



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:

APRIL 30th, 2008

FILE NO.: BN-037/2008

ROLL NO.: 3310-335-020-16900

APPLICANT:

Peter Jakovic, The TDL Group Corp., 226 Wyecroft Road, Oakville, ON L6K 3X7

AGENT:

Same as Applicant

LOCATION:

Lot 7, Con 9 Plan 707 TWN 328 Main Street, South, Waterford

PROPOSAL:

Sever a parcel having a no frontage, a depth of 12.09 m. (39.7 ft.) a width of 38.18 m. (125.3 ft.) and having an area of approximately 458 sq. m. (4930 sq. ft.) and retain a parcel having an area of 2,974 sq. ft. (32,013 sq.ft.) 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: April 16th, 2008

PLEASE REPLY BY FAX OR EMAIL DIRECTLY TO:

Lucy Hives, MCIP, RPP
Norfolk County, 60 Colborne Street, South, Simcoe, ON N3Y 4N5
(519) 875-4485 ext 1837

FAX: (519) 875-4485

EMAIL: lucy.hives@norfolkcounty.ca

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: Karen Judd Secretary-Treasurer, P.O. Box 128, 22 Albert Street, Langton ON N0E 1G0 • Phone: (519) 875-4485 ext 1835; Fax: (519) 875-4789; Email: karen.judd@norfolkcounty.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

Of Jse:

File Number: BN-37108
BN-38108 SP-42108 & ZN-59107
Related File:
Fees Submitted: Apr. 3/08
Application Submitted: "
Sign Issued: "
Complete Application: " *AB*

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: 3310-335-020-169-00

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

A. APPLICANT INFORMATION

Name of Applicant ¹ THE TDL GROUP CORP. Phone # 905.845.6511
Address 226 WYECROFT ROAD Fax # 905.845.5551
Town / Postal Code OAKVILLE, ON, L6K 3X7 E-mail _____

¹ If the applicant is a numbered company provide the name of a principal of the company.

Name of Agent PETER JAKOVIC Phone # 905.339.6343
Address SAME AS APPLICANT Fax # 905.845.5551
Town / Postal Code _____ E-mail jakovic_peter@timhortons.com

Name of Owner ² BRADSHAW FUELS LTD. Phone # 519.443.8611
Address 308 MAIN STREET SOUTH Fax # 519.443.5414
Town / Postal Code WATERFORD, ON, N0E 1Y0 E-mail kdempsey@bradshawfuels.com

² 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 ³: ☐ Applicant ☒ Agent ☐ Owner

³ 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:



B. LOCATION/LEGAL DESCRIPTION OF SUBJECT LANDS

Geographic Township	TOWNSEND	Urban Area or Hamlet	URBAN AREA
Concession Number	9	Lot Number(s)	7
Registered Plan Number	707	Lot(s) or Block Number(s)	
Reference Plan Number		Part Number(s)	
Frontage (metres/feet)	52.42M / 172.0FT	Depth (metres/feet)	78.03M / 256.0FT
Width (metres/feet)	IRREGULAR	Lot area (m ² / ft ² or hectares/acres)	3,432.0M / 36,943.0FT
Municipal Civic Address	328 MAIN STREET SOUTH		

For questions regarding requirements for a municipal civic address please contact NorfolkGIS@norfolkcounty.on.ca.

To obtain your municipal civic address for the severed lands please contact your local building inspector.

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

☐ Yes ☒ No

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

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):

SEVERANCE REQUIRED FOR LAND EXCHANGE WITH ADJACENT LANDOWNER. LAND EXCHANGE NECESSARY TO RECTIFY ENCROACHMENT ISSUE AND MODIFY THE SITE AREA FOR THE PROPOSED TIM HORTONS RESTAURANT

Name of person(s), if known, to whom lands or interest in lands is to be transferred, leased or charged (if known):
DEB SWARFEGA INC. / DEB SWARFEGA LIMITED

