

**For Office Use Only:**

File Number \_\_\_\_\_  
Related File Number \_\_\_\_\_  
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:** \_\_\_\_\_

**A. Applicant Information**

**Name of Owner**

Henry Kukielka / Kukielka Produce  
& Karen

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**

1228 Windham Rd. 6

**Town and Postal Code**

Vanessa ON NOE1V0

**Phone Number**

519-443-5229

**Cell Number**

" "

**Email**

henry@victorginseng.com

**Name of Applicant**

Henry Kukielka

**Address**

1228 Windham Rd. 6

**Town and Postal Code**

Vanessa ON NOE1V0

**Phone Number**

519-443-5229

**Cell Number**

" "

**Email**

henry@victorginseng.com

**Name of Agent**

Kayla DeLeye

**Address**

29 Broadview Drive

**Town and Postal Code**

Burford NOE/AD

**Phone Number**

519-909-9710

**Cell Number**

" "

**Email**

Kayla.deleye@outlook.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):

Windham Concession 6, Part Lot 23

Municipal Civic Address: 127 Windham Road 7

Present Official Plan Designation(s): Agricultural

Present Zoning: A

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 & Ag related grain elevator operation

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:

See attached sketch

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.

No building proposed.

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:

No proposed buildings

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:

N/A

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

10+ years

9. Existing use of abutting properties:

Ag. & rural 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** → see sketch for all dimensions

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					
Lot depth					
Lot width					
Lot area					
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:

N/A

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

Frontage: 58.29m

Depth: 151.15m (irregular)

Width: 113.3m

Lot Area: 15393.16 sqm (3.80 acres)

Present Use: Grain Elevator / Ag.

Proposed Use: No change

Proposed final lot size (if boundary adjustment): N/A

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

Description of land intended to be retained in metric units:

Frontage: 830 + m

Depth: 0

Width: 0

Lot Area: 97 +/- acres

Present Use: Ag.

Proposed Use: Ag.

Buildings on retained land: N/A

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

Frontage: N/A

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):

Ag. related commercial grain elevator.  
\_\_\_\_\_  
\_\_\_\_\_

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:

Owner history  
\_\_\_\_\_  
\_\_\_\_\_

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 N/A

**Wooded area**

☐ On the subject lands or ☐ within 500 meters – distance N/A

**Municipal Landfill**

☐ On the subject lands or ☐ within 500 meters – distance N/A

**Sewage treatment plant or waste stabilization plant**

☐ On the subject lands or ☐ within 500 meters – distance N/A

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

☐ On the subject lands or ☐ within 500 meters – distance N/A

**Floodplain**

☐ On the subject lands or ☐ within 500 meters – distance N/A

**Rehabilitated mine site**

☐ On the subject lands or ☐ within 500 meters – distance N/A

**Non-operating mine site within one kilometre**

☐ On the subject lands or ☐ within 500 meters – distance N/A

**Active mine site within one kilometre**

☐ On the subject lands or ☐ within 500 meters – distance N/A

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

☐ On the subject lands or ☐ within 500 meters – distance N/A

**Active railway line**

☐ On the subject lands or ☐ within 500 meters – distance N/A

**Seasonal wetness of lands**

☐ On the subject lands or ☐ within 500 meters – distance N/A

**Erosion**

☐ On the subject lands or ☐ within 500 meters – distance N/A

**Abandoned gas wells**

☐ On the subject lands or ☐ within 500 meters – distance N/A



**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)

*No services*

Sewage Treatment

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

*No service*

Storm Drainage

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

2. Existing or proposed access to subject lands:

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

Name of road/street:

*Windham Road 7*

**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?

*10+*

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.

Kayla DeLuze  
Owner/Applicant/Agent Signature

May 7 / 2025  
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 \_\_\_\_\_ am/are the registered owner(s) of the lands that is the subject of this application.

I/We authorize \_\_\_\_\_ 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, Kayla DeLeye of Brant  
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:

\_\_\_\_\_

Kayla DeLeye  
Owner/Applicant/Agent Signature

In \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_

A.D., 20\_\_\_\_

\_\_\_\_\_

A Commissioner, etc.



## 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.

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\_\_\_\_\_  
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 & Karen Kulcowski am/are the registered owner(s) of the lands that is the subject of this application.

I/We authorize Kayla DeLeye 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.

[Signature]  
Owner

May 8/2025  
Date

[Signature]  
Owner

May 8/2025  
Date

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

## **Planning Justification Report**

Agriculture-Related Severance and Related Minor Variances

127 Windham Road 7

April 24, 2025





## **Planning Justification Report for 127 Windham Road 7**

### **1.0 INTRODUCTION**

Kayla DeLeye Development Planning ("Agent") has been retained by Henry Kukielka ("owner") to assist in obtaining an agriculture-related severance and two related minor variances for 127 Windham Road 7, Norfolk County, legally described as Windham Concession 6, Part Lot 23. The consent application is to sever a grain elevator operation. The minor variances are for the undersized severed and retained lands. This report aims to provide details regarding the creation of the new lot and provide an overview of the planning merits associated with these planning applications.

### **2.0 SUBJECT LANDS DESCRIPTION**

The subject lands comprise two roll numbers (49101229000 and 49101233002) and front onto the north side of Windham Road 7 and the west side of Windham Road 19 in the geographic township of Windham, approximately 1.3 kilometres north of the hamlet of LaSalette, in Norfolk County. The subject lands are 41.21 hectares (101.83 acres) in size and contain a grain elevator operation and an irrigation pond, with most of the lands being used for growing cash crops. The majority of the lands surrounding the subject property are in agricultural production, with four residential properties which have been severed from the original farm parcels. Additional residential dwellings are located to the east, south, and north of the subject lands. The subject lands are classified as prime agricultural lands and are comprised entirely of Class 2 soils. See the property location shown on Map 1 below.

#### **Map 1: Location of Subject Lands**





The lands proposed to be severed are 1.54 hectares (3.8 acres) in size and are part of the 41.21 hectare (101.83 acre) farm parcel. The proposed severed lands contain the following:

- Four metal grain bins (measuring 14.9 metres (48.9 feet), 10.5 metres (34.5 feet), 10.5 metres (34.5 feet), and 8 metres (26.3 feet) in height)
- Grain dryer
- Weigh scale
- Metal-sided agricultural building
- Concrete block masnfield-sided agricultural building
- Shed
- Platforms

The retained lands are vacant and in active agricultural production. The retained farmlands are approximately 39.25 hectares (96.99 acres) in size. The farm parcel is serviced by two existing driveways, both of which are to be included with the severed lands. A new entrance would be required for the retained lands. Map 2 below outlines the proposed severed lot.

