



THE MUNICIPALITY OF CENTRAL ELGIN

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:

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.

- Schedule A - answers to Question 10 of this application, Site plan, zoning comparison table, floor plan and elevation proposal
Letter from licensed septic installer , Letter from licensed well installer
Catfish Creek Conservation Authority - email stating no permit required

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.



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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: DARREN PAYLER  
Address: 9 LYNHURST AVE, ST. THOMAS ON N5P 1W2  
Telephone (home): 226-678-7371 (business) \_\_\_\_\_  
E-Mail: dpayler@yahoo.com
  
2. Is the applicant the owner of the land?  Yes  No If no, please provide:  
Name of owner: RICHARD MARK PAYLER  
Address: 9360 POWERS ROAD, RR3 ST. THOMAS ON N5P 3S7  
Telephone (home): 519-773-3583 (business) \_\_\_\_\_  
E-Mail: r\_mpayler@yahoo.com
  
3. When was the subject land acquired by the current owner? 1987
  
4. Name of Agent (if any): N/A  
Address: \_\_\_\_\_  
Telephone: (home): \_\_\_\_\_ (business) \_\_\_\_\_  
E-Mail: \_\_\_\_\_
  
5. Location of Property ("subject lands"):  
Registered Plan No.: \_\_\_\_\_ Lot No.(s): \_\_\_\_\_  
Concession No.: CON 8 W Lot No.(s): PT LOT 21 AND E PT; LOT 22  
Reference Plan No.: 11R 3010 Part No.(s): PART 1  
Municipal Address: 9360 POWERS ROAD
  
6. Municipality of Central Elgin Official Plan:  
Designation of the subject lands: AGRICULTURAL, NATURAL HERITAGE AND NATURAL HAZARD
  
7. Current applicable Zoning By-law: TOWNSHIP OF YARMOUTH ZONING BY-LAW No. 1998  
Current applicable zone: OS1

8. What is the present use(s) of the subject lands? SINGLE DETACHED DWELLING, DETACHED SHOP,  
AND WORKABLE LAND THAT IS RENTED OUT FOR CASH CROPS

How long has this use(s) continued on the subject lands? PRIOR TO 1987

9. What is the proposed use of the subject lands? SINGLE DETACHED DWELLING, DETACHED ADDITIONAL RESIDENTIAL (ARU)  
WITH LARGE GARAGE AND WORKABLE LAND THAT IS RENTED OUT FOR CASH CROPS

10. Nature and extent of relief from the zoning by-law: please see attached page "Schedule A"

Reason(s) why the proposed use cannot comply with the provisions of the zoning by-law: \_\_\_\_\_  
please see attached page "Schedule A"

11. Dimensions of the subject lands:  
 Frontage (m): 167 m on POWERS ROAD Street/Road/Highway  
 Depth (m): 274 m  
 Area (m<sup>2</sup>): 63,726 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>
	<u>PRIMARY SDD</u>	<u>SHOP (to be demolished)</u>	<u>PROPOSED DETACHED ARU w ATTACHED SHOP</u>
Building type:			
Length (m):	<u>22.5 m</u>	<u>20 m</u>	<u>24.3m</u>
Width (m):	<u>9.7 m</u>	<u>7.6 m</u>	<u>19.8 m</u>
Height (m):	<u>7.2 m</u>	<u>4.6 m</u>	<u>5.5 m</u>
No. of storeys:	<u>2</u>	<u>1</u>	<u>1</u>
Ground floor area (m <sup>2</sup> ):	<u>138 sq.m.</u>	<u>50.92 sq.m.</u>	<u>371.6 sq.m.</u>
Gross floor area (m <sup>2</sup> ):	<u>230.9 sq.m.</u>	<u>50.92 sq.m.</u>	<u>371.6 sq.m.</u>
Parking area (m <sup>2</sup> ):	<u>400 sq.m.</u>	<u>N/A</u>	<u>350 sq.m.</u>
Setback, front lot line (m):	<u>West 64 m</u>	<u>83 m</u>	<u>83 m</u>
Setback, rear lot line (m):	<u>East 198 m</u>	<u>171 m</u>	<u>159 m</u>
Setback, side lot line (m):	<u>North 66 m</u>	<u>54.9 m</u>	<u>54.9 m</u>
Setback, side lot line (m):	<u>South 80 m</u>	<u>119 m</u>	<u>107 m</u>
Date constructed:	<u>1988</u>	<u>2003</u>	<u>PROPOSED 2024</u>

