



October 18th, 2024

Hand-delivered

Norfolk County

Planning Department
12 Gilbertson Drive,
Simcoe, Ontario

Attention: Committee of Adjustment Applications and Andrew Wallace, Planner

Dear Mr. Wallace,

RE: VanHeugten/Derek Van Heugten Farms Limited Boundary Adjustment

Lands from which land to be severed: 2465 1st Concession Road STR, Delhi
Roll No. 54104025500
Derek Van Heugten Farms Limited

Benefitting Lands: 288 Schafer Side Road, Delhi
Roll No. 54104025520
Kyle Van Heugten

We are the solicitors for Kyle Van Heugten. Please find enclosed:

1. Application;
2. GIS Mapping;
3. Survey Sketch.

Please proceed to process this application and schedule it for the earliest possible Committee of Adjustment Date.

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 | _____ |

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: 54104025500

A. Applicant Information

Name of Owner Derek Vanheugten Farms Limited

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 2465 1st Concession Road STR

Town and Postal Code Delhi, Ontario N4B 2W4

Phone Number _____

Cell Number _____

Email dvhfarmsltd@hotmail.com

Name of Applicant Kyle VanHeugten

Address 288 Schafer Side Road

Town and Postal Code Delhi, Ontario N4B 2W6

Phone Number _____

Cell Number 519-420-9986

Email vhcontractors@hotmail.com

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:

Farm Credit Canada - 200-1133 St. George Boulevard, Moncton, New Brunswick E1E 4E1

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 182 CON STR MIDDLETON AS IN NR581248; EXCEPT PT 1 37R10757; NORFOLK COUNTY

Municipal Civic Address: 2465 1st Concession Road STR, Delhi

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:

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:

370 sqm workshop on boundary adjustment lands. Single-family dwelling and agricultural buildings on retained lands.

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:

Agricultural and single-family 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 | 445m (Schafer Side Road) | 30m | 12.1.2(b)(i) | 445m | NIL |
| Lot depth | 400m (Irregular) | N/A | N/A | N/A | N/A |
| Lot width | 495m (Irregular) | N/A | N/A | N/A | N/A |
| Lot area | 19.8ha | 40ha | 12.1.2(a)(i) | 19.6ha | 20.4ha |
| 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 | N/A | 200sqm | 3.2(g) | 370sqm | 170sqm excess |

2. Please explain why it is not possible to comply with the provision(s) of the Zoning By-law: (1) The subject farm is less than the 40ha minimum. Removing the boundary adjustment
lands will increase the deficiency and require relief. (2) The workshop is 370sqm in area
and will be used as accessory to the dwelling at 288 Shafer Side Road. This will require

3. relief of the excess of 170sqm.
Consent/Severance/Boundary Adjustment: Description of land intended to be severed in metric units:

Frontage: None
Depth: Irregular: 55.36m (northerly boundary); 58.725m (southerly boundary)
Width: Irregular: 39.135m (westerly boundary); 19.684m (easterly boundary)
Lot Area: 1650sqm
Present Use: Workshop and driveway
Proposed Use: Same as present

Proposed final lot size (if boundary adjustment): 5697sqm (4047sqm existing plus 1650 to be added)

If a boundary adjustment, identify the assessment roll number and property owner of the lands to which the parcel will be added: Roll No. 331054104025520 (Kyle VanHeugten)

Description of land intended to be retained in metric units:

Frontage: 445m (Schafer Side Road)
Depth: 400m (Irregular)
Width: 495m (Irregular)
Lot Area: 19.6ha
Present Use: Agricultural
Proposed Use: Agricultural

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

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:

[No new development proposed](#)

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:

[No new development proposed](#)

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

- | | |
|--|---|
| <input type="checkbox"/> Municipal piped water | <input type="checkbox"/> Communal wells |
| <input checked="" type="checkbox"/> Individual wells | <input type="checkbox"/> Other (describe below) |

Sewage Treatment

- | | |
|--|---|
| <input type="checkbox"/> Municipal sewers | <input type="checkbox"/> Communal system |
| <input checked="" type="checkbox"/> Septic tank and tile bed in good working order | <input type="checkbox"/> Other (describe below) |

Storm Drainage

- | | |
|---|--|
| <input type="checkbox"/> Storm sewers | <input checked="" type="checkbox"/> Open ditches |
| <input type="checkbox"/> Other (describe below) | |

2. Existing or proposed access to subject lands:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Municipal road | <input type="checkbox"/> Provincial highway |
| <input type="checkbox"/> Unopened road | <input type="checkbox"/> Other (describe below) |

Name of road/street:

Schafter Side 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.