**Map 2: Proposed Severed Lands**

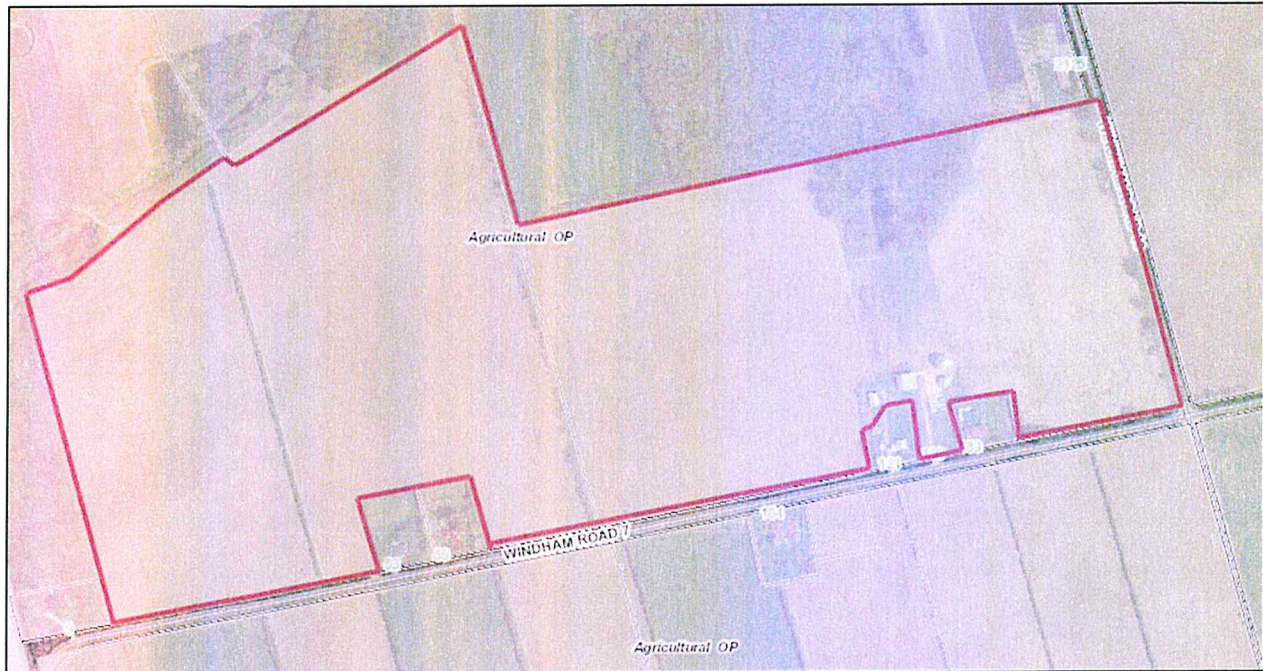




### Official Plan Designation & Zoning By-law Provisions

The subject lands are designated Agricultural in the Norfolk County Official Plan (NCOP) and zoned Agricultural (A) in the Norfolk County Zoning By-law 1-Z-2014 (NCZB) as shown below in Maps 3 and 4 below.

**Map 3: Farm Parcel with Official Plan Designation**



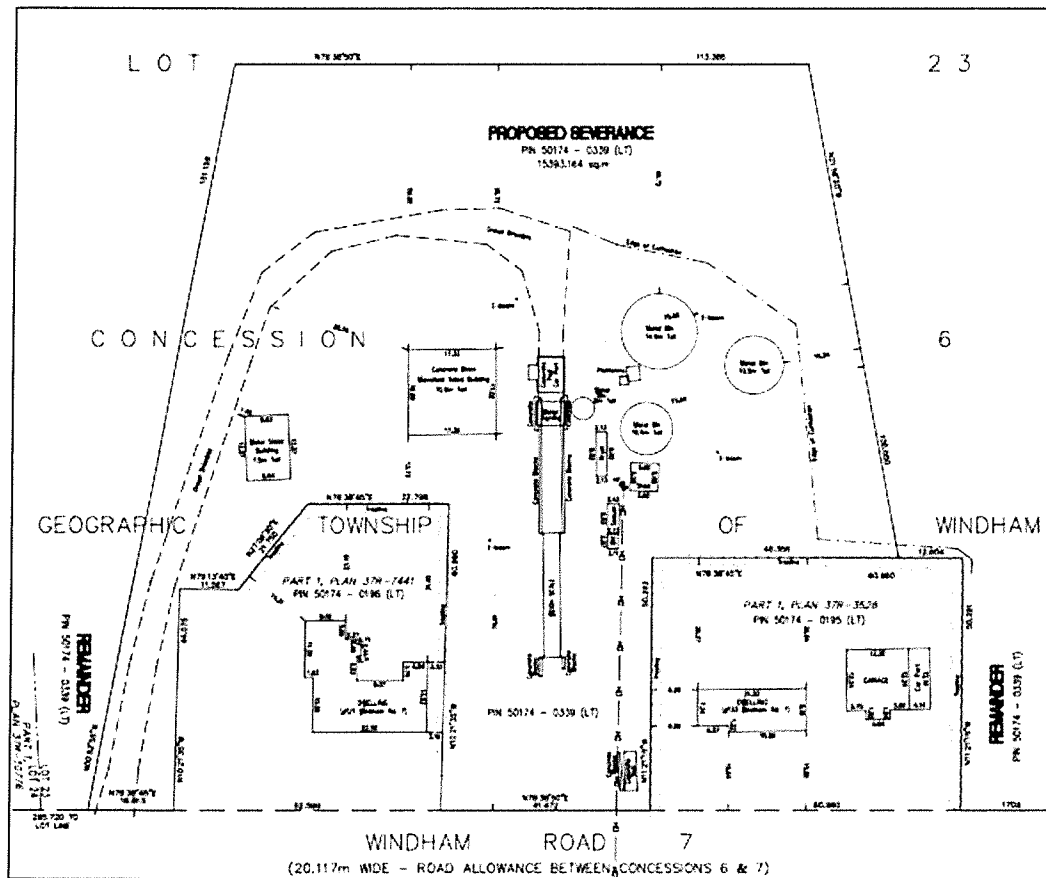
**Map 4: Farm Parcel with Zoning**



### 3.0 PROPOSED DEVELOPMENT

The lands proposed to be severed are 1.54 hectares (3.8 acres) in size and include several buildings related to a grain elevator operation as shown on Map 5 below. The property is serviced by electricity provided by Hydro One. The severed parcel will continue to be accessed by its existing entrances on Windham Road 7. No new construction is proposed as part of this application.

**Map 5: Survey Sketch of the Proposed Severed Lands**



### 4.0 LAND USE PLANNING POLICY FRAMEWORK & ANALYSIS

The agriculture-related severance and related minor variances are reviewed under several policy and regulatory documents including:

- 1 – Provincial Planning Statement, 2024;
- 2 – Norfolk County Official Plan; and
- 3 – Norfolk County Zoning By-law 1-Z-2014.

