

Brimage
LAW GROUP

Norfolk County

Planning Department
185 Robinson Street, Suite 200
Simcoe, Ontario N3Y 5L6

February 7th, 2024

Attention: Andrew Wallace, Planner

Dear Mr. Wallace,

RE: Frystak-Brunning Boundary Adjustment

1. Property from which lands to be severed ("Frystak Lands"):
Roll No.: 33603065200
Civic Address: 69 Robinson Road, Waterford, Ontario
2. Property to which lands to be added ("Brunning Lands"):
Roll No. 33603064810
Civic Address: 25 Robinson Road, Waterford, Ontario

We are the solicitors/agents for the owner-applicants, Henry and Mary Frystak.

The application proposes to sever lands described as Part 5 on Reference Plan 37R9790 (the "Boundary Adjustment Lands") from the Frystak Lands and add same to the adjacent Brunning Lands.

The approval of this boundary adjustment will serve to better reflect the actual use of the Boundary Adjustment Lands as used by the Brunnings better align with neighbouring properties to the north and south.

Please find enclosed:

1. Completed Consent Application;
2. Copy of Reference Plan 37R9790; and
3. GIS Mapping showing approximate location of the Boundary Adjustment Lands.

Please see also BNPL2022131 (Frystak-Cooper boundary adjustment) for reference – this was a similar application and may assist you with reviewing and preparing for this application.

Please advise if you require any further information and when you require payment of the application fee.

Yours truly,

BRIMAGE LAW GROUP

Per:



Nathan Kolomaya

NK

For Office Use Only:

File Number ANPL2024075
Related File Number BNPL2024048
Pre-consultation Meeting _____
Application Submitted _____
Complete Application _____

Application Fee _____
Conservation Authority Fee _____
Well & Septic Info Provided _____
Planner _____
Public Notice Sign _____

Check the type of planning application(s) you are submitting.

- ☒ Consent/Severance/Boundary Adjustment
☐ Surplus Farm Dwelling Severance and Zoning By-law Amendment
☒ Minor Variance
☐ Easement/Right-of-Way

Property Assessment Roll Number: 33603065200

A. Applicant Information

Name of Owner FRYSTAK, HENRY EDWARD & FRYSTAK, MARY JANE

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.

Address 69 Robinson Road
Town and Postal Code Waterford, Ontario N0E 1Y0
Phone Number 519-443-7448
Cell Number _____
Email _____

Name of Applicant Same as owner

Address _____
Town and Postal Code _____
Phone Number _____
Cell Number _____
Email _____

Name of Agent Brimage Law Group

Address 21 Norfolk Street North

Town and Postal Code Simcoe, Ontario N3Y 4L1

Phone Number 519-426-5840

Cell Number _____

Email nkolomaya@brimage.com

Please specify to whom all communications should be sent. Unless otherwise directed, all correspondence and notices in respect of this application will be forwarded to the owner and agent noted above.

☐ Owner ☒ Agent ☐ Applicant

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

National Bank of Canada - 500 Place D'Armes, 22nd Floor, Montreal, QC, H2Y 2W3

B. Location, Legal Description and Property Information

1. Legal Description (include Geographic Township, Concession Number, Lot Number, Block Number and Urban Area or Hamlet):

PT LT 4 & 5, CON 7 TOWNSEND BEING PT 2 ON 37R6661 EXCEPT PTS 1,2,3,4 & 6 ON 37R9790; NORFOLK COUNTY

Municipal Civic Address: 69 Robinson Road, Waterford

Present Official Plan Designation(s): Agricultural/Hazard Land

Present Zoning: Agricultural/Hazard Land

2. Is there a special provision or site specific zone on the subject lands?

☐ Yes ☒ No If yes, please specify:

3. Present use of the subject lands:

Retained - Agricultural

Severed - Residential

4. 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, and height on your attached sketch which must be included with your application:

N/A

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

N/A

6. 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, and height on your attached sketch which must be included with your application:

N/A

7. 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:

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

9. Existing use of abutting properties:

Residential

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

☐ Yes ☒ No If yes, describe the easement or restrictive covenant and its effect:

C. Purpose of Development Application

Note: Please complete all that apply. **Failure to complete this section will result in an incomplete application.**

1. Site Information (Please refer to Zoning By-law to confirm permitted dimensions)

	Existing	Permitted	Provision	Proposed	Deficiency
Lot frontage	~473m				
Lot depth	Irregular				
Lot width	Irregular				
Lot area	~288,702sqm	400,000	12.1.2	~287,000	113,000sqm
Lot coverage					
Front yard					
Rear yard					
Height					
Left Interior side yard					
Right Interior side yard					
Exterior side yard (corner lot)					
Parking Spaces (number)					
Aisle width					
Stall size					
Loading Spaces					
Other					

2. Please explain why it is not possible to comply with the provision(s) of the Zoning By-law:

Section 12.1.2 of the Zoning By-Law requires a minimum lot size of 400,000sqm. The subject lands are already undersized.

The proposed boundary adjustment will slightly further reduce the size of the existing undersized parcel.

