Ontario N5R 5V1
Telephone: 519-631-4860
Facsimile: 519-631-4036

Personal information is collected under the authority of the Planning Act and will be used only for the purposes of considering and reviewing your application.



THE MUNICIPALITY OF CENTRAL ELGIN

**MINOR VARIANCE/PERMISSION APPLICATION**

I/We hereby apply, as outlined in this application, to the Council of the Corporation of the Municipality of Central Elgin pursuant to the provisions of the Planning Act, for a Minor Variance/Permission under Section 45 of the *Planning Act*.

1. Name of applicant: Frank Sherifi  
Address: 8590 Centennial Road, St. Thomas, ON N5P 3S6  
Telephone (home): \_\_\_\_\_ (business) \_\_\_\_\_  
E-Mail: frank@prespahomes.ca
  
2. Is the applicant the owner of the land?  Yes  No If no, please provide:  
Name of owner: Fatime Sherifi  
Address: 8590 Centennial Road, St. Thomas, ON N5P 3S6  
Telephone (home): 519-808-9584 (business) \_\_\_\_\_  
E-Mail: prespagroup@hotmail.com
  
3. When was the subject land acquired by the current owner? circa 2013
  
4. Name of Agent (if any): \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone (home): \_\_\_\_\_ (business) \_\_\_\_\_  
E-Mail: \_\_\_\_\_
  
5. Location of Property ("subject lands"):  
Registered Plan No.: 208 Lot No.(s): 16 and 17  
Concession No.: \_\_\_\_\_ Lot No.(s): \_\_\_\_\_  
Reference Plan No.: \_\_\_\_\_ Part No.(s): \_\_\_\_\_  
Municipal Address: 205 McClary Avenue
  
6. Municipality of Central Elgin Official Plan:  
Designation of the subject lands: Residential
  
7. Current applicable Zoning By-law: Port Stanley By-law #1507, as amended  
Current applicable zone: Residential Zone 1, R1

8. What is the present use(s) of the subject lands? vacant lot

How long has this use(s) continued on the subject lands? vacant when purchased

9. What is the proposed use of the subject lands? build detached residential dwelling

10. Nature and extent of relief from the zoning by-law: variances are to permit a reduced lot of front and rear yard setbacks and a reduced side yard on north side of dwelling as within the newer R1 zone regulations related to yards and coverage being applied

Reason(s) why the proposed use cannot comply with the provisions of the zoning by-law: Lot has sufficient frontage North/south but has a shallow depth east/west the variances for rear, and north side yards and coverage will allow for better siting of new dwelling

11. Dimensions of the subject lands:  
Frontage (m): ~ 30.48 m (100 ft.) on Mc Clary Avenue Street/Road/Highway  
Depth (m): 27.432 m (90 ft)  
Area (m<sup>2</sup>): ~ 832 sq m

12. Access to the subject lands is provided by:  
 A Provincial highway or municipal road that is maintained year-round or other public road;  
 A right of way; or  
 By water (Please provide a description of the parking/docking facilities to be used and the approximate distance of these facilities from the subject lands and the nearest public road):

13. Particulars of all existing and proposed structures on the subject lands (as applicable - add additional pages if necessary):

<u>EXISTING</u>	<u>BUILDING 1</u>	<u>BUILDING 2</u>	<u>BUILDING 3</u>
Building type:	<u>vacant lot</u>		
Length (m):			
Width (m):			
Height (m):			
No. of storeys:			
Ground floor area (m <sup>2</sup> ):			
Gross floor area (m <sup>2</sup> ):			
Parking area (m <sup>2</sup> ):			
Setback, front lot line (m):			
Setback, rear lot line (m):			
Setback, side lot line (m):			
Setback, side lot line (m):			
Date constructed:			

