

Brimage
LAW GROUP

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

Hand-delivered

RECEIVED

FEB 25 2025

Haldimand-Norfolk
Health & Social Services

February 25th, 2025

Attention: Committee of Adjustment Applications

Dear Madam or Sir:

RE: Kicksee Farms Limited Surplus Farm Dwelling Application
2349 First Concession Road STR
Our File No. 66883

We are the solicitors for the owner-applicant, Kicksee Farms Limited.

Please find enclosed our completed surplus farm dwelling severance application.

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 _____
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: 33 10 541 030 24000 0000

A. Applicant Information

Name of Owner Kicksee 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 921 Mount Pleasant Road
Town and Postal Code Scotland, Ontario N0E 1R0
Phone Number _____
Cell Number 519-755-6646
Email kicksee@hotmail.com

Name of Applicant Same as owner
Address _____
Town and Postal Code _____
Phone Number _____
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):

PT LT 180 CON STR MIDDLETON AS IN NR420912; NORFOLK COUNTY

Municipal Civic Address: 2349 1st Concession Road STR, Delhi, Ontario

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 single-family 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:

Single-family dwelling (to be severed). To be retained: greenhouse, kilns, and barn

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	329m	30m	12.1.2(b)(i)	276.85	NIL
Lot depth	Irregular				
Lot width	Irregular				
Lot area	40.06ha	40ha	12.1.2(a)(i)	39.74ha	N/A (surplus farm dwelling)
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: 52.145m

Depth: 62.186m

Width: 52.145m

Lot Area: 3197.782sqm

Present Use: Single-family residential

Proposed Use: Single-family residential

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: 276.85m

Depth: Irregular

Width: Irregular

Lot Area: 39.74ha

Present Use: Agricultural

Proposed Use: Agricultural

Buildings on retained land: Greenhouse, kilns, and barn

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

Frontage:

Depth:

Width: _____
Area: _____
Proposed Use: _____

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

Owners Name: See attached Schedule
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:

Severance of existing surplus dwelling

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:

Severance of existing surplus dwelling

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:

1st Concession Road STR

G. All Applications: Other Information

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

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

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

H. Supporting Material to be submitted by Applicant

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

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

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

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

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

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

I. Transfers, Easements and Postponement of Interest

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

Permission to Enter Subject Lands

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

Freedom of Information

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



Owner/Applicant/Agent Signature

2025/02/24

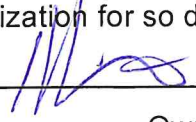
Date

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 Ryan Kicksee, A.S.O., Kicksee Farms Limited am/are the registered owner(s) of the lands that is the subject of this application.

I/We authorize Brimage Law Group - Nathan Kolomaya 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

2025/02/24

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 ^{25th}~~24th~~ day of February

A.D., 2025



A Commissioner, etc.

PROPERTIES SCHEDULE

Owner Name	Roll Number	Total Acreage	Workable Acreage	Existing Farm Type	Dwelling Present?	Date of Land Purchase
Kicksee Farms Limited ("KFL")	54103009600 (1643 Highway 3)	93	88	Beans	Yes	2016/11/04
KFL	54106012700 (691 3 rd Concession Road STR)	124	90	Rye	Yes	2018/01/02
KFL	54106012400 (255 Fernlea Side Road)	99	60	Ginseng	Yes	2015/04/01
KFL	54203012200 (1800 West Quarter Line)	140	110	Corn	Yes	2018/06/15
KFL	54203018200 (1293 Hazen Road)	147	70	Corn	No	2017/11/30
KFL	54203025300 (575 North Walsingham-South Walsingham	49	45	Corn	Yes	2014/05/15

	Townline Road)					
KFL	54203022300 (368 8 th Concession Road)	122	110	Corn	Yes	2017/10/31

PROPOSED SEVERANCE
SKETCH

FOR:

KICKSEE FARMS LIMITED
2349 1ST CONCESSION ROAD STR
DELHI

PIN 50155-0189 (LT)

SCALE 1 : 500

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



180

PIN 50155 - 0189 (LT)

LOT

CONCESSION

SOUTH

ROAD

TALBOT

TOWNSHIP

GEOGRAPHIC

OF

MIDDLETON

PIN 50155 - 0189 (LT)

PIN 50155 - 0189 (LT)

ROAD ALLOWANCE BETWEEN CONCESSIONS 1 AND 2, SOUTH OF TALBOT ROAD

(20.117m WIDE - KNOWN AS 1ST CONCESSION ROAD, S.T.R.)

