



Norfolk County  
Planning Department  
12 Gilbertson Drive,  
Simcoe, Ontario N3Y 3N3

July 3<sup>rd</sup>, 2024

**Attention: Sherry Mott, Secretary-Treasurer and Andrew Wallace, Planner**

Dear Ms. Mott and Mr. Wallace,

**RE: 710991 Ontario Inc. (McElhone)-Bergman Boundary Adjustment**

Property from which lands to be severed:	491 007 27000 0000
Property to which lands to be added:	491 007 27006 0000

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We are the solicitors/agents for the applicants, Michael and Tammy Bergman.

The purpose of the application is a resubmission of the application that was approved in BNPL2021175 but that lapsed.

This application also corrects the previous application by adding a minor variance requesting relief from the minimum lot size provisions for the Agricultural Zone for the retained lands.

Please find enclosed:

1. Boundary Adjustment and Minor Variance Application;
2. GIS Mapping;
3. Draft Reference Plan;
4. Septic System Information from Ken Gilbert Trucking and Excavating.

Please contact the undersigned if you require any further information.

Yours truly,

**BRIMAGE LAW GROUP**

Per:



Nathan Kolomaya  
NK

**For Office Use Only:**

File Number	_____	Application Fee	_____
Related File Number	_____	Conservation Authority Fee	_____
Pre-consultation Meeting	_____	Well & Septic Info Provided	_____
Application Submitted	_____	Planner	_____
Complete Application	_____	Public Notice Sign	_____

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**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:** 491 007 2700 0000**A. Applicant Information****Name of Owner** 710991 Ontario Inc. (c/o Thomas McElhone)

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 692 Windham Road 6  
Town and Postal Code Vanessa, Ontario N0E 1V0  
Phone Number \_\_\_\_\_  
Cell Number 519-428-9575  
Email \_\_\_\_\_

**Name of Applicant** Michael Bergman and Tammy Bergman

Address 673 Windham Road 5  
Town and Postal Code Vanessa, Ontario N0E 1V0  
Phone Number 519-420-0715  
Cell Number \_\_\_\_\_  
Email \_\_\_\_\_

**Name of Agent** Brimage Law Group - Nathan Kolomaya  
**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:

N/A

## **B. Location, Legal Description and Property Information**

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

PART OF LOTS 15 AND 16 CON. 4, WINDHAM AS IN NR415496, SAVE AND EXCEPT  
PART 1 ON PLAN 37R10854, S/T NR162781, PLAN 1139; NORFOLK COUNTY

Municipal Civic Address: 679 Windham Road 5, Vanessa

Present Official Plan Designation(s): Agricultural

Present Zoning: Agricultural

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

☒ Yes ☐ No If yes, please specify:

14.896 and 14.898

3. Present use of the subject lands:

Agricultural and 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:

Barn, kilns, and bunkhouse

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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

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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

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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:

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

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9. Existing use of abutting properties:

Agricultural and residential

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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:

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### 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	624m	30m	12.1.2(b)(i)	599.30	NIL
Lot depth	Irregular	N/A	N/A	Unchanged	N/A
Lot width	757m	N/A	N/A	Unchanged	N/A
Lot area	29.676ha	40ha	12.1.2(a)(i)	29.533ha	10.467ha
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:  
The minimum lot size in the Agricultural Zone is 40ha. Post-boundary adjustment, the retained lands will have an area of approximately 29.533ha and therefore require relief from s. 12.1.(2)(a)(i) of approximately 10.467ha.

