



**THE CORPORATION OF NORFOLK COUNTY  
COMMITTEE OF ADJUSTMENT  
COMMENT REQUEST FORM**

This Committee has received a consent/minor variance application concerning land within your jurisdiction. The proposal is explained on the attached application. If you require further information, please feel free to contact this office.

In order to properly consider this application, the Committee of Adjustment would appreciate your comments or recommendation before the date below:

**June 13<sup>TH</sup>, 2007**

**FILE NO.: BN-036/2007**

**ASSESSMENT ROLL NO.: 3310-491-020-10500**

**APPLICANT:**

William and Caroline Nightingale, RR #1, Lasalette, ON N0E 1H0

**AGENT:**

John A. Backus, c/o Cline, Backus, Nightingale, McArthur LLP, Box 528, 39 Colborne Street North, Simcoe, ON N3Y 4N5

**LOCATION:**

Part Lots 21 & 22, Concession 9 WDM (241 Windham Road 10, Lasalette)

**PROPOSAL:**

Sever a parcel having a frontage of 280.25 m (919.45 ft) a depth of 619.52 m (2,032.55 ft) and having an area of 18.85 ha (46.57 ac) and retain a parcel having an area of 2.95 ha (7.29 ac) more or less as a boundary adjustment.

- ☒ Building Department
- ☒ Building Inspector (Sewage System Review)
- ☒ Forestry Division
- ☒ Treasury Department
- ☒ Public Works ➤ NOTE: If an agreement is required please attach the clauses you require in the agreement.

- ☒ GIS Section
- ☐ Norfolk Power
- ☐ Ministry of Transportation
- ☐ Railway
- ☐ Conservation Authority

**CIRCULATION DATE: May 30<sup>th</sup>, 2007**

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**PLEASE REPLY BY FAX OR EMAIL DIRECTLY TO:**

Scott Peck, MCIP, RPP

Norfolk County, 60 Colborne Street, South, Simcoe, ON N3Y 4N5  
(519) 875-4485 ext 1834

**FAX: (519) 875-4789 EMAIL: [t.scott.peck@norfolkcounty.on.ca](mailto:t.scott.peck@norfolkcounty.on.ca)**

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**COMMITTEE OF ADJUSTMENT DECISION:**

If you wish to be notified of the Decision of Norfolk County, Committee of Adjustment in respect of the proposed consent, you must make a written request to: Stephanie Godby, Acting Secretary-Treasurer, P.O. Box 128, 22 Albert Street, Langton ON N0E 1G0 • Phone: (519) 875-4485 ext 1835; Fax: (519) 875-4789; Email: [stephanie.godby@norfolkcounty.on.ca](mailto:stephanie.godby@norfolkcounty.on.ca)

**APPEALS TO THE ONTARIO MUNICIPAL BOARD:**

If a person or public body that files an appeal of a Decision of Norfolk County Committee of Adjustment in respect of the proposed consent or variance does not make written submission to the Norfolk County Committee of Adjustment, before it gives or refuses to give a provisional consent or variance, the Ontario Municipal Board may dismiss the appeal.

## CONSENT / SEVERANCE

Office Use:

File Number: BN-36107  
Related File: \_\_\_\_\_  
Date Submitted: May 8/07  
Date Received: May 8/07  
Sign Issued: May 8/07

This development 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 processing delays.

Property assessment roll number: 3310- 491 020 10500

- ☐ Creation of a new lot  
☒ Boundary adjustment  
☐ Easement/right-of-way  
☐ Other (lease / charge)

### A. APPLICANT INFORMATION

Name of Applicant<sup>1</sup> William and Caroline Nightingale Phone # 519-582-4167  
Address R.R. 1 Fax # \_\_\_\_\_  
Lasalette, ON NOE 1H0 E-mail \_\_\_\_\_

<sup>1</sup> If the applicant is a numbered company provide the name of a principal of the company.