PROPOSED

BUILDING 1

BUILDING 2

BUILDING 3

Building type: detached residential Dwelling

Length (m): \_\_\_\_\_

Width (m): see attached minor variance sketch for proposed building area

Height (m): \_\_\_\_\_

No. of storeys: 2

Ground floor area (m<sup>2</sup>): \_\_\_\_\_

Gross floor area (m<sup>2</sup>): vacant lot

Parking area (m<sup>2</sup>): \_\_\_\_\_

Setback, front lot line (m): 6 m

Setback, rear lot line (m): 6m

Setback, side lot line (m): north 1.2 m

Setback, side lot line (m): south - complies

14. Potable water will be supplied to the subject lands through:
- Publicly owned and operated piped water system.
  - Privately owned and operated individual or communal well.
  - Lake or other water body.
  - Other means. Explain: \_\_\_\_\_

15. Sewage disposal will be supplied to the subject lands through:
- Publicly owned and operated sanitary sewage system.
  - Privately owned and operated individual or communal septic system.
  - A privy.
  - Other means. Explain: \_\_\_\_\_

16. Storm drainage will be supplied to the subject lands through:
- Publicly owned and operated storm sewer system.
  - Privately owned and operated storm sewer system.
  - Ditches and swales.
  - Other means. Explain: \_\_\_\_\_

17. Has the subject lands ever been the subject of any of the following matters under the Planning Act:
- (a) For approval of a plan of subdivision under Section 51.  Yes  No  
 File No.: \_\_\_\_\_ Status: \_\_\_\_\_
- (b) For approval of a consent under Section 53.  Yes  No  
 File No.: \_\_\_\_\_ Status: \_\_\_\_\_
- (c) For approval of minor variance/permission under Section 45.  Yes  No  
 File No.: \_\_\_\_\_ Status: \_\_\_\_\_

18. This application must be accompanied by a digital sketch, in metric, showing as applicable:
- ✓ The boundaries and dimensions of the subject lands;
  - ✓ The location, size and type of all existing and proposed buildings and structures on the subject land, indicating their distance from the front lot line, rear lot line and side lot lines;
  - ✓ The approximate location of all natural and artificial features (i.e. buildings, railways, roads, watercourses, drainage ditches, rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
    - (i) are located on the subject land and on land that is adjacent to it; and
    - (ii) in the applicant's opinion, may affect the application.
  - ✓ The current uses of land that is adjacent to the subject land; (continued on next page)

- ✓ The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right of way;
- ✓ If access to the subject lands will be by water only, the location of the parking and docking facilities to be used; and
- ✓ The location and nature of any easement affecting the subject land.

19. This application must be filed with the **Central Elgin Planning Office, 9 Mondamin Street, St. Thomas, Ontario, N5P 2T9** or with the **Municipality of Central Elgin, 450 Sunset Drive, St. Thomas, Ontario, N5R 5V1**, and must be accompanied by the application fee of \$534.50.

**PLEASE MAKE CHEQUES PAYABLE TO "THE MUNICIPALITY OF CENTRAL ELGIN"**

**DECLARATION:**

I, Frank Herber of Central Elgin  
do solemnly declare that all above statements contained in all of the exhibits transmitted herewith 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.

Declared before me at the  
Municipality of Central Elgin  
In the County of Elgin  
this 8th  
day of March A.D. 2024.

Delany Lynn Leitch  
A Commissioner, etc.

Frank Herber X  
Signature of Owner or Authorized Agent

DELANY LYNN LEITCH, Deputy Clerk  
for The Corporation of the Municipality  
of Central Elgin. A Commissioner for  
taking Affidavits in the County of Elgin  
in the Province of Ontario.

**OWNER'S AUTHORIZATION:**

**THIS MUST BE COMPLETED BY THE OWNER IF THE OWNER IS NOT FILING THE APPLICATION**

Note: If there are multiple Owners, an authorization letter from each Owner (with dated, original signature) is required OR each Owner must sign the following authorization.

I, (we) Fatime Sherifi, being the Applicant(s) and/or registered Owner(s) of the subject lands, hereby authorize Frank Sherifi to prepare and submit an Application for a Minor Variance.

Fatime Sherifi  
Signature

07                      03                      2024  
Day                      Month                      Year

**Municipal Freedom of Information Declaration:**

In accordance with the provisions of the Planning Act, it is the policy of the Municipality of Central Elgin to provide public access to all development applications and supporting documentation.