Approval of the subject application will relieve the existing encroachment between 288 Schafer Side Road
and 2465 1st Concession Road STR

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

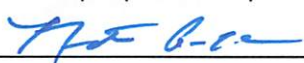
The owner acknowledges and agrees that if required it is their solicitor's responsibility on behalf of the owner for the registration of all transfer(s) of land to the County, and/or transfer(s) of easement in favour of the County and/or utilities. Also, the owner further acknowledges and agrees that 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 Derek VanHeugten, A.S.O., Derek Vanheugten Farms Limited am/are the registered owner(s) of the lands that is the subject of this application.

I/We authorize Kyle VanHeugten 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.

E-SIGNED by Derek VanHeugten
on 2024-10-17 21:56:56 GMT

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 18th day of October

A.D., 2024

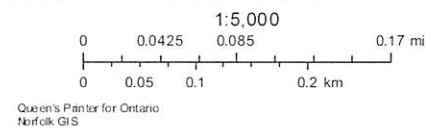

A Commissioner, etc.

MAP NORFOLK - Community Web Map

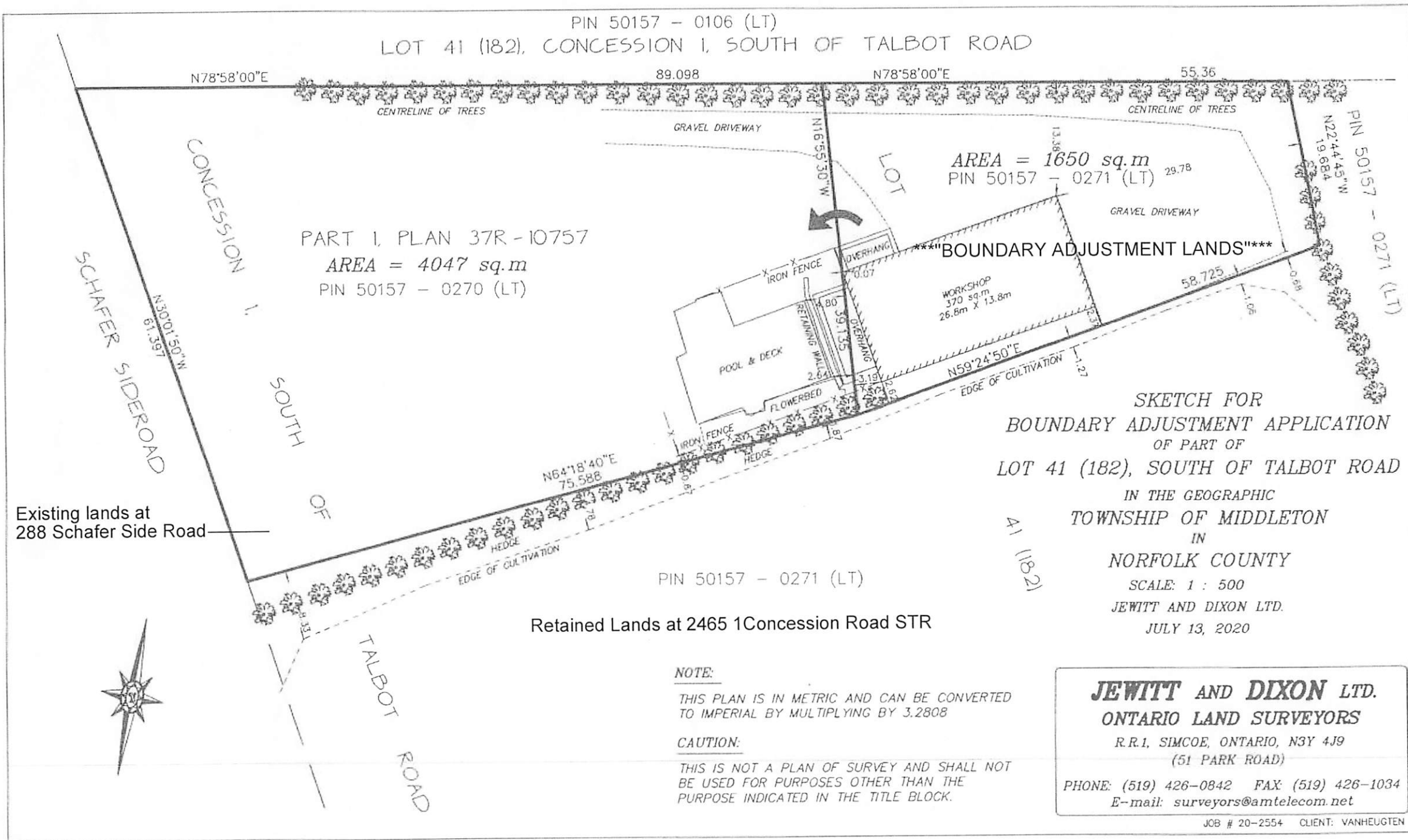


4/10/2024, 3:30:58 PM

- ☐ Land Parcels
- ☐ Road Labels
- ☐ CivicAddress
- ☐ DraftPlan
- ☐ Plan Lines



Norfolk GIS
© Norfolk County



Properties

PIN

50157 – 0103 LT

Interest/Estate

Fee Simple

☒ Split

Description

PT LT 182 CON STR MIDDLETON PT. 1, 37R10757; NORFOLK COUNTY

Address

DELHI

Consideration

Consideration

\$85,000.00

Transferor(s)

The transferor(s) hereby transfers the land to the transferee(s).

Name

DEREK VANHEUGTEN FARMS LIMITED

Address for Service

R. R. # 2,
Delhi, On N4G 2W5

I, Derek VanHeugten, President, have the authority to bind the corporation.

This document is not authorized under Power of Attorney by this party.

| Transferee(s) | Capacity | Share |
|--------------------------------|-----------------------------------|-------|
| <div>Name</div> | VANHEUGTEN, KYLE PERRY | |
| <div>Date of Birth</div> | 1989 04 04 | |
| <div>Address for Service</div> | R. R. # 2, Delhi, ON N4G 2W5 | |

Statements

The Committee of Adjustment, Norfolk County has consented to the severance herein. See Schedules