Name of Agent John A. Backus Phone # 519-426-6763  
Cline, Backus, Nightingale  
Address McArthur LLP Fax # \_\_\_\_\_  
39 Colborne St. N. 519-426-2055  
Simcoe, ON N3Y 4N5 E-mail backus@clinebackus.com

Name of Owner<sup>2</sup> \_\_\_\_\_ Phone # \_\_\_\_\_  
Address \_\_\_\_\_ Fax # \_\_\_\_\_  
E-mail \_\_\_\_\_

<sup>2</sup> 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.

Please specify to whom all communications should be sent<sup>3</sup>: ☐ Applicant ☒ Agent ☒ Owner

<sup>3</sup> Unless otherwise directed, all correspondence, notices, etc., in respect of this development application will be forwarded to the Applicant noted above, except where an Agent is employed, then such will be forwarded to the Applicant and Agent.

Names and addresses of any holders of any mortgagees, charges or other encumbrances on the subject lands:

N/A



## CONSENT / SEVERANCE

### B. LOCATION/LEGAL DESCRIPTION OF SUBJECT LANDS

Geographic Township	<u>Windham</u>	Urban Area or Hamlet	<u></u>
Concession Number	<u>9</u>	Lot Number(s)	<u></u>
Registered Plan Number	<u></u>	Lot(s) or Block Number(s)	<u></u>
Reference Plan Number	<u>37R-6175</u>	Part Number(s)	<u>1</u>
Frontage (metres/feet)	<u></u>	Depth (metres/feet)	<u></u>
Width (metres/feet)	<u></u>	Lot area (m <sup>2</sup> / ft <sup>2</sup> or hectares/acres)	<u></u>
Municipal Civic Address	<u>241 Windham Road 10, R.R. No. 1, Lasalette, ON NOE 1H0</u>		

To obtain your municipal civic address for the severed lands please contact [NorfolkGIS@norfolkcounty.on.ca](mailto:NorfolkGIS@norfolkcounty.on.ca).

Are there any easements or restrictive covenants affecting the subject lands?

☐ Yes ☒ No

If yes, describe the easement or covenant and its effect:

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### C. PURPOSE OF DEVELOPMENT APPLICATION

Please explain what you propose to do on the subject lands/premises which makes this development application necessary (if additional space is required, please attach a separate sheet):

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See attached

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

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Nightingale Farms Limited - to merge in title

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

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33 10 491 020 11000 - Nightingale Farms Limited

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## CONSENT / SEVERANCE

If the application involves the severance of a surplus farmhouse (through farm amalgamation), please list all properties in Norfolk County, which are owned and farmed by the applicant and involved in the farm operation:

Owners Name and Address (including those with part interest) Assessment Roll No. (obtained from your tax bill)	Geographic Township Concession and Lot #	Total Acreage (individual property)	Acres Workable (individual property)	Existing Farm Type (individual property e.g. corn production, orchard, tobacco)	Dwelling Present	Year Dwelling Built
SUBJECT LANDS						
					<input type="checkbox"/> Yes <input type="checkbox"/> No	
OTHER						
N/A.					<input type="checkbox"/> Yes <input type="checkbox"/> No	
					<input type="checkbox"/> Yes <input type="checkbox"/> No	
					<input type="checkbox"/> Yes <input type="checkbox"/> No	
					<input type="checkbox"/> Yes <input type="checkbox"/> No	
					<input type="checkbox"/> Yes <input type="checkbox"/> No	

If the application proposes to divide a farm into two smaller agricultural parcels, please complete the following:

Description of Land	Lands to be Severed	Lands to be Retained
Area under cultivation	(m <sup>2</sup> / ft <sup>2</sup> or hectares/acres)	(m <sup>2</sup> / ft <sup>2</sup> or hectares/acres)
Woodlot area	(m <sup>2</sup> / ft <sup>2</sup> or hectares/acres)	(m <sup>2</sup> / ft <sup>2</sup> or hectares/acres)
Existing crops grown (type and area)		
Proposed crops grown (type and area)		

Description of Existing Buildings	Lands to be Severed	Lands to be Retained
Residence	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Livestock barn	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Type of livestock		
Capacity of barn		
Manure storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Type of manure storage		