A detailed land use planning policy framework and analysis is included below.

## **4.1 PROVINCIAL PLANNING STATEMENT, 2024 FRAMEWORK & ANALYSIS**

The Provincial Planning Statement (PPS) is a consolidated statement of the government's interests and policies on land use planning in Ontario. It provides provincial policy direction for appropriate development and includes key land use planning issues that affect communities, such as building strong and healthy communities, the wise use and management of resources, and the protection of public health and safety. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The PPS is issued under section 3 of the Planning Act, and according to the Act, all decisions affecting planning matters shall be consistent with the PPS. Municipalities are the primary decision-makers for local communities. They implement provincial policies through municipal official plans, zoning by-laws and planning-related decisions.

As per section 4.3.1 of the PPS, prime agricultural areas shall be protected for long-term use for agriculture. Prime agricultural areas are areas where prime agricultural lands predominate and includes Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area.

As per section 4.3.2 of the PPS, in prime agricultural areas, agricultural uses (including farm buildings and a residence) are permitted. Furthermore, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected, and the creation of new lots shall comply with the minimum distance separation (MDS) formula.

The subject lands are considered prime agricultural lands in the PPS. "Prime agricultural lands" are defined in the PPS as "specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection." The lands are also part of a "prime agricultural area", which is defined as "areas where prime agricultural lands predominate. This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by a planning authority based on provincial guidance or informed by mapping obtained from the Ontario Ministry of Agriculture, Food and Agribusiness and the Ontario Ministry of Rural Affairs or any successor to those ministries."

Policy 4.3.3.1 of the PPS states, "Lot creation in prime agricultural areas is discouraged and may only be permitted for:

- a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;



- c) one new residential lot per farm consolidation for a residence surplus to an agricultural operation, provided that:
  1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
  2. the planning authority ensures that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new dwellings or additional residential units are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches that achieve the same objective; and
- d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.”

The owner has applied for an agriculture-related severance in accordance with Policy 4.3.3.1.b).

“Agriculture-related uses” is defined in the PPS as “those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.”

The grain elevator use is directly related to farm operations in the area. Norfolk County contains many cash crop farm operations, and the grain elevator is used by many of those local farms. It supports agriculture by providing a service required by local farms. It is beneficial to be in close proximity to farm operations as it saves on time and fuel for farmers. Its only activity is to provide a service to farm operations.

The subject application is consistent with the policies of the PPS.

## **4.2 NORFOLK COUNTY OFFICIAL PLAN FRAMEWORK & ANALYSIS**

The Norfolk County Official Plan (NCOP) is the local municipal planning policy which describes how land in Norfolk County should be used. It is prepared with input from the community and helps manage growth and development within the County until 2036. The NCOP provides a policy framework to guide economic, environmental and social decisions that have implications for the use of land.

The purpose of the NCOP is to provide an overall policy framework establishing clear development principles and policies including land use designations to:

- promote orderly growth and development;
- provide guidance to Council;
- ensure the financial sustainability of the County;
- establish goals and objectives to provide appropriate services;
- respond to population and economic change;
- implement monitoring, review and updates to policy as per new provincial interests; and



- assist in co-ordinating and integrating planning activities with cross-jurisdictional implications including:
  - ecosystem,
  - shoreline and watershed planning;
  - natural heritage planning;
  - management of resources;
  - transportation and infrastructure planning;
  - regional economic development;
  - cultural heritage planning,
  - air and water quality monitoring; and
  - waste management.

The subject lands are designated “Agricultural” in the NCOP. The majority of the proposed severed lot is Agricultural. Section 7.2 of the OP dictates the policies of the Agricultural designation.

Section 7.2.1(h) of the NCOP states, “The following uses may also be permitted, provided these uses do not conflict with existing farm operations, or with any policies related to Provincially Significant Features or Natural Heritage Features: iv) Agriculture-related commercial and industrial operations, subject to the policies of Section 7.2.2 (Agricultural Designation – Land Use Policies).”

The existing grain elevator operation on the subject lands is considered agriculture-related. The policies below outline the requirements to establish a new agriculture-related commercial or industrial use. However, they have been reviewed in this report to confirm that the use is in fact appropriate at its current location and meets the requirements of the Official Plan.

Section 7.2.2, Land Use Policies, states, “The following policies apply to land designated Agricultural.

- d) Agriculture-related commercial and industrial uses that are clearly supportive of and directly related to agricultural operations may be permitted subject to the following criteria:

Criteria	Conformity	Comments
i) the use must be justified on the basis of being required near to the farm operation	✓	Grain elevators are required to be near the farm operations they serve. It would not make sense economically to haul grain long distances for drying.
ii) the proposed use is directly related to farm operations in the area and provides direct products and/or services to farm operations as a primary activity	✓	The grain elevator serves farm operations in the area and provides direct services (the drying of grain) to farm operations as its primary activity.

iii) the proposed use shall be compatible with and not hinder surrounding agricultural operations;	✓	The use is already established and is compatible with surrounding agricultural operations. There are no negative impacts as the use is agricultural in nature.
iv) the proposed use shall be appropriate to available rural services, such as road access, private water and waste water services, utilities, fire protection and other public services	✓	The use is appropriate to available rural services. The use has existed on the subject lands for over 10 years and no issues have been encountered regarding services.
v) the proposed use maintains the agricultural character of the area	✓	The use maintains the agricultural character of the area.
vi) the proposed use meets all applicable provincial emission, noise, water and wastewater standards and receives all relevant environmental approvals	✓	All relevant standards and environmental approvals are met and complied with.
vii) the cumulative impact of multiple agriculture-related uses in prime agricultural areas should be limited and not undermine the agricultural nature of the area	✓	There are no other agriculture-related uses in the surrounding area.
viii) the location of the proposed use shall provide for minimum sight distances from the access points in either direction along a County road	✓	Windham Road 7 is very flat in the area of the subject lands. The entrances are already established and provide for minimum sight distances.
ix) the proposed use shall be located and designed to mitigate potential adverse impacts, including noise impacts, on adjacent residential and other incompatible uses by buffering measures such as landscaping, berming and building setback and layout	✓	Cedar hedges have been planted as buffering between the use and the adjacent residential uses.
x) the proposed use shall not be permitted in Provincially Significant Wetlands or Hazard Lands identified on Schedules "B" or Table 1 of Section 3.5 (Natural Heritage Systems) to this Plan	✓	No Provincially Significant Wetlands or Hazard Lands are located on the subject lands.
xi) the proposed use shall not be permitted in or on adjacent land to the Natural Heritage Features	✓	No Natural Heritage Features are located on the subject lands.

identified on Schedule "C" and/or Tables 1 and 2 or on Schedule "G" and Table 6 of the Lakeshore Special Policy Area Secondary Plan, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions, in accordance with the policies of Section 3.5 (Natural Heritage Systems) and Section 11 (Lakeshore Special Policy Area Secondary Plan) of this Plan		
xii) the proposed use shall be subject to a Zoning By-law Amendment	✓	The use is already established and as such, a Zoning By-law Amendment is not required.
xiii) the proposed use shall be subject to site plan control, where warranted and as appropriate, in accordance with the policies of Section 9.6.5 (Site Plan Control) of this Plan	✓	The use is already established and as such, site plan control is not triggered.