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

Frontage: 24.7m  
Depth: 55.575m (westerly boundary) and 55.452m (easterly boundary)  
Width: 26.803m (northerly boundary)  
Lot Area: 1,425.60sqm  
Present Use: Residential  
Proposed Use: Residential

Proposed final lot size (if boundary adjustment): 5,738.50sqm

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

Roll number: 491 007 27006

Owners: Michael Bergman and Tammy Bergman

Description of land intended to be retained in metric units:

Frontage: 599.30m  
Depth: Irregular  
Width: 757m  
Lot Area: 29.533ha  
Present Use: Agricultural and residential  
Proposed Use: Agricultural and residential

Buildings on retained land: Barn, kilns, and bunkhouse

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:

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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

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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

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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 480m

**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 480m

**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  
☒ Individual wells

- ☐ Communal wells  
☐ Other (describe below)

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### Sewage Treatment

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

Application to facilitate recommended extension of existing septic system

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### Storm Drainage

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

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2. Existing or proposed access to subject lands:

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

Name of road/street:

Windham Road 5

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## 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?

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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.

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## **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

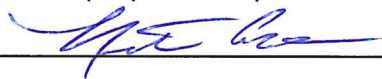
The owner acknowledges and agrees that if required it is their solicitor's responsibility on behalf of the owner for the registration of all transfer(s) of land to the County, and/or transfer(s) of easement in favour of the County and/or utilities. Also, the owner further acknowledges and agrees that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

2024/07/03

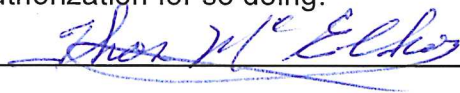
Date

## 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 Thomas McElhone, A.S.O. 710991 Ontario Inc am/are the registered owner(s) of the lands that is the subject of this application.

I/We authorize Michael Bergman, Tammy Bergman, and 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

2024/07/03

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 3rd day of July,

A.D., 2024

  
A Commissioner, etc.

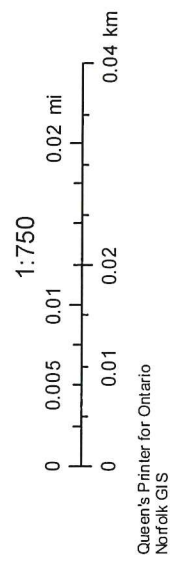


# MAP NORFOLK - Community Web Map



7/3/2024, 1:13:38 PM

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









Ken Gilbert Trucking and Excavating  
877 Brantford Rd.  
Vanessa, On  
N0E 1V0  
Cell 519-428-8291

To whom it may concern;

September 16, 2020

After an inspection of Michael Bergman's septic system and tile bed at 673 Windham Road 5, Norfolk County, it is my recommendation to extend the tile bed in an eastward direction to alleviate the issues that Mike is currently experiencing. To avoid possible contamination of the home's drinking water, I suggest it goes east far enough to create a safe buffer zone. Unfortunately, with this new tile bed proposal, it would need to be placed in the grassy area including some of the lawn which belongs to 679 Windham Road 5 as well, but west of the cedar trees on the property at 679.

If you should have any questions, please do not hesitate to contact me.

