



## COMMITTEE OF ADJUSTMENT DECISION

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FILE NUMBER: **BN-061/2006**

ROLL NUMBER: **33-10-541-020-12740**

MEETING DATE: August 31st, 2006

APPLICANT: Daniel Kovacs Jr., 287 Talbot Road, Courtland ON N0J 1E0

LOCATION: Pt Lots 165 & 166, Concession NTR (287 Talbot Road) (Middleton/Norfolk)

**PROPOSAL:**

Sever a parcel with a frontage of 10.36 m. (34 ft.) a depth of 203.54 m. (667.79 ft.) (WEST SIDE) and 112.0 m. (367.47 ft.) (EAST SIDE) and having an area of approximately 4.60 ha. (11.37 ac.) and retain a parcel having an area of approximately 0.44 ha. (1.10 ac.) more or less as a boundary adjustment.

**DECISION: APPROVED**

**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 reapportionment be undertaken pursuant to Section 65 of the Drainage Act, R.S.O. 1990 at the applicant's expense (\$300.00).
- ✓ 2. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
- ✓ 3. That the severed parcel becomes part and parcel of the abutting lands presently owned by 772520 Ontario Inc. Roll No. 3310-541-020-13100.
- ✓ 4. 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".
- ✓ 5. Receipt of five copies of a registered reference plan and deeds in triplicate of the severed parcel of land.
- ✓ 6. That the above conditions must be fulfilled and the Certificate for consent be issued on or before **August 31<sup>st</sup>, 2007** after which time the consent will lapse.

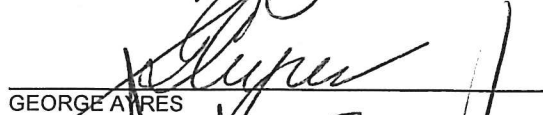
**REASON:**

The application complies with the severance policies of the Township of Norfolk Official Plan relating to Boundary Adjustments.

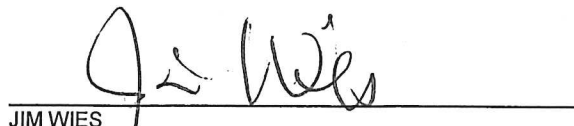
MEMBERS:

  
MARCEL VANHOOREN


  
DAN CIONA

  
GEORGE AYRES

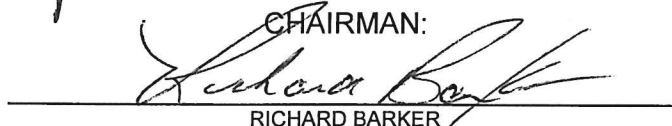
  
HONOURABLE JUSTICE JOHN A. PRINGLE Q.C.

  
JIM WIES

  
DENNIS TSCHIRHART

  
JIM MALCOLM

CHAIRMAN:

  
RICHARD BARKER

I hereby certify this to be a true copy of the Committee of Adjustment and this decision was concurred by a majority of the members who heard the application at a meeting duly held on August 31st, 2006

ACTING SECRETARY-TREASURER:

  
ANNETTE HELMIG

**ADDITIONAL INFORMATION:**

If you require additional information regarding the application, please contact Karen Judd, Secretary-Treasurer for Norfolk County Committee of Adjustment, P.O. Box 128, 22 Albert Street, Langton, ON N0E 1G0, (519) 875-4485 extension 235; [karen.judd@norfolkcounty.on.ca](mailto:karen.judd@norfolkcounty.on.ca) 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 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 ONTARIO MUNICIPAL BOARD**

*(The Planning Act, R.S.O. 1990, as amended, c.p. 13, 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 Norfolk County, 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:

**SEPTEMBER 21<sup>ST</sup>, 2006**



## **REPORT REGARDING AN APPLICATION TO THE COMMITTEE OF ADJUSTMENT FOR A CONSENT**

**FILE NO.: BN-061/2006**

**MEETING DATE:**

August 31st, 2006

**APPLICANT(S):**

Daniel Kovacs Jr., 287 Talbot Road, Courtland ON N0J 1E0

**AGENT(S):**

David Roe, 599 Larch Street, Delhi ON N4B 3A7

**LOCATION:**

Pt Lots 165 & 166, Concession NTR (287 Talbot Road) (Middleton/Norfolk)