**PROPOSED**

**BUILDING 1**

**BUILDING 2**

**BUILDING 3**

**Building type:** ALL INFO INCLUDED IN CHART ABOVE-SEE INFO UNDER BUILDING 3 \_\_\_\_\_

**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):** \_\_\_\_\_

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: Grading will be maintained as is

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, Darren Payler 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 City of St. Thomas

In the County of Elgin

this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2024

Crystal Marie Penney  
A Commissioner, etc.

[Signature]  
Signature of Owner or Authorized Agent

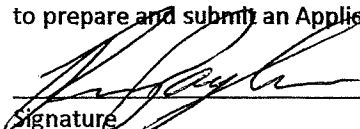
**Crystal Marie Penney, a Commissioner, etc.,**  
Province of Ontario, for the  
Corporation of the City of St. Thomas.  
Expires September 21, 2025.

**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) RICHARD PAYLER, being the Applicant(s) and/or registered Owner(s) of the subject lands, hereby authorize DARREN PAYLER to prepare and submit an Application for a Minor Variance.

  
Signature  
5                      MAY                      2024  
Day                      Month                      Year

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**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 DARREN PAYLER (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.

  
Signature                      06                      05                      2024  
Day                      Month                      Year

QUESTION 10. NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:

Seeking relief from 3 sections of Township of Yarmouth By-Law No.1998,

1)REGULATION - Sentence 7.6.2 states that no building shall be permitted by subsection 7.6 unless municipal water and sanitary sewers are available for connection.

RELIEF REQUESTED – to permit the proposed detached Additional Residential Unit to be located on a rural property where municipal water and sanitary sewers are NOT available.

2)REGULATION – Sentence 7.6.6 states that the floor area of an additional residential unit cannot exceed 40% of the floor area of the primary dwelling.

RELIEF REQUESTED – to permit the proposed detached Additional Residential Unit to be 56% of the floor area of the primary dwelling.

3)REGULATION – Sentence 7.6.5 states that the maximum height of an additional residential unit is 4 meters.

RELIEF REQUESTED – to permit the detached Additional Residential Unit to be 4.4m high.

REASONS WHY THE PROPOSED USE CANNOT COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:

1)The property is in a rural/agricultural area within the Township, these services are not available. The lands are large enough to accommodate the proposed construction as well as any required alteration to the existing septic system(septic report attached). The private well is large enough to accommodate the additional dwelling (report attached). There will be no adverse affect on the existing property nor any neighboring property. The proposed location has been approved as being of no concern by the Catfish Creek Conservation Authority. (email attached)

2)The property is located in a rural/agricultural area within the Township. The primary dwelling unit has a floor area of 2485 sq.ft.(230.8 sq.m.) on 2 storeys, which would result in a maximum ARU size of 994sq.ft.(92.3sq.m). The proposed ARU area is 1400 sq.ft.(130 sq.m.) This is 56%, this exceeds the requirement by 16% (406sq.ft)(37.7sq.m.). The ARU is for myself, my wife and our 2 children to live in while my parents age in place. When the time comes that my parents need a smaller, 1 level residence, we will switch and they will reside in the ARU. This will allow my parents to enjoy the property that they have worked so hard to maintain over the years and have me close by for when they need assistance, while still affording privacy for both families.

The total lot coverage for an OS1 property is permitted to be 20% (sentence 8.2.1.6). Our proposal has a total lot coverage of 0.9% of the property. There will be no adverse affect on the existing property nor any neighboring property.

3)The property is in a rural/agricultural area within the Township. The proposed ARU has 9ft ceilings with a 6:12 roof, this a building height of 4.4m. This exceed the by-law regulation by 0.4m (1'-3 ¾"). The height is requested for nicer design and larger windows in the ARU. There are no restrictions on height for buildings in an OS1 Zone, therefore, there will be no adverse affect on the existing property nor any neighboring property.