In submitting this development application and supporting documentation, I FRANK SHERIFI (please print name) the  Owner  Applicant  Authorized Agent, hereby acknowledge the above-noted policy and provide my consent, in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, that the information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

I hereby authorize the Municipality of Central Elgin to post a "Possible Land Use Change" sign and allow municipal staff to access to the subject lands for purposes of evaluation of the subject application.

Fatime Sherifi                      07                      02                      2024  
Signature                      Day                      Month                      Year

**ZONING BY-LAW #1507 R1 -Zone**

**205 Mc CLARY AVENUE**

ZONING REGULATIONS	R1 ZONE REQUIREMENTS	SITE/BUILDING	CONFORMANCE
SINGLE DETACHED DWELLING		PROPOSED SINGLE DETACHED DWELLING	Permitted Use
1. MIN. LOT AREA	4,000 sq. ft (371.6 m <sup>2</sup> )	8,955.57 sq ft. (832 m <sup>2</sup> ) <small>(Note: calculated from the closest point of the seawall at McClary Street, see surveyor sketch)</small>	CONFORMING
2. MIN. LOT FRONTAGE	40 feet (12.91 m)	100 feet (30.348 m) <small>(Note: measured to the closest point of seawall at McClary Street, see surveyor sketch)</small>	CONFORMING
3. MIN. LOT DEPTH	100 feet (30.48m {})	90 feet (27.432metres)	NON CONFORMING
4. MAX. COVERAGE	25% for dwelling, 8% for garage 4.0m	40%	NON CONFORMING
5. MIN. FRONT YARD	25 feet (7.62 m)	6m (19.68 feet)	NON-CONFORMING
6. MIN. SIDE YARDS.	4 FT. + 2 FT. for a two storey dwelling on one side, 10 feet on the other side	4 ft. (1.2 m) north side yard, South side yard is on lake side (south) and will comply. <small>(Note: south yard will include a setback area for buildings and structures from the seawall see site plan.)</small>	NON-CONFORMING <i>(north side of dwelling)</i>
7. MIN. REAR YARD	equal to height of main building	6 m (19.68 feet)	NON-CONFORMING
8. MAX. BUILDING HEIGHT	2 storeys for main building, 18 ft. (5.48 m) for accessory buildings	2 storey residence	CONFORMING
9. FLOOR AREA RATIO	0.40	Na	WILL CONFORM
10. MIN. GROUND FLOOR AREA	750 Sq ft. for 2 storey building	Na	WILL CONFORM
11. MIN. OFF STREET PARKING	1.5 per DWELLING	2 spaces	WILL CONFORM