Section 7.2.3, Agricultural Lot Creation and Lot Adjustment Policies, states,

"The following policies apply to land designated Agricultural.

- a) Consent to sever land may be considered for the following purposes:
  - i) the assembly or disassembly of agricultural lots for agriculture uses including agriculturally related boundary adjustments which do not result in the creation of a new lot, subject to the policies of Section 7.2.4 (Agricultural Designation - Agricultural Lot Size Policies);
  - ii) agriculture-related commercial and industrial uses in accordance with the policies of Section 7.2.2 (Agricultural Designation – Land Use Policies);
  - iii) agriculture-related commercial, institutional and industrial uses existing prior to August 24, 1978, provided the retained parcel of land is not considered a vacant lot, and subject to the policies of this Plan;
  - iv) infrastructure and utilities, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way;
  - v) a currently habitable farm dwelling surplus to a farming operation as a result of the consolidation of farm properties located within Norfolk County and adjacent municipalities, subject to the policies of Sections 7.2.3(b) and (c);
  - vi) technical reasons including minor boundary adjustments, corrections of deeds, quit claims, easements or rights-of-way, or other purposes that do not create an additional separate lot, and which do not change the lot

configuration such that a non-agricultural lot is created which would not be in conformity with the policies of this Plan.”

The grain elevator use is considered agriculture-related; as such, the lands are permitted to be severed in accordance with section 7.2.3(a)(ii).

The subject application conforms to the policies of the Official Plan with regard to agriculture-related severances.

#### **4.3 NORFOLK COUNTY ZONING BY-LAW, 1-Z-2014 FRAMEWORK & ANALYSIS**

The Norfolk County Zoning By-law 1-Z-2014 (NCZB) is a regulatory document that controls the land in Norfolk County in terms of compatibility, character and appearance, and implements the NCOP. The NCZB identifies that no land, building or structures shall be used, erected, altered or occupied except in conformity with the provisions of the NCZB.

The current zoning of the subject lands is Agricultural (A) in the NCZB. “Grain elevator and drying facilities” are only permitted in the Rural Industrial (MR) Zone. However, the grain elevator operation on the subject lands was legally established and as such is considered a legal non-conforming use.

The following provisions apply to the Agricultural (A) Zone:

<b>Provision</b>	<b>Requirement</b>	<b>Provided</b>	<b>Comment</b>
Minimum lot area	40 ha (98.84 ac)	Retained: 39.25 ha (96.99 ac) Severed: 1.54 ha (3.81 ac)	Does not conform, minor variance is required
Minimum lot frontage	30 m (98.4 ft)	Retained: 831.7 m (2,728.67 ft) Severed: 58.29 m (191.24 ft)	Conforms
Minimum front yard	13 m (42.65 ft)	74.91 m (245.78 ft)	Conforms
Minimum exterior side yard	13 m (42.65 ft)	n/a	n/a
Minimum interior side yard	3 m (9.84 ft)	15.24 m (50.00 ft)	Conforms
Minimum rear yard	9 m (29.53 ft)	45.75 m (150.10 ft)	Conforms
Minimum separation between a farm processing facility and a dwelling on an adjacent lot	30 m (98.4 ft)	n/a	n/a

Maximum building height	11 m (36.10 ft)	14.9 m (48.88 ft)	3.8(g) exempts grain elevators from height provisions
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The subject application requires relief from the minimum lot area provisions of the NCZB. Minor variance applications for the severed and retained lots have been submitted.

Minor variances are permitted under the Planning Act, R.S.O., 1990. The Planning Act is provincial legislation that sets the ground rules for land use planning in Ontario and for how, where and when land use changes can occur.

The purpose of the Act is to:

- Provide for planning processes that are fair, accessible, inclusive and efficient;
- Promote sustainable economic development in a healthy natural environment;
- Integrate matters of provincial interest;
- Encourage co-operation and co-ordination among various interests;
- Provide a land use planning policy led by provincial policy; and
- Recognize a decision-making authority for accountable municipal planning decisions.

Section 2 of the Planning Act outlines the provincial and municipal responsibilities which land use decisions shall have regard to. Section 45(1) of the Planning Act states, "The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained." This is commonly known as the "four tests of a minor variance." A minor variance cannot be granted unless it:

1. Is minor in nature;

Comment: The minimum lot area requirement for the Agricultural (A) Zone is intended to ensure that lands remain large enough to maintain flexibility regarding types of crops. The proposed severance will be removing minimal active agricultural land from production and will not alter the usability of the retained farmlands. The agriculture-related grain elevator use is already established and is proposed to be severed for estate-planning purposes. The minimum lot area requirement of 40 hectares is not necessary in this instance as a much smaller amount of land is required for a grain elevator operation. The application is minor in nature.

2. Is desirable for the appropriate development or use of the land;



Comment: The grain elevator operation is an agriculture-related use and serves the surrounding community. The location of this operation supports the viability of local farms. It cannot reasonably be located within a hamlet or urban area due to its size, scale, and the need for it to be located close to farms. The proposed development is desirable for the appropriate development or use of the land.

3. Maintains the intent of the Official Plan; and

The grain elevator operation is permitted in the Agricultural designation. The retained lands are only marginally smaller than the minimum required lot area and will maintain flexibility for future crops. The subject application maintains the intent of the Official Plan.

4. Maintains the intent of the Zoning By-law.

A grain elevator is a permitted use in the A Zone, and the retained farmlands will remain large enough to maintain flexibility regarding types of uses in the future. Minimum farmland is being removed from production, and no new uses are being established. The subject application maintains the intent of the Zoning By-law.

The application meets the four tests of a minor variance as set out in Section 45(1) of the Planning Act.

## 5. CONCLUSION

It is my professional opinion that these planning applications for an agriculture-related severance and related minor variances represent good planning and should be approved as the planning justification has confirmed:

1. Consistency with the *Provincial Planning Statement*;
2. Conformity to the *Norfolk County Official Plan*;
3. Conformity to the *Norfolk County Zoning By-law*; and,
4. That the four tests of a minor variance are met.

The agent looks forward to the expeditious processing of the subject application. Please do not hesitate to contact the undersigned should you have any questions related to this application.

