

FORM 1  
THE PLANNING ACT  
COMMITTEE OF ADJUSTMENT  
TOWNSHIP OF NORFOLK  
APPLICATION FOR CONSENT

FILE NO. B-162/90-N  
PROPERTY NO. \_\_\_\_\_

No. 1  
1. Name of Owner MOGGACH HOLDINGS INC. Phone No. 688-2144  
Address COURTLAND, ONTARIO Postal Code N0J 1E0

2. Owner's Solicitor or  
authorized agent KIM HUSTED SURVEYING Phone No. 842-3638  
Address 50 FOX ALLEY TILSONBURG Postal Code N4G 3P4

Please specify to whom all communications be sent:

☐ owner ☐ solicitor ☒ agent

3. a) Type and purpose of proposed transaction: ☒ Conveyance ☐ Other, please specify \_\_\_\_\_

b) Name of person(s) to whom land or interest in land is to be conveyed, leased or mortgaged UNKNOWN AT THIS TIME

c) Relationship (if any) of person(s) named in (b) to owner NOT APPLICABLE

4. Location of Land: Former Township MIDDLETON  
Lot & Concession Pt. of Lot 162 & 163 CONCESSION  
Lot & Registered Plan No. SOUTH TALBOT ROAD.

5. Number of new lots (not including retained lots) proposed EIGHT ~~NINE~~ (8)

6. Date of purchase of subject lands JUNE 1989

7. How long has owner farmed? NOT APPLICABLE

8. Dimensions of land intended to be SEVERED: LOT #1  
FRONTAGE ~~28~~ 29m DEPTH ~~67m~~ 62.9m AREA ~~1876m<sup>2</sup>~~ 1824.1m<sup>2</sup>

Existing Use VACANT Proposed Use RESIDENTIAL

Number and type of buildings and structures existing on land to be severed:

VACANT

Number and type of buildings and structures proposed on land to be severed:

ONE RESIDENTIAL SINGLE FAMILY DWELLING

9. Dimensions of land intended to be RETAINED:

FRONTAGE 397m DEPTH 201m AREA 79797m<sup>2</sup> OR 7.98 HECT

Existing Use VACANT Proposed Use SUBDIVISION PLAN PENDING

Number and type of buildings and structures existing on land to be retained:

ONE RESIDENTIAL DWELLING

Number and type of buildings and structures proposed on land to be retained:

NONE

10. Access to land intended to be severed and retained:

☐ unopened road ☒ open Municipal Road ☐ Regional Road ☐ Provincial Hwy.

other (specify) \_\_\_\_\_

Name of Road/Street St. LADISLAS STREET

11. Services (proposed):

☐ Municipal Water & Sewer

☒ Municipal Water & Private <sup>SEWAGE</sup> System

☐ Municipal Sewer & Well

☐ Private Sewage System

Other (specify) MUNICIPAL WATER WITH SEPTIC SEWERS

12. Is any part of the land swampy or subject to flooding, seasonal wetness or erosion?  
If yes, give details.

No

13. Has the owner previously severed any land from the land holdings in which the land to be severed is situated?

☐ Yes

☒ No

If the answer to above question is yes,

How many separate parcels have been created? \_\_\_\_\_

Date(s) these parcels have been created \_\_\_\_\_

For what uses? \_\_\_\_\_

Show these parcels on the required sketch.

14. Has the parcel intended to be severed ever been, or is it now, the subject of an application for a plan of subdivision under Section 50 of The Planning Act, 1983 or its predecessors?

PLAN will be submitted AT SOME FUTURE DATE:

☒ Yes

☐ No

15. Is the owner, solicitor or agent applying for additional consents on this holding simultaneously with this application or considering applying for additional consents in the future?

☒ Yes

☐ No

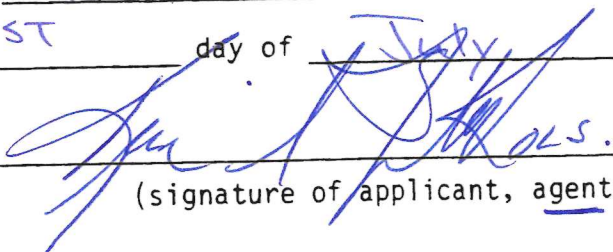
If yes, give File No. A total of ~~NINE~~ <sup>EIGHT</sup> APPLICATIONS will be made

16. Is the owner, solicitor or agent applying for any minor variance or permission to extend or enlarge under Section 44 of The Planning Act, 1983 in relation to any land that is the subject of this application.

☐ Yes

☒ No

If yes, give File No. \_\_\_\_\_

Dated at the Town of Tillsonburg  
this 1<sup>ST</sup> day of July 1989.  
  