Thank you

Ken Gilbert  
Ken Gilbert Trucking and Excavating



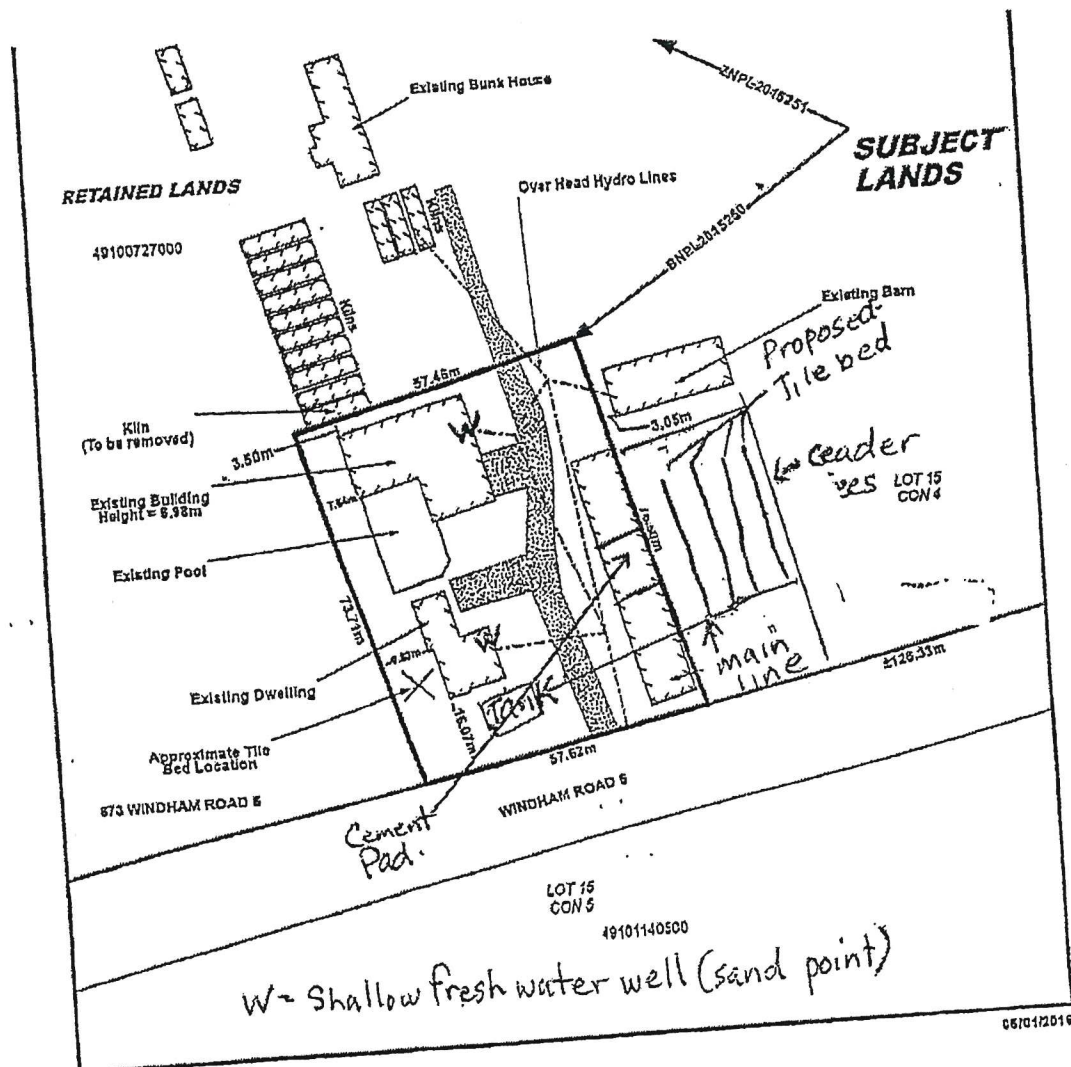
Ken Gilbert Trucking and Excavating  
877 Brantford Rd, Vanessa On  
N0E 1V0  
Cell 519-428-8291

To Whom it may Concern,

This is a sketch of 673 Windham Road 5 showing a proposed septic system installation. It should accompany the letter which was submitted approximately 1 month ago. This land is owned by Michael Bergman.

