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: Dan Broadfoot
   Address: 5105 Buena Vista Drive, Texas , USA
   Telephone (home): 214-578-6746 (business) _____
   E-Mail: danbroadfoot22@gmail.com

2. Is the applicant the owner of the land? ☑ Yes ☐ No If no, please provide:
   Name of owner: _____
   Address: _____
   Telephone (home): _____ (business) _____
   E-Mail: _____

3. When was the subject land acquired by the current owner? _____

4. Name of Agent (if any): Ted Halwa
   Address: 242 Edward Street, Port Stanley, N5L 1A4
   Telephone: (home): 519-671-3083 (business) _____
   E-Mail: thalwa54@gmail.com

5. Location of Property ("subject lands"):
   Registered Plan No.: 117 Lot No.(s): Lot 9, N/S of George St.
   Concession No.: _____ Lot No.(s): _____
   Reference Plan No.: _____ Part No.(s): _____
   Municipal Address: 321 George Street

6. Municipality of Central Elgin Official Plan:
   Designation of the subject lands: Residential / Dynamic Beach

7. Current applicable Zoning By-law: _____
   Current applicable zone: _____

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

How long has this use(s) continued on the subject lands? _____

9. What is the proposed use of the subject lands? _____

10. Nature and extent of relief from the zoning by-law: _____

Reason(s) why the proposed use cannot comply with the provisions of the zoning by-law: _____

11. Dimensions of the subject lands:
Frontage (m): _____ on _____ Street/Road/Highway
Depth (m): _____
Area (m^2): _____

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):

EXISTING	BUILDING 1	BUILDING 2	BUILDING 3
Building type:			
Length (m):			
Width (m):	Building was demolished (permitted)		
Height (m):			
No. of storeys:			
Ground floor area (m^2):			
Gross floor area (m^2):			
Parking area (m^2):			
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:			
Length (m):			
Width (m):			
Height (m):			
No. of storeys:			
Ground floor area (m^2):			
Gross floor area (m^2):			
Parking area (m^2):			
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: _____

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 Municipality of Central Elgin, 450 Sunset Drive, St. Thomas, Ontario, N5R 5V1, and must be accompanied by the application fee of $553.75.**

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

DECLARATION:

I, Dan Broadfoot of Frisco, TX
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
_____ of _____
In the County of _____
this September
day of 17th A.D. 2026

E Austerberry
A Commissioner, etc.

Signature of Owner or Authorized Agent

Ted Halwa, of Port Stanley

T. Halwa

municipality of Central Elgin

This 21st Day of September 2026

Emerald Jan Austerberry,
a Commissioner, etc.,
Province of Ontario,
for The Corporation of the
Municipality of Central Elgin.
Expires February 3, 2036.

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) Dan Broadfoot, being the Applicant(s) and/or registered Owner(s) of the subject lands, hereby authorize Ted Halwa to prepare and submit an Application for a Minor Variance.

Signature

17 09 2026
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 Dan Broadfoot (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 17 / 9 / 2025
Day Month Year

Broadfoot MV Application Inserts

7. Zoning By-law No. 1507; Residential Zone 1 (R1)

8. vacant; previous dwelling demolished May 2026

9. residential

10. increase in the max permitted # of storeys from 2 to 3; decrease in the minimum front yard from 25 feet to 4.5 m; increase in the maximum floor area ratio from 0.40 to 0.63

Reasons

11. Frontage : 20.1m on George Street, Depth : 38.9m ; Area: 771.1sq m

12. Access to the subject lands from William Street – a year round maintained municipal road

13. no existing buildings or structures on subject lands. Previous dwelling demolished 2026

Proposed buildings:

Building type: single unit detached dwelling
Length(m): 20.2
Width(m): 12.3

Height(m)
No of storeys: 3

Ground Floor Area (m^2):140

Gross Floor area (m^2): 442.7
Parking Area (m^2): 46.0

Front Yard Setback(m): 4.5

Rear Yard Setback(m): 13.2

Interior Yard Setback (m): 3.3

Exterior yard Setback (m): 4.4

14. Publicly owned and operated piped water system

15. Publicly owned and operated sanitary sewage system.

16. Other means. – infiltration

17. (a) to (c) - No

Attachment: Application for Minor Variance: 321 George Street, Port Stanley, Municipality of Central Elgin

#10 Nature and Extent of Relief required from the Zoning By-law

i) an increase in the maximum number of storeys from **2** to **3** for the main dwelling [Section 9.2.1.8 (a)];

ii) a decrease in the minimum front yard setback from **25 ft** to **4.5 m** (15') (Section 9.2.1.7.1);

iii) an increase in the maximum floor area ratio from **0.40 to 0.63** (Section 9.2.1.9);