PIN 50155 - 0200 (LT)

142.469

430.914

430.855

20.117

N11°16'55"W

LOT

39

PROPERTY DESCRIPTION:

PART OF LOT 180
CONCESSION SOUTH OF TALBOT ROAD
GEOGRAPHIC TOWNSHIP OF MIDDLETON
COUNTY OF NORFOLK

CAUTION

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ONTARIO LAND SURVEYORS

51 PARK ROAD, SIMCOE, ONTARIO, N3Y 4J9

PHONE: (519) 426-0842

E-mail: info@jewittdixon.com

F.W. - J.P.H.

CALC. - J.L.M.

PLAN - J.L.M.

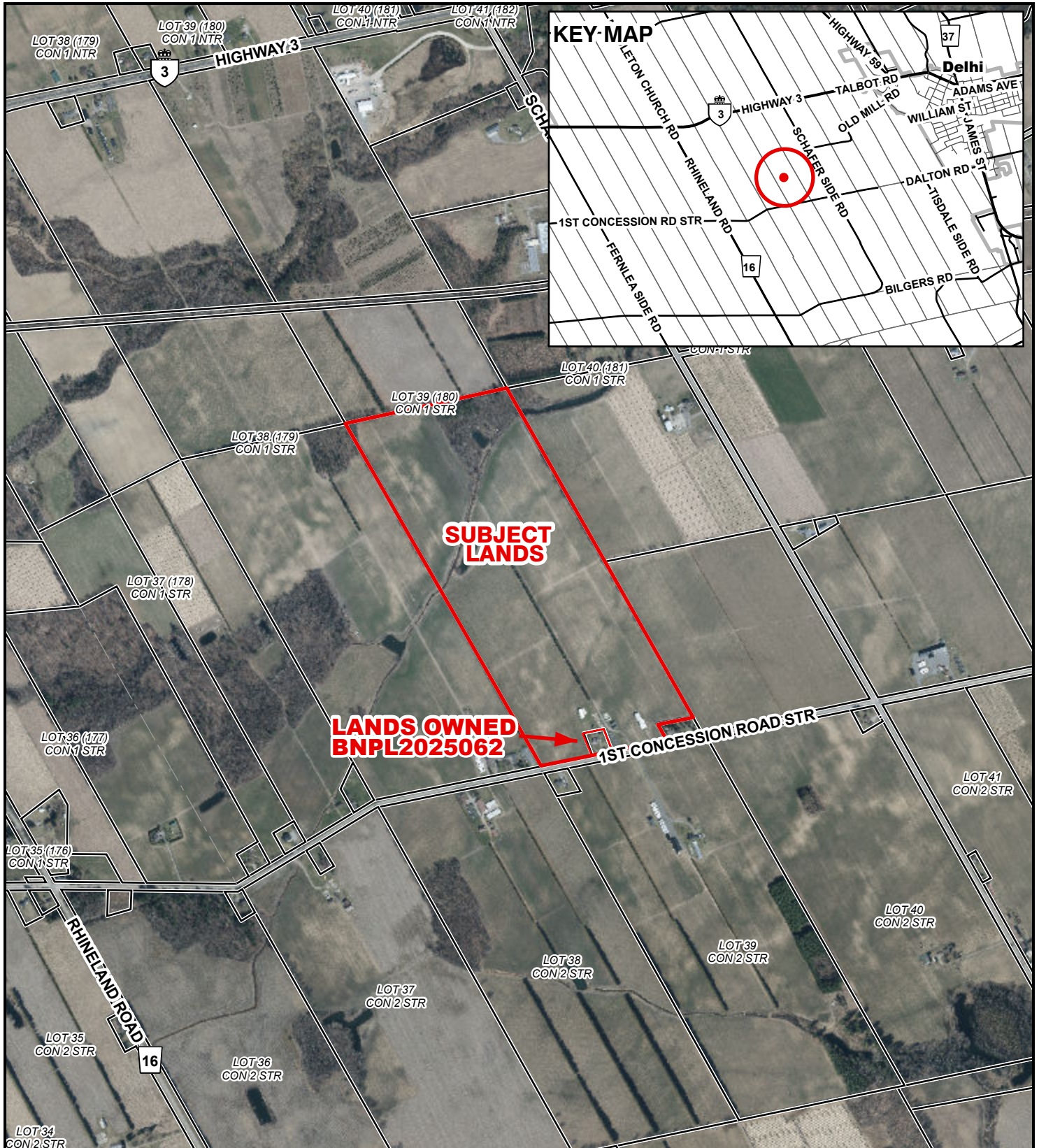
CHECK - K.H.