Thank you, Ken Gilbert

*Ken Gilbert*



06/01/2016

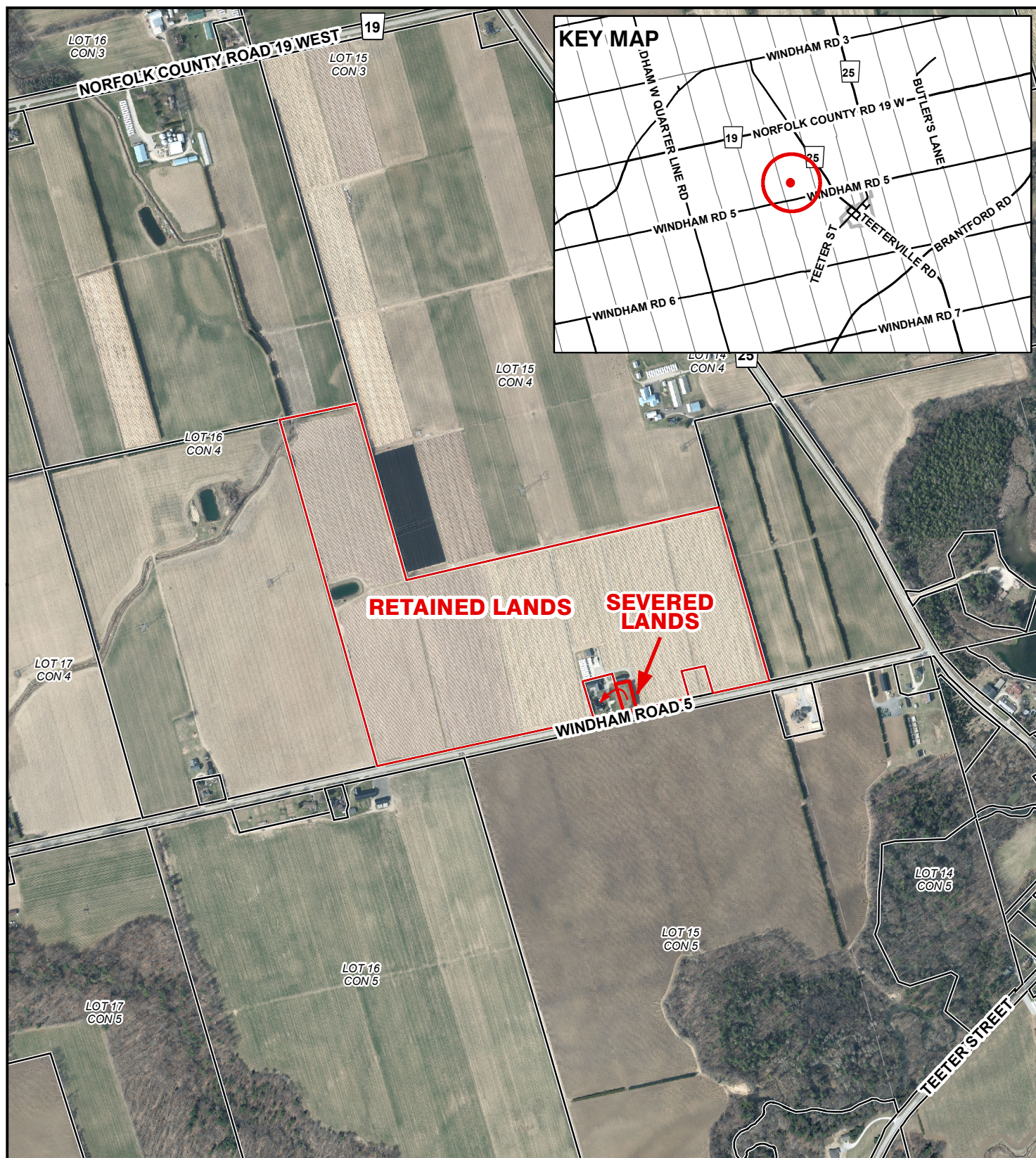


## CONTEXT MAP

Geographic Township of WINDHAM

BNPL2024253

ANPL2024254

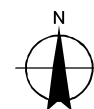