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

42 THOMPSON ROAD (3310-335-020-16000 & 3310-335-020-16800)

CONSENT / SEVERANCE

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

Frontage (metres/feet)	N/A	Depth (metres/feet)	12.09M / 39.7FT
Width (metres/feet)	38.18M / 125.3FT	Lot area (m ² / ft ² or hectares/acres)	458SM / 4,930SF

Existing use:

VACANT - INDUSTRIAL

Proposed use:

VACANT - INDUSTRIAL

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:

N/A

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:

N/A

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

Frontage (metres/feet)	52.42M / 172.0FT	Depth (metres/feet)	62.89M / 206.3FT
Width (metres/feet)	52.42M / 172.0FT	Lot area (m ² / ft ² or hectares/acres)	2,974.0SM / 32,013.0SF

Existing use:

VACANT - INDUSTRIAL

Proposed use:

RESTAURANT WITH ASSOCIATED DRIVE THRU

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:

N/A

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:

ONE STOREY BUILDING (286.18SM); FRONT YARD - 223.7M; SIDE YARD - 7.3M; REAR YARD - 19.4M

CONSENT / SEVERANCE

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

Frontage (metres/feet)

Depth (metres/feet)

Width (metres/feet)

Lot area (m² / ft²)

Proposed use:

D. PROPERTY INFORMATION

Present official plan designation(s):

HIGHWAY COMMERCIAL

Present zoning:

GENERAL INDUSTRIAL

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:

RETAIL OPERATION WITH GAS-BAR ON-SITE & WATERFORD AUTO CENTRE IS ADJACENT

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:

PHASE I AND PHASE II ENVIRONMENTAL SITE ASSESSMENT DATED OCTOBER 30, 2007 BY AMEC
EARTH & ENVIRONMENTAL

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

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:

ZN-59/07

Land it affects:

SUBJECT LANDS

Purpose:

ZONING BY-LAW AMENDMENT FROM GENERAL INDUSTRIAL TO HIGHWAY COMMERCIAL

Status/decision:

ACTIVE APPLICATION

Effect on the requested amendment:

SEVERED LANDS TO BE REMOVED FROM AMENDMENT AREA (BOUNDARY ADJUSTMENT)

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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input 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 0.0M 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:

- | | |
|--|---|
| <input type="checkbox"/> Unopened road | <input type="checkbox"/> Provincial highway |
| <input checked="" type="checkbox"/> Municipal road | <input type="checkbox"/> Other (describe below) |

If other, describe:

Name of road/street:

COUNTY ROAD NO.24 (MAIN STREET SOUTH)

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

- | | |
|--|---|
| <input type="checkbox"/> Unopened road | <input type="checkbox"/> Provincial highway |
| <input checked="" type="checkbox"/> Municipal road | <input type="checkbox"/> Other (describe below) |

If other, describe:

Name of road/street:

THOMPSON ROAD

I. OTHER INFORMATION

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

- ☒ Yes ☐ No

If yes, describe:

CONDITIONAL PERIOD WITHIN AGREEMENT OF PURCHASE AND SALE

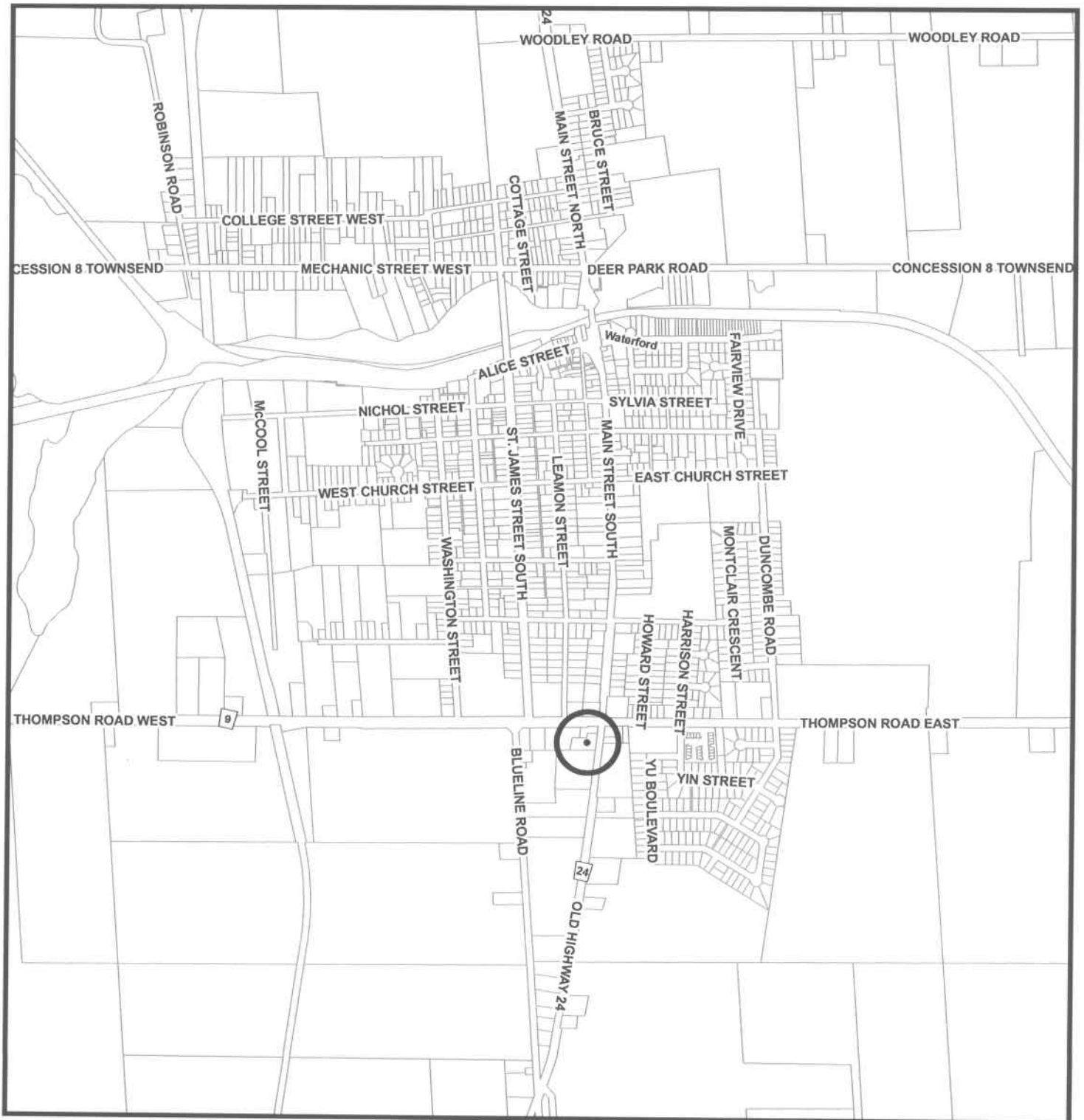
Is there any other information that you think may be useful in the review of this development application? If so, explain below or attach on a separate page.

CONCURRENT SEVERANCE APPLICATION ON ADJACENT LANDS TO FACILITATE THE PROPOSED LAND EXCHANGE. CONCURRENT ZONING BY-LAW AMENDMENT APPLICATION AND SITE PLAN APPROVAL APPLICATION