Signed By

Thomas Alton Cline

25 Norfolk Street North
Simcoe
N3Y 3N6

acting for
Transferor(s)

Signed

2015 06 30

Tel

519–426–1711

Fax

519–426–7863

I am the solicitor for the transferor(s) and the transferee(s) and this transfer is being completed in accordance with my professional standards.

I have the authority to sign and register the document on behalf of all parties to the document.

Thomas Alton Cline

25 Norfolk Street North
Simcoe
N3Y 3N6

acting for
Transferee(s)

Signed

2015 06 30

Tel

519–426–1711

Fax

519–426–7863

I am the solicitor for the transferor(s) and the transferee(s) and this transfer is being completed in accordance with my professional standards.

I have the authority to sign and register the document on behalf of all parties to the document.

Submitted By

NORFOLK LAW CHAMBERS, LLP

25 Norfolk Street North
Simcoe
N3Y 3N6

2015 06 30

Tel

519–426–1711

Fax

519–426–7863

Fees/Taxes/Payment

Statutory Registration Fee

\$60.00

Fees/Taxes/Payment

| | |
|------------------------------|----------|
| Provincial Land Transfer Tax | \$575.00 |
| Total Paid | \$635.00 |

LAND TRANSFER TAX STATEMENTS

In the matter of the conveyance of: 50157 – 0103 PT LT 182 CON STR MIDDLETON PT. 1, 37R10757; NORFOLK COUNTY

BY: DEREK VANHEUGTEN FARMS LIMITED

TO: VANHEUGTEN, KYLE PERRY

1. VANHEUGTEN, KYLE PERRY

I am

- ☐ (a) A person in trust for whom the land conveyed in the above–described conveyance is being conveyed;
- ☐ (b) A trustee named in the above–described conveyance to whom the land is being conveyed;
- ☒ (c) A transferee named in the above–described conveyance;
- ☐ (d) The authorized agent or solicitor acting in this transaction for _____ described in paragraph(s) () above.
- ☐ (e) The President, Vice–President, Manager, Secretary, Director, or Treasurer authorized to act for _____ described in paragraph(s) () above.
- ☐ (f) A transferee described in paragraph() and am making these statements on my own behalf and on behalf of _____who is my spouse described in paragraph() and as such, I have personal knowledge of the facts herein deposited to.