**PROPOSAL:**

Sever a parcel with a frontage of 10.36 m. (34 ft.) a depth of 203.54 m. (667.79 ft.) (WEST SIDE) and 112.0 m. (367.47 ft.) (EAST SIDE) and having an area of approximately 4.60 ha. (11.37 ac.) and retain a parcel having an area of approximately 0.44 ha. (1.10 ac.) more or less as a boundary adjustment.

**PLANNING STAFF RECOMMENDATION:**

That Application **BN-061/2006** BE APPROVED

**REASON:**

The application complies with the severance policies of the Township of Norfolk Official Plan relating to Boundary Adjustments.

**SITE FEATURES AND LAND USE:**

The subject lands front the north side of Talbot St., west of Byerlay Side Road in the hamlet of Courtland. The subject lands contain several small farm buildings. Several single detached dwellings are located to the south of the subject lands, while a mixture of agricultural uses are located to the north.

**PERTINENT CIRCULATION COMMENTS:**

Building Inspector (Part 8) – No objections.

Finance Department – No development charges required.

Forestry Division – No issues or concerns with this application.



## Public Works and Environmental Services

### Municipal Drains

- Both the severed and retained parcels are within the municipal drainage areas of the Bowan, Mills-South, Norwich and Little Otter Creek Drains. If the severance is granted an engineer must be hired to complete a reapportionment of the original drain assessment(s) as per Section 65(1) of the Drainage Act. The fee for the above-mentioned reapportionment of drain assessment(s) is \$300.00.
- The severed property is directly affected by the existing Cowan Drain and is therefore subject to the following setback conditions as described under the zoning by-law.
  1. 4.5 m setback either side of the tile drain
  2. 9 m setback from the top of bank of the drain
  3. 9 m setback from the center of the open-ditch drain where the bank is undefined.

Long Point Region Conservation Authority – No comments.

### **COMMUNITY PLANNING COMMENTS**

This application relates to file BN-084/2003 which was previously approved by the Committee of Adjustment in 2003. Committee may recall this application to sever an approximate 10 acre parcel to be used for a greenhouse operation. However, the applicants have reconsidered this venture and propose to sever a parcel of approximately 4.60 ha (11.37 acres) designated 'Agricultural' in the Township of Norfolk Official Plan and zoned 'Agriculture' in the Township of Norfolk Zoning By-law and add the severed parcel to adjacent agricultural operation. The severed parcel would return back to the original farm.

Boundary adjustments are permitted provided no new lot is created and the adjustment is minor or addresses technical issues. In this case, the adjustment is minor and no new lot is being created. The severed parcel will be added back to the farm and enrich the agricultural use of the land. Planning staff support this application and recommend that it be approved.

In addition, Public Works & Environmental Services has requested that reapportionment of the drain assessments should be completed to address both the severed and retained parcels within the municipal drainage areas.

**Prepared By: Rebecca Sinnesael**

**Reviewed By: Lucy Hives, 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 51.1 of the Planning Act, R.S.O. 1990, c.p. 13 (\$350.00 - amount may be revised from time to time).
  - c) ☒ Payment of any outstanding taxes.
  - d) ☒ Drainage assessment reapportionment be undertaken pursuant to Section 65 of the Drainage Act, R.S.O. 1990 at the applicant's expense ( \$ 300.00 ).
  - e) ☐ Road widening.
2. ☐ Receipt of a letter from the Building Inspector (Part 8) indicating their requirements have been satisfied.
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 Public Works and Environmental Services Department indicating that the applicant has entered into the necessary agreement with the County regarding road construction.
5. ☐ 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.
6. ☐ Receipt of a letter from the Planning and Economic Development Department indicating that the zoning of the retained lands has been amended to meet the requirements of Section 2.3.4.1 (c) of the Provincial Policy Statement.
7. ☐ 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.
8. ☐ That the severance subject of this application not be completed prior to the lands identified by Assessment Roll No. \_\_\_ being transferred to \_\_\_ and that evidence of this transaction submitted to the Secretary-Treasurer prior to the stamping of the deed.
9. ☒ That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
10. ☒ That the severed parcel becomes part and parcel of the abutting lands presently owned by 772520 Ontario Inc. Roll No. 33 10 541 020 13100.