3. **Consent/Severance/Boundary Adjustment:** Description of land intended to be severed in metric units:

Frontage:	None
Depth:	18.68m
Width:	30.48m
Lot Area:	559sqm
Present Use:	Residential
Proposed Use:	Residential

Proposed final lot size (if boundary adjustment): 1,465sqm

If a boundary adjustment, identify the assessment roll number and property owner of the lands to which the parcel will be added: _____

Roll Number: 33603064810

Owners: Brunning, Christopher John and Barbara Elizabeth

Description of land intended to be retained in metric units:

Frontage:	~473m
Depth:	Irregular
Width:	Irregular
Lot Area:	~287,000sqm
Present Use:	Agricultural/Hazard Land with single-family dwelling
Proposed Use:	Agricultural/Hazard Land with single-family dwelling

Buildings on retained land: Single-family dwelling, garage and barn

4. **Easement/Right-of-Way:** Description of proposed right-of-way/easement in metric units:

Frontage: _____

Depth: _____

Width: _____
Area: _____
Proposed Use: _____

5. Surplus Farm Dwelling Severances Only: List all properties in Norfolk County, which are owned and farmed by the applicant and involved in the farm operation

Owners Name: _____
Roll Number: _____
Total Acreage: _____
Workable Acreage: _____
Existing Farm Type: (for example: corn, orchard, livestock) _____
Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built _____
Date of Land Purchase: _____

Owners Name: _____
Roll Number: _____
Total Acreage: _____
Workable Acreage: _____
Existing Farm Type: (for example: corn, orchard, livestock) _____
Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built _____
Date of Land Purchase: _____

Owners Name: _____
Roll Number: _____
Total Acreage: _____
Workable Acreage: _____
Existing Farm Type: (for example: corn, orchard, livestock) _____
Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built _____
Date of Land Purchase: _____

Owners Name: _____
Roll Number: _____
Total Acreage: _____
Workable Acreage: _____
Existing Farm Type: (for example: corn, orchard, livestock) _____
Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built _____
Date of Land Purchase: _____

Owners Name: _____
Roll Number: _____
Total Acreage: _____
Workable Acreage: _____
Existing Farm Type: (for example: corn, orchard, livestock) _____
Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built _____
Date of Land Purchase: _____

Note: If additional space is needed please attach a separate sheet.

D. All Applications: Previous Use of the Property

1. Has there been an industrial or commercial use on the subject lands or adjacent lands? ☐ Yes ☐ No ☒ Unknown

If yes, specify the uses (for example: gas station, or petroleum storage):

2. Is there reason to believe the subject lands may have been contaminated by former uses on the site or adjacent sites? ☐ Yes ☐ No ☒ Unknown

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

4. If you answered yes to any of the above questions in Section D, 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

E. All Applications: Provincial Policy

1. 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

If no, please explain:

2. It is owner's responsibility to be aware of and comply with all relevant federal or provincial legislation, municipal by-laws or other agency approvals, including the Endangered Species Act, 2007. Have the subject lands been screened to ensure that development or site alteration will not have any impact on the habitat for endangered or threatened species further to the provincial policy statement subsection 2.1.7? ☐ Yes ☒ No

If no, please explain:

Boundary adjustment of vacant land

3. Have the subject lands been screened to ensure that development or site alteration will not have any impact on source water protection? ☐ Yes ☒ No

If no, please explain:

Boundary adjustment of vacant land

Note: If in an area of source water Wellhead Protection Area (WHPA) A, B or C please attach relevant information and approved mitigation measures from the Risk Manager Official.

4. All Applications: Are any of the following uses or features on the subject lands or within 500 metres of the subject lands, unless otherwise specified? Please check boxes, if applicable.

Livestock facility or stockyard (submit MDS Calculation with application)

☐ On the subject lands or ☐ within 500 meters – distance _____

Wooded area

☐ On the subject lands or ☐ within 500 meters – distance _____

Municipal Landfill

☐ On the subject lands or ☐ within 500 meters – distance _____

Sewage treatment plant or waste stabilization plant

☐ On the subject lands or ☐ within 500 meters – distance _____

Provincially significant wetland (class 1, 2 or 3) or other environmental feature

☐ On the subject lands or ☐ within 500 meters – distance _____

Floodplain

☐ On the subject lands or ☐ within 500 meters – distance _____

Rehabilitated mine site

☐ On the subject lands or ☐ within 500 meters – distance _____

Non-operating mine site within one kilometre

☐ On the subject lands or ☐ within 500 meters – distance _____

Active mine site within one kilometre

☐ On the subject lands or ☐ within 500 meters – distance _____

Industrial or commercial use (specify the use(s))

☐ On the subject lands or ☐ within 500 meters – distance _____

Active railway line

☐ On the subject lands or ☐ within 500 meters – distance _____

Seasonal wetness of lands

☐ On the subject lands or ☐ within 500 meters – distance _____

Erosion

☐ On the subject lands or ☐ within 500 meters – distance _____

Abandoned gas wells

☐ On the subject lands or ☐ within 500 meters – distance _____

F. All Applications: Servicing and Access

1. 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 in good working order ☐ Other (describe below)
-

Storm Drainage

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

2. Existing or proposed access to subject lands:

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

Name of road/street:

Robinson Road

G. All Applications: Other Information

1. Does the application involve a local business? ☐ Yes ☒ No

If yes, how many people are employed on the subject lands?