3. The total consideration for this transaction is allocated as follows:

| | |
|---|-----------|
| (a) Monies paid or to be paid in cash | 85,000.00 |
| (b) Mortgages (i) assumed (show principal and interest to be credited against purchase price) | 0.00 |
| (ii) Given Back to Vendor | 0.00 |
| (c) Property transferred in exchange (detail below) | 0.00 |
| (d) Fair market value of the land(s) | 0.00 |
| (e) Liens, legacies, annuities and maintenance charges to which transfer is subject | 0.00 |
| (f) Other valuable consideration subject to land transfer tax (detail below) | 0.00 |
| (g) Value of land, building, fixtures and goodwill subject to land transfer tax (total of (a) to (f)) | 85,000.00 |
| (h) VALUE OF ALL CHATTELS –items of tangible personal property | 0.00 |
| (i) Other considerations for transaction not included in (g) or (h) above | 0.00 |
| (j) Total consideration | 85,000.00 |

PROPERTY Information Record

| | | | | | |
|--------------------------------|---|------------------------------|--|------------------------------------|------------|
| A. Nature of Instrument: | Transfer | | | | |
| | LRO 37 | Registration No. | NK80332 | Date: | 2015/06/30 |
| B. Property(s): | PIN 50157 – 0103 | Address | DELHI | Assessment – | Roll No |
| C. Address for Service: | R. R. # 2, | | | | |
| | Delhi, ON N4G 2W5 | | | | |
| D. (i) Last Conveyance(s): | PIN 50157 – 0103 | Registration No. | NK59914 | | |
| | (ii) Legal Description for Property Conveyed: Same as in last conveyance? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Not known <input type="checkbox"/> | |
| E. Tax Statements Prepared By: | Thomas Alton Cline | | | | |
| | 25 Norfolk Street North | | | | |
| | Simcoe N3Y 3N6 | | | | |



Planning Act

RECEIVED
JUN 29 2015

CERTIFICATE OF OFFICIAL _____

Under subsection 53(42) of The Planning Act, I certify that the consent of the Committee of Adjustment of The Corporation of Norfolk County was given on January 21, 2015 to a conveyance of the following lands:

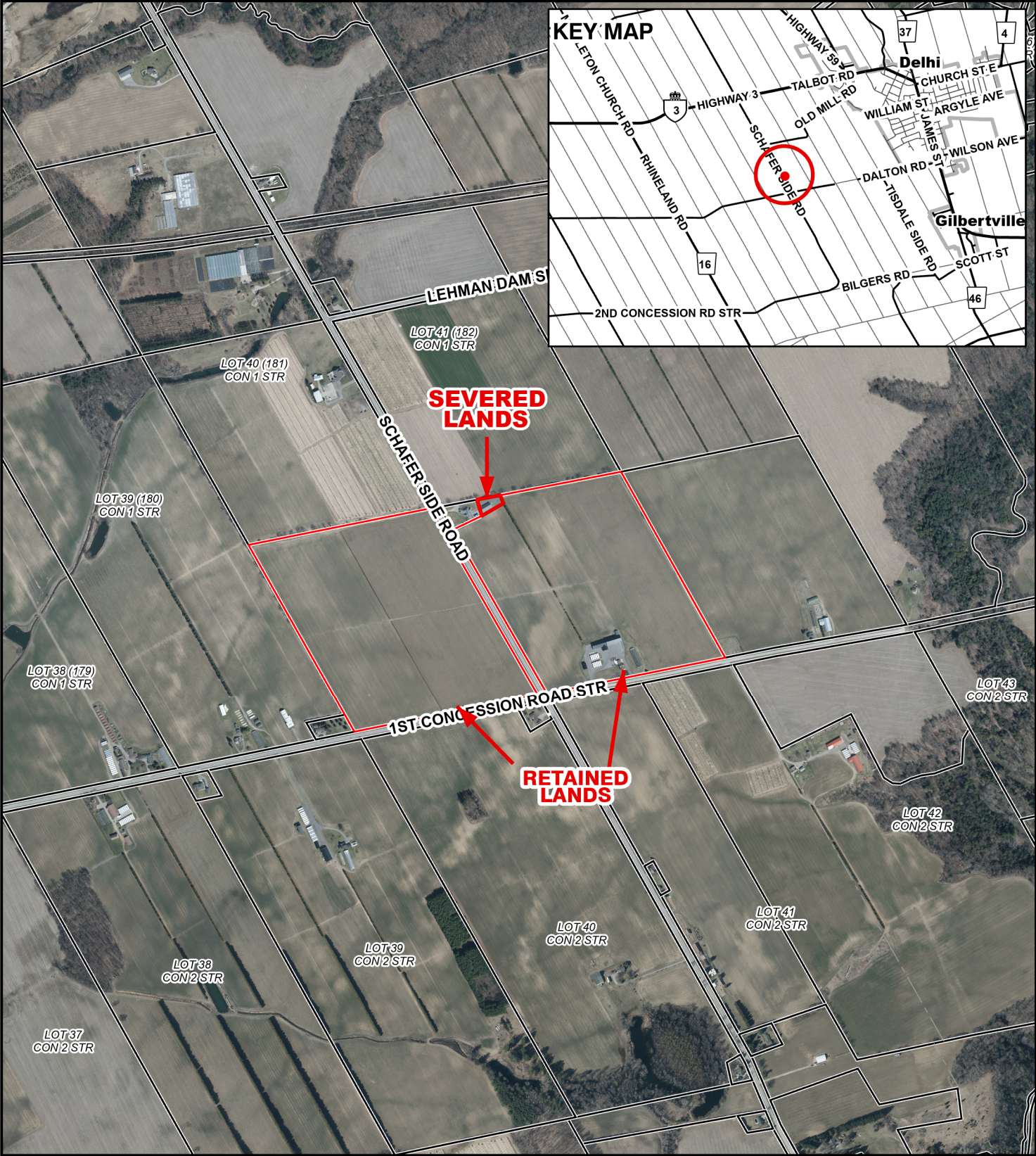
PT LT 182, CON STR MIDDLETON, PT. 1, 37R10757;
NORFOLK COUNTY