**SKETCH**  
**ILLUSTRATING EXISTING RETAINING WALL**  
**FOR: FRANK SHERIFI**

**CAUTION**

THIS IS NOT A PLAN OF SURVEY OR SURVEYOR'S REPORT AND SHALL NOT BE USED FOR TRANSACTION OR FINANCING PURPOSES

SCALE 1:200

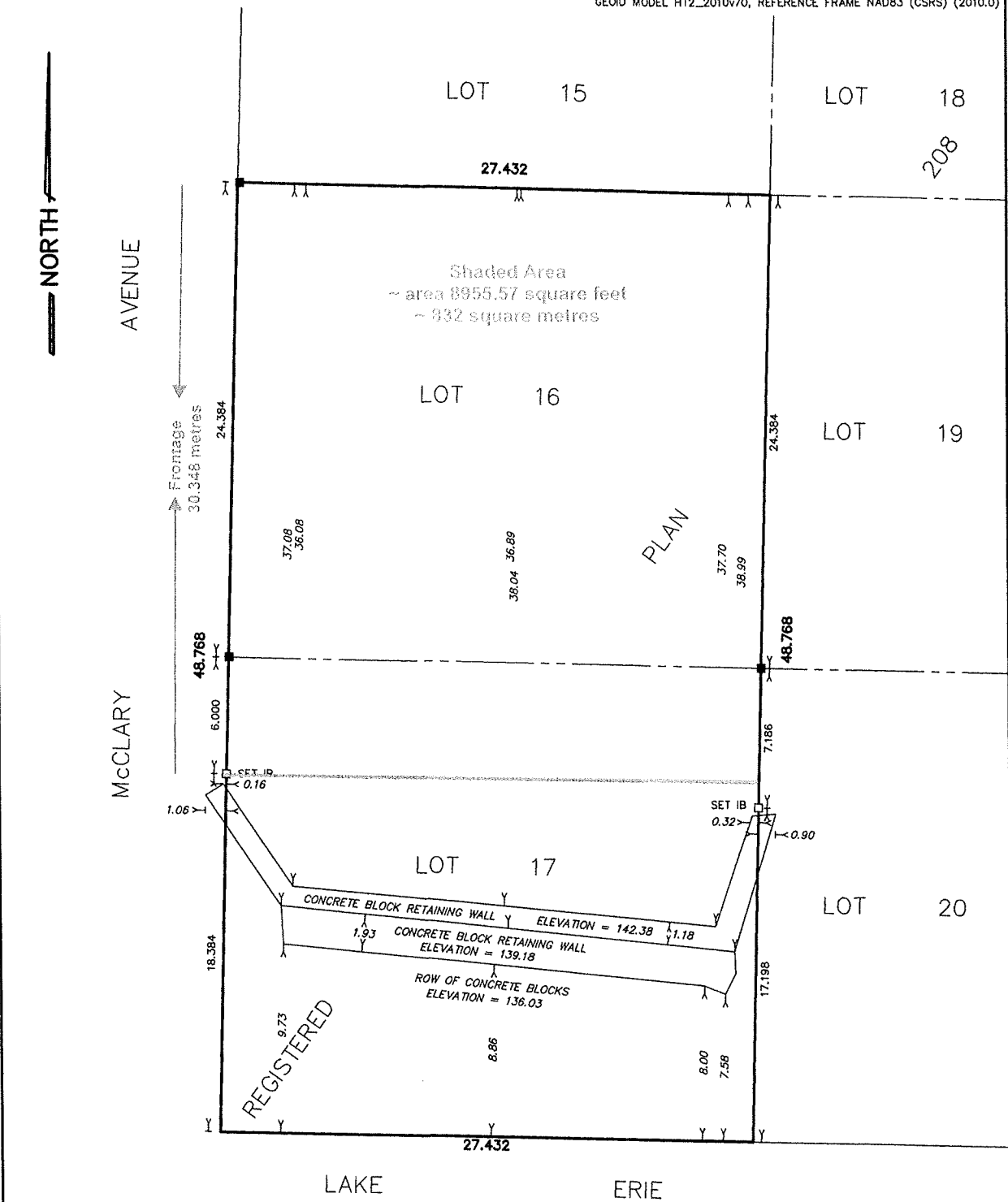


**METRIC**

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**NOTE**

- (1) - PROPERTY DIMENSIONS ARE AS SHOWN ON REGISTERED PLAN 208
- (2) - THIS SKETCH WAS COMPLETED FROM FIELD WORK COMPLETED ON THE 13th DAY OF APRIL, 2023.
- (3) - ELEVATIONS ARE REFERRED TO CANADIAN GEODETIC DATUM 1928, GEOID MODEL HT2\_2010V70, REFERENCE FRAME NAD83 (CSRS) (2010.0)



**PROPERTY DESCRIPTION:**  
 LOTS 16 AND 17  
 REGISTERED PLAN 208  
 (VILLAGE OF PORT STANLEY)  
 MUNICIPALITY OF CENTRAL ELGIN  
 COUNTY OF ELGIN

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**KIM HUSTED SURVEYING LTD.**  
 ONTARIO LAND SURVEYOR  
 30 HARVEY STREET, TILSONBURG, ONTARIO, N4G 3J8  
 PHONE: 519-842-3638 FAX: 519-842-3639