(signature of applicant, agent or solicitor)

NOTES:

1. If this application is signed by an agent or solicitor on behalf of an applicant, the owner's written authorization must accompany the application. If the applicant is a corporation acting without an agent or solicitor, the corporation's seal (if any) must be affixed.
2. It is required that one copy of this application be filed together with the same number of copies of the sketch, with the responsible person, accompanied by a fee of ~~\$150.00~~ 210.00 in cash or by cheque made payable to the Township of Norfolk.
3. If this application involves an agricultural parcel, please complete the "Residential Lot in the Rural/Agricultural Area Information Form". Planner's assistance is available in completing the form.

MAIL TO: Committee of Adjustment,  
Township of Norfolk,  
Box 128,  
Langton, Ontario.  
N0E 1G0

PHONE: (519) 875-4485



I, GARY MOGGACH of the VILLAGE OF  
COURTLAND in the TOWNSHIP OF NORFOLK  
OF \_\_\_\_\_

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.

Declared before me at the

Town of Tillsbury  
in the County  
of OXFORD  
this 1 day of July  
19 89.  
[Signature]  
A Commissioner, etc.

[Signature]  
OWNER

SEAL

NOTE: Each copy of the application must be accompanied by a sketch showing:

- Abutting land owned by the grantor, its boundaries and dimensions;
- The distance between the grantor's land and the nearest township lot line or appropriate landmark (e.g. bridge, railway crossing, etc.);
- The parcel of land that is the subject of the application, its boundaries and dimensions, the part of the parcel that is to be severed, the part that is to be severed, the part that is to be retained and the location of all previously severed land;
- The appropriate location of all natural and artificial features on the subject land (e.g. buildings, railways, highways, watercourses, drainage ditches, banks, slopes, swamps, wooded areas, wells and septic tanks) and the location of any of these features on adjacent lands which may affect the application;
- The use of adjoining land (e.g. residential, agricultural, cottage, commercial, etc.);
- The location, width and names of all road allowances, rights-of-way, streets, or highways within or abutting the property, indicating whether they are public travelled roads, private roads, rights-of-way or unopened road allowances;
- The location and nature of any restrictive covenant or easement affecting subject land;
- If the severed parcel is to be conveyed to an abutting property owner, please identify the abutting property with name and instrument number exactly as now registered.



## SKETCH

# PREPARED FOR SEVERANCE APPLICATION

SCALE - 1:2500



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

# CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.

© THIS SKETCH IS PROTECTED BY COPYRIGHT.

