

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

MEETING DATE: January 30, 2003

FILE NO.: BN-005/2003

APPLICANT(S):

Margaret Puhr, 1065 Regional Road 38 R.R. #1, Courtland, ON, N0J 1E0

AGENT:

Henry Puhr, 1083 Regional Road 38, R.R. #1, Courtland, ON, N0J 1E0

LOCATION:

Part of Lot 13, Concession 1, S.T.R. (1065 Regional Road 38)(Middleton/Norfolk)

PROPOSAL:

Sever a parcel with a frontage of 15.24 m. (50 ft.), a depth of 60.96 m. (200 ft.) and having an area of approximately .08 ha. (0.20 ac.) as a boundary adjustment and retain a parcel with an area of 9.1 ha. (22.42 ac.) more or less.

PLANNING STAFF RECOMMENDATION:

That Application BN-005/2003 BE APPROVED subject to the attached conditions.

REASON: The requested boundary adjustment conforms to the general intent of the policies of the Official Plan.

SITE FEATURES AND LAND USE:

The subject lands are located on the north side of Regional Road 38, south west of the Courtland urban area. The existing rural residential lot is surrounded by agricultural land uses. The subject lands have been in agricultural production but contain part of the septic system for this residential lot.

PERTINENT CIRCULATION COMMENTS:

Finance Department – This application, if approved, would not attract any new development charges or Cash in Lieu of Parklands.

Forestry Division – No comments

Health Department - An inspection was carried out on this property. It is the Health Unit's understanding that the sewage system is contained within the boundaries of

the property. The topography of the land is such that it could support a class 4 sewage system, provided the soil is analyzed to determine the percolation rate of the soil.

There is sufficient room to install a new class 4 sewage system on the property, if in the future the sewage system fails, the applicant must repair, replace the malfunctioning sewage system with a new system as per Ontario Building Code regulations. A visual inspection of the tile bed area did not show any signs of sewage system malfunction.

Public Works and Environmental Services – Both the severed and retained parcels are within the municipal drainage area of the Phur Drain, and therefore a reapportionment of the original drain assessment will be required.

Long Point Region Conservation Authority – No comments to make.

Ministry of Transportation – Not applicable

COMMUNITY PLANNING COMMENTS:

Planning staff supports this application and recommend that it be approved. This consent application is a boundary adjustment to ensure that all of the septic bed is contained within the existing rural residential lot.

**Mary Elder
Planner**

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Receipt of a letter from Norfolk County indicating that their requirements, financial or otherwise have been satisfied including:
 - () (a) A development charge (amount may be revised from time to time).
 - () (b) cash-in-lieu of parkland dedication be paid in accordance with Section 51(5) and (8) of the Planning Act, R.S.O. 1990, c.p. 13 (amount may be revised from time to time).
 - (X) (c) Payment of any outstanding taxes.
 - (X) (d) Drainage Assessment re-apportionment be undertaken pursuant to Section 65 of the Drainage Act, R.S.O. 1990 at the applicant's expense.
 - () (e) Any road widening.
- () 2. Receipt of a letter from the Planning and Economic Development Department indicating that the applicant has entered into the necessary agreement regarding a comprehensive grading plan to address surface drainage of the property satisfying the Public Works and Environmental Services Department.
- () 3. Receipt of a letter from the County Engineering Department indicating that their requirements have been satisfied concerning an entrance permit.
- () 4. Receipt of a letter from the Planning and Economic Development Department indicating an agreement has been entered into that no dwelling be constructed on the retained lands for five years from the date of the Decision.
- () 5. Receipt of a letter from the Health Department indicating their requirements have been satisfied.
- () 6. Receipt of a letter from the Forestry Division indicating that the applicant(s) has entered into the necessary agreement addressing reforestation and management.
- () 7. Receipt of a letter from the Conservation Authority indicating that a satisfactory Environmental Impact Statement has been received showing no negative impact on the Provincially Significant Wetland or Woodland.
- () 8. That prior to final approval of a report under Section 4.1 of The Drainage Act, R.S.O. 1990.
- () 9. Receipt of a letter from the Public Works and Environmental Services Department indicating that water and sewer connections have been installed to the severed and retained parcels.
- () 10. Receipt of a letter from the Public Works and Environmental Services Department indicating that the applicant has entered into the necessary agreement with the County regarding road construction.

