April 17th, 2003

Alvin T. Atkinson 1241 Byerlay Side Road R.R. #2 Tillsonburg, ON, N4G 4G7

Mr. Atkinson:

RE: SEVERANCE FILE NO. BN-019/2003
DECISION - APPROVED

Pursuant to Subsection 53(7) of The Planning Act R.S.O. 1990, c.p. 13, you are hereby notified that there have been no appeals received within the twenty-day waiting period after the making of the Decision by the Committee of Adjustment on March 27th, 2003.

Subject to the fulfillment of the conditions, as stated on the decision, within one year from the giving of the decision, the deed for conveyance must be presented to the Secretary-Treasurer for the issuance of a Certificate, to validate the consent.

If within the period of one year, from the giving of the decision, the conditions as stated therein, have not been fulfilled, the application for consent shall there-upon be deemed refused.

As well, please keep in mind that the decision of the Committee of Adjustment does not allow you to proceed with construction/reconstruction of any buildings on the property involved. The County Building Inspector and the Health Inspector who have their offices in the Norfolk County Municipal Building shall be contacted in order to obtain the necessary permits for this purpose.

Would you please take down the yellow notification sign in the event the sign should still be posted.

Vera Fish Secretary-Treasurer Committee of Adjustment Norfolk County p.c.



COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION REGARDING CONSENT

FILE NO.: BN-019/2003

ROLL NO. 33 10 541 020 014 0000

DATE OF MEETING:

March 27th, 2003

APPLICANT:

Alvin T. Atkinson, 1241 Byerlay Side Road

R.R. #2, Tillsonburg, ON, N4G 4G7

PROPERTY:

Part of Lot 25, Concession 2, N.T.R. (Middleton/Norfolk)

PURPOSE:

Sever a parcel with a frontage of 152.4 m. (500 ft.) a depth of 100 m. (328.08 ft.) and having an area of approximately 1.52 ha. (3.76 ac.) as a boundary adjustment and retain a parcel with an

area of 12.42 ha. (30.7 ac.) more or less.

DECISION:

APPROVES

CONDITIONS:

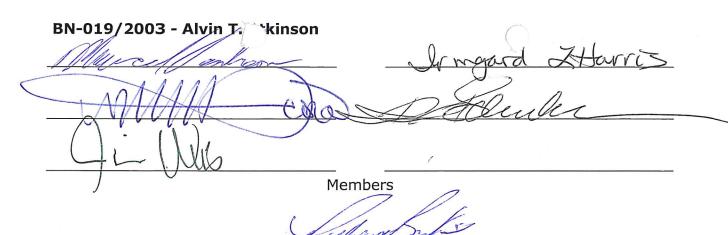
1. Receipt of a letter from Norfolk County indicating that their requirements, financial or otherwise have been satisfied including:

(a) Payment of any outstanding taxes.

- 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 <u>Judie Atkinson Roll No.33 10 541 020 015.</u>
- 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 a one square foot portion of land presently owned by Alvin Atkinson (Roll No. 33 10 541 020 015 00) 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 Judie Atkinson and that the costs for completing same be at the expense of the applicant.
- 7. That the above conditions must be fulfilled and the Certificate for consent be issued on or before **March 27**th, **2004** after which time the consent will lapse.

8. That the storage shed be removed. **REASON:**

The application complies with the severance policies of the Official Plan as they relate to the severance of a commercial or industrial use existing prior to August 24, 1978.



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 March 27th, 2003.

Vena Aud 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, NOE 1GO, 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:

April 16th, 2003

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

MEETING DATE: March 27th, 2003

FILE NO.: BN-019/2003

APPLICANT(S):

Alvin T. Atkinson, 1241 Byerlay Side Road R.R. #2, Tillsonburg, ON, N4G 4G7

LOCATION:

Part of Lot 25, Concession 2, N.T.R. (Middleton/Norfolk)

PROPOSAL:

Sever a parcel with a frontage of 152.4 m. (500 ft.) a depth of 152.4 m. (500 ft.) and having an area of approximately 2.307 ha. (5.7 ac.) as a boundary adjustment and retain a parcel with an area of 11.736 ha. (29 ac.) more or less.