Why the Proposed Use and Redevelopment cannot comply with the provisions of the Zoning by-law and Justification for the Extent of Relief required.

i) Increase in the Maximum Number of Storeys of the Main Dwelling from 2 to 3

The dwelling proposed on the subject lands is, for all intents and purposes, a 2 storey dwelling comprising a basement, main floor and second floor. To provide safe and convenient access to a proposed roof-top deck, a relatively small, modest ancillary room is proposed above the second floor. It would include an elevator shaft and stairwell, a two piece bathroom and access to an outside deck. With a floor area of 30 sq. m (327 sq. ft.), its footprint would be just over 15% of the floor area of the much larger second floor (1921 sq. ft or 178.5 sq m) below. Far from being a full storey, it is unlikely to be visually perceived as such. Furthermore, it would not constitute habitable living space in the conventional sense and used only on an occasional basis. Based on the forgoing and being situated towards the rear of the dwelling, its visual impact from George Street would not be significant. Nevertheless, it would constitute a storey as defined under the Zoning By-law, resulting in the maximum 2 storey limit being exceeded.

Based on the forgoing, particularly the size and limited visual impact of the proposed '3rd storey, it is submitted that the variance being requested is minor and desirable for the development and use of the lands. While compliance with the Zoning By-law could be achieved by eliminating it, the alternative would reduce safe and convenient access to and use of an amenity with no apparent adverse impact on adjacent lands or uses.

The residential character of the neighbourhood would be retained consistent with the intent of the Official Plan which designates the lands 'Residential'. The intent and purpose of the Zoning By-law to limit the height of dwellings in the R1 zone to essentially two storeys would, in effect, be maintained.

Finally, it is noted that permission for a roof-top access above the second floor to a roof-top deck has been granted in the past by the Municipality (R1-65) and the Municipality has on numerous occasions permitted an increase in the maximum number of storeys from 2 to 3 for a dwelling in an R1 zone by site-specific rezoning or minor variance.

ii) Decrease in the minimum front yard setback from 25 ft to 4.5 m (15')

The minimum required setback of 25 feet for a dwelling in the R1 zone is intended to ensure there is sufficient space within the limits of the lot to accommodate parking in front of the dwelling without encroaching onto the abutting road allowance. In this particular instance, as a result of the elevation of the lot above the grade of the street and an accompanying supporting retaining wall, the front yard is not accessible and never will be, for all intent and purposes, for off-street parking.

While it would be feasible to locate the proposed dwelling further back from the front lot line in compliance with the minimum required setback, locating it closer to the street, as being proposed, would result in an increase in the private outdoor amenity space available on the lot which is compromised by the fact it constitutes a corner lot with its frontage and flankage both abutting a public street. Given the abutting commercial use to the east (Circle K) and the intervening public street (i.e. William Street) to the west, a reduced front yard setback of the degree being requested would not have an adverse impact on neighbouring uses. The previous recently demolished (2026) dwelling on the subject lands had a minimum front yard setback of 2.5 m.

iii) Increase in the Floor Area Ratio (FAR) from 0.40 to 0.63

The Floor Area Ratio (FAR), defined as... *the floor area of all buildings and structures on a lot divided by the area of the lot*, is designed to regulate the overall intensity or scale of development on a lot.

The FAR is an uncommon and arguably redundant standard rarely employed today, particularly in small communities where maximum lot coverage and building height are generally found sufficient to regulate development intensity. Within Elgin County, an FAR requirement is only found to be in effect in areas governed by zoning by-laws dating back to the late 1960s—namely, the formerly incorporated Village of Port Stanley and Township of Yarmouth now comprising the Municipality of Central Elgin. All current and updated zoning by-laws in Elgin County do not include maximum FAR standards, and it is doubtful that the new comprehensive zoning by-law for Central Elgin, now in preparation, will.

The Municipality has increasingly distanced itself from the rigorous application of this standard and has routinely granted exemptions and relief from it by way of site- specific rezonings and by the granting of minor variances when requested. In new development, it has frequently eliminated it as a requirement.

Granting the minor requested on what constitutes a full-sized residential lot and even eliminating it in its entirety, would not result in over development of the lot or an adverse impact on adjacent uses and development.

For the reasons stated, the three variances being requested are, individually and cumulatively, considered minor in nature, desirable for the appropriate use and development of the lands, and consistent with the intent and purpose of the Official Plan and Zoning By-law which designates and zones the lands for residential purposes. Cumulatively, their impact will not result in overdevelopment of the subject lands or have an adverse impact on neighbouring properties. The character, scale and intensity of neighbourhood development will not change and, to many, will actually be enhanced.