CLIENT - KICKSEE

24R-3971-SK

CONTEXT MAP

Geographic Township of MIDDLETON

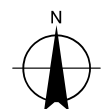


Legend

- Subject Lands
- Lands Owned

2020 Air Photo

10/29/2025



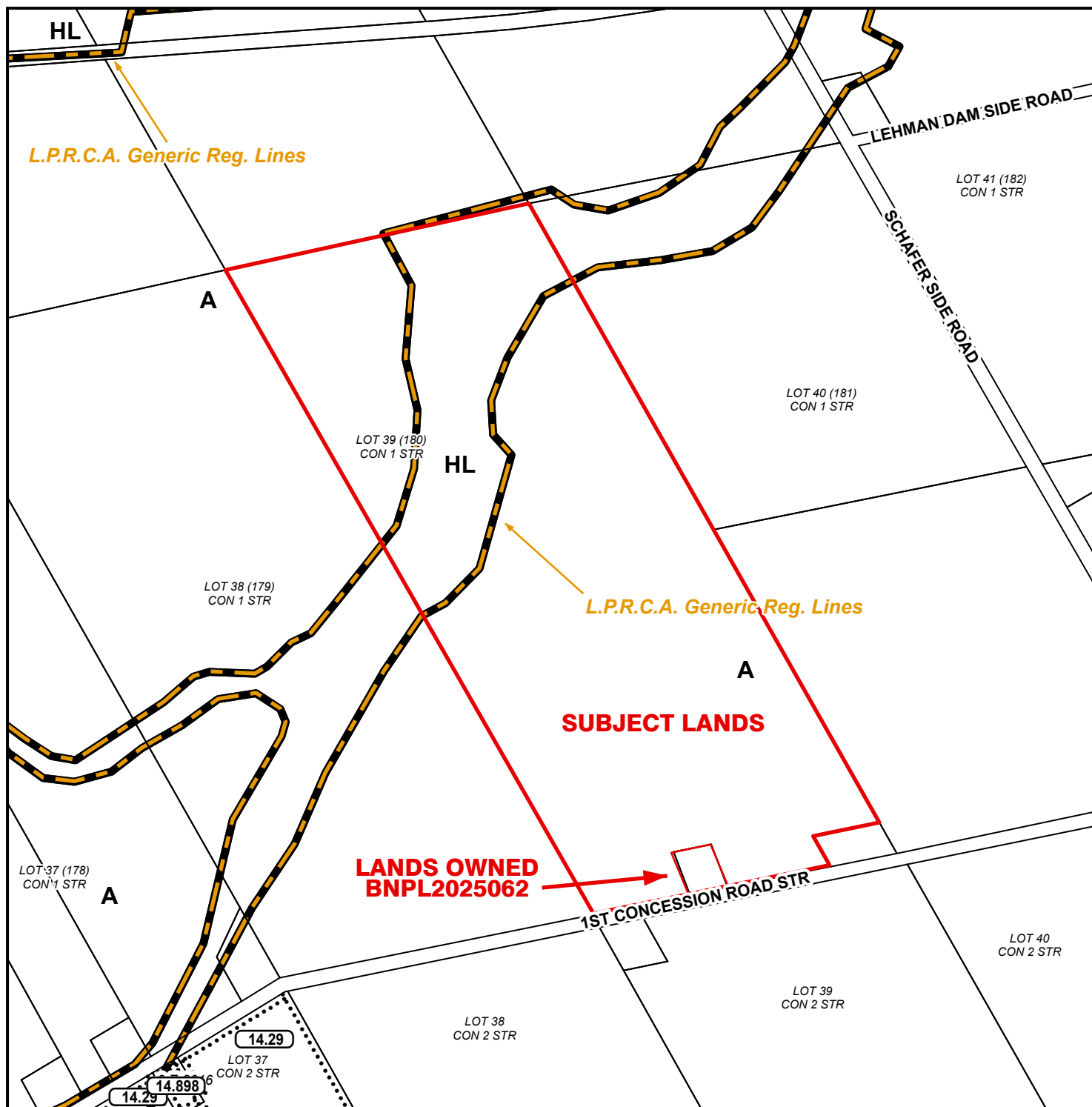
100 50 0 100 200 300 400 Meters

MAP B

ZONING BY-LAW MAP