PLANNING STAFF RECOMMENDATION:

That Application BN-19/03 BE APPROVED

REASON:

The application complies with the severance policies of the Official Plan as they relate to the severance of a commercial or industrial use existing prior to August 24, 1978.

SITE FEATURES AND LAND USE:

The subject lands are located on the west side of the Byerlay Road and contain a sawmill and its associated equipment. The applicant's residence is located to the south of the subject lands fronting onto the Byerlay Road. An agricultural field and forested area comprise the remainder of the land holding. The surrounding land uses are predominately agricultural.

PERTINENT CIRCULATION COMMENTS:

Finance Department – This application, if approved, would not attract any development charges or cash in lieu of parkland.

Forestry Division - That while the boundary adjustment is trying to capture the developed area (sawmill) - I have concerns in that the westerly edge of the boundary will include forested area, which if the property is to be maintained as a working sawmill may result in encroachment, including waste generated from this type of operation ie; slab wood, sawdust, woodchips. Given the pending issues

surrounding invasive species the immediate proximity of the site to a large connected woodland poses a threat should the waste material on site is improperly managed, and therefore I have concerns if plans or conditions are not attached addressing such. Given that it is an existing operation, there is nothing that can be done as is, however with this application the opportunity now presents itself for proactive measures to be consider.

Health Department – No objection

Public Works and Environmental Services - No requirements

Long Point Region Conservation Authority – Have reviewed the above noted application and have no comment to make regarding it.

Tourism and Economic Development - No objection

COMMUNITY PLANNING COMMENTS:

The applicant is proposing to sever a commercial operation (sawmill) and add the subject lands to his adjacent residential lot. Section E3 c) of the Township of Norfolk Official Plan states that:

"Severances for commercial, institutional and industrial uses existing prior to August 24, 1978 may be permitted provided that the remaining parcel of land is not considered vacant."

In this case, the commercial use is a sawmill that has been in existence since the 1940's. If approved, the severance would not result in the retained parcel of land being vacant as a residence is located on the retained parcel fronting onto the Mall Road. The proposed severance complies with the above noted policy.

The subject land has a frontage of 152.4 metres (500 ft.) and a depth of 152.4 metres (500 ft.) on the south side and 137.16 metres (450 ft.) on the north side for an area of 2.307 hectares (5.7 acres). Planning staff recommend that the area to be severed be reduced to that area zoned as Rural Industrial (MR) as shown on Map Number 3. The revised dimensions would be 152.4 metre (500 ft.) frontage and a lot depth of 100 metres (328.08 ft.) for an area of 1.52 hectares (3.76 acres). This will address the potential conflicts in zoning on the agricultural parcel and address the concerns of the Forestry Division regarding encroachment into the woodlot. The applicant is in agreement with this revision.

T. Scott Peck, MCIP, RPP Planner

FILE NO.: - BN-015, 2003- Alvin T. Atkinson

SUBJECT TO THE FOLLOWING CONDITIONS:

- 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).
 - Payment of any outstanding taxes. (c)
 - (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.
 - Any road widening. () (e)
- () 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.
- () Receipt of a letter from the County Engineering Department indicating 3. 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.
- () Receipt of a letter from the Health Department indicating their 5. 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.
- Receipt of a letter from the Public Works and Environmental Services () 10. Department indicating that the applicant has entered into the necessary agreement with the County regarding road construction.

BN-019/2003- Alvin .. Atkinson

- () 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 <u>Judie Atkinson Roll No.33 10541 020 01500</u>.
- (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".
- (X) 20. That a one square foot portion of land presently owned by Alvin Atkinson (Roll No. 33 10 541 020 01400) 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 Judie Atkinson 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 **March 27**th, **2004** after which time the consent will lapse.
- 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.

Office Use Only

File No.: BN-19/63

Roll No.: 33 16 541 026 01400

Date Submitted: Fd 7/03

Date Received: Fd 7/03

Sign Issued: Fd 7/03.