A handwritten signature in black ink, appearing to be "MS", written over a horizontal line.

Meghan Steinhoff
Secretary-Treasurer
Committee of Adjustment

BNPL2014235

Dated this 26th Day of June, 2015.

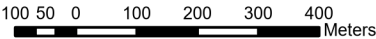
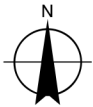


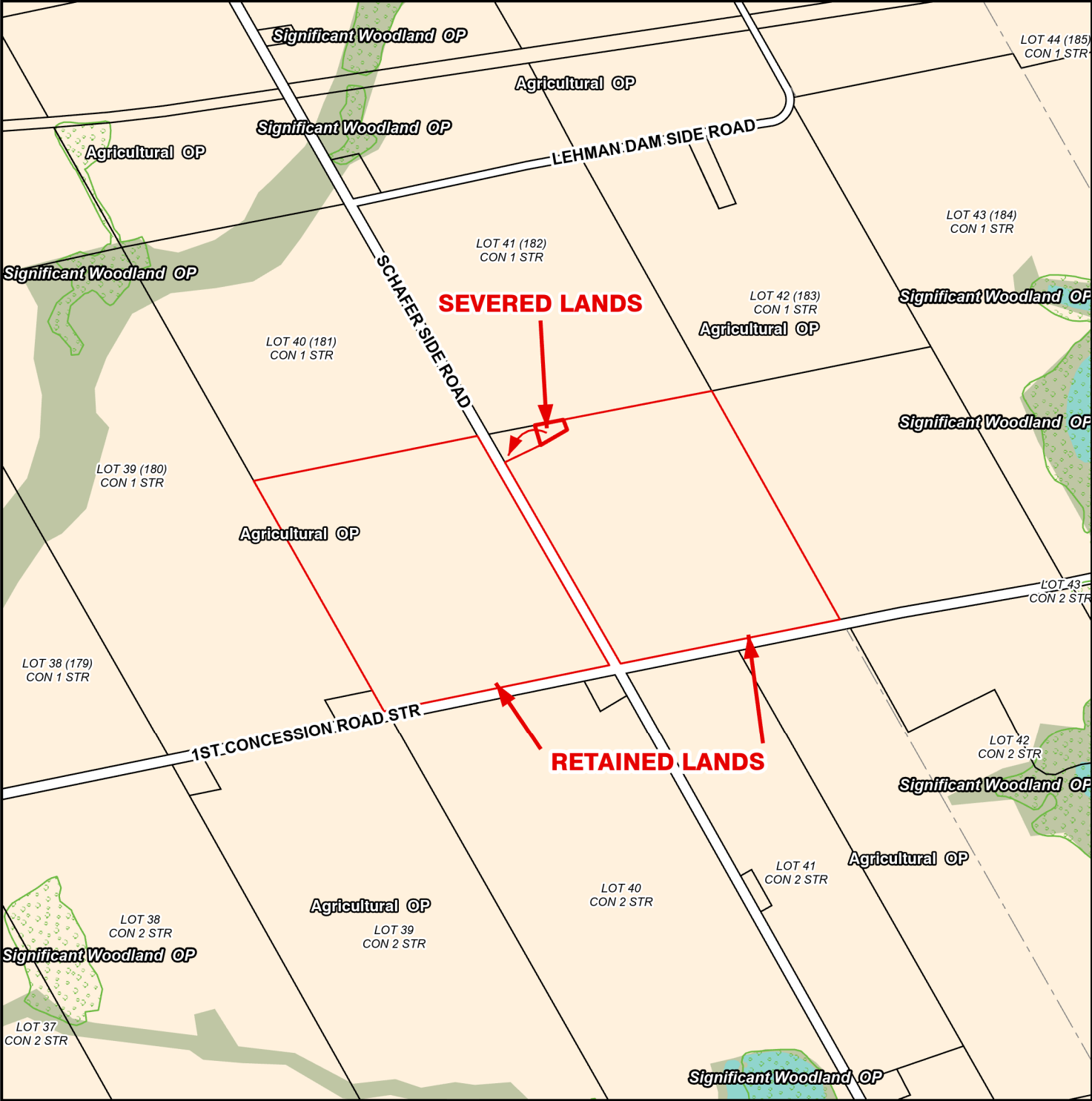
Legend

- Subject Lands
- Lands Owned