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

H. Supporting Material to be submitted by Applicant

In order for your application to be considered complete, folded hard copies (number of paper copies as directed by the planner) and an **electronic version (PDF) of the site plan drawings, additional plans, studies and reports** will be required, including but not limited to the following details:

1. Concept/Layout Plan
2. All measurements in metric
3. Existing and proposed easements and right of ways
4. Parking space totals – required and proposed
5. All dimensions of the subject lands
6. Dimensions and setbacks of all buildings and structures
7. Location and setbacks of septic system and well from all existing and proposed lot lines, and all existing and proposed structures
8. Names of adjacent streets
9. Natural features, watercourses and trees

In addition, the following additional plans, studies and reports, including but not limited to, **may** also be required as part of the complete application submission:

- ☐ On-Site Sewage Disposal System Evaluation Form (to verify location and condition)
- ☐ Environmental Impact Study
- ☐ Geotechnical Study / Hydrogeological Review
- ☐ Minimum Distance Separation Schedule
- ☐ Record of Site Condition

Your development approval might also be dependent on Ministry of Environment Conservation and Parks, Ministry of Transportation or other relevant federal or provincial legislation, municipal by-laws or other agency approvals.

All final plans must include the owner's signature as well as the engineer's signature and seal.

I. Transfers, Easements and Postponement of Interest

The owner acknowledges and agrees that if required it is their solicitor's responsibility on behalf of the owner for the registration of all transfer(s) of land to the County, and/or transfer(s) of easement in favour of the County and/or utilities. Also, the owner further acknowledges and agrees that it is their solicitor's responsibility on behalf of the owner for the registration of postponements of any charges in favour of the County.

Permission to Enter Subject Lands


Permission is hereby granted to Norfolk County officers, employees or agents, to enter the premises subject to this application for the purposes of making inspections associated with this application, during normal and reasonable working hours.

Freedom of Information

For the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*, I authorize and consent to the use by or the disclosure to any person or public body any information that is collected under the authority of the *Planning Act, R.S.O. 1990, c. P. 13* for the purposes of processing this application.



Owner/Applicant/Agent Signature



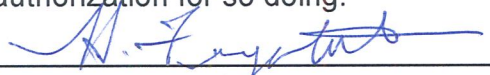
Date

J. Owner's Authorization

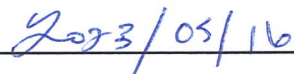
If the applicant/agent is not the registered owner of the lands that is the subject of this application, the owner must complete the authorization set out below.

I/We Henry Edward Frystak and Mary Jane Frystak am/are the registered owner(s) of the lands that is the subject of this application.

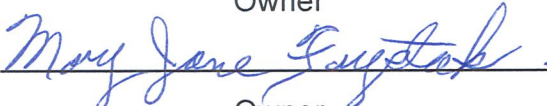
I/We authorize Brimage Law Group to make this application on my/our behalf and to provide any of my/our personal information necessary for the processing of this application. Moreover, this shall be your good and sufficient authorization for so doing.



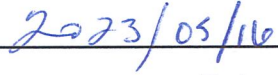
Owner



Date



Owner



Date

***Note:** If property is owned by an Ontario Ltd. Corporation, Articles of Incorporation are required to be attached to the application.

K. Declaration

I, Nathan Kolomaya of Norfolk County, Province of Ontario

solemnly declare that:

all of the above statements and the 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:

Norfolk County

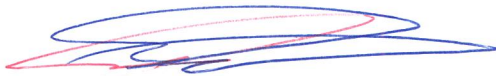


Owner/Applicant/Agent Signature

In the Province of Ontario

This 17 day of May January

A.D., 2023



A Commissioner, etc.

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

PLAN OF SURVEY OF
PART OF LOT 5
CONCESSION 7
GEOGRAPHIC TOWNSHIP OF TOWNSEND
NORFOLK COUNTY

SCALE - 1 : 400

WEST & RUUSKA LTD.

SCHEDULE

PART	LOT	CON.	P.I.N.	AREA
1	PART OF 5	7	PART OF 50287-0127	1842 Sq.m.
2	PART OF 5	7	PART OF 50287-0127	1842 Sq.m.
3	PART OF 5	7	PART OF 50287-0127	1738 Sq.m.
4	PART OF 5	7	PART OF 50287-0127	559 Sq.m.
5	PART OF 5	7	PART OF 50287-0127	559 Sq.m.
6	PART OF 5	7	PART OF 50287-0127	559 Sq.m.