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 ALVIN T. ATK	N SON_Phone No. 842-5475
	Address R. R. #2 1241 By	Fax No.
	TILL SONBURG	ONT Postal Code N46467
		E-Mail
2.	Agent	Phone No
	Address	Fax No
		Postal Code
		E-Mail
	Please specify to whom all communicate	ions be send: Owner Applicant
3.		colders of charges or other encumbrances:
4.	Are there any easement or restrictive co	

B.	LOCA	ATION/LEGAL DESCRIPTION OF PROPERTY
	1.	Geographic Township Middle Jon
		Urban Area or Hamlet
		Concession Number 2 NTR Lot Number 25
		Registered Plan NumberLot(s) Block(s)
		Reference Plan NumberPart Number(s)
		(Civic Address) 911 Number and Name of Street/Road 1241 Byerly Side Rd.
C.	PURP	POSE 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:
		Judia Atkinson
	3.	If a boundary adjustment, identify the Assessment Roll No. and property owner of the lands to which the parcel will be added.
		Roll No.: 3310 541 020 01500 Name: Judia Atkinson

- 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 S	EVERED:	
	Frontage	152.4	_ m.	Depth:	
		500	_ ft.		500 ft.
	Width:		_ m.	Area:	2.307 ha.
			_ ft.		5.7 ⁺ ac.
	Existing use	saw mill		_ Proposed Use	: saw mill
	Number and ty	ype of buildings	s and s	tructures <u>existin</u>	g on the land to be severed:
	Saw mi	11 boster	100	m dry k	ilm, storage barn
•					ed on the land to be severed:
	same.				
2.	Description of	land intended	to be F	RETAINED:	
	Frontage		_ m.	Depth:	m.
			_ ft.		ft.
	Width:		_ m.	Area:	ha.
	*		_ ft.		<u> 29 ±</u> ac.
٠	Existing use	agricultur	Lo	Proposed Use	: concultural
	Number and ty	ype of buildings	s and s	tructures <u>existin</u>	g on the land to be retained:
	house	end sta	rage	shed.	
	Number and ty	ype of buildings	s and s	tructures <u>propos</u>	sed on the land to be retained:
	some.				

3.	Existing or proposed access to land intended to be SEVERED:							
	U	nopene	d Road	Municipa	l Road 🔲 Pi	rovincia	l Highway	
	o	ther (Sp	ecify)					
	Name	of Roa	d/Street	Byer	17 Rd			_
4.	Existi	ng or pr	oposed	access to land	intended to be	RETAI	NED:	
	U	nopene	d Road	Municipa	l Road 🔲 Pi	rovincia	l Highway	
	□ 0	ther (Sp	ecify)					
	Name	of Roa	d/Street	mell F	Road.			_
5.	Servic	ing:						
	Indica	te what	service	s are available	or proposed:			
Water Supply				Sewage Treatment		Storm Drainage		
Piped Water				Sewers			Storm Sewers	
Individual Wells			V.	Communal Sy	ystem		Open Ditches	1
Other	(Descri	be)		Septic Tank &	t Tile Bed		Other (Describe)	
			_	Other (Descri	be)			_
				none				
	* Have you consulted with the Public Works and Environmental Services Department concerning stormwater management?							
			es	□ No				
	* Does a legal and adequate outlet for storm drainage exist?			e exist?				
		Y	es	☐ No	Unknown	1		
	*	Has th	e existi	ng drainage on	the subject lan	d been a	altered?	
			es	✓ No	Unknow	1		

E. LAND USE

1. What is the existing official plan designation(s) of the subject land: Agriculture

2. What is the existing zoning of the subject lands:

Severed - rural industrial retained - excellent lands:

(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		A
livestock facility or stockyard (See F.2)	NO	No
A wooded area	4es Nu	Yes
A municipal land fill	No	No
A sewage plant or waste stabilization		
plant.	150	No
A Provincially Significant Wetland (Class 1, 2 or 3 wetland) or other environmental feature.	No	N.
Floodplain	No	No
A rehabilitated mine site	No	A
A non-operating mine site within 1		
kilometre	No	No
An active mine site	No	N
An industrial or commercial use (Specify		
the use(s)	No	i di
An active railway line	No	No
Seasonal wetness of land	Per	ik
Erosion	No	No
Abandoned gas wells.	No	N

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.