2020 Air Photo

3/5/2025





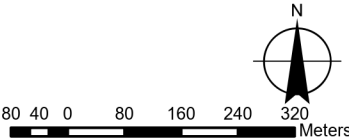
Legend

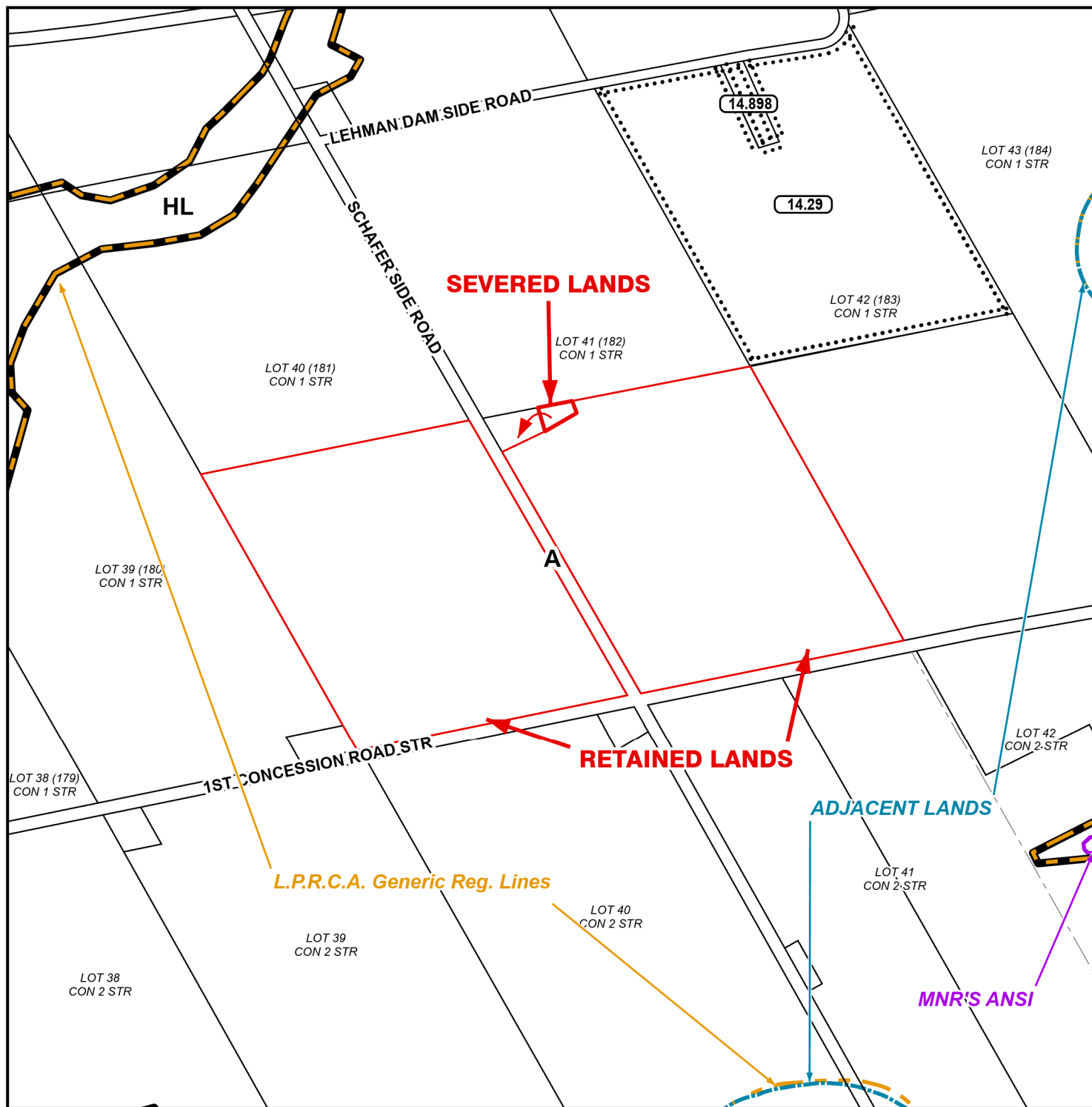
- Subject Lands
- Lands Owned

Official Plan Designations

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

3/5/2025





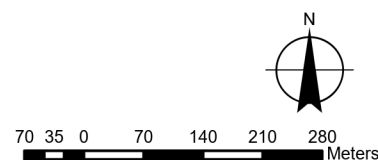
LEGEND

- Subject Lands
- MNR ANSI
- Lands Owned
- LPRCA Generic RegLines
- Adjacent Lands