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

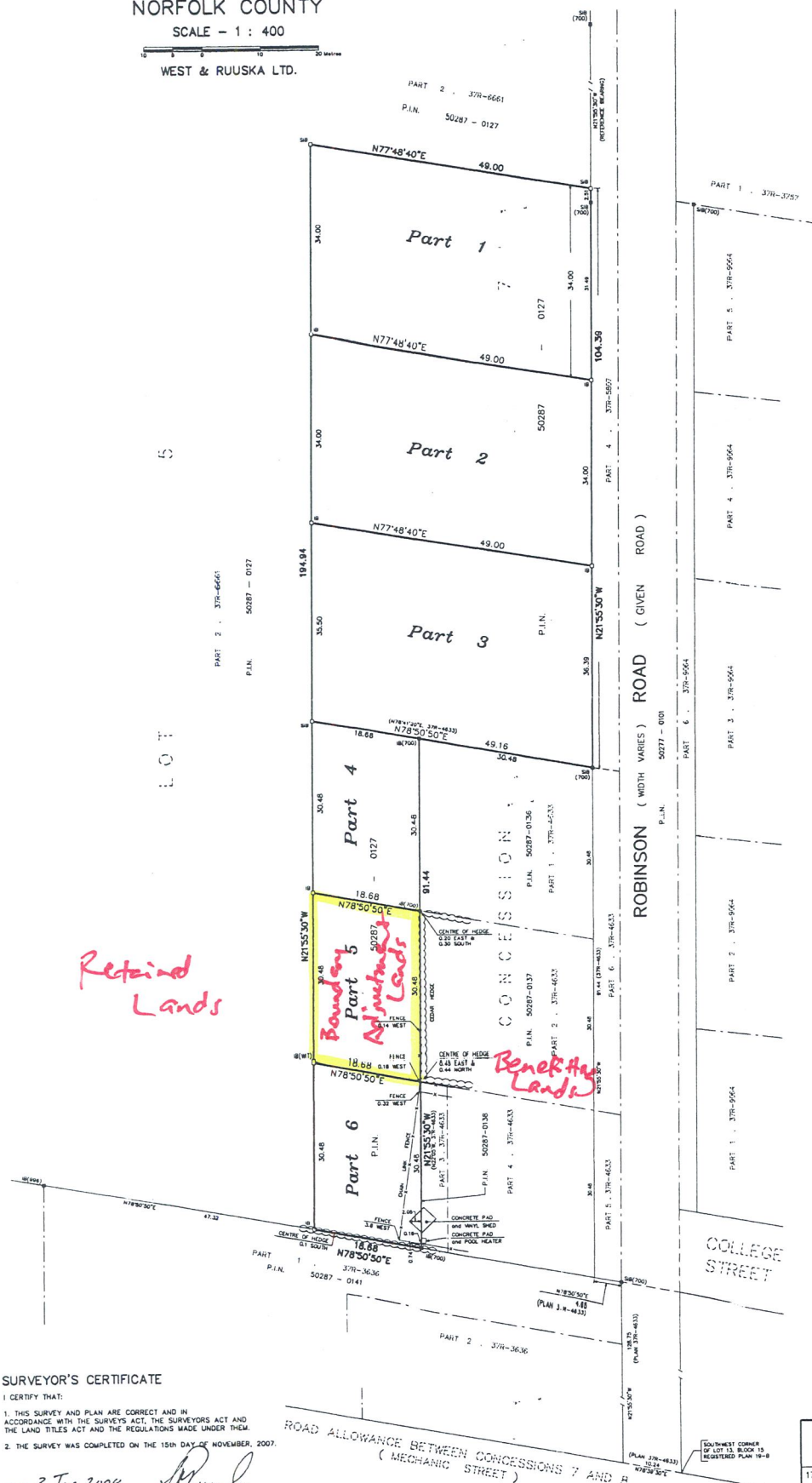
DATED 3 Jan 2008
SEP RUUSKA, O.L.S.

PLAN 37R-9190

RECEIVED AND DEPOSITED

DATED Jan 11, 2008
Dep. Land Registrar for the Land Titles Division of NORFOLK (No. 37)

PARTS 1, 2, 3, 4, 5 and 6 COMPRISE PART OF P.I.N. 50287-0127.



LEGEND

- DENOTES SET MONUMENT
- FOUND MONUMENT
- IRON BAR
- STANDARD IRON BAR
- 700
- H.V. JEWETT, O.L.S.
- 1416
- S.M. RUUSKA, O.L.S.
- 996
- A.B. DODD, O.L.S.
- WT
- WITNESS

BEARING REFERENCE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY LIMIT OF ROBINSON ROAD, SHOWN ON PLAN 37R-6661, HAVING A BEARING OF N21°55'30"W.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 15TH DAY OF NOVEMBER, 2007.

DATED 3 Jan 2008

SEP RUUSKA
ONTARIO LAND SURVEYOR

ROAD ALLOWANCE BETWEEN CONCESSION 7 AND B (MECHANIC STREET)

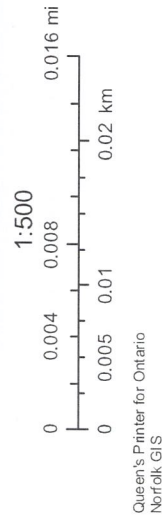
WEST & RUUSKA LTD.
Land Surveyors
17 NELSON STREET, BRANTFORD, ONTARIO, N3T 2M6
Telephone (519)752-8641
DRAWN BY: Ted S. KUTILA, CSI, LSI CD, J007 F070282

