

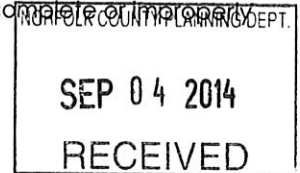
MINOR VARIANCE

File Number ANPL2014170  
 Related File Number BN PL 2014056  
 Pre-consultation Meeting On \_\_\_\_\_  
 Application Submitted On September 4, 2014  
 Complete Application On \_\_\_\_\_

Application Fee \$ 723.00 (675.00 + 45.00)  
 Conservation Authority Fee \_\_\_\_\_  
 OSSD Form Provided \_\_\_\_\_  
 Sign Issued \_\_\_\_\_

This development application must be typed or printed in ink and completed in full. An incomplete or improperly prepared application may not be accepted and could result in processing delays.

Property assessment roll number: 3310-491-012-12 000.000 0



The undersigned hereby applies to the Committee of Adjustment under Section 45 of the Planning Act, R.S.O. 1990, c. P. 13, for relief as described in this application from by-law no. \_\_\_\_\_

**A. APPLICANT INFORMATION**

Name of Applicant <sup>1</sup> SHABATURA FARMS LTD. Phone # 519-443-5919  
 Address 1815 WDM Rd. 9 RR#1 Fax # 519-443-4643  
 Town / Postal Code Windham Centre, ON N0E 2A0 E-mail Mary@shabatura-produce.com  
<sup>1</sup> If the applicant is a numbered company provide the name of a principal of the company.

Name of Agent \_\_\_\_\_ Phone # \_\_\_\_\_  
 Address \_\_\_\_\_ Fax # \_\_\_\_\_  
 Town / Postal Code \_\_\_\_\_ E-mail \_\_\_\_\_

Name of Owner <sup>2</sup> SHABATURA FARMS LTD. Phone # 519-443-5919  
 Address 1815 WDM Rd. 9 RR#1 Fax # 519-443-4643  
 Town / Postal Code WINDHAM CENTRE, ON N0E 2A0 E-mail Mary@shabatura-produce.com  
<sup>2</sup> It is the responsibility of the owner or applicant to notify the Planner of any changes in ownership within 30 days of such a change.

Please specify to whom all communications should be sent <sup>3</sup>: ☒ Applicant ☐ Agent ☐ Owner

<sup>3</sup> Unless otherwise directed, all correspondence, notices, etc., in respect of this development application will be forwarded to the Applicant noted above, except where an Agent is employed, then such will be forwarded to the Applicant and Agent.

Names and addresses of any holders of any mortgagees, charges or other encumbrances on the subject lands:

RBC Royal Bank 55 Norfolk St. S. Simcoe, ON N34 2W1

**B. LOCATION/LEGAL DESCRIPTION OF SUBJECT LANDS**

Geographic Township	<u>WINDHAM</u>	Urban Area or Hamlet	<u>WINDHAM CENTRE</u>
Concession Number	<u>CON 9</u>	Lot Number(s)	<u>LOT 10</u>
Registered Plan Number		Lot(s) or Block Number(s)	
Reference Plan Number		Part Number(s)	
Frontage (metres/feet)	<u>7.108 m</u>	Depth (metres/feet)	<u>228.93 m.</u>
Width (metres/feet)	<u>45.102 m</u>	Lot area (m <sup>2</sup> / ft <sup>2</sup> or hectares/acres)	<u>0.911 ac.</u>
Municipal Civic Address	<u>1130 Windham Rd 9, Delhi</u>		

Are there any easements or restrictive covenants affecting the subject lands?

☐ Yes ☒ No

If yes, describe the easement or covenant and its effect:

**C. PURPOSE OF DEVELOPMENT APPLICATION**

Please explain what you propose to do on the subject lands/premises which makes this development application necessary (if additional space is required, please attach a separate sheet):

Propose to sever a surplus dwelling & continue farming the adjacent lands.