- () 11. Receipt of final approval of the required zoning amendment.
- (X) 12. Receipt of four copies of a registered reference plan of the severed parcel of land.
- () 13. Receipt of a letter from the Planning and Economic Development Department indicating that a new civic address has been assigned to the severed (or retained) parcel.
- () 14. That the above plan show the required front, rear and side yard measurements of all existing buildings on the parcel.
- () 15. Subject to approval of the required Minor Variance Application No.
- () 16. That Application _____ will lapse.
- (X) 17. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
- (X) 18. That the severed parcel become part and parcel of the abutting lands presently owned by ~~Henry & Nancy Puhr~~ Roll No. ~~3310-541-050-027-10-0000~~
- (X) 19. That the solicitor acting in the transfer provide his undertaking in the following manner: "In consideration of the Certificate by the Official I undertake to ensure by a subsearch of the abstract book that at the time of the registration of the said Certificate or deed upon which time it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said deed".
- () 20. That a one square foot portion of land presently owned by (Roll No.) be conveyed to the abutting road allowance owned by Norfolk County (registered copy of document for conveyance and reference plan required) for the purposes of consolidating the subject lands with lands owned by and that the costs for completing same be at the expense of the applicant.
- () 21. That the severance subject of this application not be completed prior to the lands identified by Assessment Roll No. _____ being sold to _____ and that evidence of this transaction submitted to the Secretary-Treasurer prior to the stamping of the deed.
- (X) 22. That the above conditions must be fulfilled and the Certificate for consent be issued on or before **January 30th, 2004** after which time the consent will lapse.

NOTE: Agreements and required fee must be completed prior to the issuance of the certificate or stamping of the deed. Please allow approximately six (6) weeks for preparation of the agreement and passage of the adoption by-law.

NOTE: Zoning amendments take at least three to four months, therefore the application must be submitted as soon as possible.

Submitted by noon Dec 18, 2002.

January 30, 2003.

Office Use Only
File No.: <u>BN-5/2003</u>
Roll No.: <u>3310.541 050 02000</u>
Date Submitted: <u>Dec 12/02</u>
Date Received: <u>Dec 12/02</u>
Sign Issued: <u>Dec 12/02</u>

**NORFOLK COUNTY
APPLICATION FOR CONSENT**

Note: This application must be typed or printed in ink and completed in full. An incomplete or improperly prepared application may not be accepted and could result in delays.

A. APPLICANT INFORMATION

1. Name of Owner MARGARET PUHR Phone No. 842 5664
Address RR # 1 Fax No. _____
COURTLAND Postal Code NOJ 1 EO
E-Mail _____
2. Agent HENRY PUHR Phone No. 842-2818
Address RR # 1 1083 Reg R138 Fax No. _____
COURTLAND Postal Code NOJ 1 EO
E-Mail _____

Please specify to whom all communications be send: ☐ Owner ☒ Applicant

3. Name and address of any mortgagees, holders of charges or other encumbrances:

N/A

4. Are there any easement or restrictive covenants affecting the property?

☐ Yes ☒ No. If Yes, describe the easement or covenants and its effect:

B. LOCATION/LEGAL DESCRIPTION OF PROPERTY

1. Geographic Township Norfolk
- Urban Area or Hamlet Courtlano
- Concession Number 1 Lot Number 13
- Registered Plan Number No / Number Lot(s) Block(s) Part of Lot 13 Con 1
- Reference Plan Number No / Number Part Number(s) _____
- (Civic Address) 911 Number and Name of Street/Road 1065 *

C. PURPOSE OF APPLICATION

1. Type and purpose of proposed transaction: (check appropriate box)

Transfer: ☐ Creation of a new lot Other: ☐ a charge

☒ Boundary adjustment ☐ a lease

☐ an easement/right-of-way ☐ a correction of title

2. Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

HENRY AND NANCY PUHR

3. If a boundary adjustment, identify the Assessment Roll No. and property owner of the lands to which the parcel will be added.

3310 541 050 02710 541 050 02710 0000

Tax per year year Roll No. 541 050 02710 0000 Name: Henry PUHR

4. If the application involves a residential lot in the rural/agricultural area, please complete Form 1 which is available upon request.