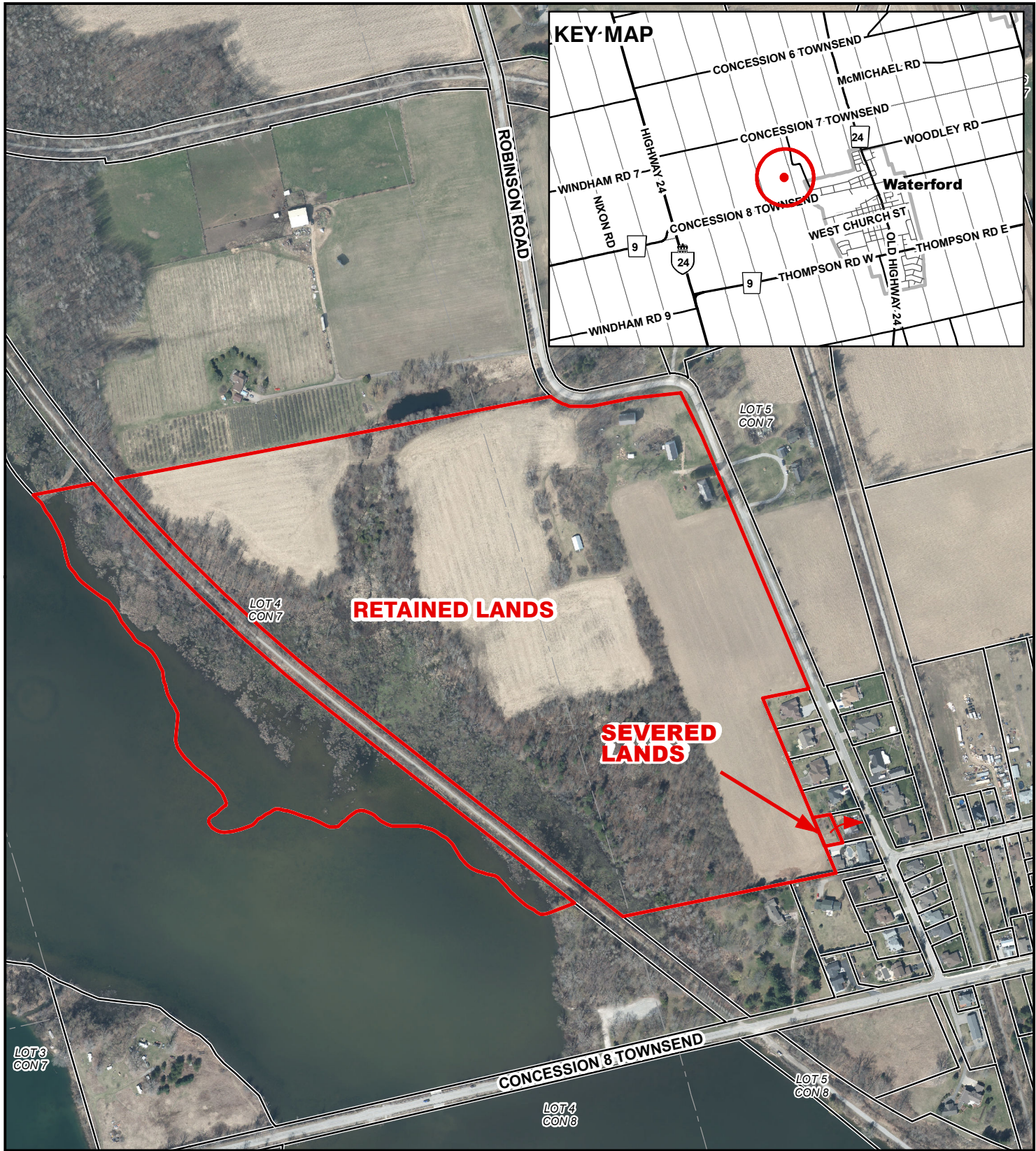
MAP NORFOLK - Community Web Map



2/7/2024, 10:57:00 AM

- ☐ Land Parcels
- ☐ Reg Plan Lot Numbers
- ☐ Civic Address
- ☐ Road Labels
- ☐ Plan Lines
- ☐ DraftPlan