In order to do this, a minor Variance is needed to address the deficiencies with min. lot frontage & front yard setback. As much agricultural land as possible was retained.

Please explain the nature and extent of the amendment requested (assistance is available):

To address the following:

Min. Lot Frontage deficiency of 22.892 metres.

Front Yard Setback of 6.95 m.

Please explain why it is not possible to comply with the provision of the zoning by-law:

Location of the proposed severance due to the long laneway.

**D. PROPERTY INFORMATION**

Present official plan designation(s):

Agricultural

Present zoning:

Agricultural

Is there a site specific zone on the subject lands?

No.

Please describe **all existing** buildings or structures on the subject lands and whether they are to be retained, demolished or removed. If retaining the buildings or structures, please describe the type of buildings or structures, and illustrate the setback, in metric units, from front, rear and side lot lines, ground floor area, gross floor area, lot coverage, number of storeys, width, length, height, etc. on your attached sketch which must be included with your application:

Dwelling (residence) 2 storey.Small Metal Sided BuildingLarge Storage BuildingSee survey for dimensions.

If known, the date existing buildings or structures were constructed on the subject lands:

circa 1960

If an addition to an existing building is being proposed, please explain what will it be used for (e.g. bedroom, kitchen, bathroom, etc.). If new fixtures are proposed, please describe.

NA

Please describe **all proposed** buildings or structures/additions on the subject lands. Describe the type of buildings or structures/additions, and illustrate the setback, in metric units, from front, rear and side lot lines, ground floor area, gross floor area, lot coverage, number of storeys, width, length, height, etc. on your attached sketch which must be included with your application:

NA

MINOR VARIANCE

If known, the date the proposed buildings or structures will be constructed on the subject lands:

NA.

Are any existing buildings on the subject lands designated under the *Ontario Heritage Act* as being architecturally and/or historically significant?

☐ Yes ☒ No

If yes, identify and provide details of the building:

The date the subject lands was acquired by the current owner:

February 28, 2014

Present use of the subject lands:

Agricultural

If known, the length of time the existing uses have continued on the subject lands:

Well over 50 years

Existing use of abutting properties:

Agricultural

**E. PREVIOUS USE OF THE PROPERTY**

Has there been an industrial or commercial use on the subject lands or adjacent lands?

☐ Yes ☒ No ☐ Unknown

If yes, specify the uses:

Has the grading of the subject lands been changed through excavation or the addition of earth or other material?

☐ Yes ☒ No ☐ Unknown

Has a gas station been located on the subject lands or adjacent lands at any time?

☐ Yes ☒ No ☐ Unknown

Has there been petroleum or other fuel stored on the subject lands or adjacent lands at any time?

☐ Yes ☒ No ☐ Unknown

Is there reason to believe the subject lands may have been contaminated by former uses on the site or adjacent sites?

☐ Yes ☒ No ☐ Unknown

MINOR VARIANCE

Provide the information you used to determine the answers to the above questions:

Have been farming this land for over 12 years.

If you answered yes to any of the above questions, a previous use inventory showing all known former uses of the subject lands, or if appropriate, the adjacent lands, is needed.

Is the previous use inventory attached?

☐ Yes ☐ No

**F. STATUS OF OTHER PLANNING DEVELOPMENT APPLICATIONS**

Has the subject land or land within 120 metres of it been or is now the subject of an application under the *Planning Act, R.S.O. 1990, c. P. 13* for:

1. a minor variance or a consent;
2. an amendment to an official plan, a zoning by-law or a Minister's zoning order; or
3. approval of a plan of subdivision or a site plan?

☒ Yes ☐ No ☐ Unknown

If yes, indicate the following information about **each application**:

File number:

BNPL 2014 056

Land it affects:

Subject lands

Purpose:

Farm severance - surplus dwelling

Status/decision:

Deferred - Going before Committee of Adjustments Oct. 23/14

Effect on the requested amendment:

Surplus dwelling

If additional space is required, please attach a separate sheet.