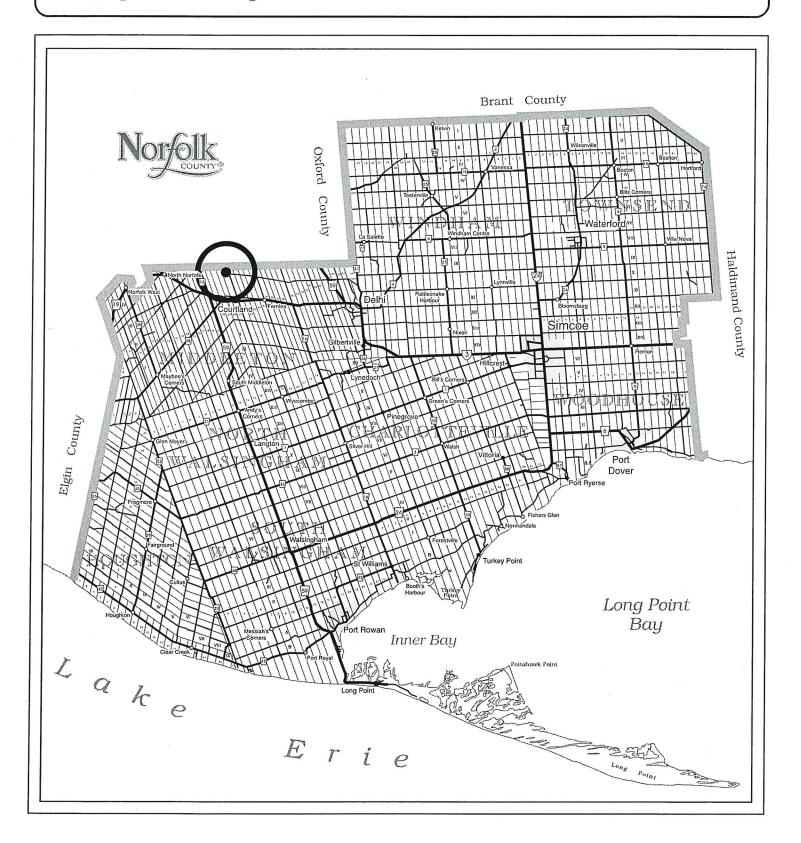
G. STATUS OF OTHER PLANNING APPLICATIONS

1.	owner has interest in since August 24, 1978?
	Yes No
	If the answer to the above question is Yes; File No.
	How many separate parcels have been created:
	Date(s) these parcels were created: 1987
	The name of the transferee for each parcel:
	What uses were the parcels severed for?
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 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. 1980
5.	How many years has the owner farmed?
	Outside this municipality but in Ontario? In this municipality?
	Other (please specify)

H. **CURRENT APPLICATION**

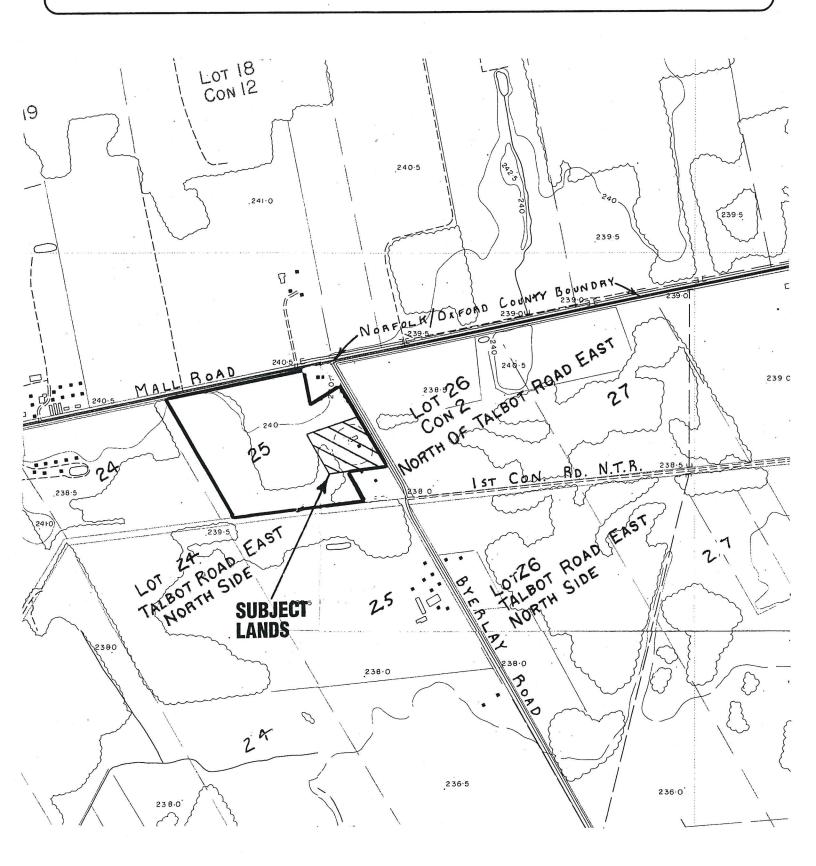
1.	submitted for approval?
	Yes Unknown
	If Yes, File No Status
2.	Is this property the subject of an application for a Zoning By-law amendment, Minister's Zoning Order Amendment, Minor Variance, Consent or Plan of Subdivison?
	☐ Yes ☐ No ☐ Unknown
	If Yes, File No Status
3.	Is there any other application on this property that could affect this application?
	☐ Yes
	If Yes, describe