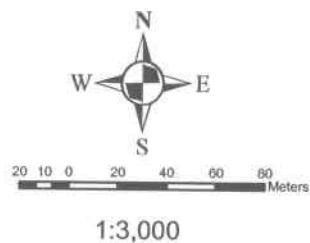
MAP 1

File Number: BN-037/2008

Urban Area of WATERFORD



MAP 2
File Number: BN-037/2008
Urban Area of WATERFORD



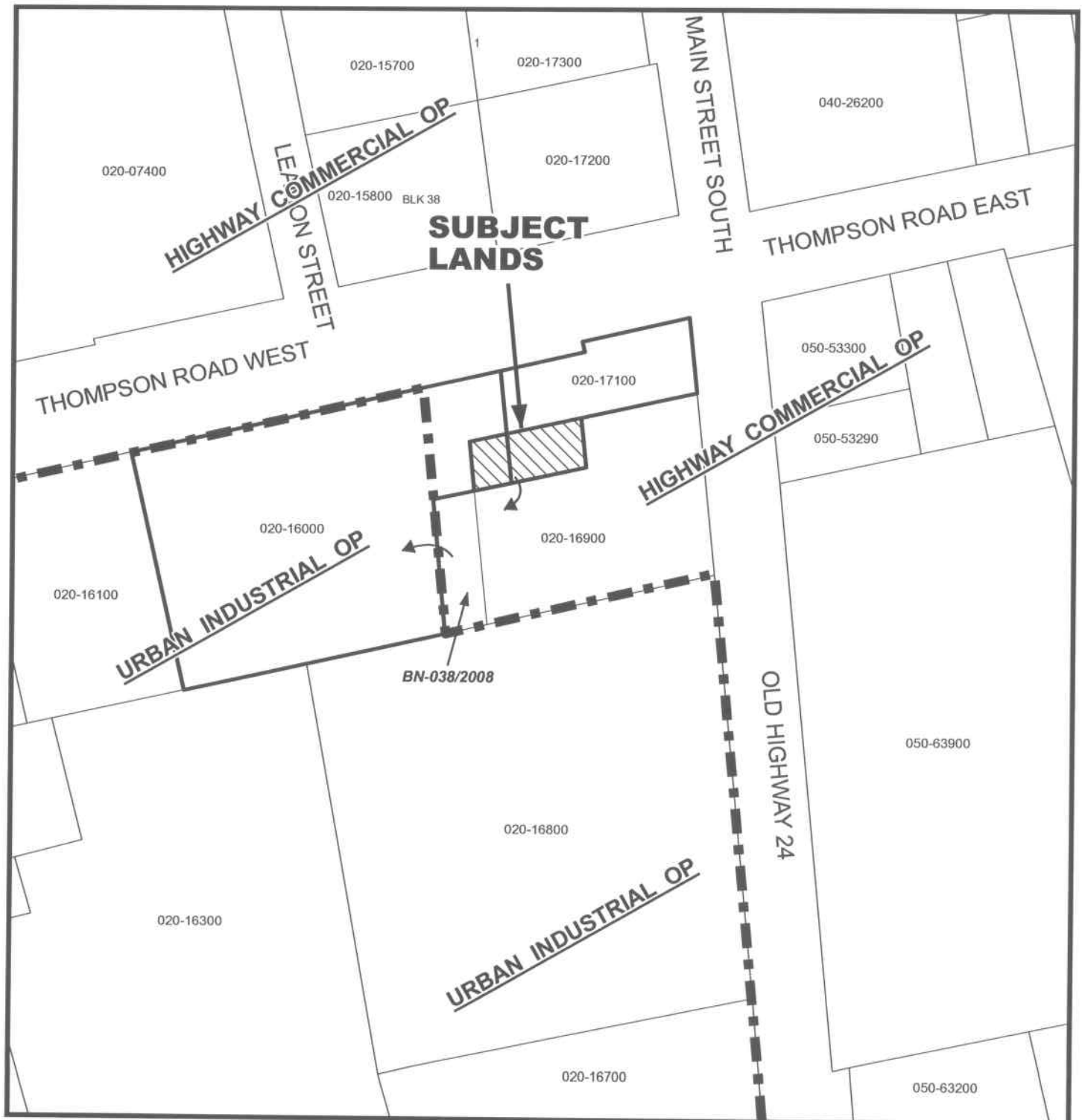
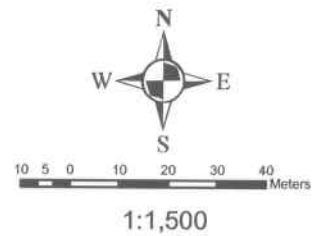
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MAP 3