Elgin County Parcels (1)

34180000704300 - 9360 POWERS RD

Owner (Primary): PAYLER RICHARD MARK

Owner (Secondary): PAYLER MARILYN DALE

Mailing Address:

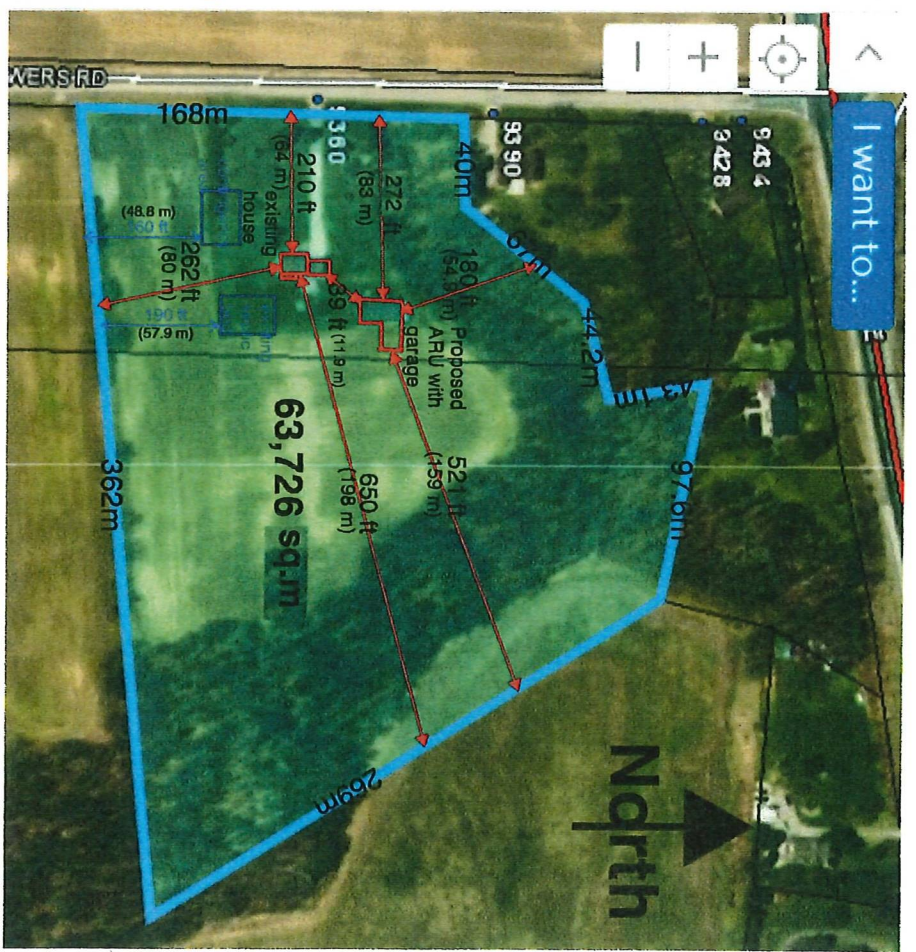
9360 POWERS RD

RR 3

ST THOMAS ON

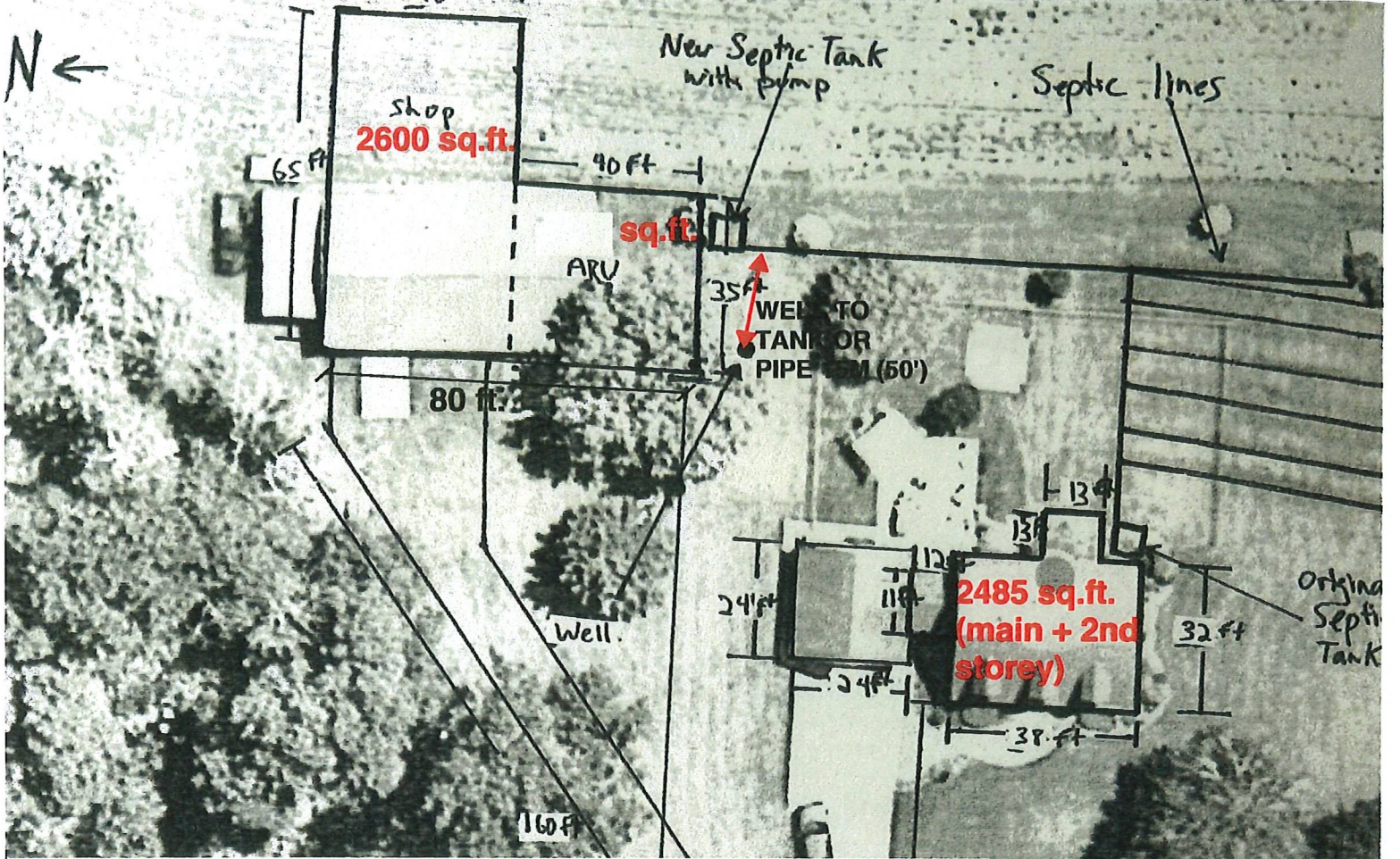
N5P 3S7

Legal Description: CON & W PT LOT 21 AND E PT, LOT 22 RP 1 TR3010 PART 1



hatched area = Regulation Limits

existing storage barn to be demolished, proposed new ARU with large attached garage not to encroach any further towards regulation limit



## 9360 POWERS ROAD St.Thomas - Zone OS1 Review

Item	Requirements for OS1 Zone	Proposed	Conforms
Lot Area (minimum)	1858 m <sup>2</sup>	63,726 m <sup>2</sup>	existing
Lot Frontage (minimum)	100 feet	551 feet	existing
Front Yard (minimum)	65 feet	West - 210 feet	to existing primary dwelling
Side Yard -interior (minimum)	15 feet	North - 255 feet	to existing primary dwelling
Side Yard -interior (minimum)	15 feet	South - 262 feet	to existing primary dwelling
Rear Yard (minimum)	half height of primary dwelling	East - 650 feet	to existing primary dwelling
<b>Additional Residential Unit (ZBL 7.6)</b>	<b>Requirements for detached ARU</b>	<b>Proposed</b>	<b>Conforms</b>
ZBL 7.6.1	ARU permitted in accessory building	detached ARU in accessory building	YES
ZBL 7.6.2	municipal water and sanitary sewer available for use	municipal services not available	Minor Variance Required
ZBL 7.6.5(b)(1) Rear Yard Setback	1.2 meters	East - 521 feet	YES
ZBL 7.6.5 (b)(2) Side Yard Setback	1.2 meters	North - 180 feet	YES
ZBL 7.6.5 (b)(3) (Height of ARU) (maximum)	4 meters to mid-point of roof	4.4m	Minor Variance Required
ZBL 7.6.6 Floor Area of ARU	40% of primary dwelling floor area	primary dwelling 2485 sq.ft. ADU 56% 1400 sq.ft.	Minor Variance Required
Lot Coverage	total of existing & proposed	2485+1400+2600=6485	YES
Lot Coverage %	20%	0.9%	YES
Driveway & Parking	1 parking space for ARU	4 + proposed	YES