### Legend

- ☐ Subject Lands
  - ☐ Lands Owned

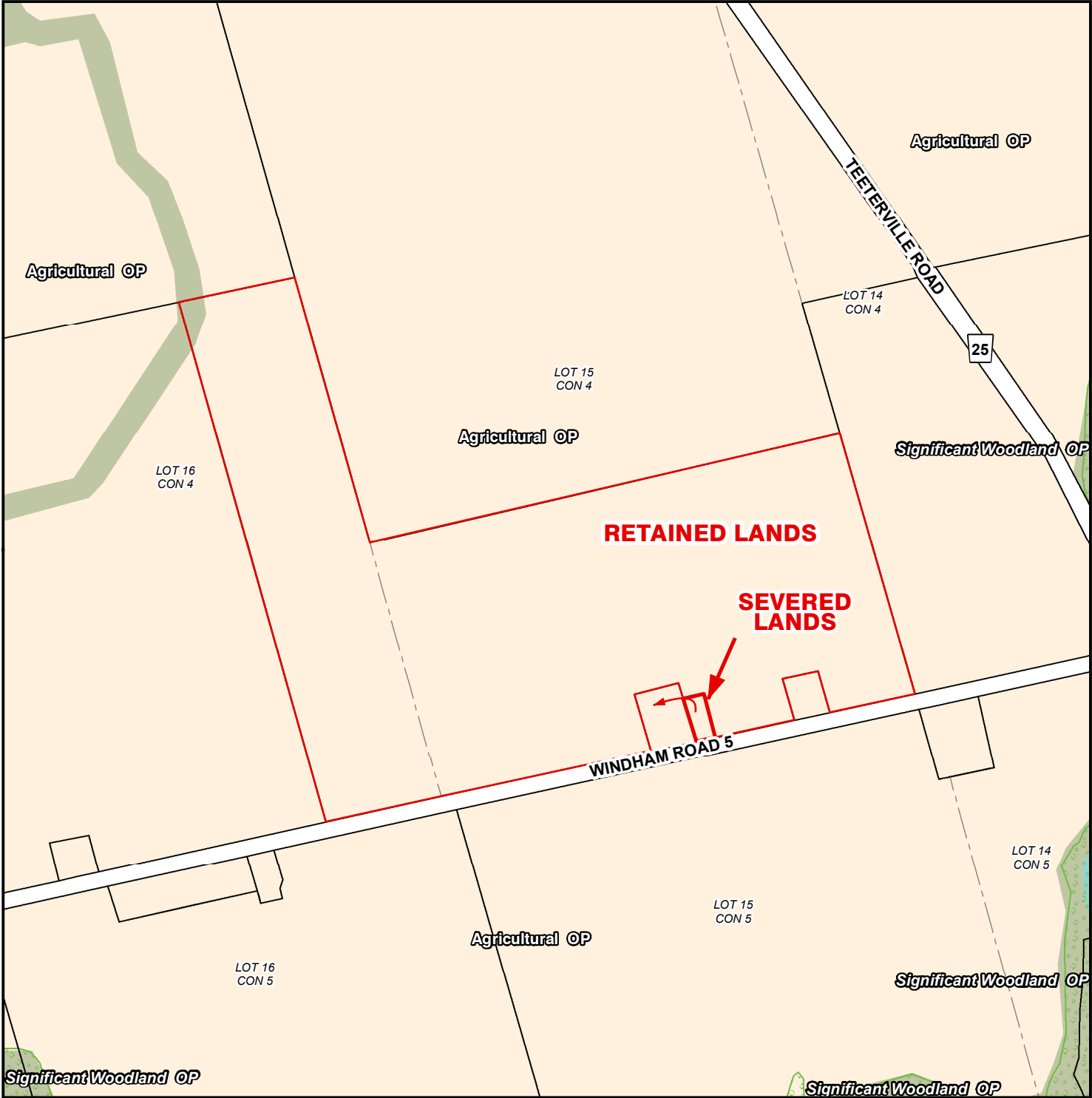
2020 Air Photo

**7/30/2024**



80 40 0 80 160 240 320 Meter