Prepared and submitted by:

Kayla DeLeye, B.A MA, Ec.D, MCIP, RPP

### EXISTING PARCEL

AREA = 101 Acres  $\pm$   
FRONTAGE = 890m  $\pm$

### PROPOSED SEVERANCE

AREA = 15393.164 sq.m (3.80 Acres)  
FRONTAGE = 58.29m

### REMAINDER PARCEL

AREA = 97 Acres  $\pm$   
FRONTAGE = 831.7m  $\pm$

#### LEGEND

BELL BOX	SHOWN	BBX	□
BENCH MARK	SHOWN	BM	⊙
CATCH BASIN	SHOWN	CB	⊙
TOP OF FOUNDATION	SHOWN	TOF	⊙
OVERHEAD HYDRO LINE	SHOWN	O/H	—
WATER VALVE	SHOWN	WV	⊙
HYDRO POLE	SHOWN	HP	⊙
GAS METER	SHOWN	GM	⊙
MANHOLE	SHOWN	MH	⊙

### SKETCH SHOWING PROPOSED SEVERANCE OF PART OF

LOT 23, CONCESSION 6  
GEOGRAPHIC TOWNSHIP OF WINDHAM  
NORFOLK COUNTY

PART OF PIN 50174-0339 (LT)

SCALE 1 : 500

5 0 20 METRES

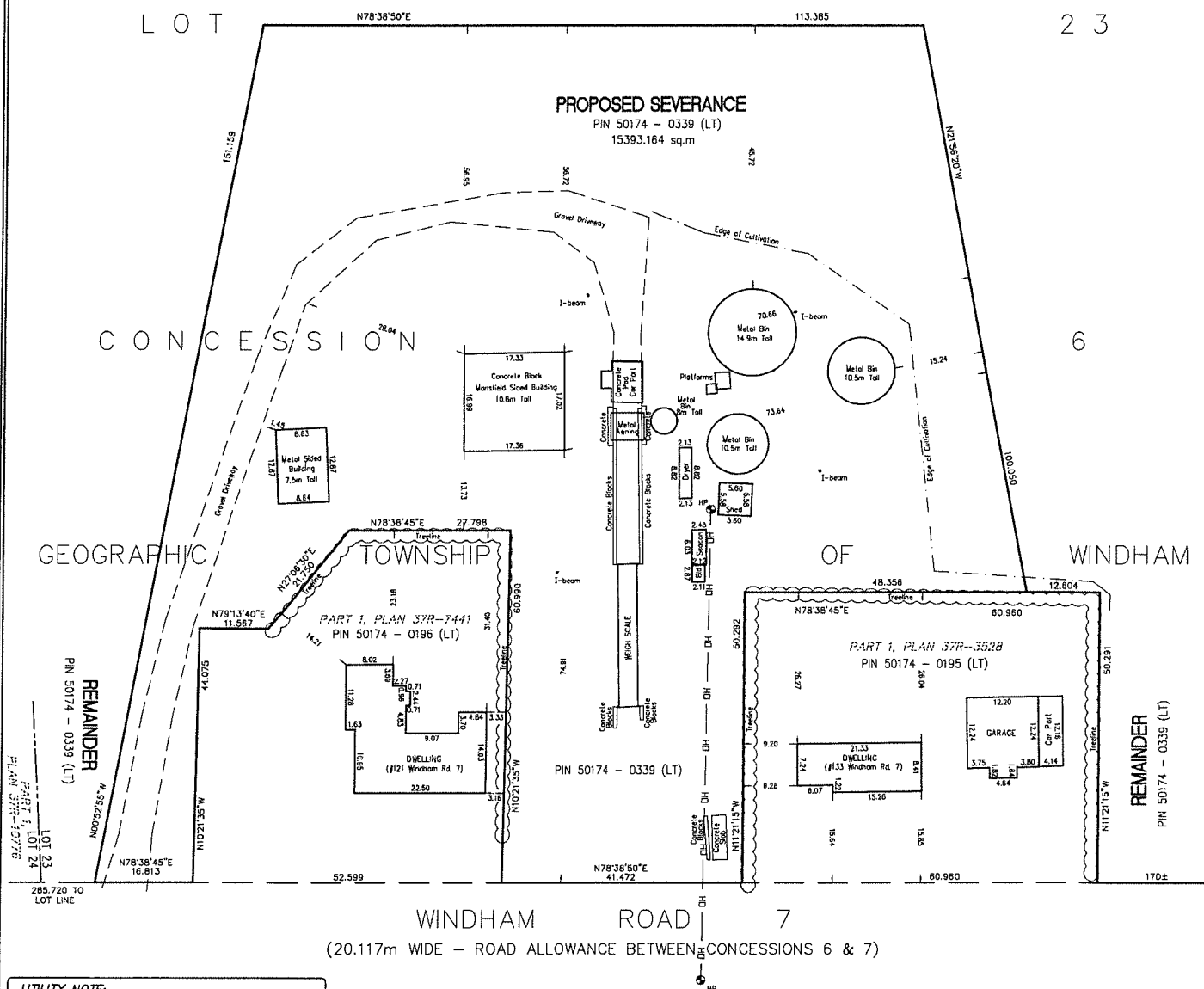
JEWITT AND DIXON LTD.

#### METRIC NOTE:

DISTANCES AND COORDINATES ARE METRIC AND CAN  
BE CONVERTED TO IMPERIAL BY DIVIDING BY 0.3048

### REMAINDER

PIN 50174 - 0339 (LT)



#### UTILITY NOTE:

THE VARIOUS UTILITY LOCATIONS SHOWN ON THIS PLAN ARE  
BASED ON PHYSICAL LOCATES OF ABOVE GROUND SERVICES.  
PRIOR TO ANY ON SITE CONSTRUCTION ACTIVITY A VERIFICATION  
LOCATE OF UNDERGROUND SERVICES IS BOTH RECOMMENDED  
AND ADVISED.