11. ☒ 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".
12. ☐ 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.
13. ☐ 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.
14. ☐ Subject to approval of the required Minor Variance Application No. \_\_\_.
15. ☒ Receipt of five copies of a registered reference plan and deeds in triplicate of the severed parcel of land.
16. ☐ That a survey be submitted showing the required front, rear and side yard measurements of all existing buildings on the (severed or retained) parcel.
17. ☒ That the above conditions must be fulfilled and the Certificate for consent be issued on or before **August 31<sup>st</sup>, 2007** after which time the consent will lapse.



**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:

**AUGUST 9<sup>TH</sup>, 2006**

**FILE NO.: BN-061/2006**

**ASSESSMENT ROLL NO.: 33-10-541-020-12740**

**APPLICANT:**

Daniel Kovacs Jr., 287 Talbot Road, Courtland ON N0J 1E0

**AGENT:**

David Roe, 599 Larch Street, Delhi ON N4B 3A7

**LOCATION:**

Pt Lots 165 & 166, Concession NTR (287 Talbot Road) (Middleton/Norfolk)

**PROPOSAL:**

Sever a parcel with a frontage of 10.36 m. (34 ft.) a depth of 203.54 m. (667.79 ft.) (WEST SIDE) and 112.0 m. (367.47 ft.) (EAST SIDE) and having an area of approximately 4.60 ha. (11.37 ac.) and retain a parcel having an area of approximately 0.44 ha. (

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Conservation Authority   |  |
| <input checked="" type="checkbox"/> Building Inspector (Sewage System Review)  |  |
| <input checked="" type="checkbox"/> Forestry Division  |  |
| <input checked="" type="checkbox"/> Treasury Department  |  |
| <input checked="" type="checkbox"/> Public Works > NOTE: If an agreement is required please attach the clauses you require in the agreement. |  |

- |   |
|---|
| <input type="checkbox"/> Norfolk Power                  |
| <input type="checkbox"/> Ministry of Transportation     |
| <input type="checkbox"/> Railway                        |
| <input checked="" type="checkbox"/> Building Department |
| <input checked="" type="checkbox"/> GIS Section         |

**CIRCULATION DATE: July 26<sup>th</sup>, 2006**

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

Lucy Hives, Planner

Norfolk County, 60 Colborne Street, South, Simcoe, ON N3Y 4N5

(519) 426-5870 ext 1234

**FAX: (519) 428-3069 EMAIL: [lucy.hives@norfolkcounty.on.ca](mailto:lucy.hives@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: Karen Judd, Secretary-Treasurer, P.O. Box 128, 22 Albert Street, Langton ON N0E 1G0 • Phone: (519) 875-4485 ext 235; Fax: (519) 875-4789; Email: [karen.judd@norfolkcounty.on.ca](mailto:karen.judd@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.





Property Assessment Roll Number:

33-10- 541 020 12740  
(to be provided by applicant/agent)

Office Use

File No. BN-61/2006  
Date Submitted 14 June 28/06  
Date Received June 28/06  
Sign Issued June 28/06



XF- 2N-44/06.