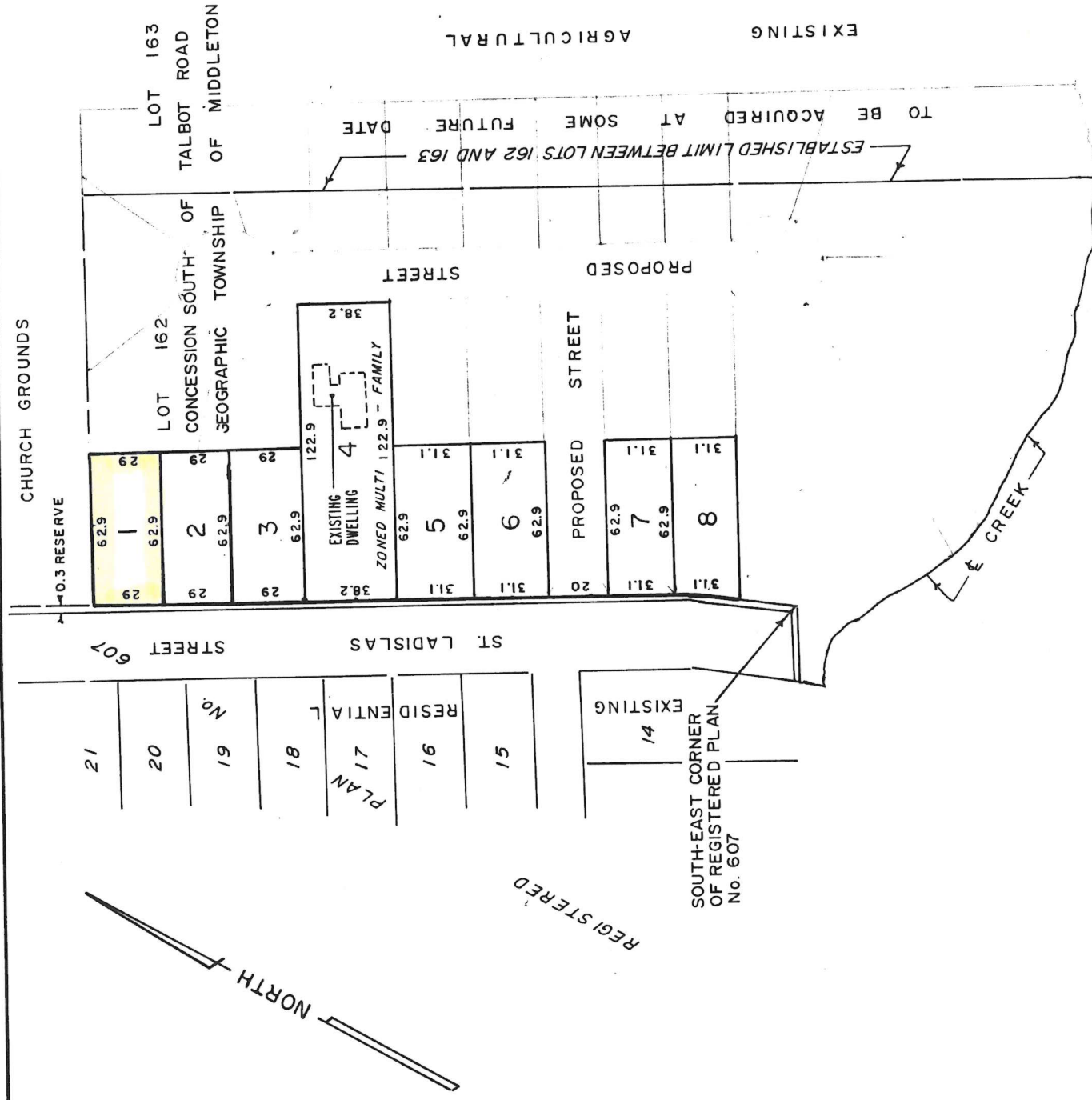
## NOTE

LOT DIMENSIONS ARE PROPOSED AND HAVE NOT BEEN VERIFIED BY SURVEY.

**"THIS IS NOT  
AN ORIGINAL COPY  
UNLESS  
EMBOSSED WITH  
SEAL"**

DATE

DATE Sept 11/1990



KIM HUSTED SURVEYING LTD.

ONTARIO LAND SURVEYOR

50 FOX ALLEY, TILLSONBURG ONTARIO, N4G-3P4

PHONE: 519 - 842 - 3638

PROJECT: 89-1189

REFERENCE:

**KIM HUSTED SURVEYING LTD.**  
ONTARIO LAND SURVEYOR



KIM HUSTED, B.TECH., O.L.S.  
NOTES & RECORDS OF  
J. F. WESTON O.L.S.  
(1950 - 1988)

September 11, 1990

Township of Norfolk  
c/o Mrs. Vera Fish  
P.O.Box 128  
Langton, Ontario  
NOE 1G0

Dear Vera:

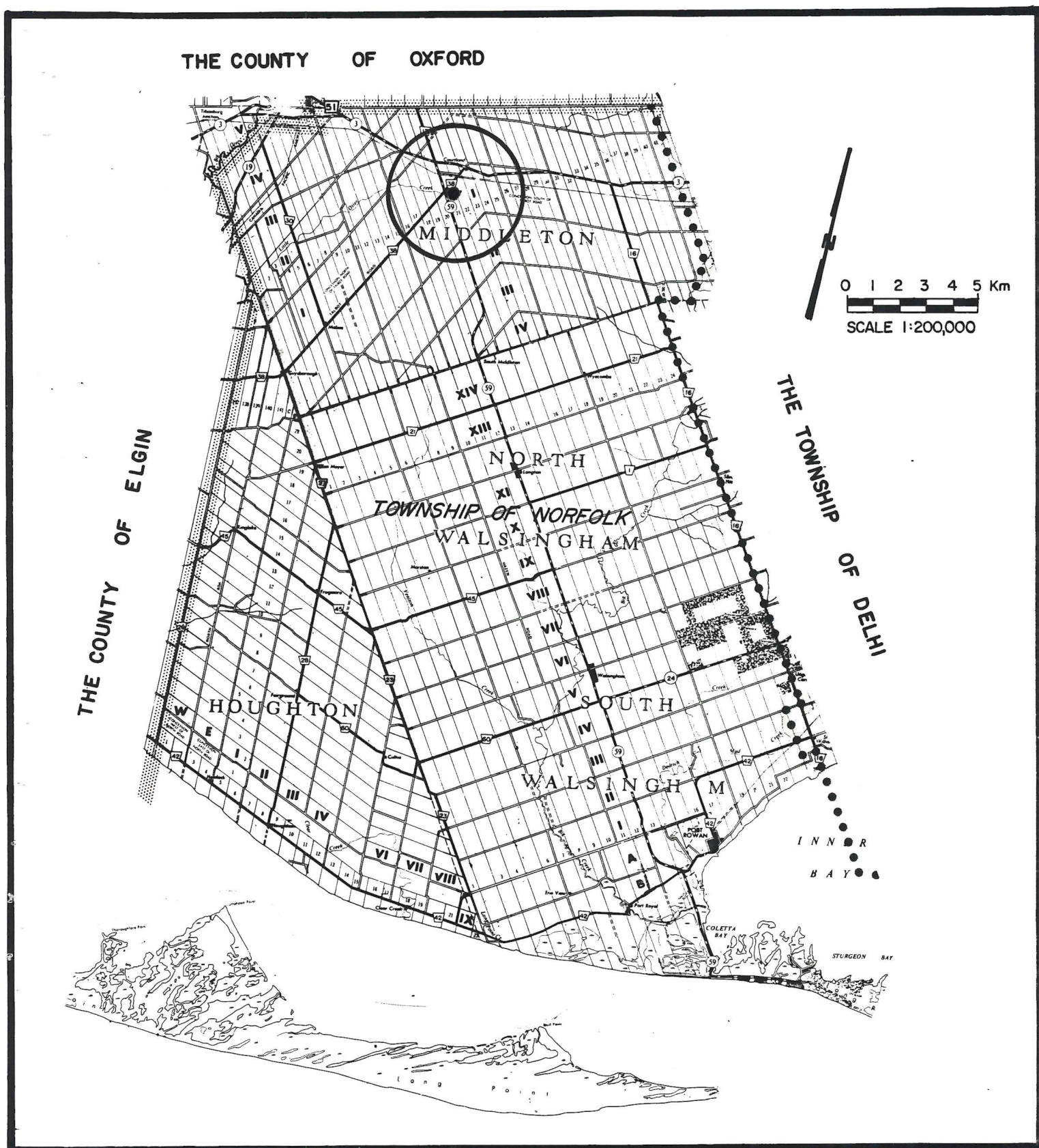
Please find enclosed our Severence applications in reference to Moggach Holdings along with a cheque for \$2000.0.