Geographic Township of MIDDLETON

ANPL2025325



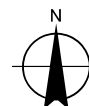
LEGEND

- Subject Lands
- Lands Owned
- LPRCA Generic RegLines

ZONING BY-LAW 1-Z-2014

10/29/2025

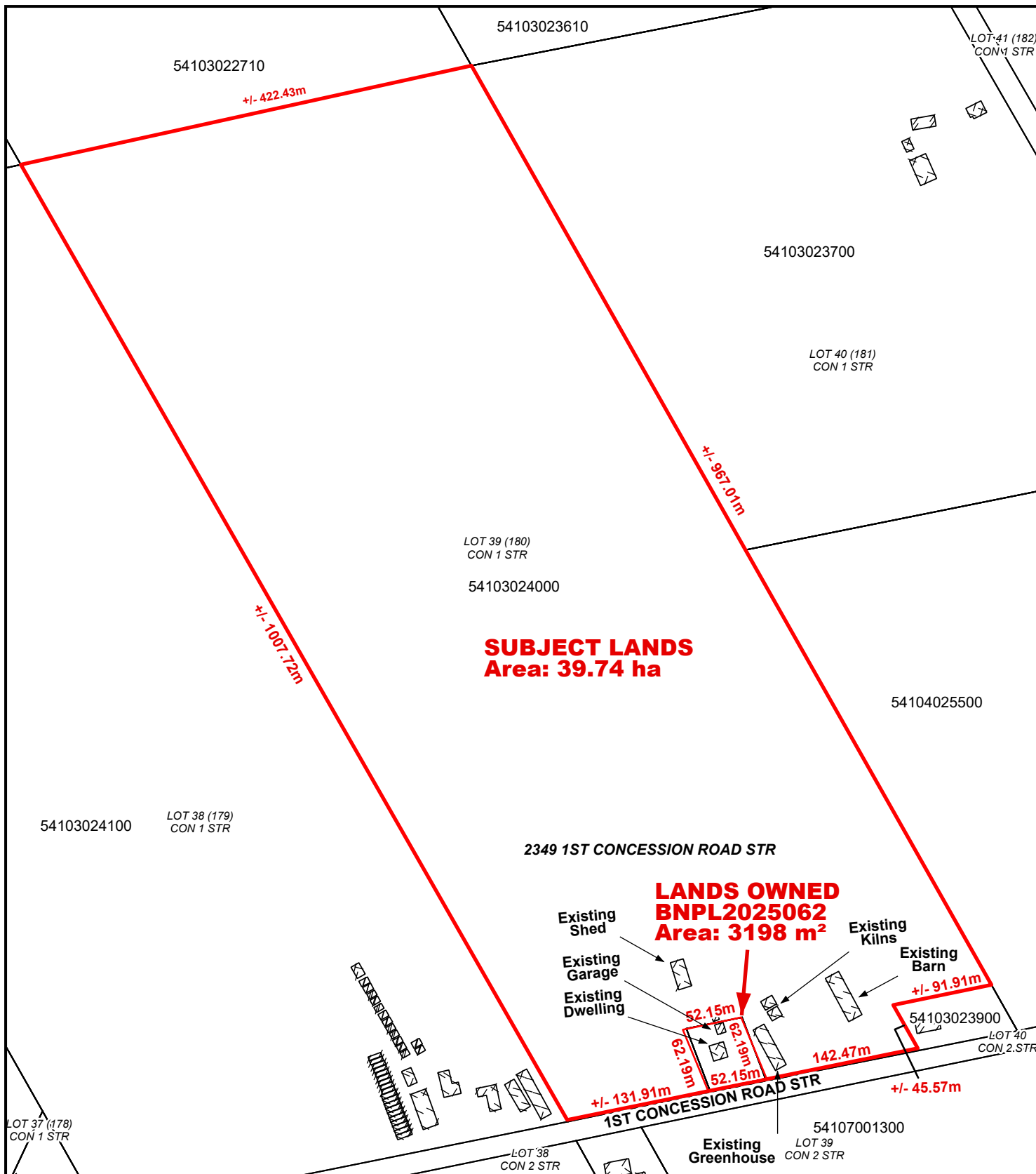
- (H) - Holding
- A - Agricultural Zone
- HL - Hazard Land Zone