ZONING BY-LAW 1-Z-2014

3/5/2025

(H) - Holding
 A - Agricultural Zone
 HL - Hazard Land Zone



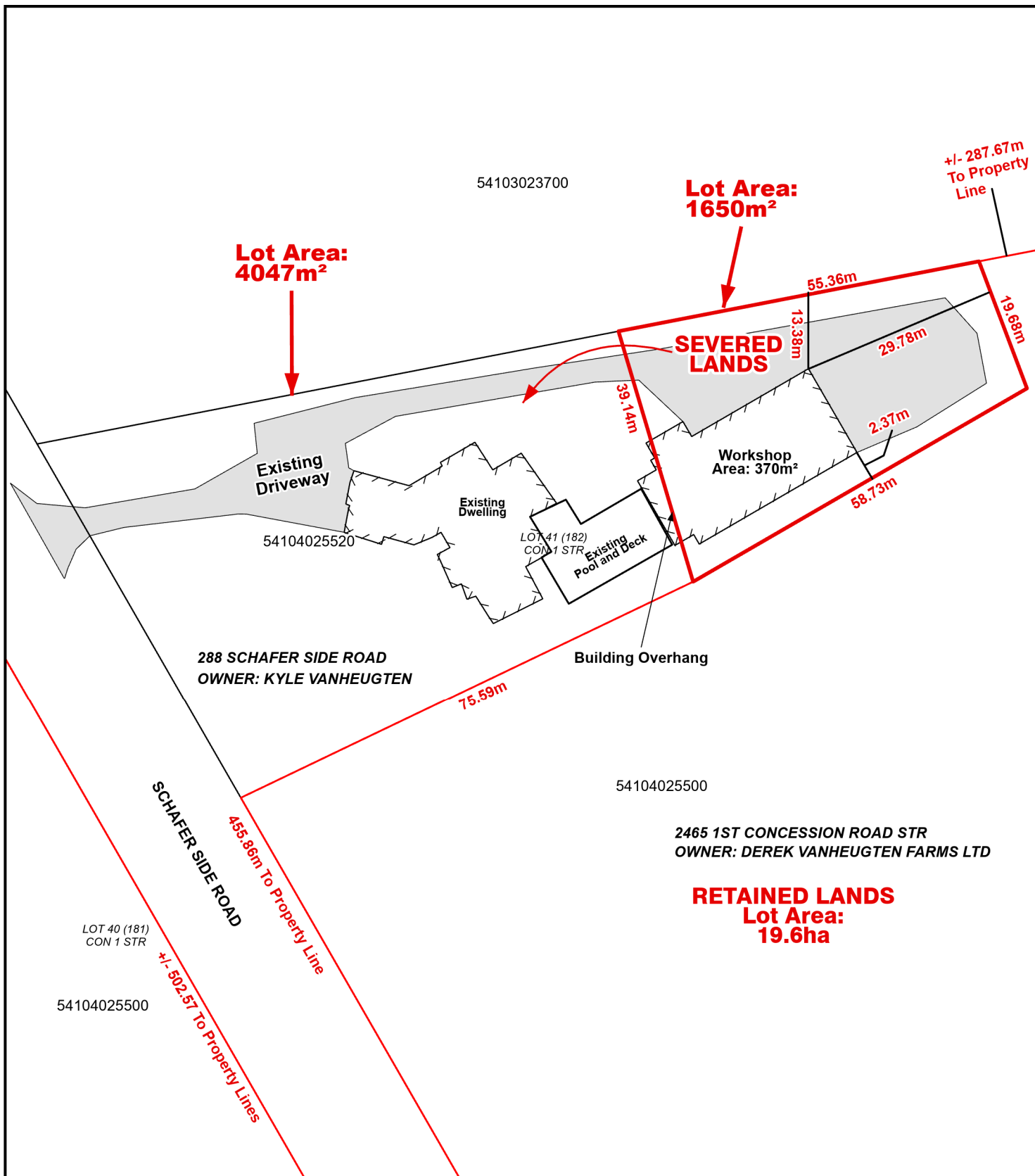
MAP D

CONCEPTUAL PLAN

Geographic Township of MIDDLETON

BNPL2024403

ANPL2024404



Legend

- Subject Lands
- Lands Owned

3/5/2025