5. If the application proposes to divide a farm into two smaller agricultural parcels, please complete Form 2 which is available upon request.

D. **PROPERTY, SERVICING AND ACCESS INFORMATION**

1. Description of land intended to be **SEVERED**:

Frontage 15.24 m. Depth: 60.96 m.
50.00 ft. 200.00 ft.
 Width: 15.24 m. Area: .08 ha.
50 ft. .198.5 ac.

929.03 m
10,000 ft

Existing use AGRICULTURAL Proposed Use: TO INCORPORATE THE EXISTING

SEPTIC FIELD BED IN THE PROPOSED ADJUSTMENT INTO PLAN 372-2320

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

NONE

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

NONE

2. Description of land intended to be **RETAINED**:

Frontage 170.49 m. Depth: 467.38 m.
559.35 ft. 1533.40 ft.
 Width: 170.49 m. Area: 9.10 ha.
 _____ ft. _____ ac.

Existing use AGRICULTURAL Proposed Use: AGRICULTURAL

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

3- 1-House - 1 GARAGE - 1 BARN

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

NONE

3. Existing or proposed access to land intended to be **SEVERED**:

☐ Unopened Road ☒ Municipal Road ☐ Provincial Highway

☐ Other (Specify)

Name of Road/Street Regional Rd 38

4. Existing or proposed access to land intended to be **RETAINED** :

☐ Unopened Road ☒ Municipal Road ☐ Provincial Highway

☐ Other (Specify)

Name of Road/Street Regional Rd 38

5. Servicing:

Indicate what services are available or ~~proposed~~:

Water SupplySewage TreatmentStorm Drainage

Piped Water ☐

Sewers

☐ Storm Sewers ☐

Individual Wells ☐

Communal System

☐ Open Ditches ☐

Other (Describe) ☒

EXISTING
Septic Tank & Tile Bed

☐ Other (Describe) ☐

Other (Describe)

☐

SEE DRAWING
PLAN 37R-2320

* Have you consulted with the Public Works and Environmental Services Department concerning stormwater management?

☐ Yes ☒ No

* Does a legal and adequate outlet for storm drainage exist?

☒ Yes ☐ No ☐ Unknown

* Has the existing drainage on the subject land been altered?

☐ Yes ☒ No ☐ Unknown

E. **LAND USE**

1. What is the existing official plan designation(s) of the subject land: Agricultural
2. What is the existing zoning of the subject lands: Agricultural
(If required, assistance is available for questions 1 and 2 above)

F. **PROVINCIAL POLICY**

1. Are any of the following uses or features located on the subject land or within 500 metres (1640 ft.) of the subject land? Please check the appropriate boxes, if any apply.
(Assistance is available to complete this table).

Use or Feature	On the Subject Land	Within 500 metres (1640 ft.) of subject land (Indicate Distance)
An agricultural operation, including livestock facility or stockyard (See F.2)	No	No
A wooded area		
A municipal land fill		
A sewage plant or waste stabilization plant.		
A Provincially Significant Wetland (Class 1, 2 or 3 wetland) or other environmental feature.		
Floodplain		
A rehabilitated mine site		
A non-operating mine site within 1 kilometre		
An active mine site		
An industrial or commercial use (Specify the use(s))		
An active railway line		
Seasonal wetness of land		
Erosion		
Abandoned gas wells.		

3. If there are any livestock operations within 500 metres (1640 ft.) of the subject land, please complete Form 3, which is available upon request.

G. **STATUS OF OTHER PLANNING APPLICATIONS**

1. Has the owner previously severed any land from this land holding or any other land the owner has interest in since August 24, 1978?

☐ Yes ☒ No

If the answer to the above question is Yes; File No. PLAN 37R 2320 Part-2

How many separate parcels have been created: 2

Date(s) these parcels were created: 1981 Dec

The name of the transferee for each parcel: HENRY PARR - PART-2
Norfolk Twp PART 1
PART-2 - RESIDENTIAL LOT

What uses were the parcels severed for? PART 1 - ROAD ALLOWANCE

2. If this application proposes to sever a dwelling made surplus through farm amalgamation, when were the farm properties amalgamated. _____

Date of construction of the dwelling proposed to be severed. _____

3. Has this property ever been part of an application for approval of a plan of subdivision or consent under the Planning Act?