Is the above information for other planning developments applications attached?

☐ Yes ☒ No

**G. PROVINCIAL POLICY**

Is the requested amendment consistent with the provincial policy statements issued under subsection 3(1) of the *Planning Act, R.S.O. 1990, c. P. 13*?

☒ Yes ☐ No

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If no, please explain:

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Are the subject lands within an area of land designated under any provincial plan or plans?

☐ Yes ☒ No

If yes, does the requested amendment conform to or does not conflict with the provincial plan or plans:

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Are any of the following uses or features on the subject lands or within 500 metres (1,640 feet) of the subject lands, unless otherwise specified? Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Lands		Within 500 Metres (1,640 feet) of Subject Lands (Indicate Distance)	
Livestock facility or stockyard (if yes, complete Form 3 – available upon request)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No ____ distance
Wooded area	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No <u>500+</u> distance
Municipal landfill	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No ____ distance
Sewage treatment plant or waste stabilization plant	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No ____ distance
Provincially significant wetland (class 1, 2 or 3) or other environmental feature	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No ____ distance
Floodplain	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No ____ distance
Rehabilitated mine site	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No ____ distance
Non-operating mine site within one kilometre	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No ____ distance
Active mine site within one kilometre	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No ____ distance
Industrial or commercial use (specify the use(s))	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No ____ distance
Active railway line	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No ____ distance
Seasonal wetness of lands	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No ____ distance
Erosion	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No ____ distance
Abandoned gas wells	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No ____ distance

## H. SERVICING AND ACCESS

Indicate what services are available or proposed:

### Water Supply

- ☐ Municipal piped water  
☐ Communal wells  
☒ Individual wells  
☐ Other (describe below)

### Sewage Treatment

- ☐ Municipal sewers  
☐ Communal system  
☒ Septic tank and tile bed  
☐ Other (describe below)

### Storm Drainage

- ☐ Storm sewers  
☐ Open ditches  
☐ Other (describe below)

If other, describe:

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Have you consulted with Public Works & Environmental Services concerning stormwater management?

☐ Yes ☒ No

**MINOR VARIANCE**

Has the existing drainage on the subject lands been altered?

☐ Yes ☒ No

Does a legal and adequate outlet for storm drainage exist?

☐ Yes ☒ No ☐ Unknown

Existing or proposed access to subject lands:

☐ Unopened road ☐ Provincial highway  
☒ Municipal road ☐ Other (describe below)

If other, describe:

Name of road/street:

Windham Road 9

**I. OTHER INFORMATION**

Is there a time limit that affects the processing of this development application?

☐ Yes ☒ No

If yes, describe:

Is there any other information that you think may be useful in the review of this development application? If so, explain below or attach on a separate page.