File Number: BN-19/03



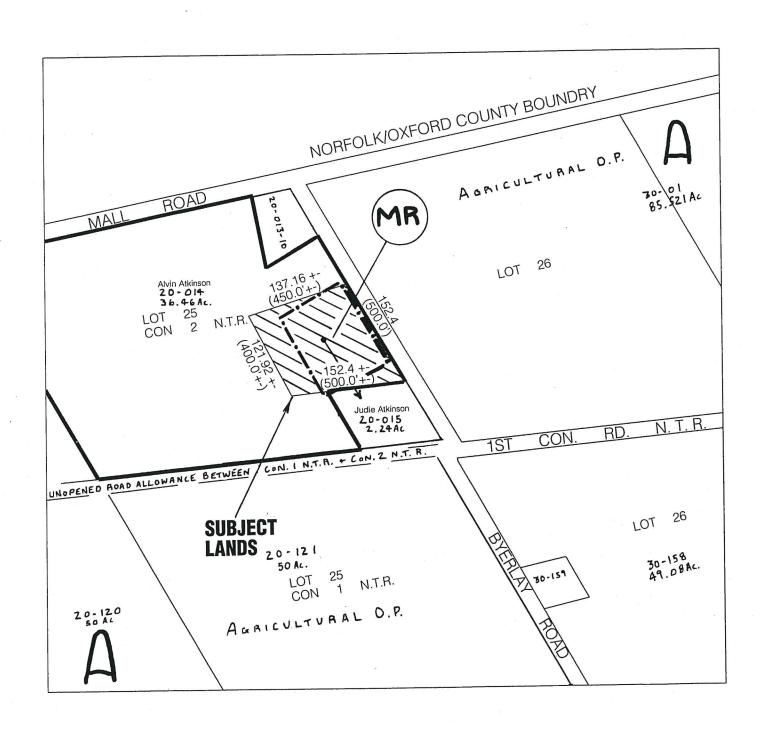
File Number: BN-19/03





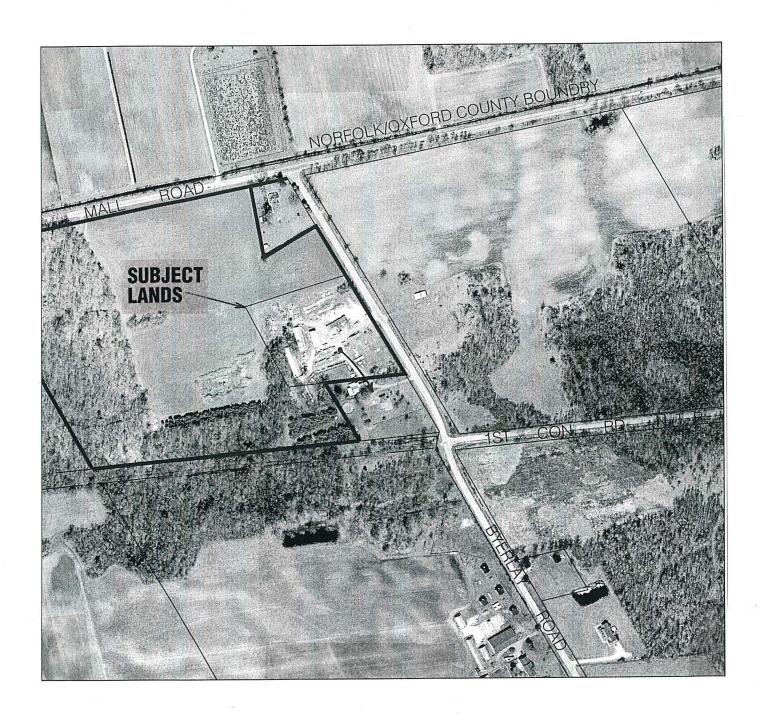
File Number: BN-19/03





File Number: BN-19/03





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:

- Post one sign per frontage in a conspicuous location on the subject property.
- Ensure one sign is posted at the front of the property at least three feet above ground level.
- Notify the Planner when the sign is in place in order to avoid processing delays.
- 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. Feb. 7-03

Owner/Applicant/Agent Signature

L.

M.

DECLARATION
I, Alvin Atkinson of Tillsonburg 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
in Prounce of ontaria this day of A.D., 20 03. Trever Scott Peck, a Commissioner, etc., Norfolk County for The Corporation of Norfolk County. Expires February 14, 2005. A Commissioner, etc.
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 am/are the owner(s) of the land that is the subject of this consent 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.
Signature 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	\$
Private Services -	Health Department review	\$
	Total	\$

- 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.

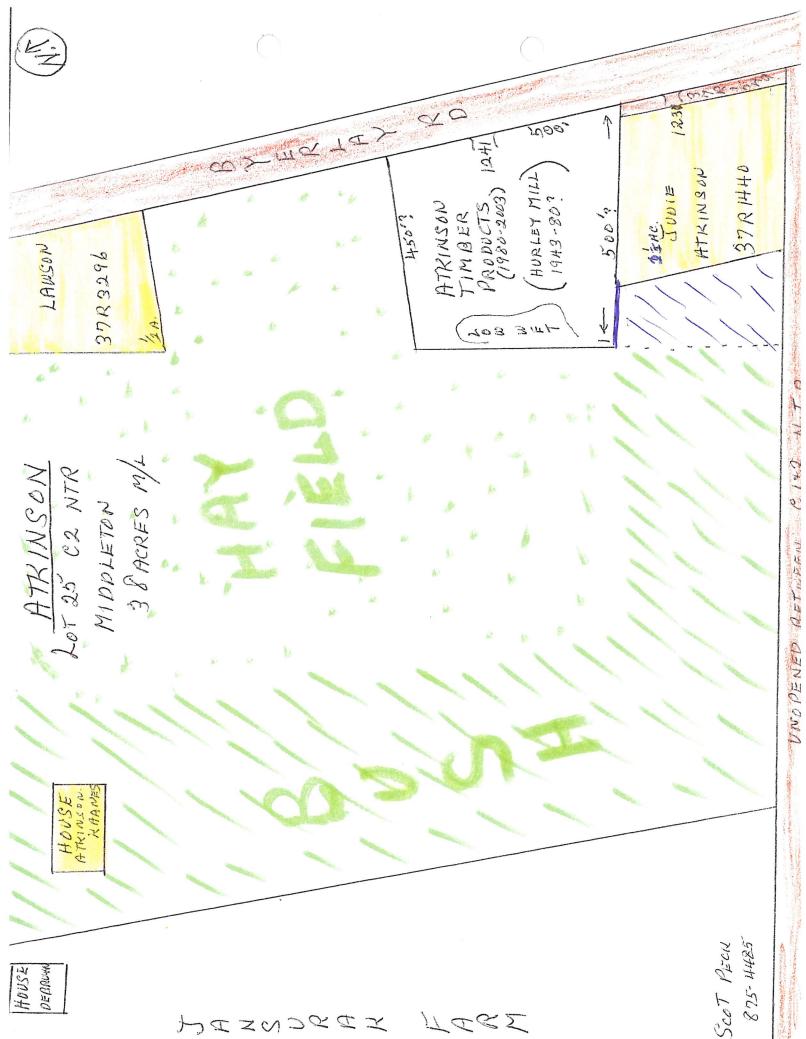
PLEASE SUBMIT APPLICATION TO:

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

Saved: a ap consent



DESUDRE MESE