#### CAUTION

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FOR TRANSACTION OR FINANCING PURPOSES

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COMPLETED ON THE 11TH DAY OF FEBRUARY, 2025

FEBRUARY 23, 2025

*Kim Husted, O.L.S.*  
KIM HUSTED, O.L.S.  
THIS COPY IS NOT VALID UNLESS  
EMBOSSSED WITH THE SURVEYOR'S SEAL

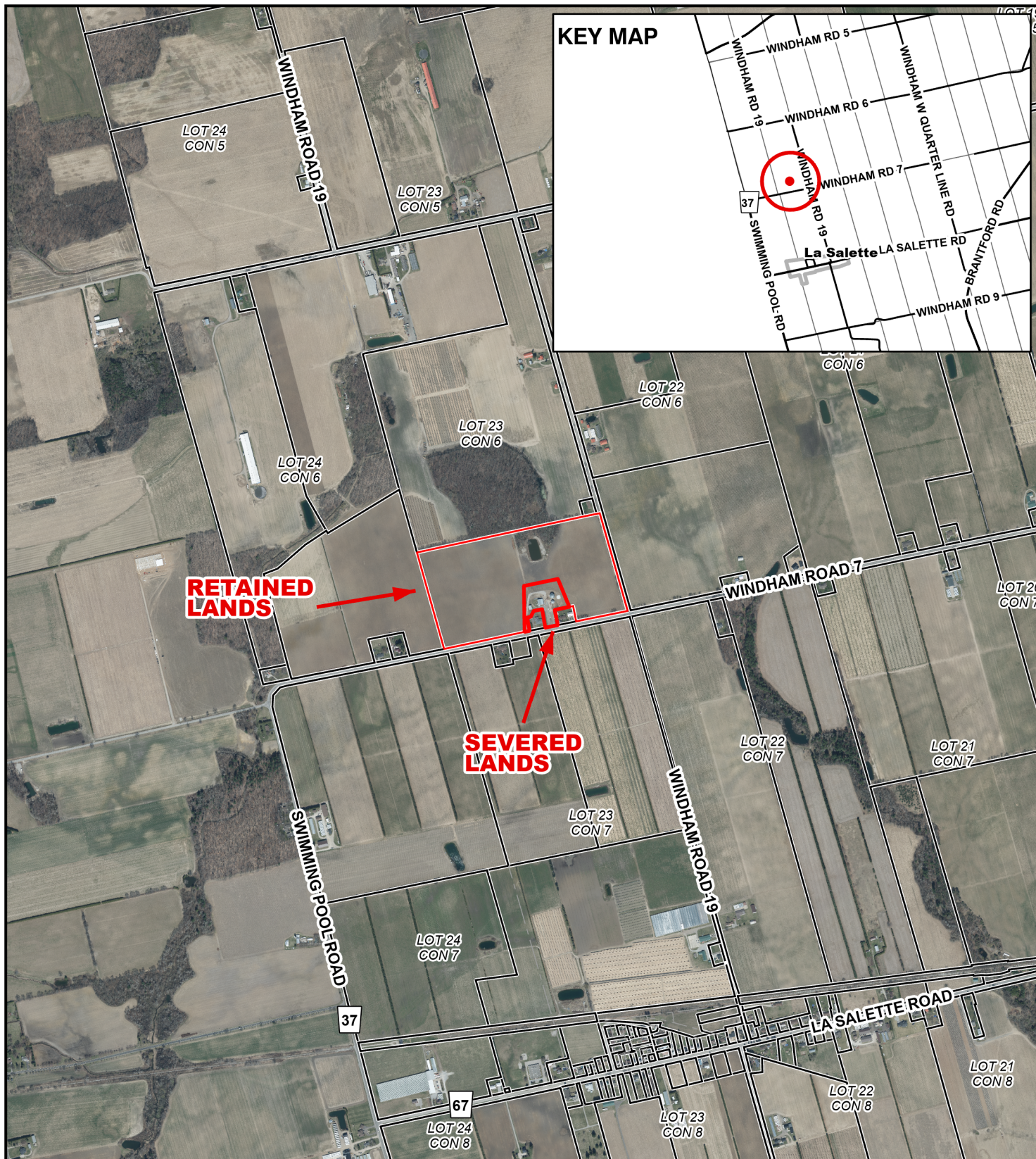


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650 Ireland Rd., Simcoe, ON N0Y 0K2  
T: (519) 426-0842 www.jdlbarrow.com

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				DATED:	FEBRUARY 23, 2025