6.5 3.25 0 6.5 13 19.5 26 Meters

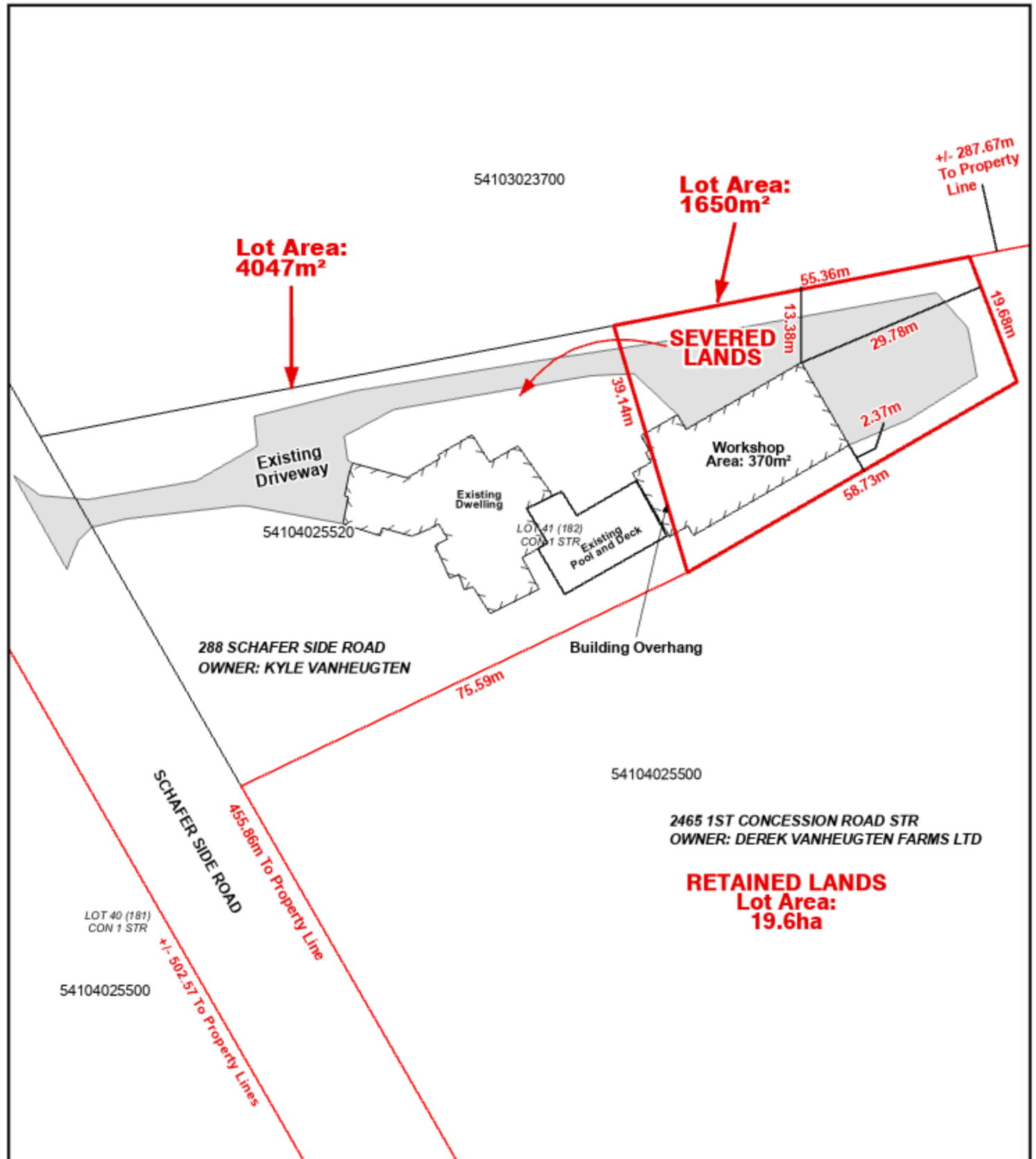
LOCATION OF LANDS AFFECTED

CONCEPTUAL PLAN

Geographic Township of MIDDLETON

BNPL2024403

ANPL2024404



Legend

- Subject Lands
- Lands Owned

3/5/2025



6.5 3.25 0 6.5 13 19.5 26 Meters