**CONSENT / SEVERANCE** See attached schedule with dimensions

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

Frontage (metres/feet)	_____	Depth (metres/feet)	_____
Width (metres/feet)	_____	Lot area (m <sup>2</sup> / ft <sup>2</sup> or hectares/acres)	_____

Existing use:

\_\_\_\_\_

Proposed use:

\_\_\_\_\_

Number and type of buildings and structures existing on the land to be severed, please describe in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure and its dimensions or floor area:

\_\_\_\_\_

Number and type of buildings and structures proposed on the land to be severed, please describe in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure and its dimensions or floor area:

\_\_\_\_\_

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

Frontage (metres/feet)	_____	Depth (metres/feet)	_____
Width (metres/feet)	_____	Lot area (m <sup>2</sup> / ft <sup>2</sup> or hectares/acres)	_____

Existing use:

\_\_\_\_\_

Proposed use:

\_\_\_\_\_

Number and type of buildings and structures existing on the land to be retained, please describe in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure and its dimensions or floor area:

\_\_\_\_\_

Number and type of buildings and structures proposed on the land to be retained, please describe in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure and its dimensions or floor area:

\_\_\_\_\_

## CONSENT / SEVERANCE

Description of proposed **RIGHT OF WAY/EASEMENT**:

Frontage (metres/feet)

Depth (metres/feet)

Width (metres/feet)

Lot area (m<sup>2</sup> / ft<sup>2</sup>)

Proposed use:

### D. PROPERTY INFORMATION

Present official plan designation(s):

Agricultural

Present zoning:

Agricultural

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

☐ Yes ☒ No ☐ Unknown

If yes, indicate the file number and the status/decision:

Has any land been severed from the parcel originally acquired by the owner of the subject lands?

☐ Yes ☒ No ☐ Unknown

If yes, indicate the file number and the status/decision:

Number of separate parcels that have been created:

Date(s) these parcels were created:

Name of the transferee for each parcel:

Uses of the severed lands:

## CONSENT / SEVERANCE

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:

\_\_\_\_\_  
Date of purchase of subject lands:

### E. PREVIOUS USE OF THE PROPERTY

Has there been an industrial or commercial use on the subject lands or adjacent lands?

☐ Yes      ☒ No      ☐ Unknown

If yes, specify the uses:

\_\_\_\_\_  
Has the grading of the subject lands been changed through excavation or the addition of earth or other material?

☐ Yes      ☒ No      ☐ Unknown

Has a gas station been located on the subject lands or adjacent lands at any time?

☐ Yes      ☒ No      ☐ Unknown

Has there been petroleum or other fuel stored on the subject lands or adjacent lands at any time?

☐ Yes      ☒ No      ☐ Unknown

Is there reason to believe the subject lands may have been contaminated by former uses on the site or adjacent sites?

☐ Yes      ☒ No      ☐ Unknown

Provide the information you used to determine the answers to the above questions:

\_\_\_\_\_  
\_\_\_\_\_  
If you answered yes to any of the above questions, 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



## CONSENT / SEVERANCE

### F. STATUS OF OTHER PLANNING DEVELOPMENT APPLICATIONS

Has the subject land or land within 120 metres of it been or is now the subject of an application under the *Planning Act, R.S.O. 1990, c. P. 13* for:

- (a) a minor variance or a consent;
- (b) an amendment to an official plan, a zoning by-law or a Minister's zoning order; or
- (c) approval of a plan of subdivision or a site plan?

☐ Yes      ☒ No      ☐ Unknown

If yes, indicate the following information about **each** application:

File number:

Land it affects:

Purpose:

Status/decision:

Effect on the requested amendment:

If additional space is required, please attach a separate sheet.

Is the above information for other planning developments applications attached?

☐ Yes      ☐ No

### G. PROVINCIAL POLICY

Is the requested application 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:

Are the subject lands within an area of land designated under any provincial plan or plans?