File Number: BN-037/2008

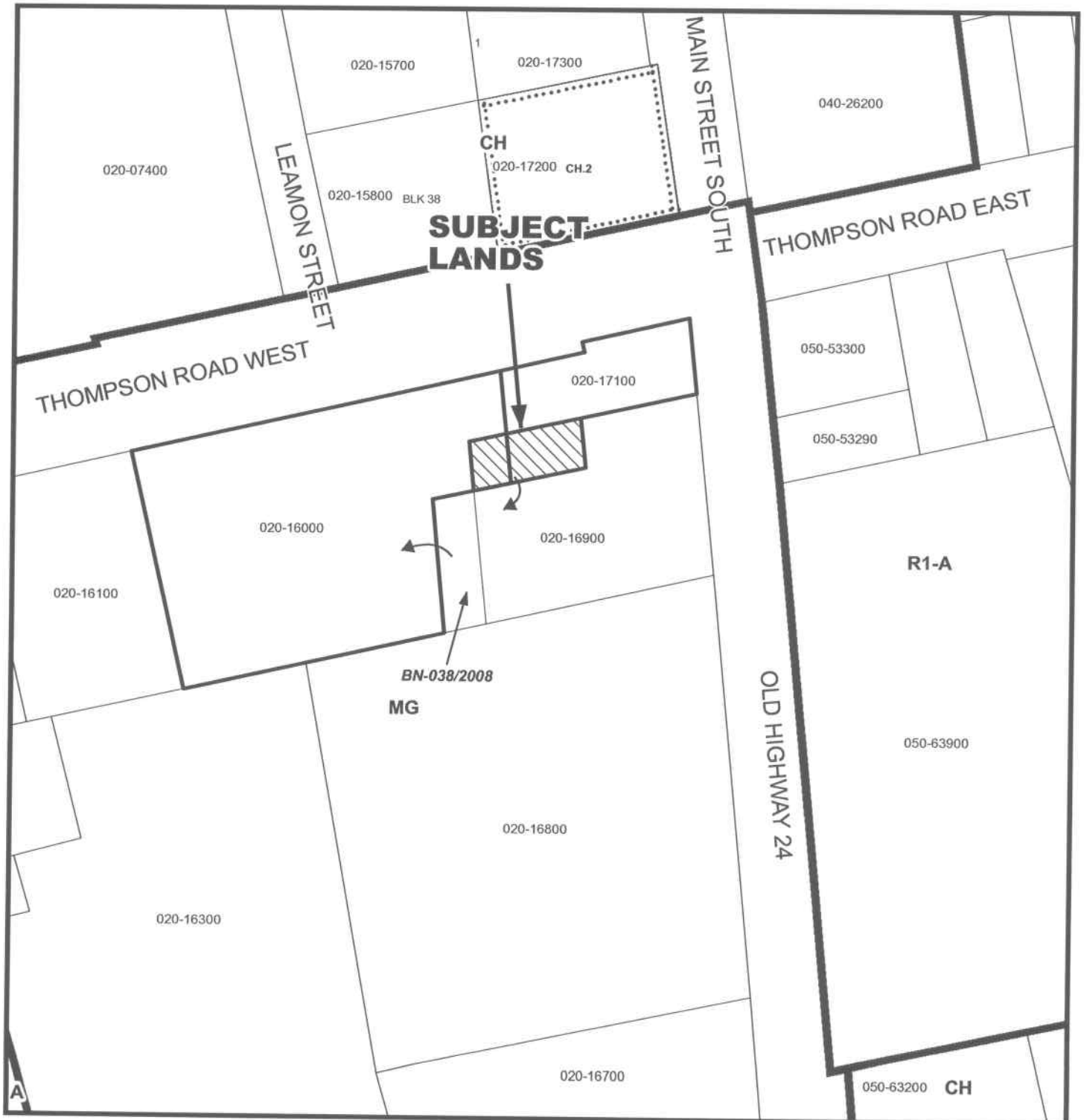
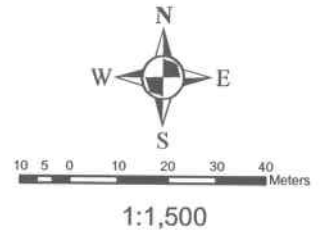
Urban Area of WATERFORD



MAP 4

File Number: BN-037/2008

Urban Area of WATERFORD



MAP 5

File Number: BN-037/2008

Urban Area of WATERFORD