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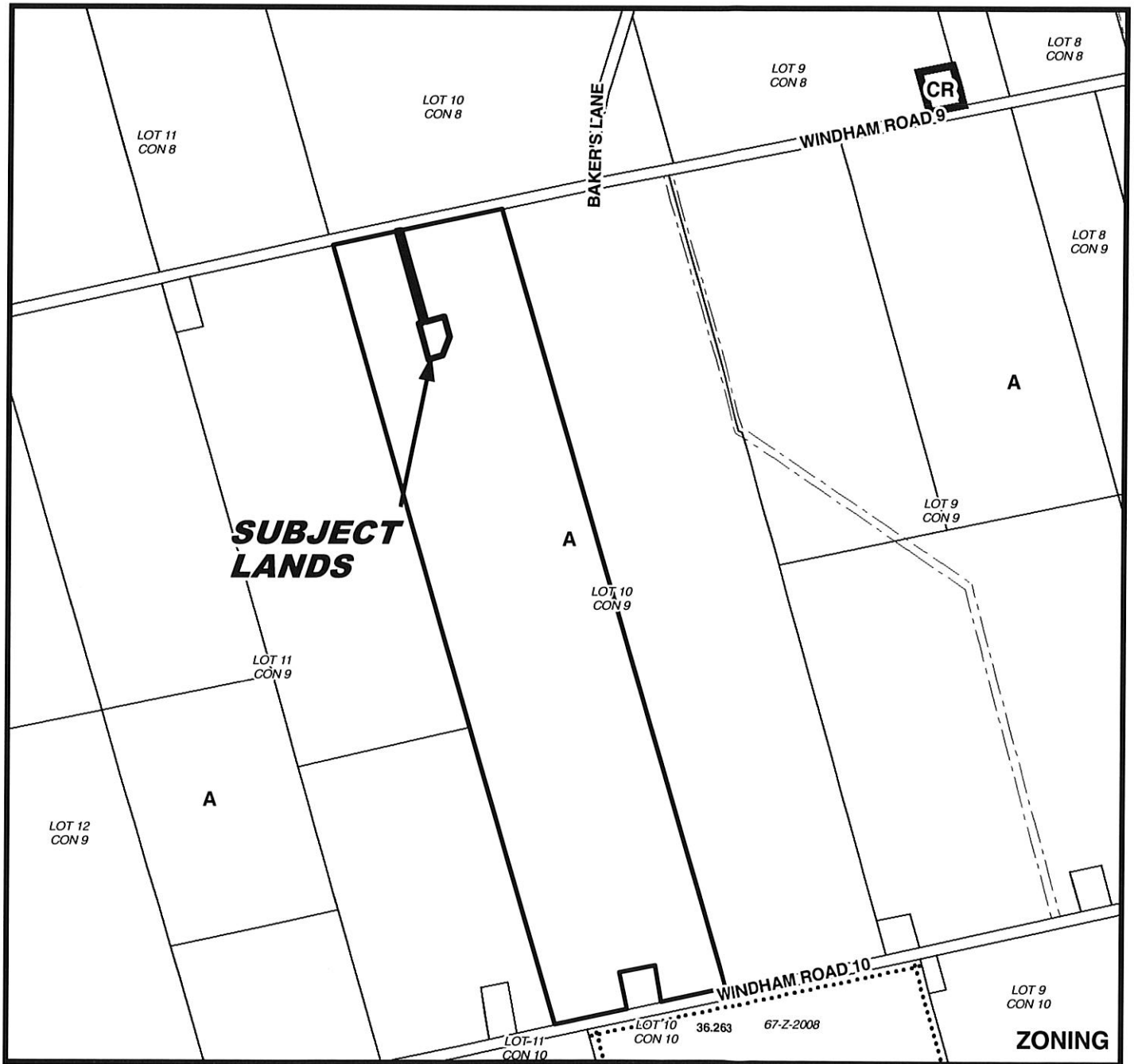
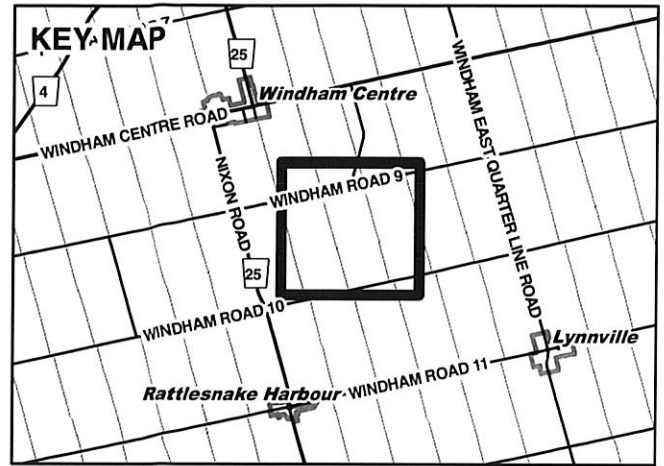
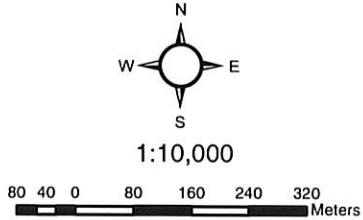
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**MAP 1**  
**File Number: BNPL2014056 &**  
**ANPL2014170**