60 30 0 60 120 180 240 Meters

CONCEPTUAL PLAN

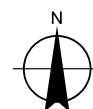
Geographic Township of MIDDLETON



Legend

- Subject Lands
- Lands Owned

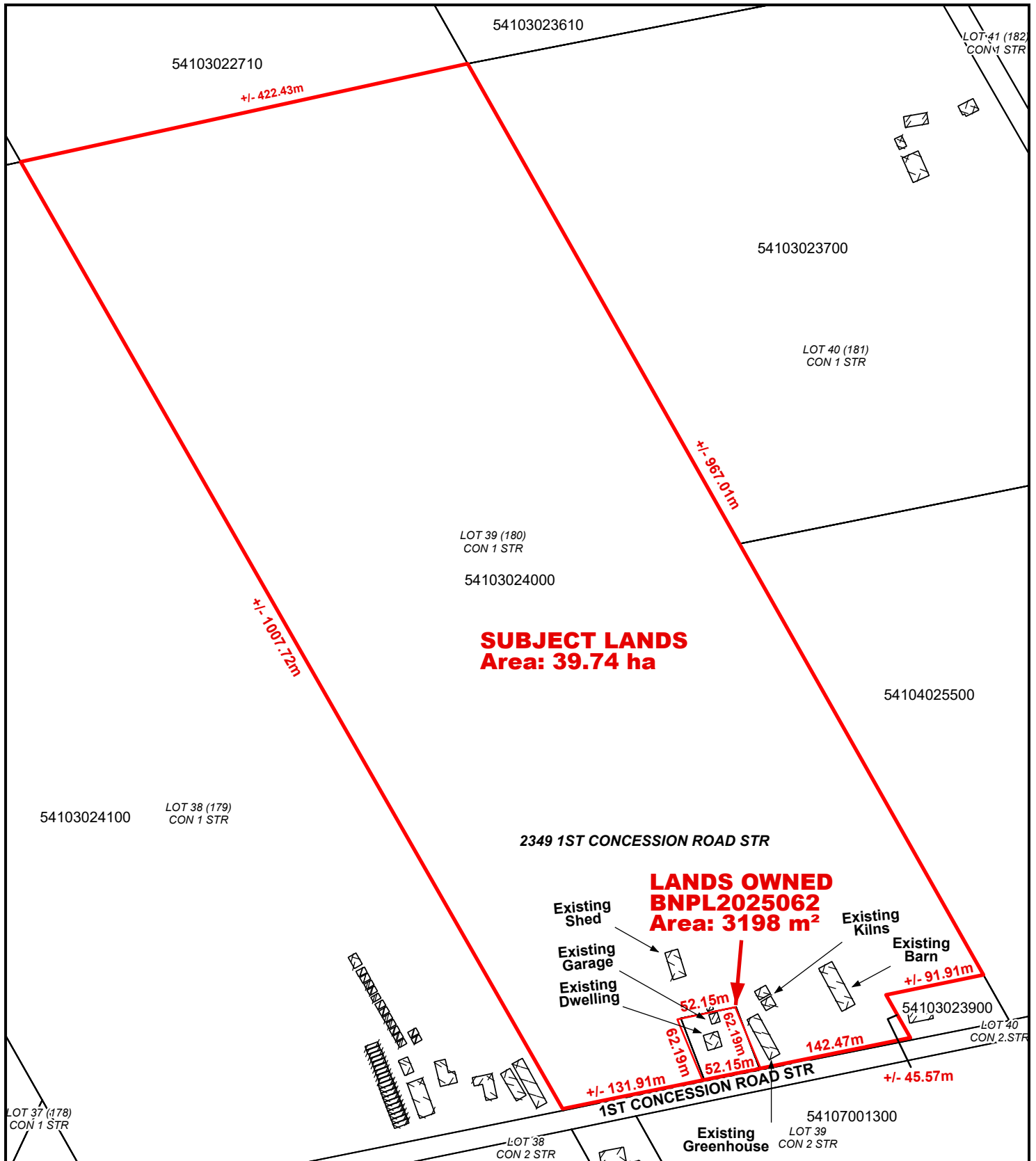
10/29/2025



40 20 0 40 80 120 160 Meters

CONCEPTUAL PLAN

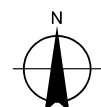
Geographic Township of MIDDLETON



Legend

- Subject Lands
- Lands Owned

10/29/2025



40 20 0 40 80 120 160 Meters