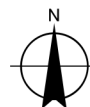


**Legend**

- Subject Lands
- Lands Owned

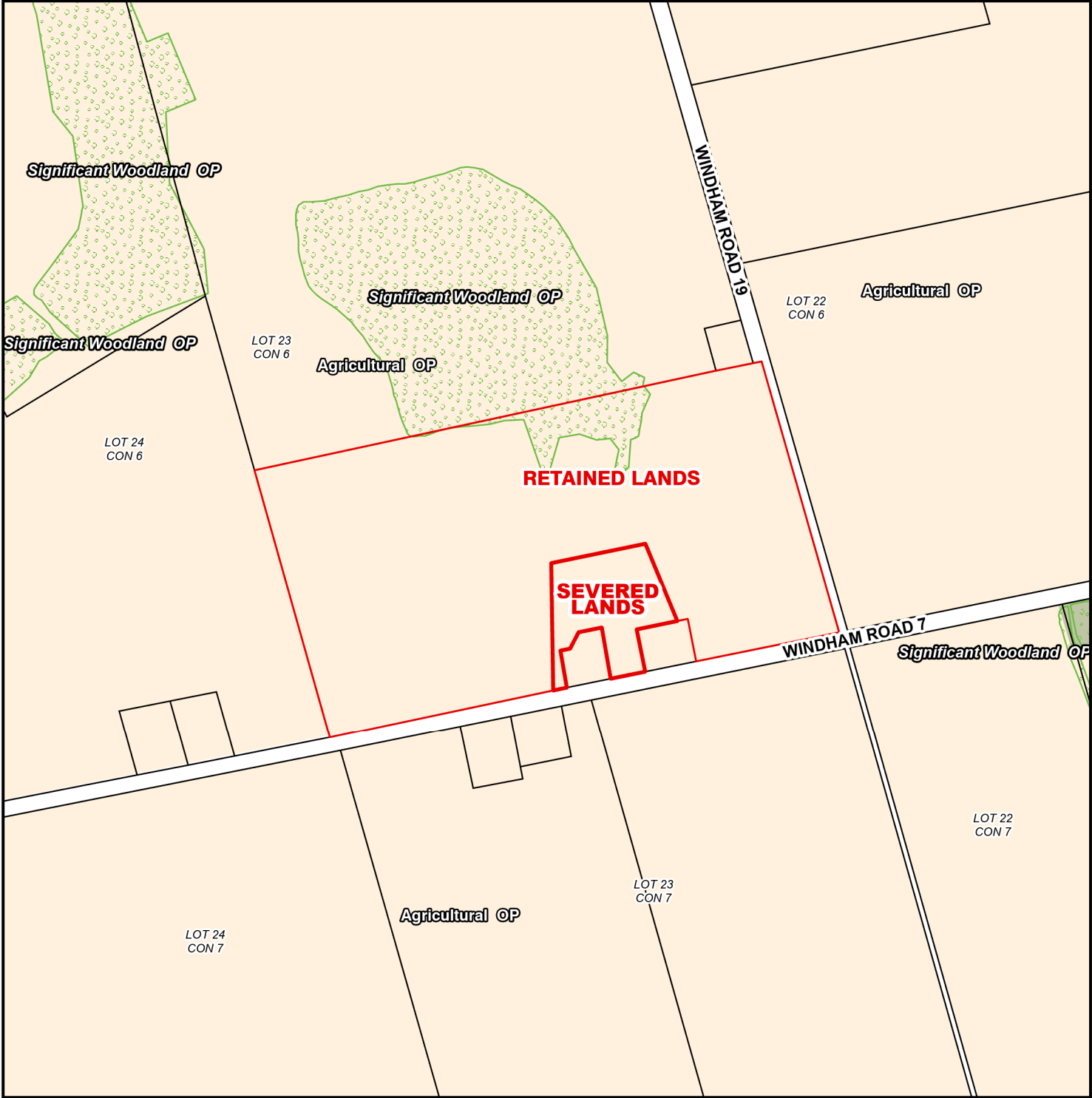
2020 Air Photo

7/11/2025



130 65 0 130 260 390 520 Meters





**Legend**

- Subject Lands
- Lands Owned

**Official Plan Designations**

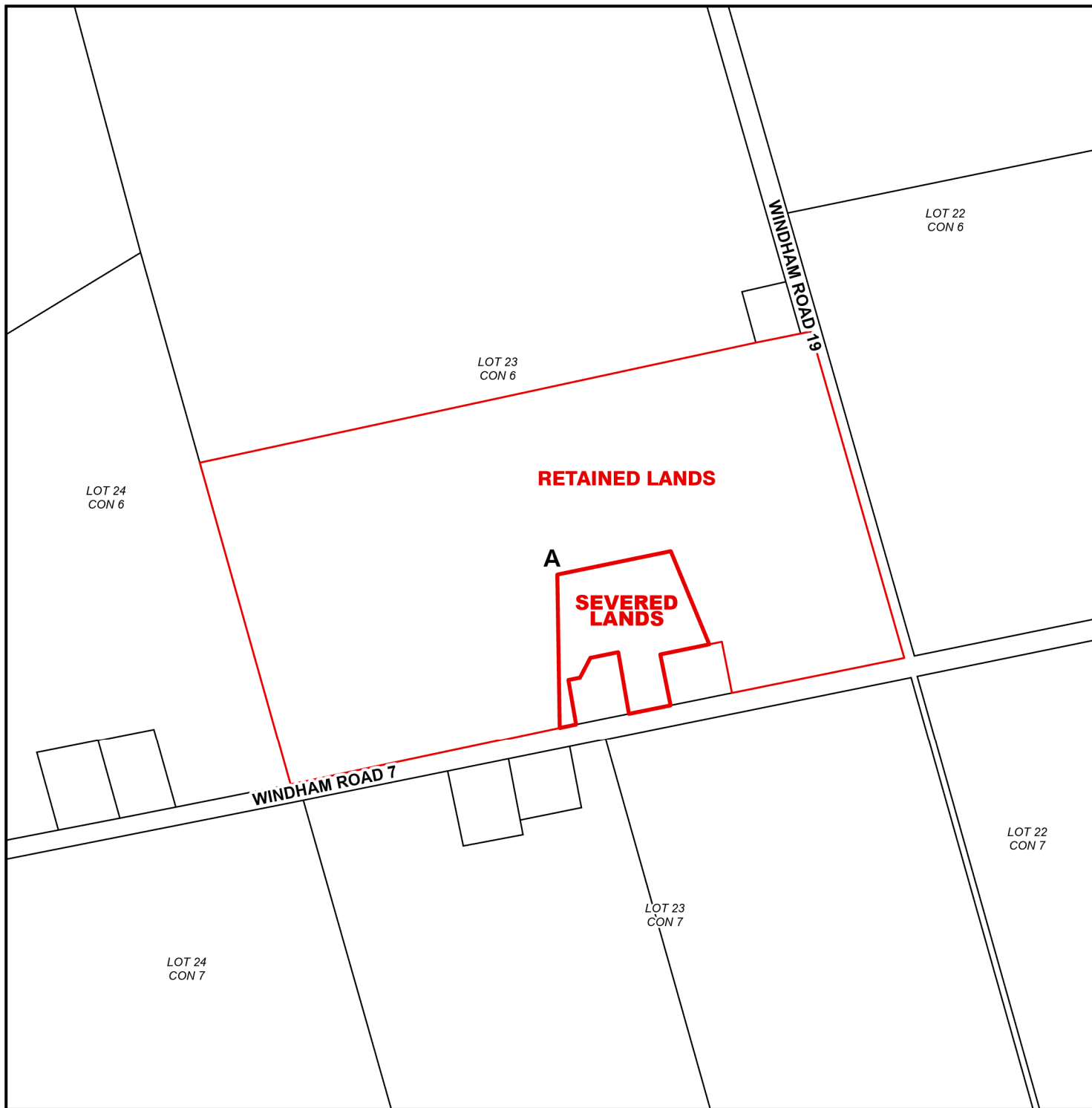
- Agricultural
- Hazard Lands
- Significant Woodland