We would ask that you kindly return a receipt for the above payment.

Sincerely,

*Kim Husted*  
\_\_\_\_\_  
for K.S. Husted O.L.S.

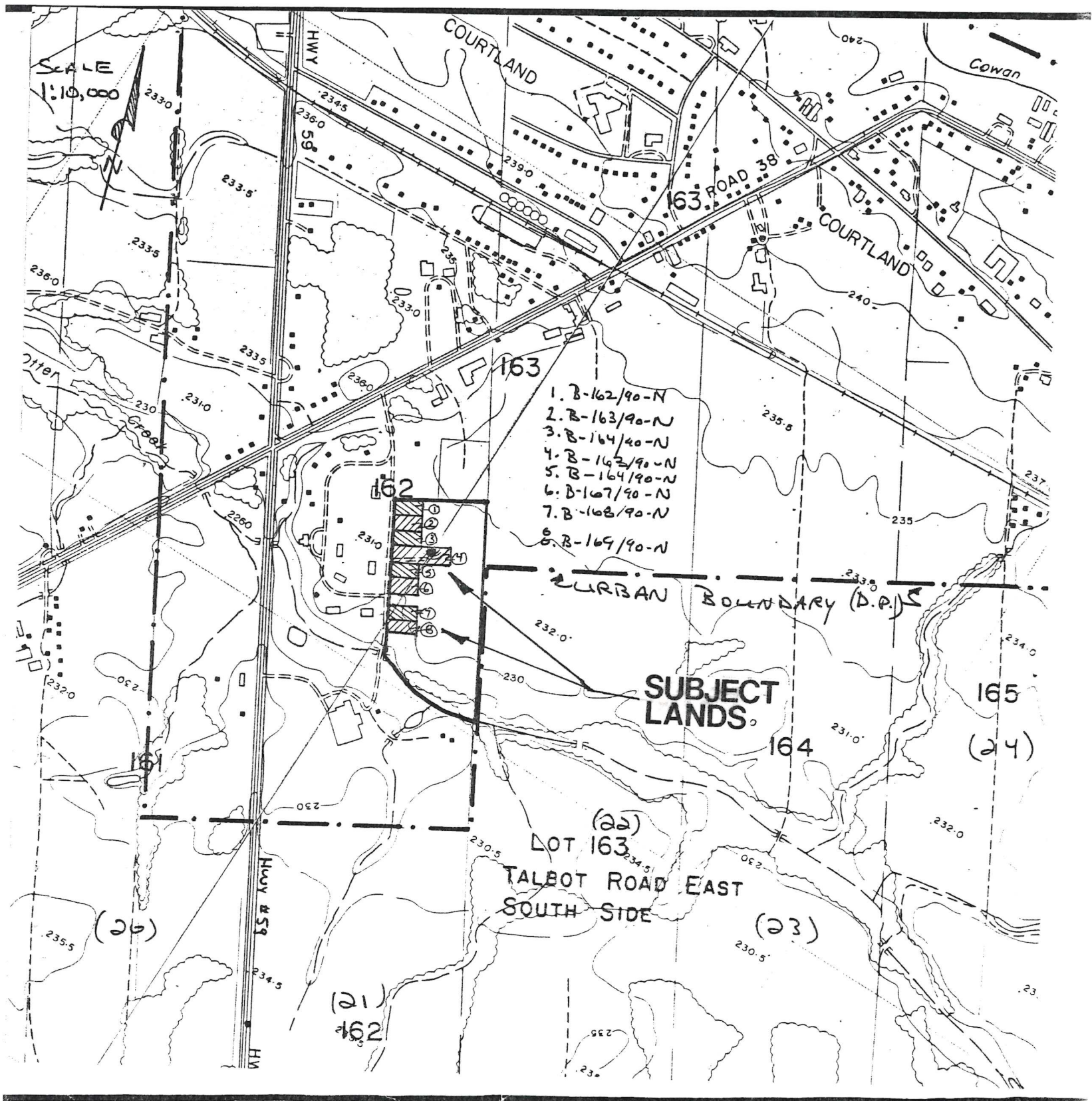
MAP N° 1 TO FILE NUMBER B-162+0169/90-N



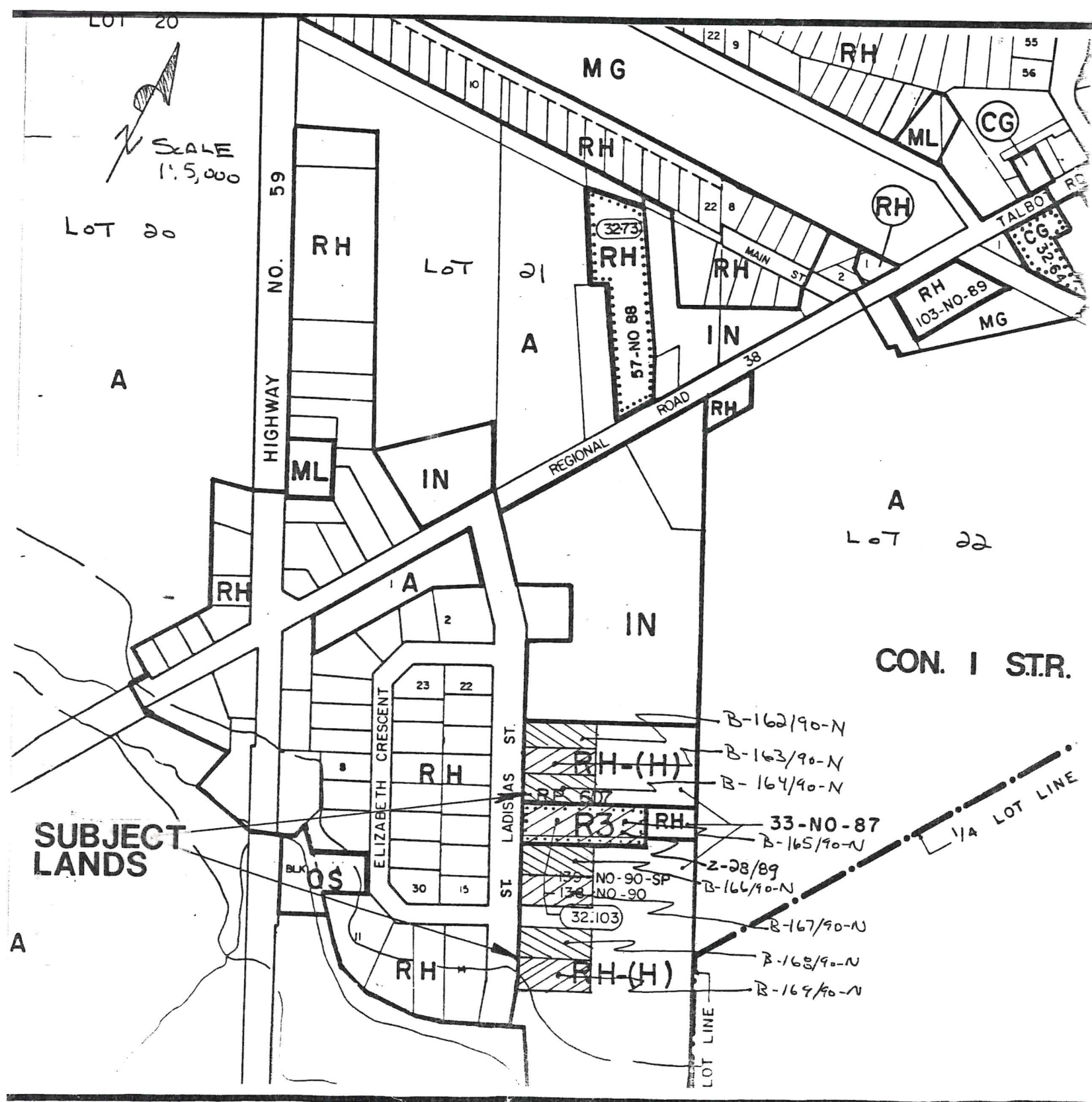


MAP N<sup>o</sup> 2 TO FILE NUMBER B-162 to 169/90-IV

FORMER MUNICIPALITY: MIDDLETON



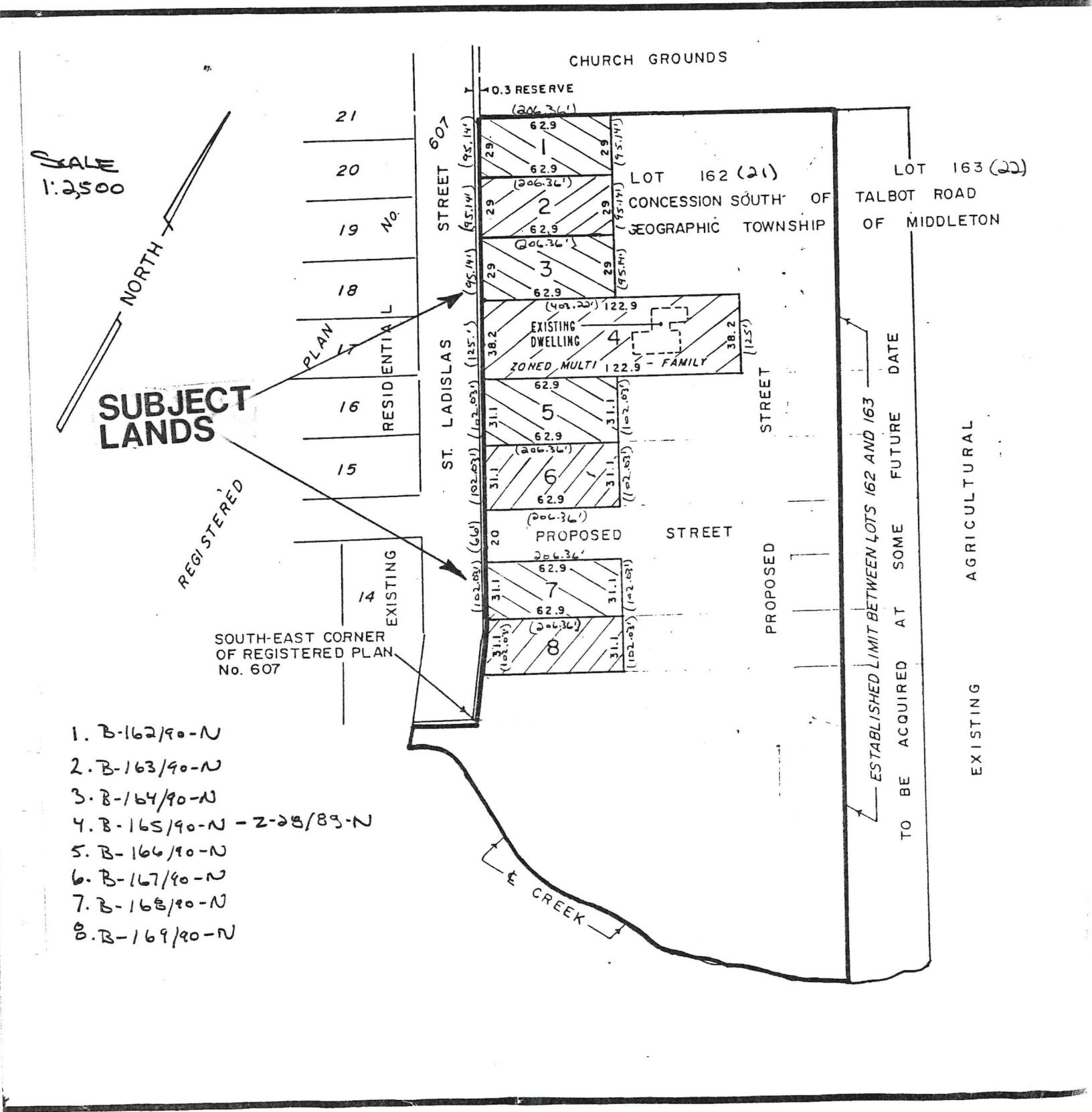
FORMER MUNICIPALITY: MIDDLETON





MAP N° 4 TO FILE NUMBER B-162 to 169/90-N

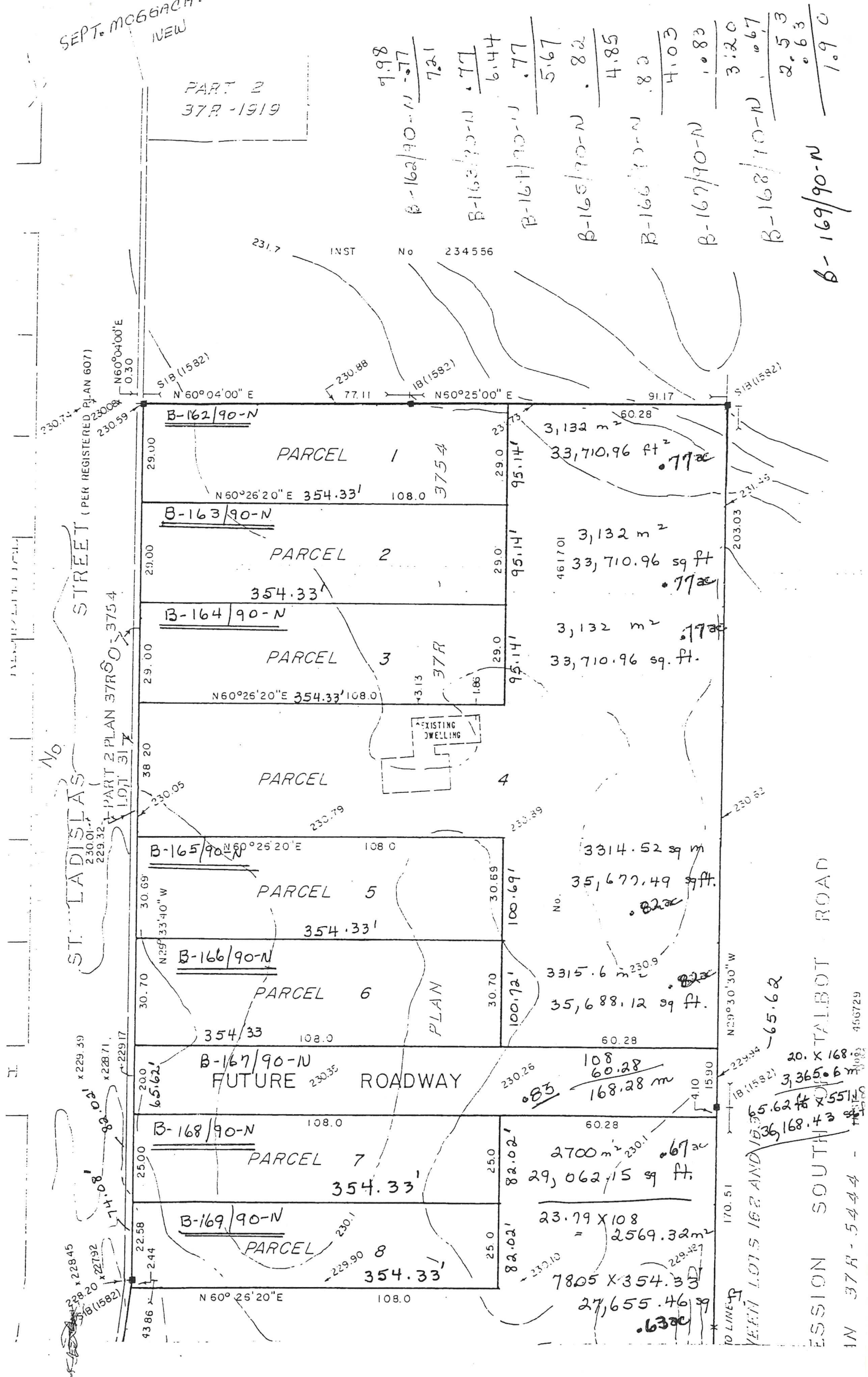
FORMER MUNICIPALITY: MIDDLETON





PART 2  
37A-1919

No	234556
B-162/90-N	9.98 7.77 7.21
B-163/90-N	7.77 6.44
B-164/90-N	7.77 5.67
B-165/90-N	8.22 4.85
B-166/90-N	8.22 4.03
B-167/90-N	10.82 3.22
B-168/90-N	10.66 2.56
B-169/90-N	1.97



REPORT REGARDING AN APPLICATION TO  
THE CORPORATION OF THE TOWNSHIP OF NORFOLK  
COMMITTEE OF ADJUSTMENT FOR CONSENT

File Nos.: B-162/90-N to B-168/90-N