☐ Yes ☒ No ☐ Unknown

If yes, provide the file number, if known, and the decision made on the application.

File No. _____ Decision: _____

4. Date of purchase of subject land. Aug 24th 1953

5. How many years has the owner farmed? 48 Years

Outside this municipality but in Ontario? _____ In this municipality? ☒

Other (please specify) _____

H. CURRENT APPLICATION

1. Is this property the subject of an application for an Official Plan amendment that has been submitted for approval?

☐ Yes☒ No☐ Unknown

If Yes, File No. _____ Status _____

2. Is this property the subject of an application for a Zoning By-law amendment, Minister's Zoning Order Amendment, Minor Variance, Consent or Plan of Subdivision?

☐ Yes☒ No☐ Unknown

If Yes, File No. _____ Status _____

3. Is there any other application on this property that could affect this application?

☐ Yes☒ No

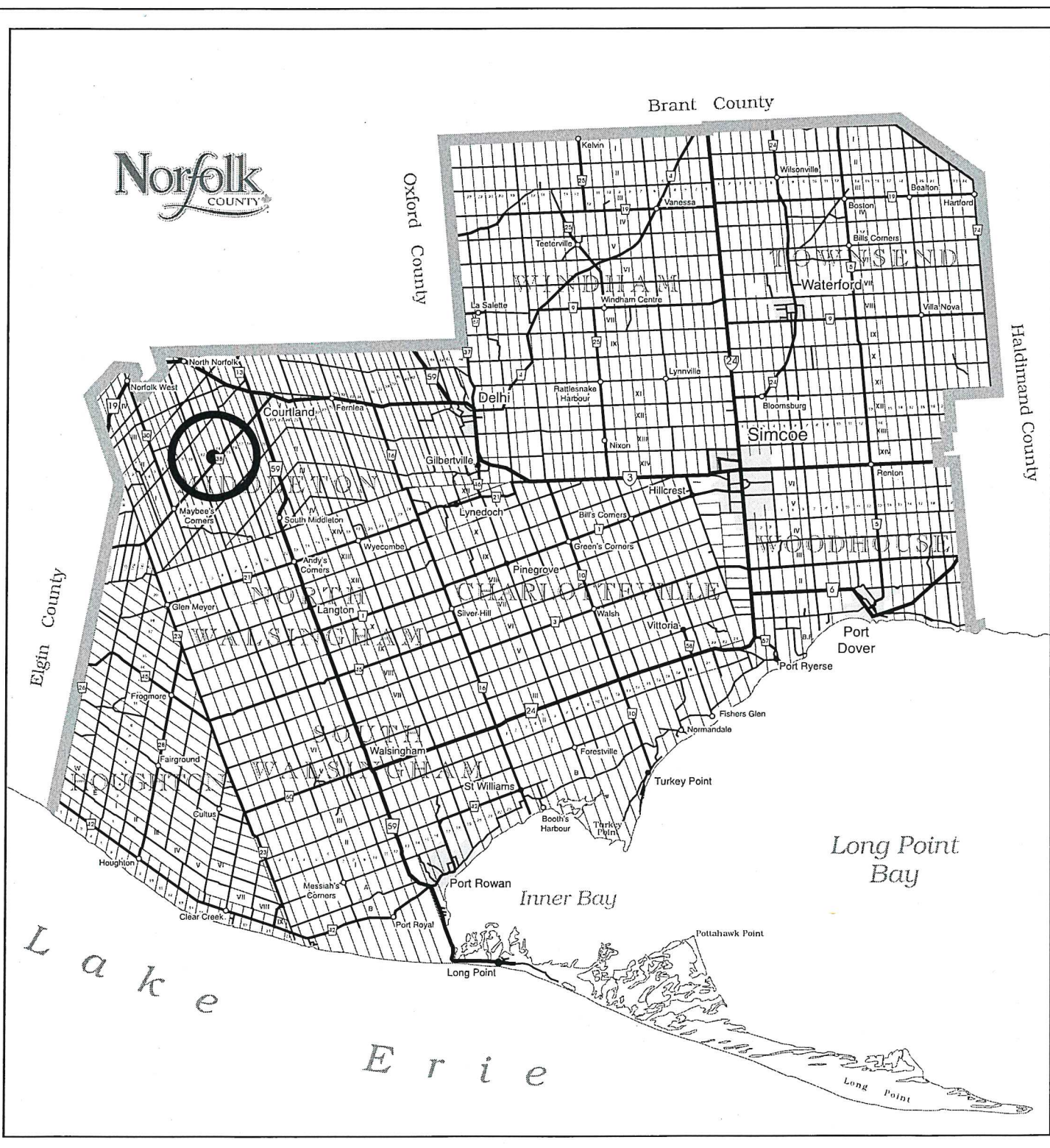
If Yes, describe _____

MAP NUMBER 1



File Number: BN-5/03