Geographic Township of  
**WINDHAM**





## MAP 2

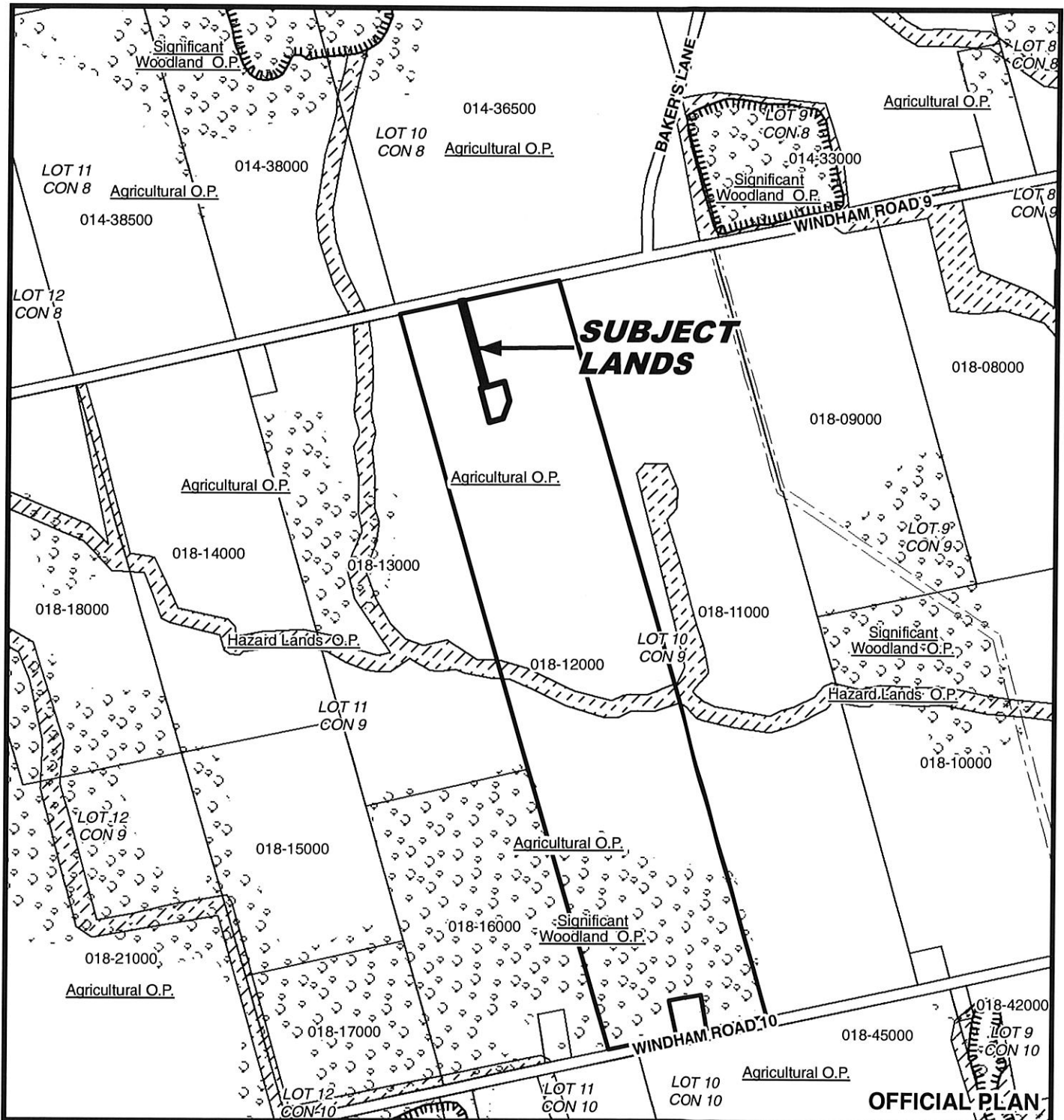
File Number: BNPL2014056 & ANPL2014170

Geographic Township of WINDHAM



4020 0 40 80 120 160  
Meters

1:10,000



08/09/2014

# MAP 3

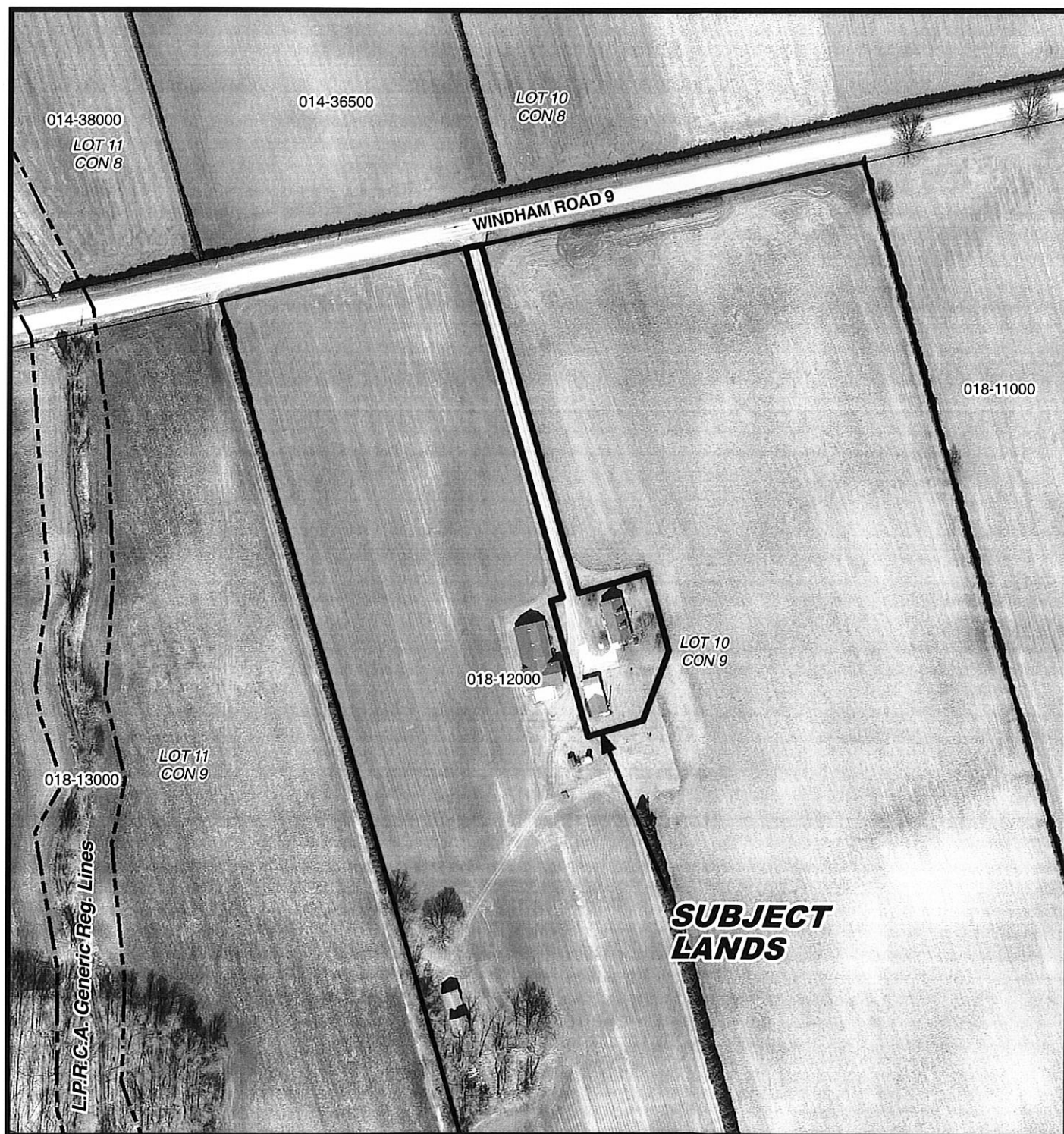
File Number: BNPL2014056 & ANPL2014170

Geographic Township of WINDHAM



10 5 0 10 20 30 40 Meters

1:2,500



08/09/2014

# Geographic Township of WINDHAM



The site plan illustrates the layout of the subject lands, which are bounded by Windham Road 9 to the north and east. The plan includes the following details:

- Property Boundaries and Dimensions:**
  - North boundary (Windham Road 9): 114.60m.
  - East boundary: 32.70m.
  - South boundary: 25.00m.
  - West boundary: 32.73m.
  - Internal boundary segments: 164.51m, 164.93m, 164.51m, 113.90m, 7.11m, 5.29m, 64.00m, 4.48m, 3.17m, 9.91m, 27.00m, 13.97m, 37.00m, 6.05m.
- Existing Features:**
  - Existing Dwelling