☐ Yes      ☒ No

If yes, does the requested application conform to or does not conflict with the provincial plan or plans:





## CONSENT / SEVERANCE

Are any of the following uses or features on the subject lands or within 500 metres (1,640 feet) of the subject lands, unless otherwise specified? Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Lands		Within 500 Metres (1,640 feet) of Subject Lands (Indicate Distance)	
Livestock facility or stockyard (if yes, complete Form 3 – available upon request)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No _____ distance
Wooded area	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No _____ distance
Municipal landfill	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No _____ distance
Sewage treatment plant or waste stabilization plant	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No _____ distance
Provincially significant wetland (class 1, 2 or 3) or other environmental feature	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No _____ distance
Floodplain	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No _____ distance
Rehabilitated mine site	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No _____ distance
Non-operating mine site within one kilometre	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No _____ distance
Active mine site within one kilometre	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No _____ distance
Industrial or commercial use (specify the use(s))	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No _____ distance
Active railway line	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No _____ distance
Seasonal wetness of lands	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No _____ distance
Erosion	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No _____ distance
Abandoned gas wells	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No _____ distance

## H. SERVICING AND ACCESS

Indicate what services are available or proposed:

### Water Supply

- ☐ Municipal piped water  
☐ Communal wells  
☒ Individual wells  
☐ Other (describe below)

### Sewage Treatment

- ☐ Municipal sewers  
☐ Communal system  
☒ Septic tank and tile bed  
☐ Other (describe below)

### Storm Drainage

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

If other, describe:

Have you consulted with Public Works & Environmental Services concerning stormwater management?

- ☐ Yes      ☒ No

Has the existing drainage on the subject lands been altered?

- ☐ Yes      ☒ No

Does a legal and adequate outlet for storm drainage exist?

- ☒ Yes      ☐ No      ☐ Unknown



## CONSENT / SEVERANCE

Existing or proposed access to the **retained** lands:

☐ Unopened road

☐ Provincial highway

☒ Municipal road

☐ Other (describe below)

If other, describe:

Name of road/street:

Windham Road 10

Existing or proposed access to **severed** lands:

☐ Unopened road

☐ Provincial highway

☒ Municipal road

☐ Other (describe below)

If other, describe:

Name of road/street:

## I. OTHER INFORMATION

Is there a time limit that affects the processing of this development application?

☐ Yes

☒ No

If yes, describe:

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

## **APPLICATION – BOUNDARY ADJUSTMENT**

*Lots 21 and 22, Concession 9, Windham, Norfolk County being Part 1 on Reference Plan 37R-6175*

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### **PURPOSE:**

This application is made for the purposes of a boundary adjustment.

The subject lands are owned by the applicants William and Caroline Nightingale and are zoned agricultural and include a residence as well as a garage.

The proposed lands to be retained surround the residence and garage of the subject lands.

The proposed lands to be severed will be added to abutting lands owned by Nightingale Farms Limited.

No additional lots are being created by this application.

The application complies with all relevant plans and is consistent with the current provincial policy statements.

The applicant has confirmed that the septic system and the well service for the residence on the retained parcel lies wholly within the limits of the retained portion.

### **LAND INTENDED TO BE SEVERED:**

Frontage: 280.25 meters

Depth 619.52 meters

Width: varies

Lot area: 46.57 acres

Existing Use:

Agricultural

Proposed Use:

Agricultural

Number & Type of Buildings - Existing:

None

Number & Type of Buildings – Proposed:

None

### **LAND INTENDED TO BE RETAINED:**

Frontage: 191.72 meters

Depth 153.92 meters

Width: 191.72 meters

Lot area: ~~7.29 meters~~ ~~7.4~~ 7.29 4 .