7/11/2025





50 25 0 50 100 150 200 Meters





**LEGEND**

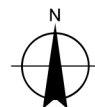
-  Subject Lands
-  Lands Owned

ZONING BY-LAW 1-Z-2014

7/11/2025

(H) - Holding

A - Agricultural Zone



40 20 0 40 80 120 160 Meters

# MAP D

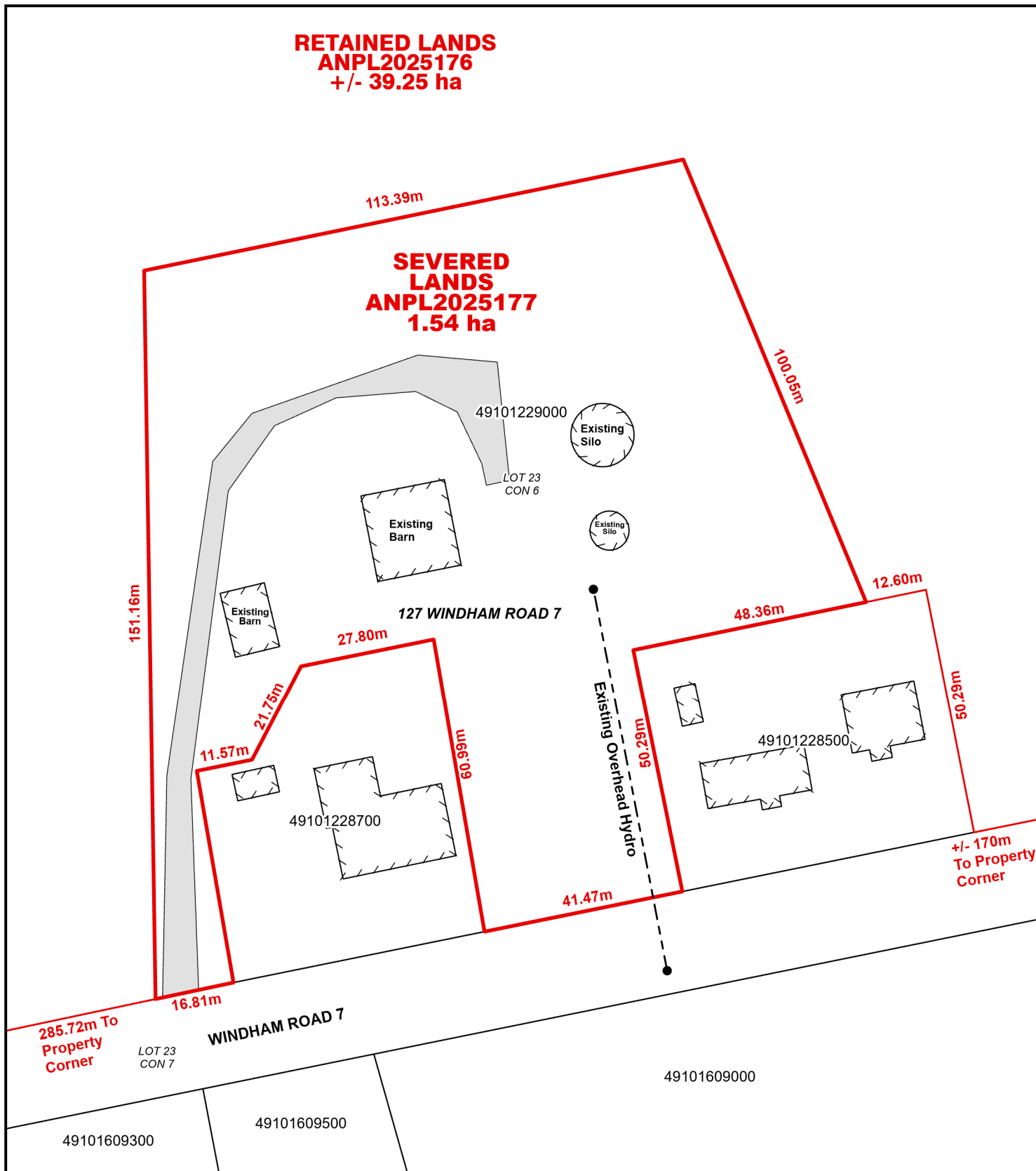
## CONCEPTUAL PLAN

Geographic Township of WINDHAM

BNPL2025175

ANPL2025176

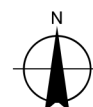
ANPL2025177



### Legend

- Subject Lands
- Lands Owned

7/11/2025



9 4.5 0 9 18 27 36 Meters

# LOCATION OF LANDS AFFECTED

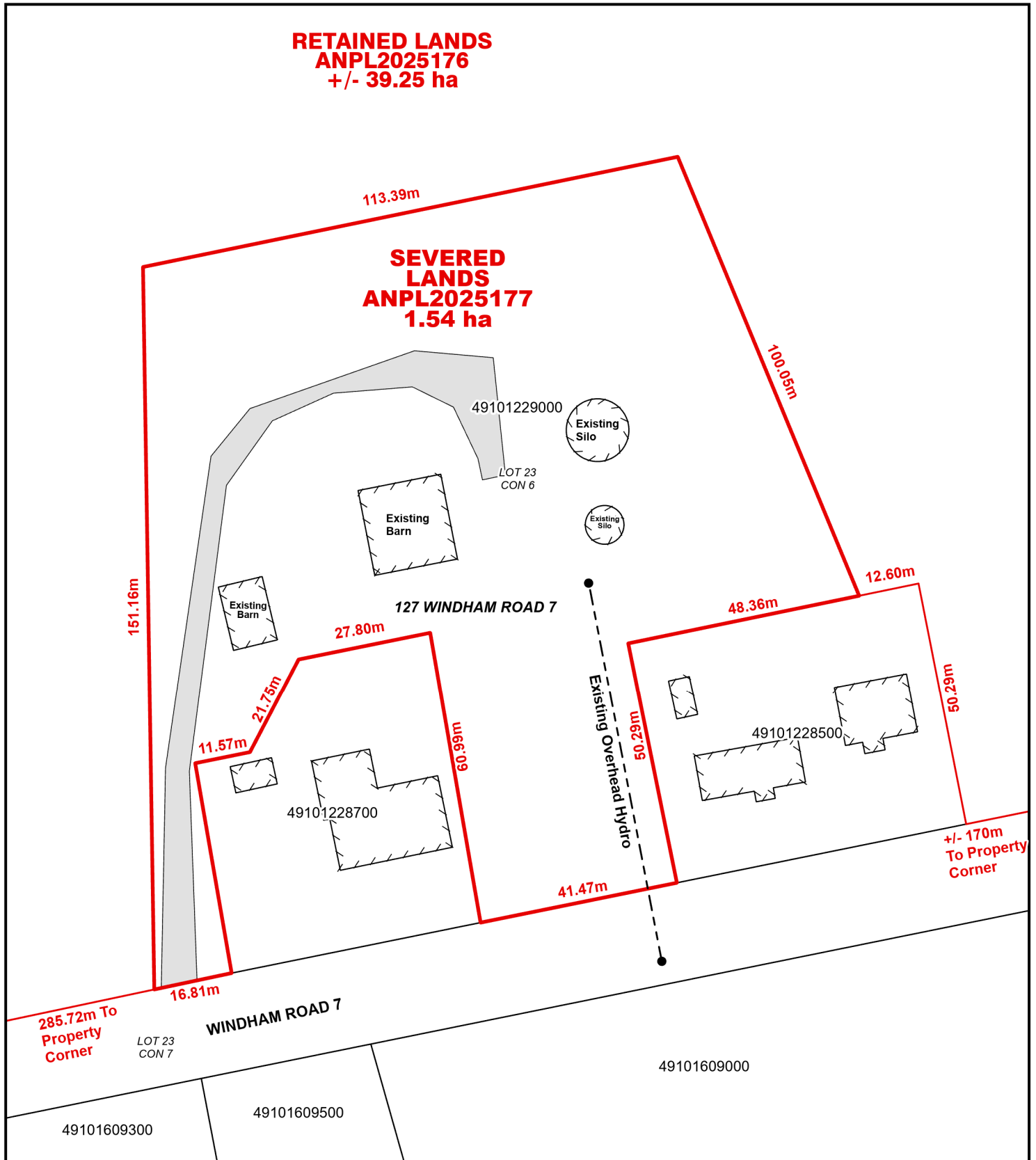
## CONCEPTUAL PLAN

Geographic Township of WINDHAM

BNPL2025175

ANPL2025176

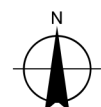
ANPL2025177



### Legend

- Subject Lands
- Lands Owned

7/11/2025



9 4.5 0 9 18 27 36 Meters