Meeting Date: October 17, 1990

**APPLICANT:**

Moggach Holdings Inc.,  
Courtland, Ontario.  
N0J 1E0.

**AGENT:**

Kim Husted Surveying,  
50 Fox Alley,  
Tillsonburg, Ontario.  
N4G 3P4.

**LOCATION:**

Part of Lot 21, Concession South of Talbot Road, in the former Township of Middleton.

**PROPOSAL:**

The applicant proposes to sever 8 residential lots in the Village of Courtland.

**PLANNING STAFF RECOMMENDATION:**

That the applications be deferred.

**SITE FEATURES AND LAND USE:**

The subject lands are presently vacant, although Plot 3 (shown on Map 4) is presently occupied by a multi-family residential building. To the west of the lands is a new residential subdivision and in all other directions are open tracts of land.

**SUITABILITY OF LOT SIZE AND LOCATION:**

Further investigation is required as to the precise layout and location of the lots.

**SUITABILITY FOR PRIVATE SERVICES:**

The Health Department has advised that the Department cannot approve this proposed subdivision plan until a hydrogeological study is carried out on the lands and a report submitted to our office for our approval and the Ministry of Environmental approval.

**PLANNING STAFF COMMENTS:**

Comments received from relevant circulated agencies include the Regional Health Department, who comment that they cannot approve of the proposal. They note that a hydrogeological study must be submitted for their approval and the approval of the Ministry of Environment prior to any recommendation being made.

The Township Drainage Superintendent requires additional information regarding the provision and location of a drain to service this area. Until he has had an opportunity to review a plan and further details indicating this, it is recommended that no firm decision be made on these applications.