**9360 POWERS ROAD**  
**APR 20, 2024**  
**Page 2 of 2**

NORTH

65'-0"

40'-0"

EAST

SOUTH

35'-0"

GARAGE/SHOP  
12' CEILINGS  
2600 sq. ft.

30'-0"

40'-0"

MAIN FLOOR PLAN

1420 sq. ft. DETACHED ACCESSORY DWELLING UNIT

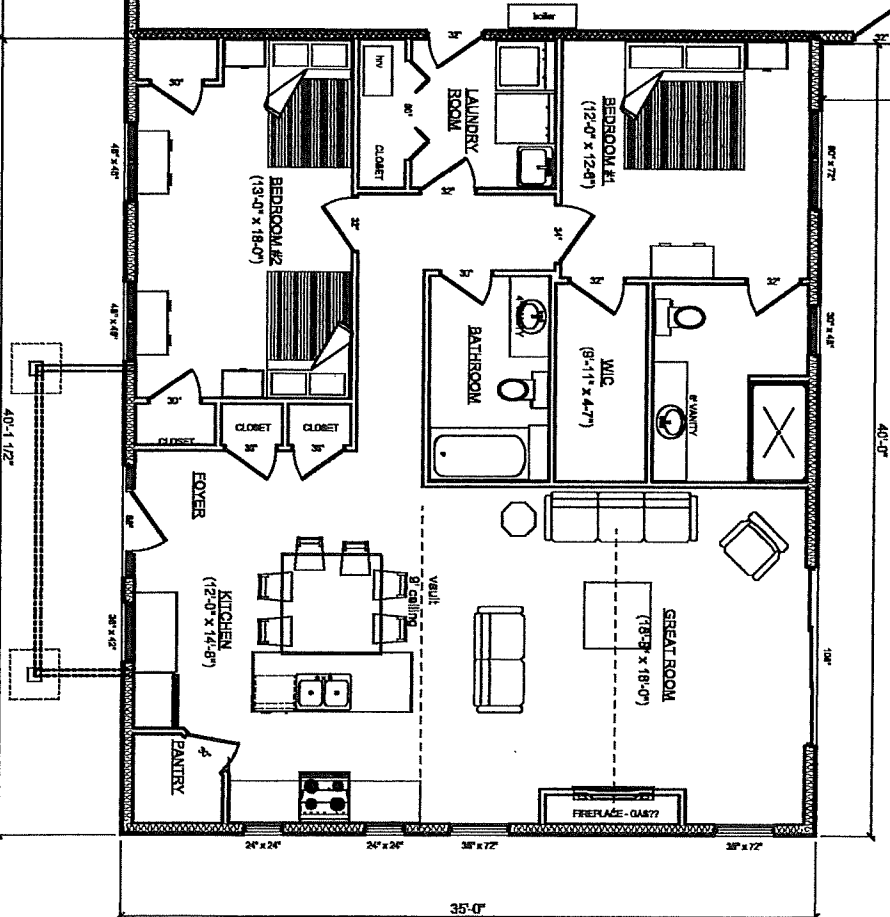
NOT TO SCALE

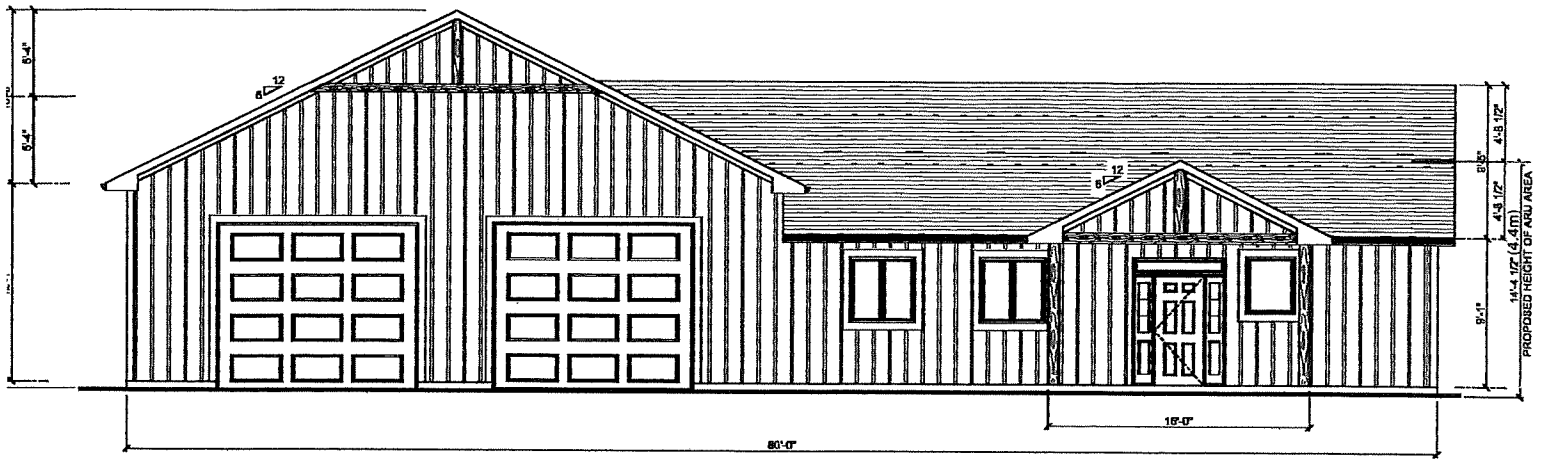
WEST

39'-10 1/2"

40'-1 1/2"