Existing Use:

Agricultural

Proposed Use:

Agricultural

Number & Type of Buildings - Existing:

(2) Single family residence with accessory garage

Number & Type of Buildings – Proposed:

No Change

Nightingale Farms Limited  
599898



ROAD

539.68m

10.39m

552.46m

SEVEREN PARCEL

128.09m

191.72m

153.92

153.92m

54.86m

67.06m

170.53m

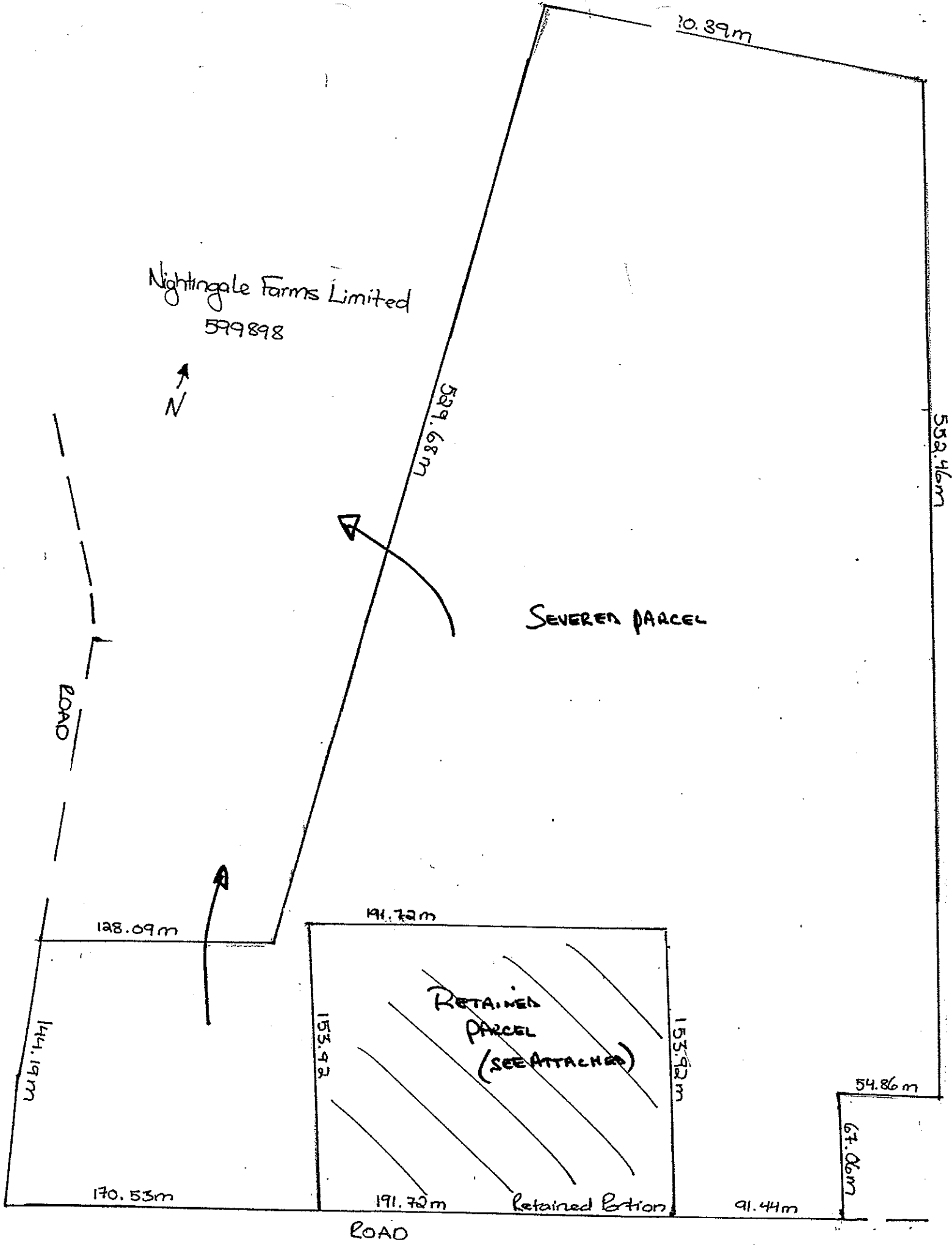
191.72m

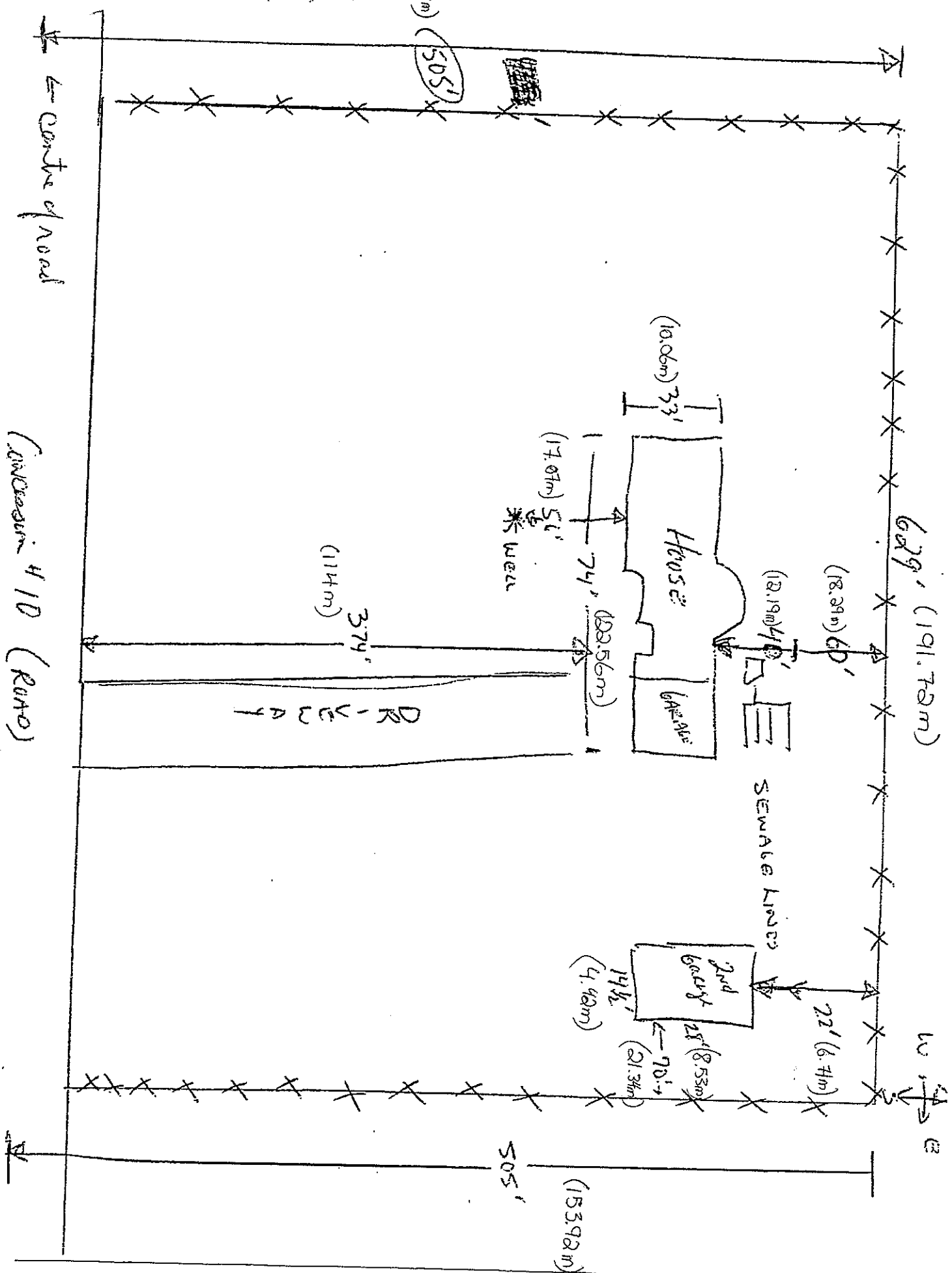