## 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 processing delays.

### A. APPLICANT INFORMATION

1. Name of Owner Daniel Kovacs Jr. Phone No. 842-4992  
Address 287 Talbot Road Fax No. \_\_\_\_\_  
Courtland ON Postal Code N0J 1E0  
E-mail \_\_\_\_\_
  
2. Agent (if any) David Roe PhoneNo. 582-1174  
Address 599 Larch St. Fax No. 582-4616  
Delhi, ON Postal Code N4B 3A7  
E-mail \_\_\_\_\_

Please specify to whom all communications be sent: ☐ Owner ☒ Agent

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:  
\_\_\_\_\_  
\_\_\_\_\_

4. Are there any restrictive covenants affecting the property?

☐ Yes ☒ No If yes, describe the easement or covenant and its effect:

\_\_\_\_\_  
\_\_\_\_\_





**B. LOCATION/LEGAL DESCRIPTION OF PROPERTY**

1. Geographic Township Middleton  
Urban Area or Hamlet Courtland  
Concession Number NTR Lot Number 165 and 166  
Registered Plan Number \_\_\_\_\_ Lot(s)/Block(s) \_\_\_\_\_  
Reference Plan Number \_\_\_\_\_ Part Number(s) \_\_\_\_\_  
Civic Address 287 Talbot Road

**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 (if known):

772520 Ontario Inc. c/o Dan and Ann Kovacs

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.: 33-10-54102013100 Name: 772520 Ontario Inc.

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.



REVISED July 10

Revised  
BN-61/06  
J**D. PROPERTY, SERVICING AND ACCESS INFORMATION**

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

Frontage: 10.3 m. Depth: 203.5 m.34.0 ft. 667.79 ft.Width: 405.3 m. Area: 4.6 ha.1330 ft. 11.3 acExisting use Agricultural Proposed Use: AgriculturalNumber and type of buildings and structures existing on the land to be severed:NoneNumber and type of buildings and structures proposed on the land to be severed:None

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

Frontage: 36.5 m. Depth: 99.1 m.120 ft. 325.45 ft.Width: 87.1 m. Area: .44 ha286 ft. 1.08 ac.Existing use Residential Proposed Use: ResidentialNumber and type of buildings and structures existing on the land to be retained:Dwelling HouseNumber 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 Talbot Road





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

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

Frontage: Nil m. Depth: 112 m.  
 ft. 367.47 ft.

Width: 362.7 m. Area: 4.05 ha.  
1190.0 ft. 10.01 ac

Existing use Agriculture Proposed Use: Agriculture

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: 36.5 m. Depth: 99.1 m.  
120.0 ft. 325.45 ft.

Width: 36.5 m. Area: 0.44 ha  
120.0 ft. 1.1 ac.

Existing use Residential Proposed Use: Residential

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

Dwelling

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) n/a

Name of Road/Street





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

☐ Unopened Road      ☒ Municipal Road      ☐ Provincial Highway☐ Other (Specify)Name of Road/Street Talbot Road

## 5. Servicing:

Indicate what services are available or proposed: n/aWater SupplyPiped Water ☒  
Individual Wells ☐  
Other (describe) ☐Sewage TreatmentSewers ☐  
Communal System ☐  
Septic Tank & Tile Bed ☒  
Other (describe) ☐Storm Drainage\*Storm Sewers ☐  
Open Ditches ☒  
Other (describe) ☐

\* Have you consulted with Public Works &amp; Environmental Services concerning stormwater management?

Yes ☐      No ☒

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

Yes ☒      No ☐

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

Yes ☒      No ☐      Unknown ☐**E. LAND USE**1. What is the existing Official Plan designation(s) of the subject land: Agriculture2. What is the existing Zoning of the subject lands: Agriculture A  
(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 (1,640 feet) of subject land (indicate distance)
A livestock facility or stockyard (see F.2)	no	no
A Wooded area	no	no
A Municipal Landfill	no	no
A Sewage Treatment Plant or Waste Stabilization Plant	no	no
A Provincially Significant Wetland (Class 1, 2 or 3 wetland) or other environmental feature	no	no
Floodplain	no	no
A Rehabilitated Mine Site	no	no
A Non-Operating Mine Site within 1 Kilometre	no	no
An Active Mine Site	no	no
An Industrial or commercial use (specify the use(s))	no	no
An Active Railway Line	no	no
Seasonal Wetness of Land	no	no
Erosion	no	no
Abandoned Gas Wells	no	no

2. 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.:



# MAP 1

File Number: BN-061/2006  
Geographic Township of MIDDLETON







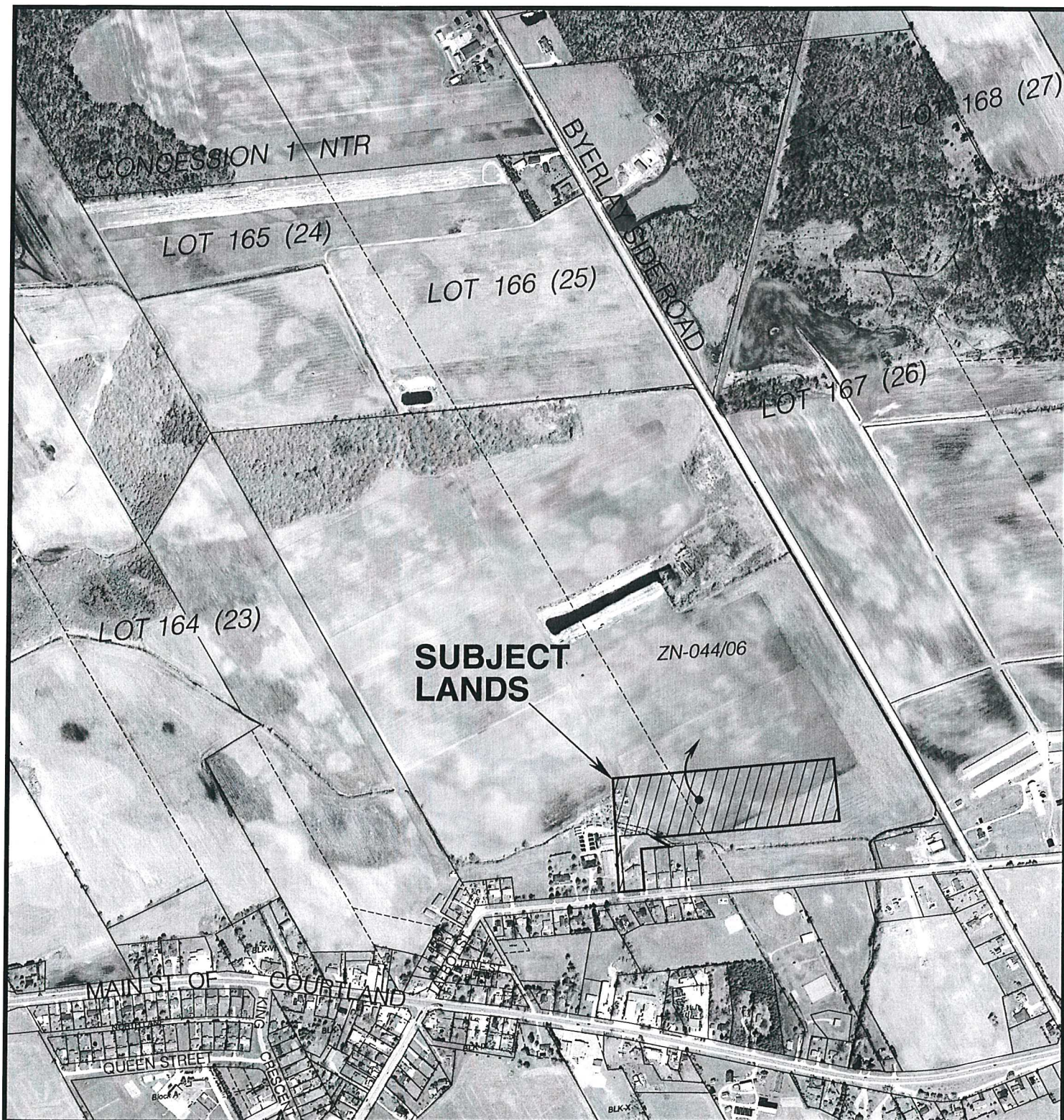


# MAP 2

File Number: BN-061/2006  
Geographic Township of MIDDLETON