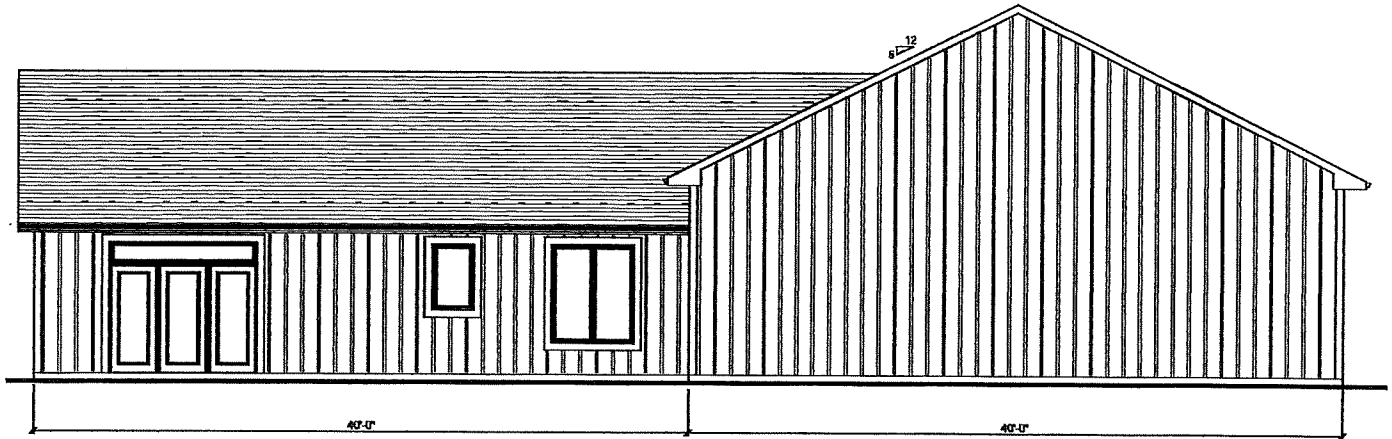
9360 POWERS ROAD  
APRIL 20 2024





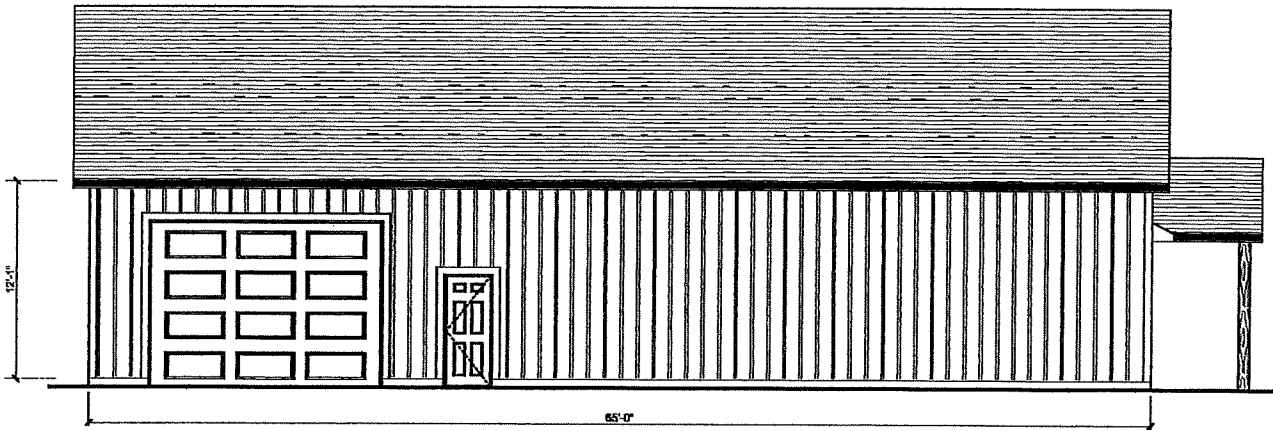
**FRONT ELEVATION (WEST)**

NOT TO SCALE



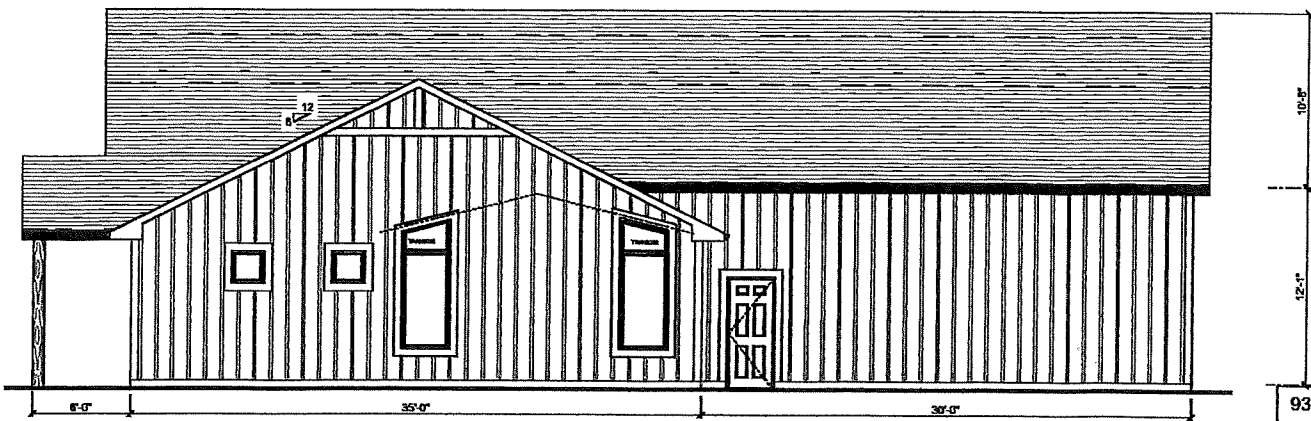
**REAR (EAST)**

NOT TO SCALE



**LEFT SIDE (NORTH)**

NOT TO SCALE



**RIGHT SIDE (SOUTH)**

# REPORT FROM PETER NORTH, LICENSED SEPTIC SYSTEM INSTALLER RE 9360 POWERS ROAD

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**Subject:**

FW: Septic System Evaluation 9360 Powers Rd Central Elgin Darren and Richard Payler

Dear Sirs,

I was asked to attend at the above listed owners farm property to evaluate their present septic system and its ability to be modified to increase its capacity and flow rate.

The present system is in good condition, works properly, and is more than adequately designed for the home its serving.

The homeowners wish to construct a second dwelling, small home, grannyflat style for parents to retire to.

They have asked that we evaluate whether the present system could handle the additional flow. Based on the information provided and reviewed on the present and new home, an increase in the size of the field bed and a separate septic tank/pump chamber would be required.