Retained Portion

91.44m

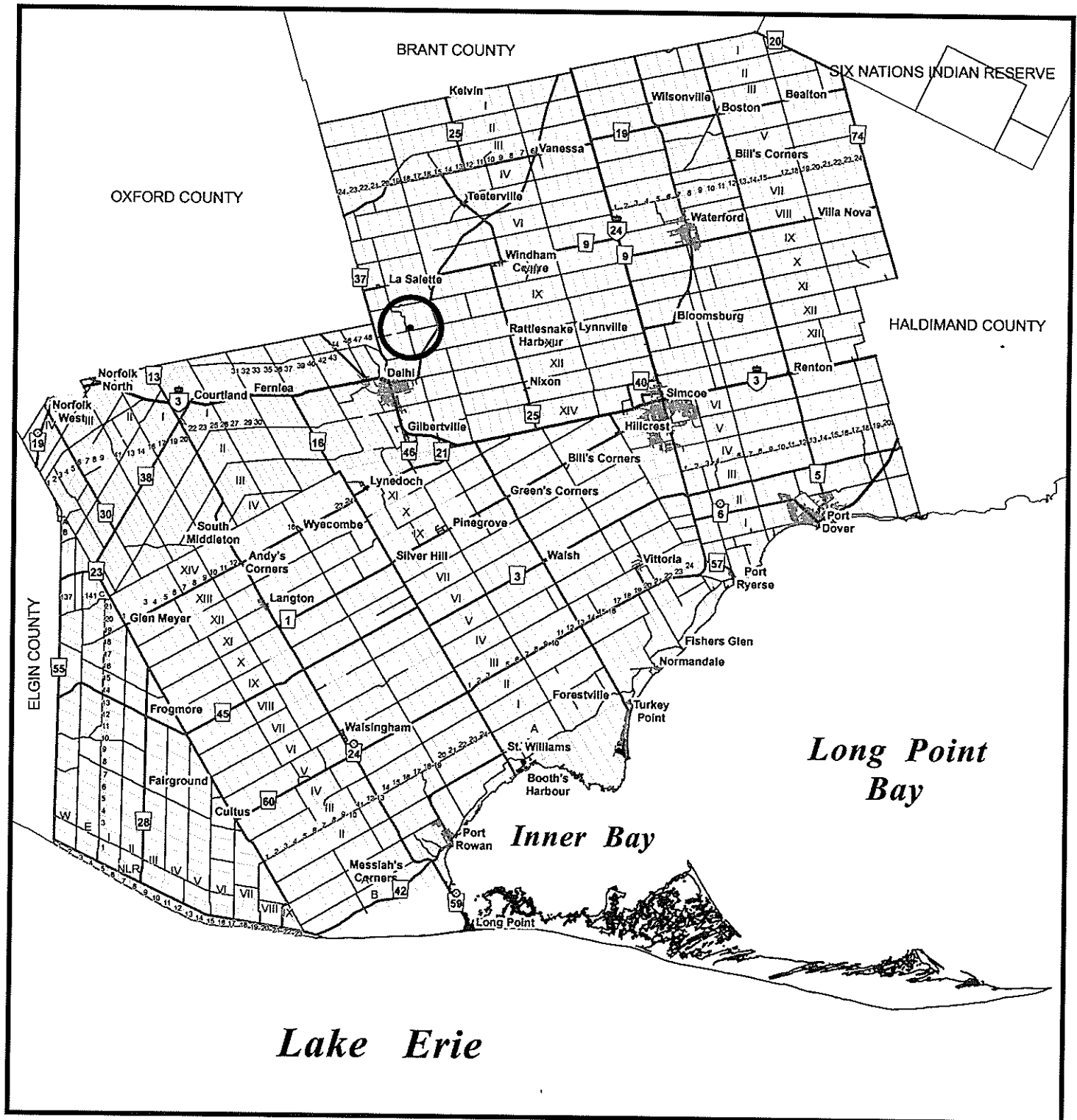
ROAD

Scale 1cm = 25m





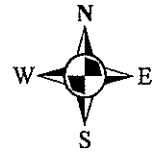
## Geographic Township of WINDHAM



## MAP 2

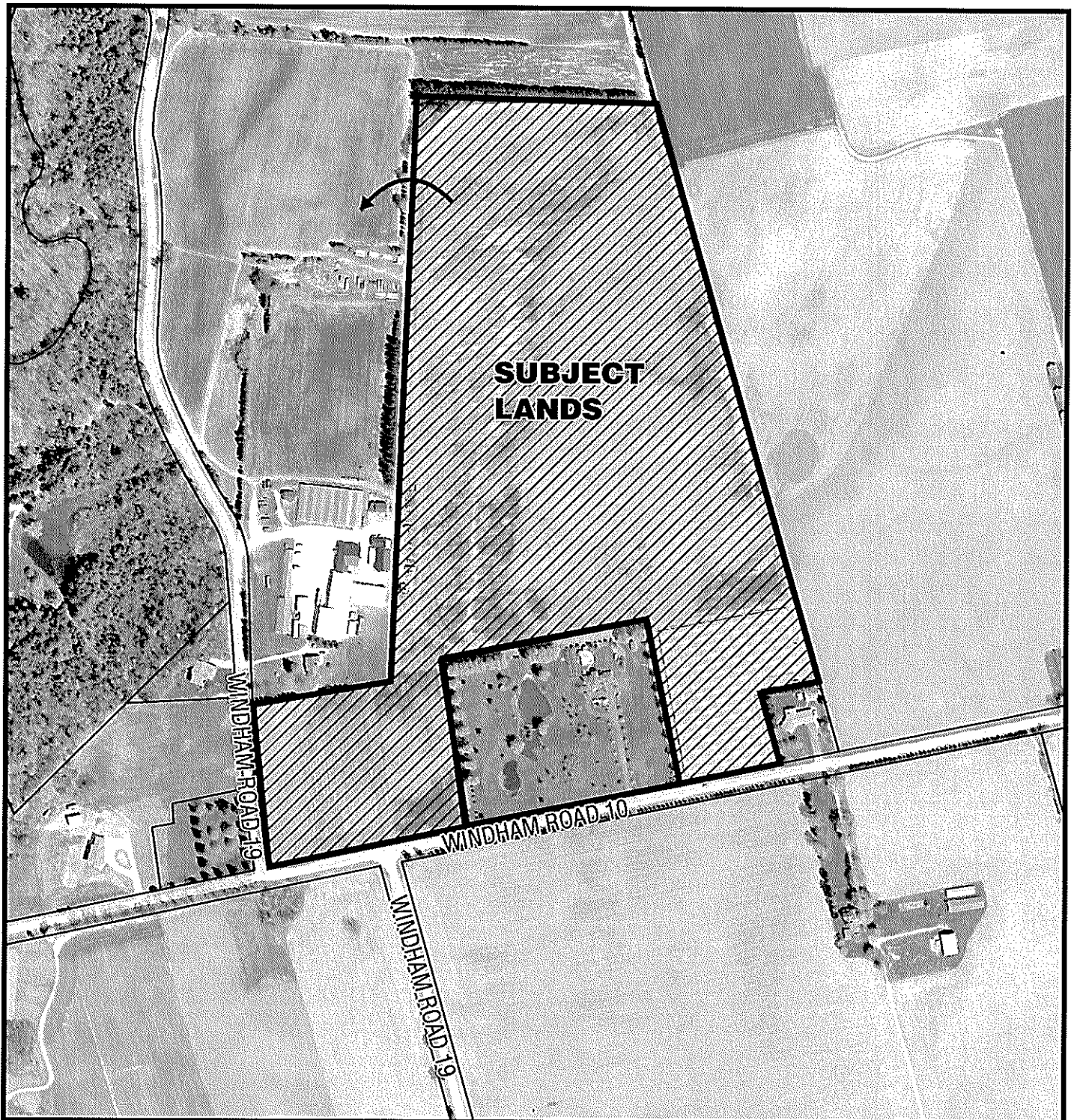
File Number: BN-036/2007

Geographic Township of WINDHAM



0 12.5 25 50 75 100 125 150 Meters

1:5,000



# MAP 3

File Number: BN-036/2007

Geographic Township of WINDHAM



0 10 20 40 60 80 100 120 Meters

1:5,000