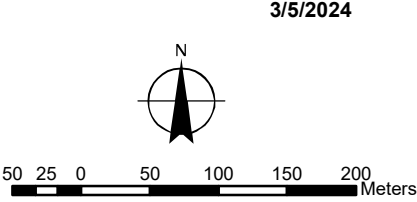


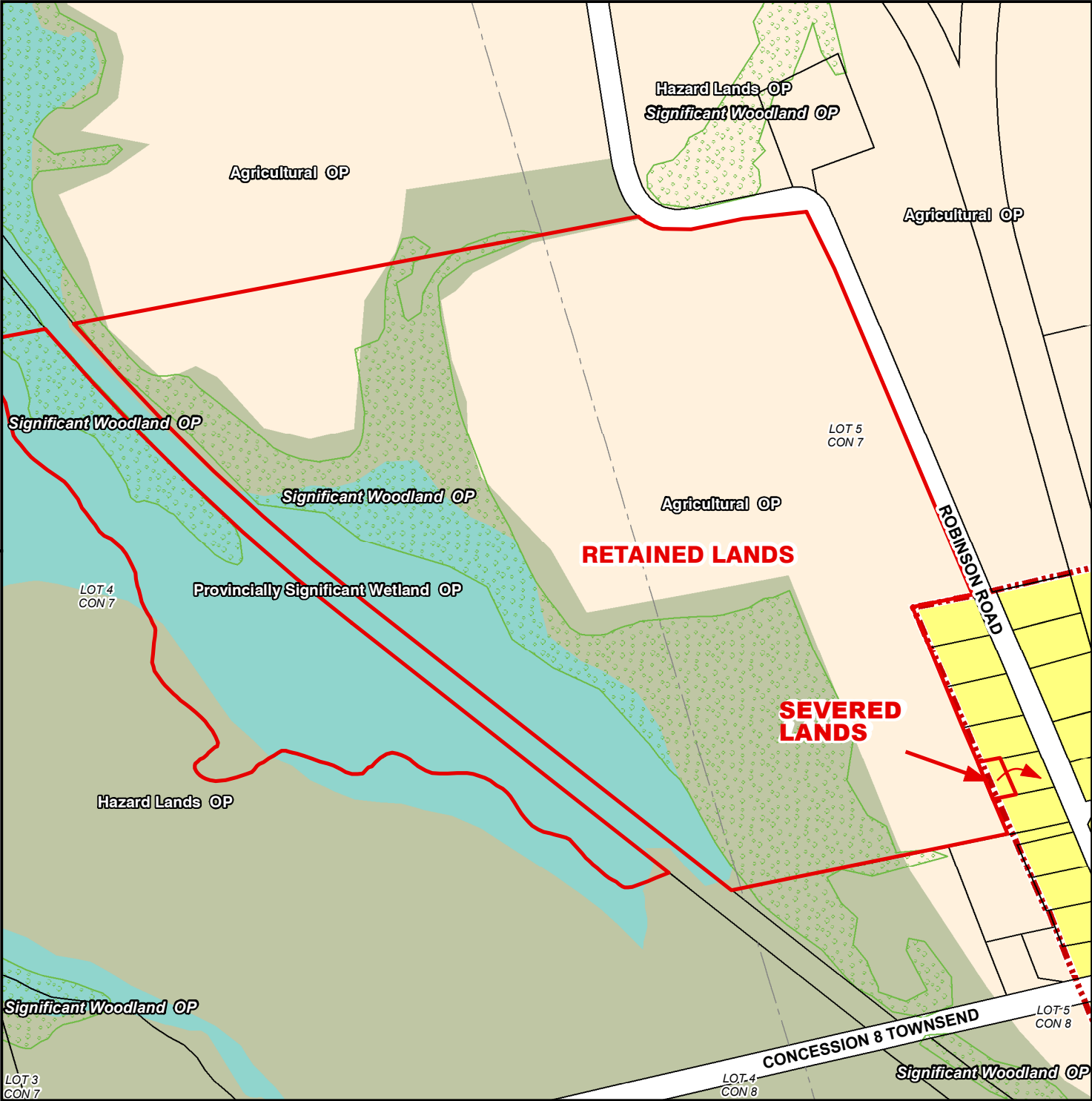


Legend

Subject Lands

2020 Air Photo



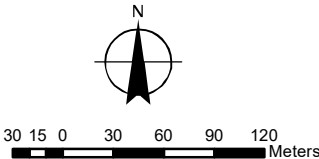


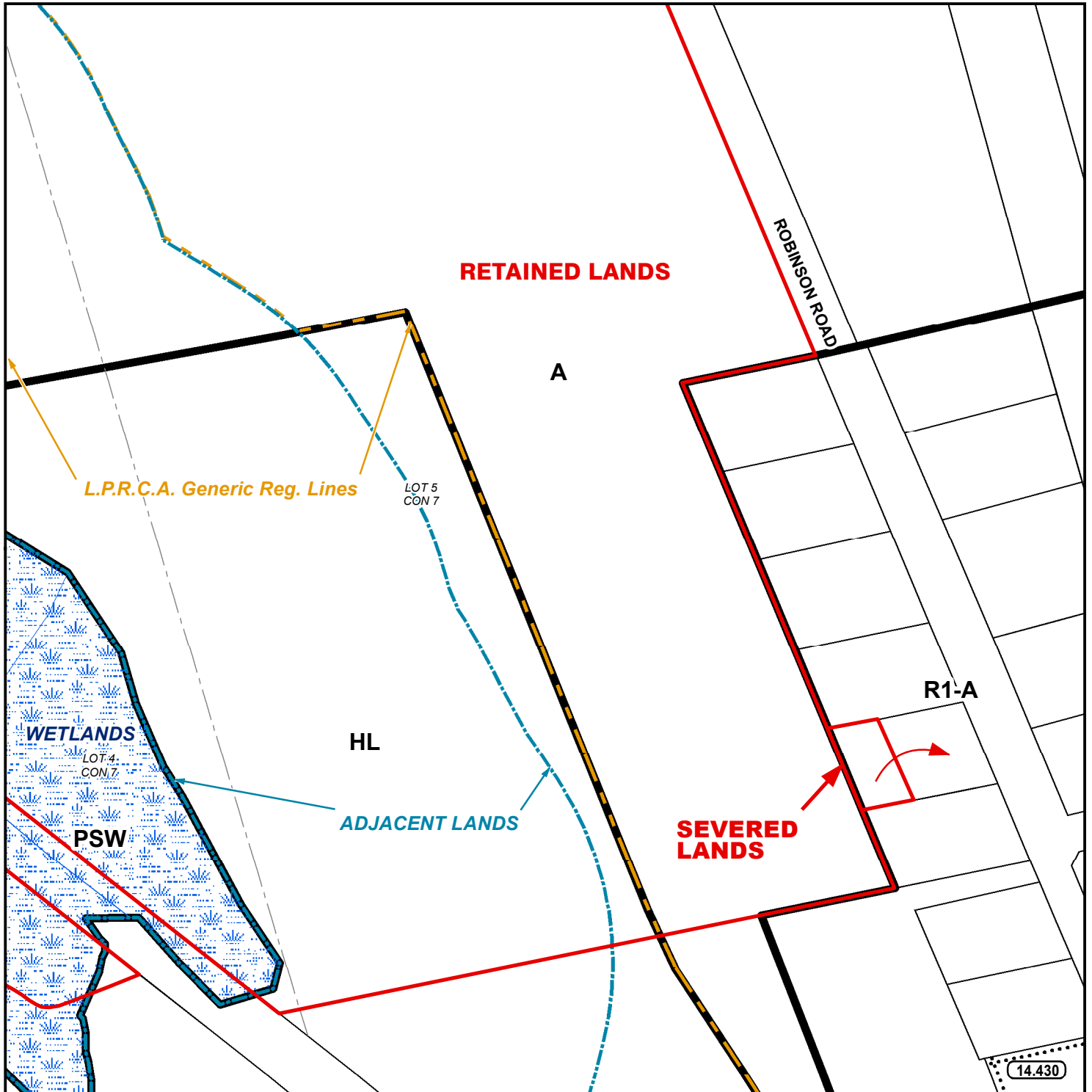
Legend

Subject Lands

- Official Plan Designations
- Agricultural
 - Hazard Lands