Certainly, with the size of this property, an addition to the field bed does not present a problem. It is also no problem to see there is more than adequate area for reserve area in the event the system were to fail at some point in the future.

Ideally a separate small system dedicated to the new dwelling, would be the obvious first choice were the Municipality to allow this option by means of a Minor Variance.

At this point, having reviewed the system the home and the proposed dwelling I can see no reason that either of these options wouldn't serve these homeowners well into the future.

If you have any further questions or concerns I can be reached by phone or email and would be pleased to answer any questions.

I have enclosed my relevant information and I am a registered septic system designer and installer in the Province of Ontario.

Kindest regards

Peter North 519-319-1776, [pd.north485@gmail.com](mailto:pd.north485@gmail.com)

Supervisor BCIN 42905

Company 2026272 Ontario Inc BCIN 43439

Sent from my iPad

**David S. Ross Pump Service Ltd.**

51464 Pressey Line

Springfield ON.

N0L 2J0

P: 519-773-9615 C: 519-808-1655 F: 519-773-9617

rossds@live.com

March 12, 2024

To Whom it may concern,

This letter is in regards to the property owned by Richard Payler, located at:  
9360 Powers Road, St. Thomas Ontario, N5P 3S7.

We conducted an inspection and test pump on the well at the above stated property.  
We have determined that this well is more than adequate for residential use.

Please feel free to contact me with any questions or concerns,

Thank you,



---

David S. Ross

Well Contractors Licence #4634

**EMAIL DATED APRIL 25, 2024 FROM CATFISH CREEK  
CONSERVATION AUTHORITY RE 9360 POWERS ROAD**

---

**Subject:**

FW: 9360 Powers road minor variance

**From:** Gerrit Kremers <[planning@catfishcreek.ca](mailto:planning@catfishcreek.ca)>  
**Date:** April 25, 2024 at 9:30:16 AM EDT  
**To:** [dpayler1@gmail.com](mailto:dpayler1@gmail.com)  
**Subject:** RE: 9360 Powers road minor variance

Hello Darren,

Here is my response from the other day, email seemed to bounce back when I sent it the first time so hope it goes through this time.

Good Morning,

Upon examining the proposed site plan outlined in the email below, it is deemed that the works will be occurring outside of the regulated area pursuant to the CONSERVATION AUTHORITIES ACT. Meaning no permit will be required from Catfish Creek Conservation Authority. If the site plan does change at all, please reach out as part of the property is within the conservation authority regulated area.

Thank You,



**Gerrit Kremers**  
Resource Planning Coordinator  
[planning@catfishcreek.ca](mailto:planning@catfishcreek.ca)  
519-773-9037 ext. 18  
Catfish Creek Conservation Authority  
8079 Springwater Rd.  
Aylmer, ON N5H 2R4

**From:** [dpayler1@gmail.com](mailto:dpayler1@gmail.com) <[dpayler1@gmail.com](mailto:dpayler1@gmail.com)>  
**Sent:** April-24-24 9:55 AM  
**To:** Gerrit Kremers <[planning@catfishcreek.ca](mailto:planning@catfishcreek.ca)>  
**Subject:** Fwd: 9360 Powers road minor variance

Hi Gerrit,

I am just following up on our conversation from earlier this week regarding the conservation authority's stance on plans to build at 9360 Powers road. We just need your response so we can proceed with the minor variance. If you can send your reply to the original email, I can then forward it off to the municipality.

Much appreciated,

Darren Payler

Sent from my iPhone

Begin forwarded message:

**From:** [dpayler1@gmail.com](mailto:dpayler1@gmail.com)  
**Date:** April 12, 2024 at 12:02:12 PM EDT  
**To:** [planning@catfishcreek.ca](mailto:planning@catfishcreek.ca)  
**Subject:** 9360 Powers road minor variance

Good morning,

I was given this email by Steve Craig at Central Elgin planning. We are applying for a minor variance to build an additional residential unit at 9360 Powers Road. We are required to get an opinion from the CCCA. I've attached the site plan. The new building will not be any closer to the hillside than the existing building is now. The existing building will be removed (as per the site plan), and the new building will go in its place. Please let me know if you have any questions about the project and if we are ok to proceed with the minor variance application. Thank you,

Darren Payler  
226-678-7371