Geographic Township of MIDDLETON



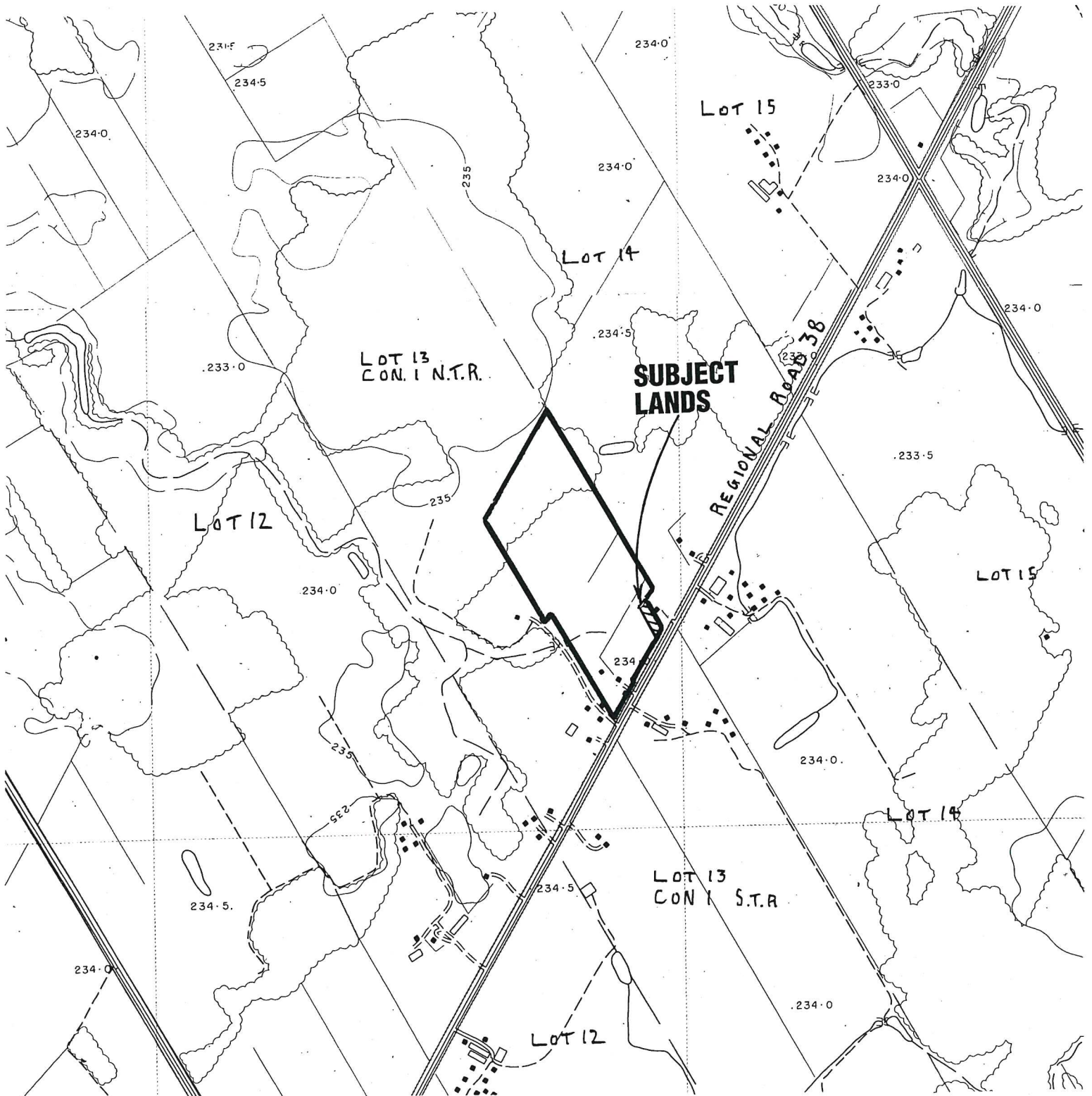
MAP NUMBER 2

File Number: BN-5/03

Geographic Township of MIDDLETON



Scale 1: 10000



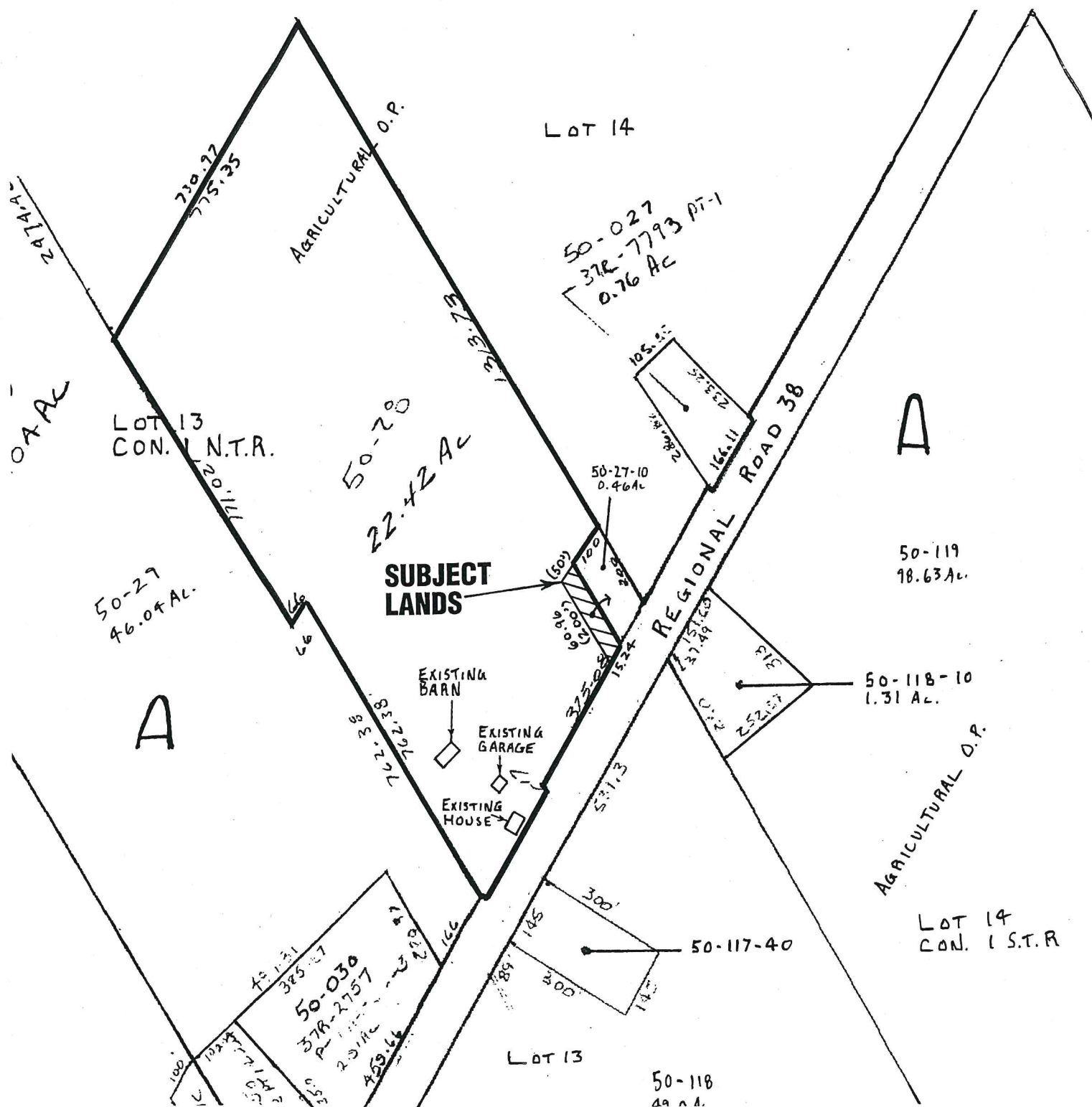
MAP NUMBER 3

File Number: BN-5/03

Geographic Township of MIDDLETON



Scale 1:3600



I. **SUPPORTING MATERIAL TO BE SUBMITTED BY APPLICANT**

In order for your application to be considered complete, a sketch drawn to scale must be included as part of this application, which shows:

1. The boundaries and dimensions of the subject land including the part that is to be severed and the part that is to be retained.
2. Location, size, height and type of all existing and proposed buildings or structures on severed or retained lands, including the distance of the buildings or structures from the front yard lot line, rear yard lot line and side yard lot lines.
3. The boundaries and dimensions of the land owned by the owner, including the subject land and adjacent land.
4. The distance between the subject land and the nearest municipal lot line or landmark, such as a railway crossing or bridge.
5. The location of all land previously severed from the parcel originally acquired by the current owner of the subject land.
6. The approximate location of all natural and artificial features on the subject land and adjacent lands, including railways, roads, watercourses, drainage ditches, irrigation ponds, river or stream banks, wetlands, wooded areas, buildings.
7. The current use(s) of the adjacent lands.
8. The location, width and name of any roads within or abutting the subject land. Indicate whether the road is an unopened road allowance, a public travelled road, a private road or a right-of-way.
9. If access to the subject land is by water only, the location of the parking and docking facilities to be used.
10. The location and nature of any restrictive covenant or easement affecting the subject land.
11. 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.
12. The location of any existing sewage system and well, on the lot to be created and/or retained.

If other documentation/supporting material becomes necessary, you will be contacted and this information must be submitted prior to your application proceeding.

J. **NOTIFICATION SIGN REQUIREMENTS**

For the purpose of public notification and in order for staff to easily locate your land, you will be given a sign to indicate the intent and purpose of your application. It is your responsibility to:

1. Post one sign per frontage in a conspicuous location on the subject property.
2. Ensure one sign is posted at the front of the property at least three feet above ground level.
3. Notify the Planner when the sign is in place in order to avoid processing delays.
4. Maintain the sign until the application is finalized and thereafter removed.

For the purposes of this application, the Owner/Applicant/Agent grants permission to the members of the Committee of Adjustment to enter upon the said property for inspection purposes, and the owner will not be held responsible or liable if any accident or injury occurs.

K. **FREEDOM OF INFORMATION**

For the purposes of the 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 for the purposes of processing this application.


Owner/Applicant/Agent Signature


Date

L. **DECLARATION**

I, Henry Ruhr of Courtland 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


Village of Langton

in Province of Ontario

this 12 day of

December A.D., 2002


Owner/Applicant/Agent Signature


A Commissioner, etc. Trevor Scott Peck, a Commissioner, etc.,
Norfolk County for The Corporation
of Norfolk County.
Expires February 14, 2005.

M. **AUTHORIZATION**

If the applicant is not the owner of the land that is the subject of this application, the authorization set out below must be completed by the owner.

AUTHORIZATION OF OWNER

I/we x MARGARET RUHR am/are the owner(s) of the land that is the subject of this consent application. I/we authorize HENRY RUHR to make this application on my/our behalf and to provide any of my/our personal information necessary for the processing of this application.

x Margaret Ruhr
Signature

11/Dec/2002
Date

N. **NOTES TO APPLICANTS**

The following is required in order for this application to be considered complete:

1. One copy of this application, including the required sketch, be filed with the responsible person, and accompanied by the required application fee, and cheque made payable to Norfolk County. Additional fees for legal costs may apply if an Ontario Municipal Board hearing is held.

The application fee is calculated as follows:

	Base Fee \$	<u>580</u>
Private Services - Health Department review	\$	<u>208.⁰⁰</u>
Total	\$	<u>788</u>

2. A sketch illustrating all information as noted in Section I. (Supporting Material To Be Submitted By Applicant) must accompany this application.
3. For additional information or assistance in completing this application please contact the Planner at Norfolk County.