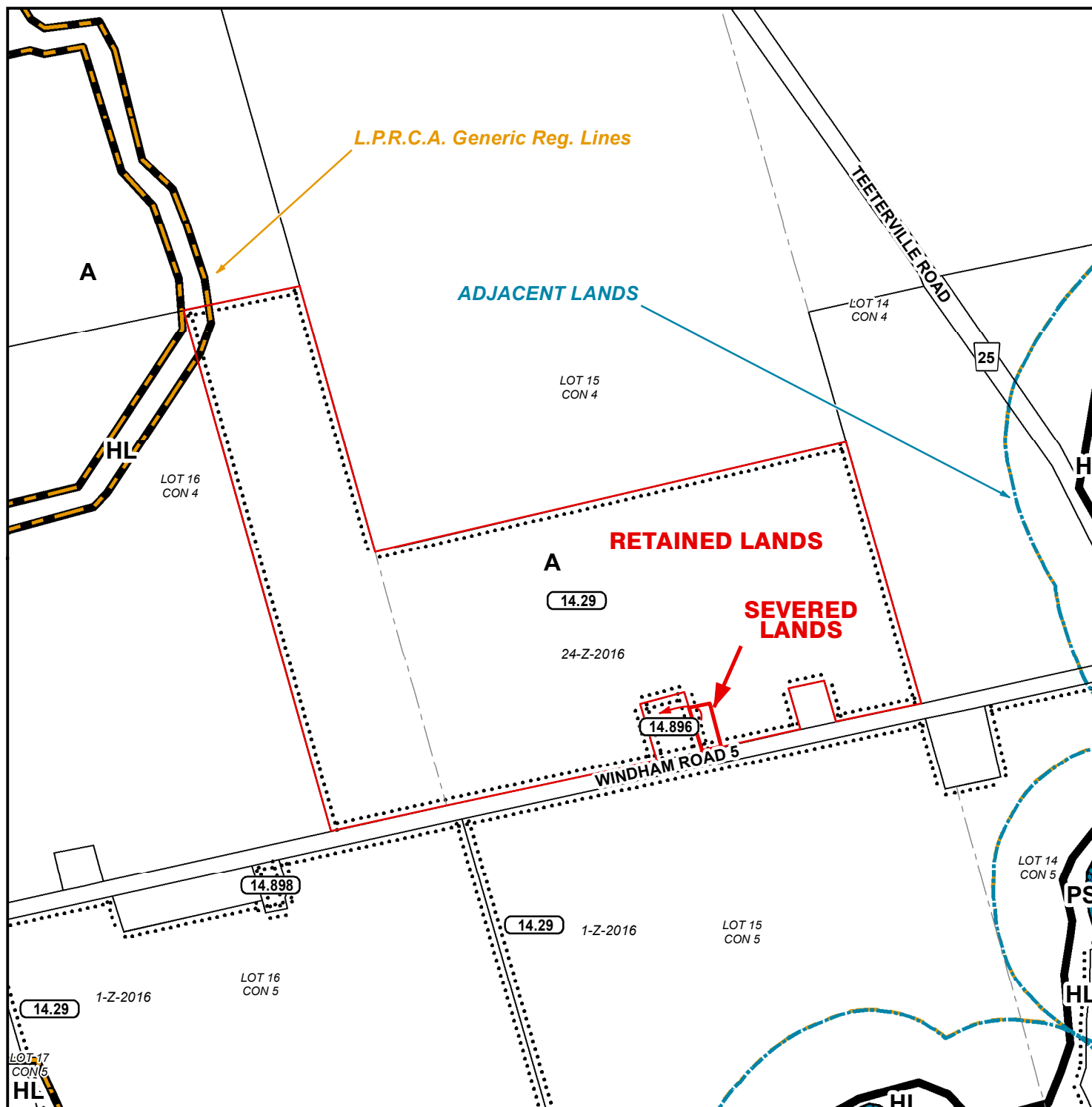


**Legend**

- Subject Lands
- Lands Owned

**Official Plan Designations**

- Agricultural
- Hazard Lands
- Provincially Significant Wetland
- Significant Woodland