  - Existing Building
  - Gravel Driveway
  - Existing Building
  - Shed
- Proposed/Planned Features:**
  - Septic Tank
  - Tile Bed
  - Shed over Well
  - Tile Bed (Approx.)
- Hydro Poles (HP):** Four locations are marked along the property boundaries and internal roads.
- Adjacent Properties:**
  - LOT 11 CON 8 (014-36500)
  - LOT 10 CON 8
  - LOT 10 CON 9 (018-12000)
  - LOT 11 CON 9 (018-13000)



## ZONING DEFICIENCY

Simcoe: 8 Schellburg Ave.  
Simcoe, ON  
N3Y 2J4  
519-426-4377  
Langton: 22 Albert St.  
Langton, ON  
N0E 1G0  
519-875-4485

### PROPERTY INFORMATION

STREET # 1130  
Windham Road 9  
ZONING G Agricultural

### ZONING DEFICIENCY

DEVELOPMENT STANDARD	REQUIRED (m/ft)		PROPOSED (m/ft)		DEFICIENCY (m/ft)	
LOT AREA						
LOT FRONTAGE	30.0m	98.43ft	7.108m	23.32ft	22.892m	75.10ft
FRONT YARD SETBACK	13.0m	42.65ft	6.05m	19.85ft	6.95m	22.80ft
EXTERIOR SIDE YARD						
INTERIOR SIDE YARD (RIGHT)						
INTERIOR SIDE YARD (LEFT)						
REAR YARD SETBACK						
DWELLING UNIT AREA						
% LOT COVERAGE						
BUILDING HEIGHT						
ACCESSORY BUILDING						
ACCESSORY BUILDING COMMENTS						
PARKING SPACES						

ADDITIONAL COMMENTS:

The proposed information and any supporting documents have been provided by the owner/applicant. The above information is only in respect to the associated planning application and does not relieve the owner/applicant from obtaining all other permits/approvals required. The owner/applicant hereby accepts full responsibility for the accuracy of the proposed information provided on this form.

I have read and understand the above.

Mary Akabatura  
Signature of owner or authorized agent

Sept. 3/14  
Date

PREPARED BY: Devon Tisdale

AS PER:

Fritz R. Enzlin CBCO, CRBO  
Chief Building Official  
Manager, Building & Bylaw Division  
Norfolk County

[Signature]  
Signature of building inspector

Sept 3/14  
Date