PROJECT: 09-8890 REFERENCE: FILE



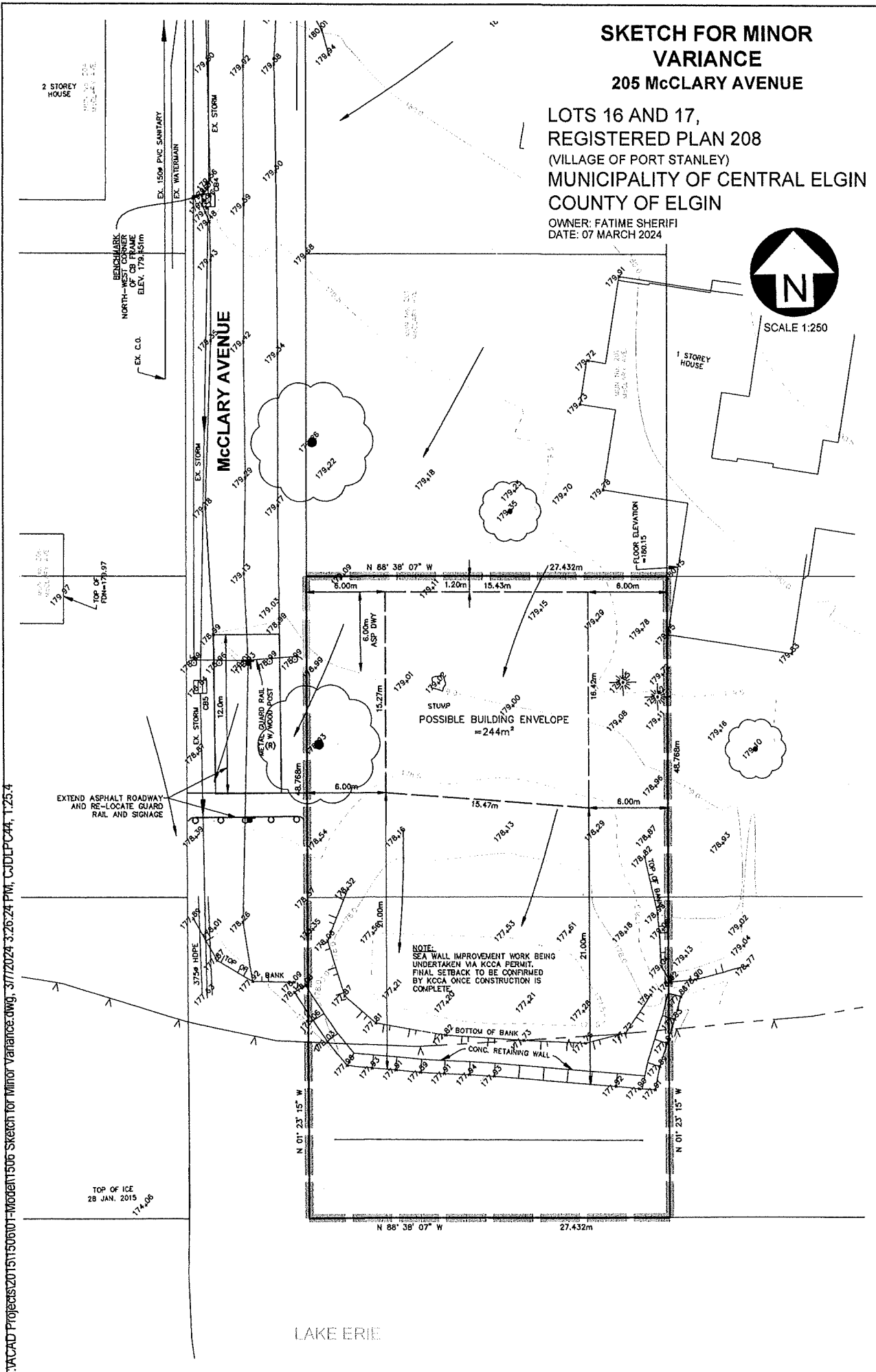
**SKETCH FOR MINOR VARIANCE**  
**205 McCLARY AVENUE**

LOTS 16 AND 17,  
 REGISTERED PLAN 208  
 (VILLAGE OF PORT STANLEY)  
 MUNICIPALITY OF CENTRAL ELGIN  
 COUNTY OF ELGIN

OWNER: FATIME SHERIFI  
 DATE: 07 MARCH 2024



SCALE 1:250



I:\VACAD Projects\2015\150107-Model\1506 Sketch for Minor Variance.dwg, 3/7/2024 3:26:24 PM, C:\DLP\044, 1:25:4

TOP OF ICE  
 28 JAN. 2015  
 174.66

LAKE ERIE

March 7, 2024

**ATT:** Members of the Central Elgin Committee of Adjustment,

**RE:** APPLICATION FOR MINOR VARIANCE

205 Mc Clary Avenue , Port Stanley

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The purpose of our application to the Committee is to obtain approval for 5 minor variances to enable us to build a new detached residence on the vacant lot we own at 205 Mc Clary Avenue. A detached residential dwelling is a permitted use in the R1 zone.