 - Provincially Significant Wetland
 - Urban Residential
 - Urban Area Boundary
 - Significant Woodland

3/5/2024



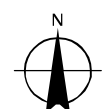


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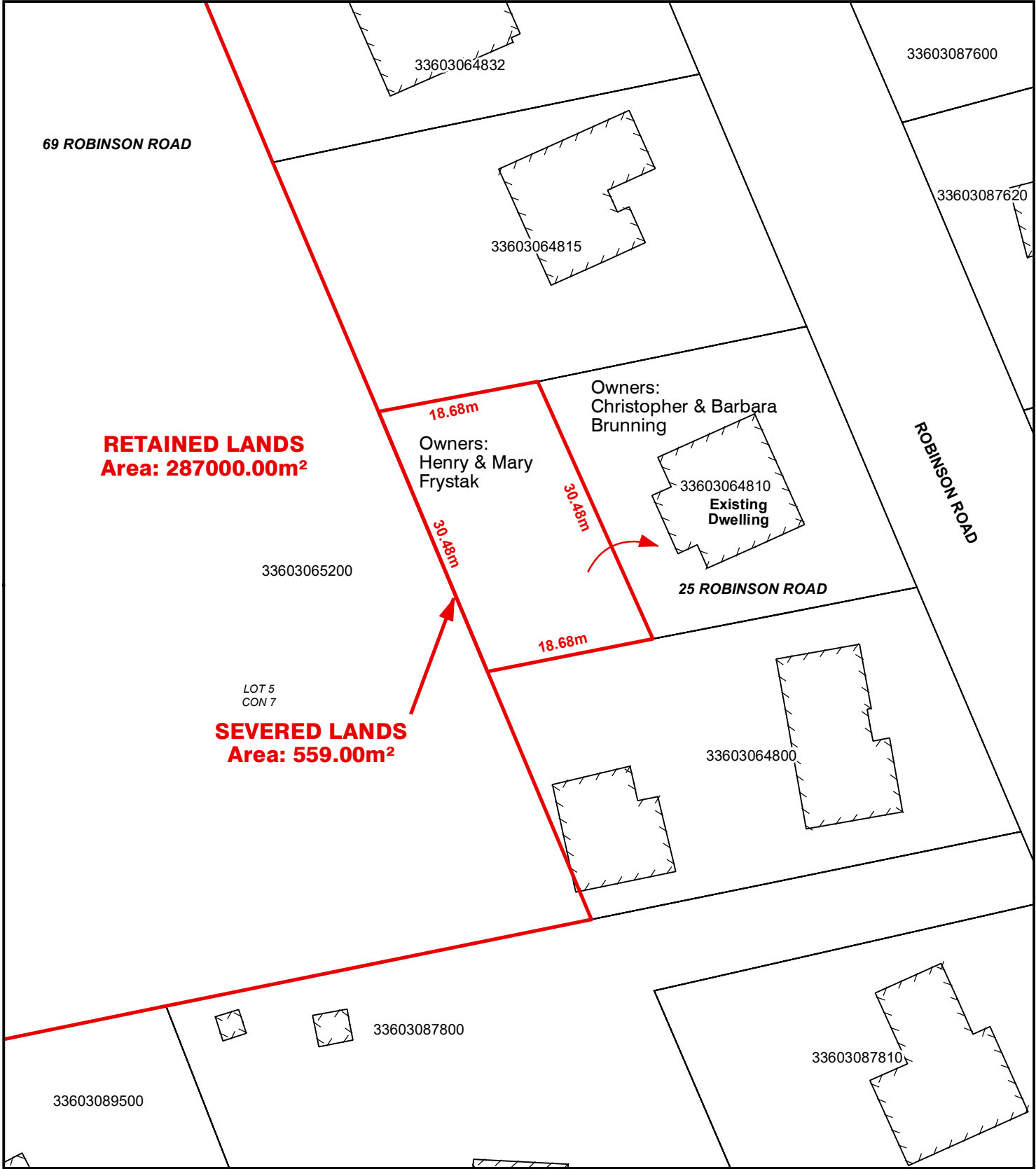
- Subject Lands
- Adjacent Lands
- Wetland
- LPRCA Generic RegLines