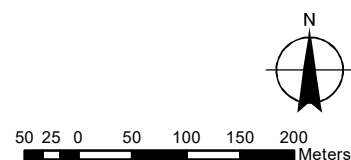
**LEGEND**

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

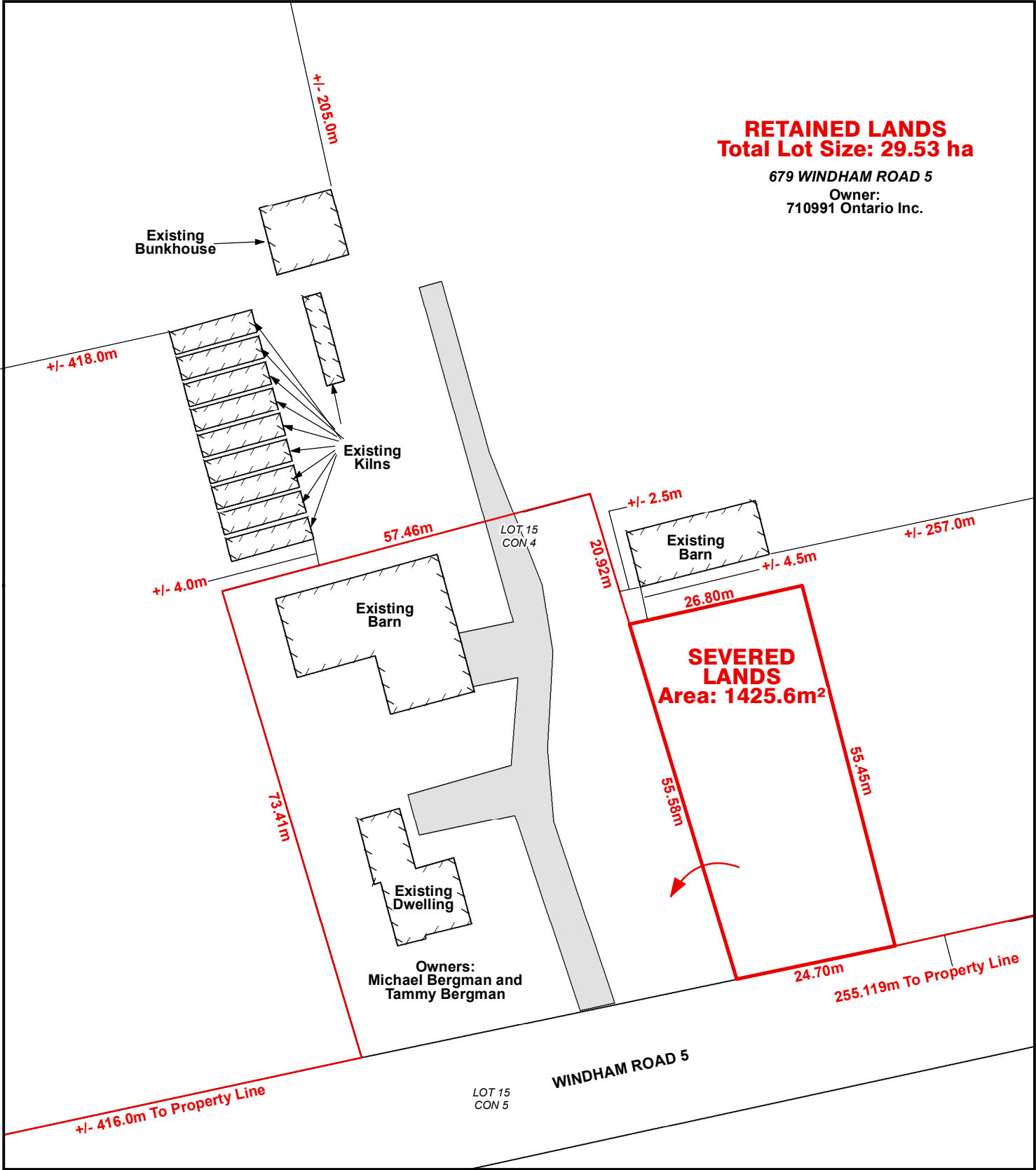
ZONING BY-LAW 1-Z-2014

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

7/30/2024

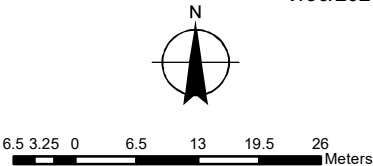