Staff point out that the urban boundary of Courtland is approximately 350 ft. to the east of the rear boundaries of the lots numbered 1-3 and 5-8 as shown on the attached Map 4. Staff consider that the layout as shown by having lots fronting only onto St. Ladislav Street does not address the need for the planning of that land to the rear, which is effectively being "landlocked" without a comprehensive plan for the whole of the subject lands i.e. all 20 acres. An in depth road pattern would make better use of the lands and allow for a more comprehensive scheme to take place. The "proposed street" shown on Map 4 does not form a direct and logical link from Elizabeth Crescent, the street serving the subdivision opposite the site. More investigation and planning is required in this case to allow for a safe and functional intersection.

For all the above reasons, staff recommend that these applications be deferred.

Glen Richardson,  
Planner.



FILE NO. B-162/90-N to B-169/90-N  
SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) That the owner agrees in writing to satisfy all requirements financial or otherwise, of the Region of Haldimand-Norfolk and the Township of Norfolk concerning the upgrading and provision and dedication of roads, the installation of municipal water and storm water drainage services and the payment of capital charges, any outstanding taxes and any cost of reapportionment of drainage and assessment.
- (2) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
- (3) That prior to final approval a report under Section 4.1 of The Drainage Act, R.S.O. 1980, and a lot grading and drainage plan to the satisfaction of the Township of Norfolk be submitted.
- (4) That the owner convey up to 5% of the land included in the Draft Plan to the Township of Norfolk for park purposes. Alternatively, the Township of Norfolk may accept cash-in-lieu of all or a portion of the required conveyance.
- (5) The lots will be made suitable for the installation of private sewage disposal systems to the satisfaction of the Regional Health Department.
- (6) Receipt of final approval of the required zoning amendment.
- (7) Receipt of registered reference plan of the severed parcel of land.
- (8) That the above conditions must be fulfilled and the Document for conveyance be presented for stamping on or before October 17, 1990 after which time the consent will lapse.

Note\* Township of Norfolk policies require that a Municipal Drain System be established under The Drainage Act. The developer should make himself aware of the procedures under The Drainage Act, and note the procedures may be lengthy and require initiation well in advance of the anticipated final approval.

COMMITTEE OF ADJUSTMENT

THE CORPORATION OF THE TOWNSHIP OF NORFOLK

DECISION OF COMMITTEE

DATE OF MEETING: September 9, 1992

FILE NO.: B-162/90-N

APPLICANT: Moggach Holdings Inc.,  
Courtland, Ontario.  
NOJ 1EO.

PROPERTY: Part of Lot 21, Concession 1, S.T.R., in the former Township of Middleton.

PURPOSE: The applicant proposes to sever a residential lot with a frontage of 29 metres (95.14 ft.), a depth of 108 metres (354.33 ft.) and having an area of 3,132 sq. metres (33,710.96 sq. ft.) and retain a parcel with an area of approximately 7.98 hectares.

DECISION: APPROVES

CONDITIONS:

1. Receipt of letter from the Township of Norfolk indicating that their requirements, financial or otherwise have been satisfied including.
  - ✓ a. A Lot levy in the amount of \$500.00 or the development charge established under The Development Charges Act, 1990, whichever is the lesser.
  - ✓ b. A fee of \$200.00 cash-in-lieu of parkland dedication be paid in accordance with Section 50(5) and (8) of The Planning Act, 1983.
  - c. Payment of any outstanding taxes.
2. Receipt of proof that the Regional lot levy has been paid to the Regional Municipality of Haldimand-Norfolk.
3. Receipt of a letter from the Regional Environmental Services Department indicating that their requirements have been satisfied concerning the provision of water servicing for the severed parcel. ✓
4. Subject to the owner entering into an Agreement to attend to conditions of the Haldimand-Norfolk Regional Health Department and the Township of Norfolk.
5. Receipt of a letter from the Haldimand-Norfolk Regional Health Department indicating their requirements have been satisfied.
6. Receipt of a registered reference plan of the severed parcel.
7. Receipt of a letter from the Township of Norfolk Drainage Superintendent indicating that his requirements have been satisfied. ✓
8. That prior to final approval a report under Section 4.1 of The Drainage Act, R.S.O. 1980, and a lot grading and drainage plan to the satisfaction of the Township of Norfolk be submitted.
9. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping on or before **SEPTEMBER 9, 1993** after which time the consent will lapse.

REASON: The proposed lot is located within the urban area of Courtland.

Hector Verhoeve Joseph Desks  
B. L. Magnus  
Members  
Don Hean  
Chairman

I hereby certify this to be a true copy of the Committee of Adjustment and this decision was concurred in by a majority of the members who heard the application at a meeting duly held on September 9, 1992.

Vera Fial  
Secretary-Treasurer

NOTICE OF LAST DAY FOR APPEAL TO THE ONTARIO MUNICIPAL BOARD  
The Planning Act, Section 45(12) - The applicant, the Minister or any other person who has an interest in the matter may within thirty (30) days of the decision date, appeal to the Ontario Municipal Board, against the decision of the Committee by filing with the Secretary-Treasurer, a notice of Appeal with reasons accompanied by an appeal fee (\$125.00) payable to the Treasurer of Ontario on or before the following date:

October 9, 1992