- (H) - Holding
- A - Agricultural Zone
- HL - Hazard Land Zone
- PSW - Provincially Significant Wetland Zone
- R1-A - Residential R1-A Zone

3/5/2024

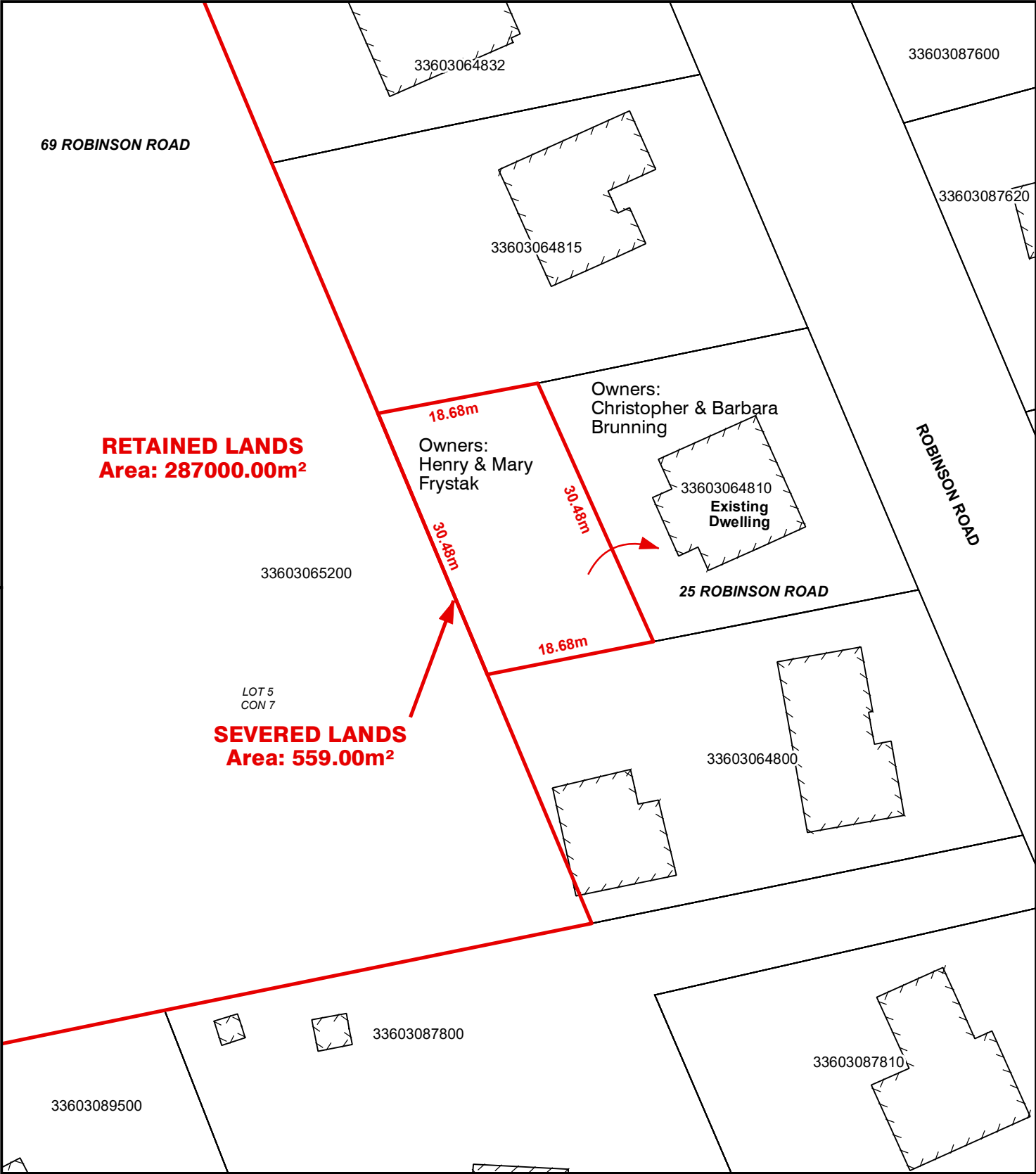


20 10 0 20 40 60 80 Meters



Legend

 Subject Lands



Legend

 Subject Lands