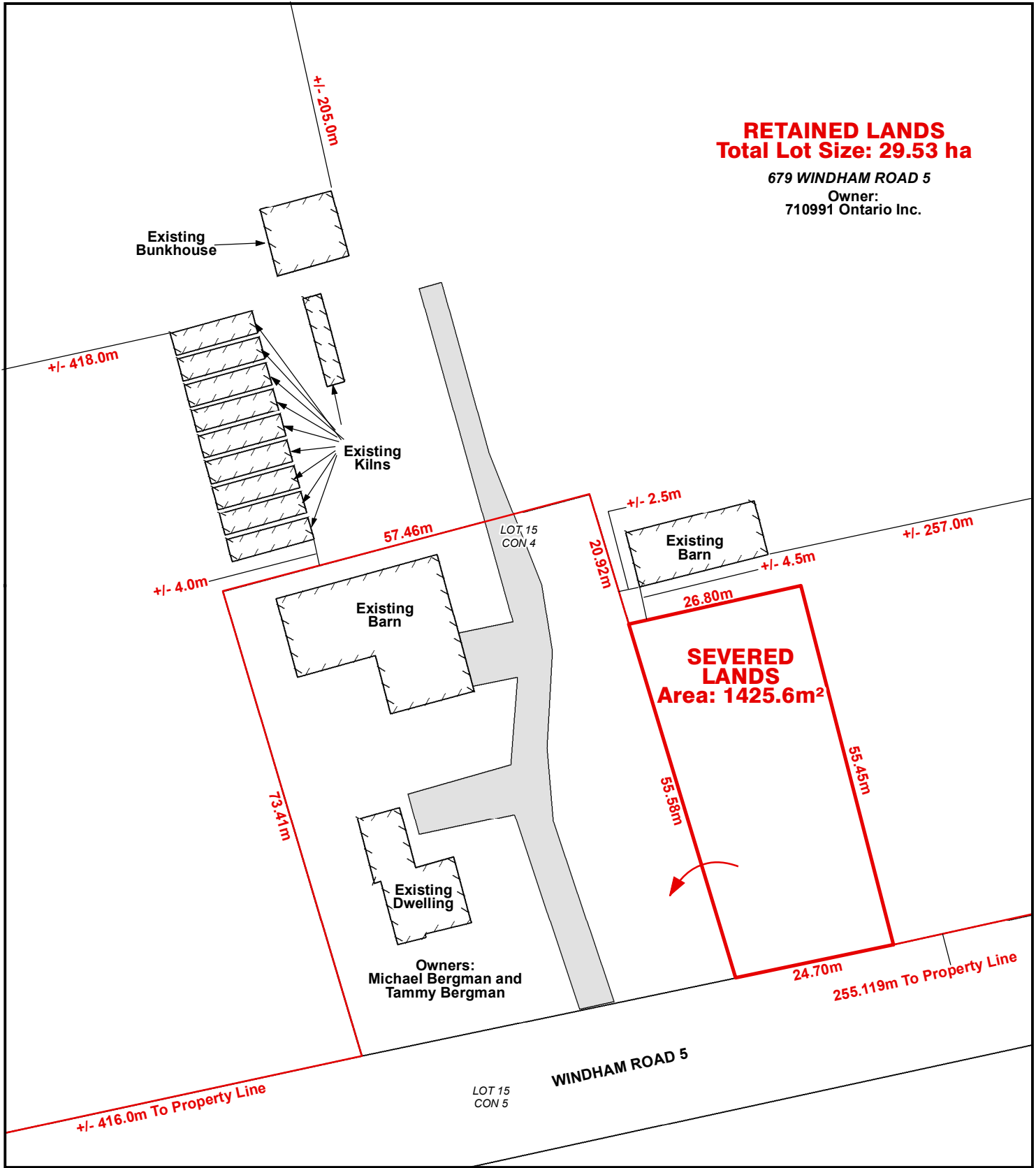
Legend

- Subject Lands
- Lands Owned



**LOCATION OF LANDS AFFECTED**  
**CONCEPTUAL PLAN**  
Geographic Township of WINDHAM

BNPL2024253  
ANPL2024254



**Legend**

- Subject Lands
- Lands Owned