PLEASE SUBMIT APPLICATION TO:

Planning and Economic Development Department
Norfolk County

50 Colborne Street
Simcoe, ON, N3Y 4N5
Telephone: (519) 426-5870
Fax: (519) 426-8573

22 Albert Street
Langton, ON, N0E 1G0
Telephone: (519) 875-4485
Fax: (519) 875-4789



COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION REGARDING CONSENT

FILE NO.: BN-005/2003

ROLL NO. 33 10 541 050 02800

DATE OF MEETING: January 30, 2003

APPLICANT: Margaret Puhr, 1065 Regional Road 38 R.R. #1, Courtland, ON, N0J 1E0

PROPERTY: Part of Lot 13, Concession 1, S.T.R. (1065 Regional Road 38)
(Middleton/Norfolk)

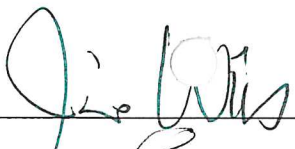

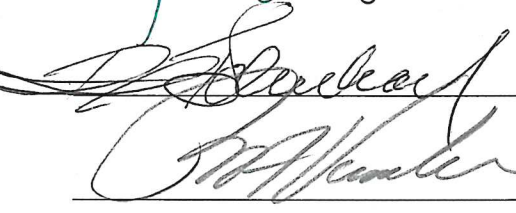

PURPOSE: Sever a parcel with a frontage of 15.24 m. (50 ft.), a depth of 60.96 m. (200 ft.) and having an area of approximately .08 ha. (0.20 ac.) as a boundary adjustment and retain a parcel with an area of 9.1 ha. (22.42 ac.) more or less.

DECISION: APPROVES

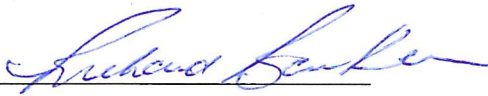
CONDITIONS:

1. Receipt of a letter from Norfolk County indicating that their requirements, financial or otherwise have been satisfied including:
 - (a) Payment of any outstanding taxes.
 - (b) Drainage Assessment re-apportionment be undertaken pursuant to Section 65 of the Drainage Act, R.S.O. 1990 at the applicant's expense.
2. Receipt of four copies of a registered reference plan of the severed parcel of land.
3. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
4. That the severed parcel become part and parcel of the abutting lands presently owned by Henry & Nancy Puhr Roll No. 541 050 027 10.
5. That the solicitor acting in the transfer provide his undertaking in the following manner: "In consideration of the Certificate by the Official I undertake to ensure by a subsearch of the abstract book that at the time of the registration of the said Certificate or deed upon which time it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said deed".
6. That the above conditions must be fulfilled and the Certificate for consent be issued on or before **January 30th, 2004** after which time the consent will lapse.

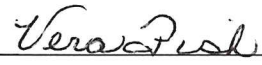
REASON: The application conforms to the intent of the policies of the Official Plan respecting minor boundary adjustments.

Members


Chairman

I hereby certify this to be a true copy of the Committee of Adjustment of Norfolk County and this decision was concurred in by a majority of the members who heard the application at a meeting duly held on January 30, 2003.


Secretary-Treasurer

NOTE:

This property is also the subject of an application for (Zoning By-Law Amendment, Official Plan Amendment, Minor Variance), File No.

ADDITIONAL INFORMATION

If you require additional information regarding the application, please contact the Secretary-Treasurer for Norfolk County Committee of Adjustment, P.O. Box 128, 22 Albert Street, Langton, Ontario, N0E 1G0, between 8:30 a.m. and 4:30 p.m.

NOTICE OF CHANGES

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have either made a written request to be notified of the decision to give or refuse to give provisional consent or make a written request to be notified of changes to the conditions of the provisional consent.

APPEALS

Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group.

~~NOTICE OF LAST DAY FOR FILING OF APPEAL TO THE MUNICIPAL BOARD~~ (The Planning Act, c.P. 13, R.S.O. 1990, as amended, Section 53(19)).

Any person or public body may, not later than twenty days after the giving of a written decision, appeal the decision and/or any condition imposed by the Township of Norfolk Committee of Adjustment to the Ontario Municipal Board by filing with the Clerk of the Municipality, a notice of appeal setting out reasons for the appeal, accompanied by appeal fee (\$125.00) payable to the Minister of Finance on or before the following date:

February 19th, 2003