To assist you in the review of our application we have provided some additional information to assist your review.

### **Variations**

The variations requested from the Port Stanley Zoning By-law R1 Zone are:

- A front yard setback of 6 metres whereas the zoning regulations require a front yard setback of 25 feet (7.62 metres), and
- A rear yard setback of 6 metres whereas the zoning regulations require a rear yard setback equal to the height of the main building, and
- A side yard setback of 1.2 m on north side of dwelling whereas the zoning regulations require side yard of 4 feet ( 1.2 m) plus 2 feet (0.6 m) for a two storey dwelling.
- A maximum Lot coverage of 40 % whereas the zoning regulations require coverage of 25 % for the dwelling and 8% for the garage, and
- A reduction in the minimum lot depth to 27 m whereas the zoning regulations require a minimum lot depth of 100 feet (30.48 metres).

The lot and the proposed dwelling location comply with the remaining R1 Zone regulations as shown in the attached Zoning Table.

The proposed variations reflect the more recent R1 Zoning regulations related to yards, lot depth and coverage being applied to new housing developments in Port Stanley ( i.e. Kokomo).

### **The Lot**

Our lakefront lot is in a residential neighbourhood on the east side of Mc Clary Avenue.

The lot is legally described as lots 16 and 17 on RP 208 and exceeds the zone requirements for lot frontage and area. However, a portion of the lot is within the lake; therefore, to illustrate compliance, the lot frontage and area calculations have been taken from the closest point of the seawall to McClary Avenue.

This portion of the lot has a frontage of 100 feet (30.48 metres) measured to the closest point of the seawall and a total area of approximately 8,955.57 sq feet (832 metres) measured as a rectangle to the closest point of the seawall ( see Surveyors sketch).

The attached minor variance sketch illustrates a proposed building area of 244 m<sup>2</sup> (2,626.4 sq. ft.) and identifies the proposed side and rear yards.

Water and sewer services are available on Harrison Place and a storm sewer is available on McClary Avenue.

### **Consultation**

A consultation meeting was held with the Central Elgin Planning Office, in 2023, prior to submitting this application.

### **Municipality of Central Elgin Official Plan:**

We understand that our lot is located within the residential designation under the Official Plan as shown on Schedule G to the Plan and that a residential dwelling is a permitted use.

We also understand that the southerly portion of the lot abutting Lake Erie is located within the Shoreline Erosion Hazard Limit as shown on Schedule G2 to the Plan. To comply with the Shoreline Erosion Hazard Limit policy requirements, we hired a qualified consultant to prepare a Coastal Analysis and Seawall Design for the lake side of the lot as well as a geotechnical study to establish the erosion hazard limit and the setback for buildings and structures from the seawall. These reports were completed, and we have received the appropriate permit from the Kettle Creek Conservation Authority to carry out the recommended seawall repairs and improvements. The intended setback for buildings and structures from the seawall is 21 metres. The attached minor variance sketch provides additional information.

It is our desire to build a new home that is appropriate for the area and will not alter the character of the neighbourhood. We believe the variances requested are minor and are in keeping with the policies and intent of the official plan and the zoning by-law.

#### **APPLICATION**

Enclosed with this letter, you will find:

One (1) copy of the Minor Variance Application Form;

One (1) letter and zone table;

One (1) copy of a surveyor's sketch of the lot;

One (1) Sketch for Minor variance;

One (1) cheque in the amount of \$534.50 for the application fee made out to the Municipality Of Central Elgin.

Respectfully

FRANK JHERIFI  
Jherifi