100 50 0 100 200 METERS  
1 : 10000



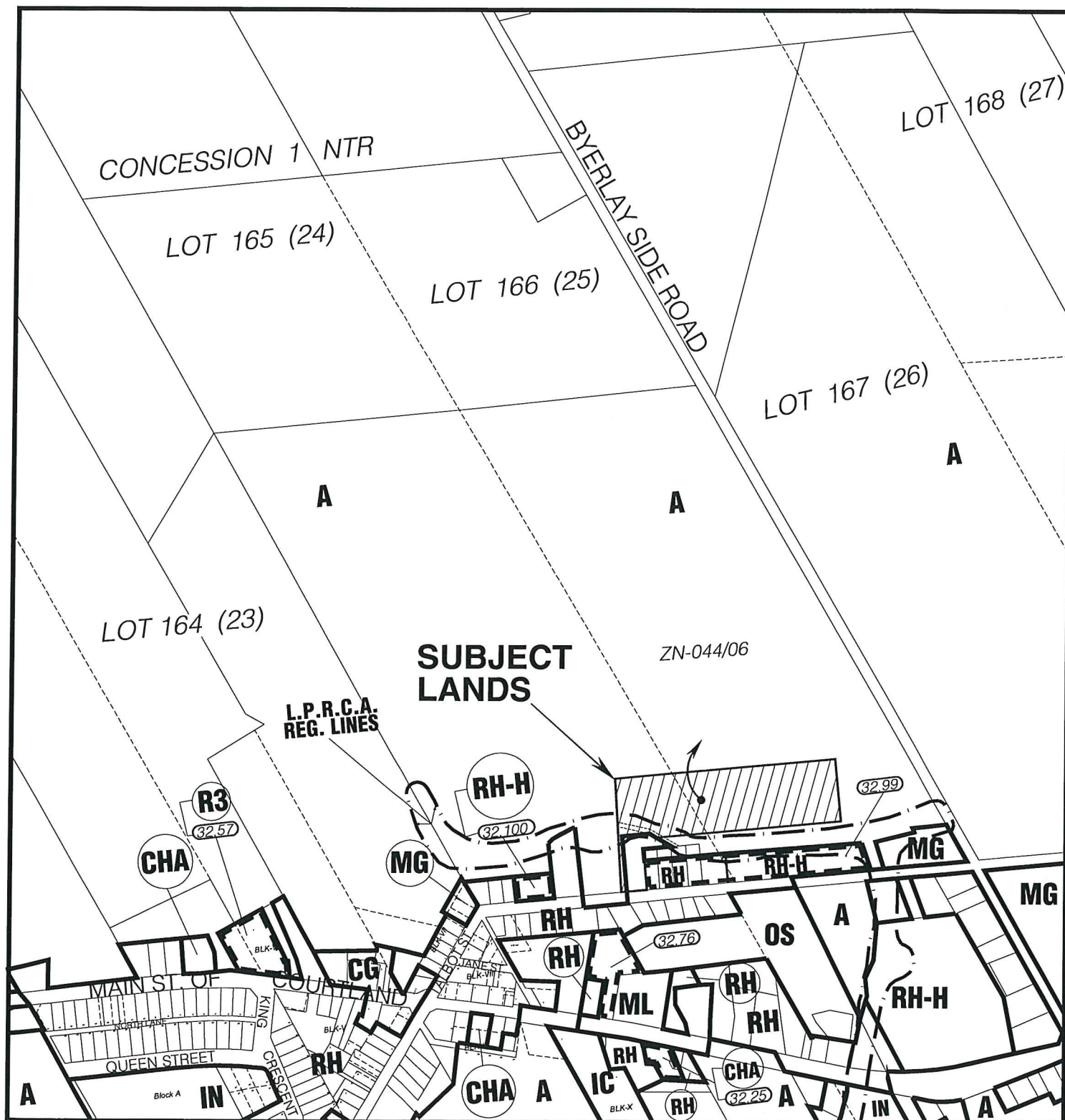




**File Number: BN-061/2006**  
**Geographic Township of MIDDLETON**



100 50 0 100 200 METERS  
1 : 10000





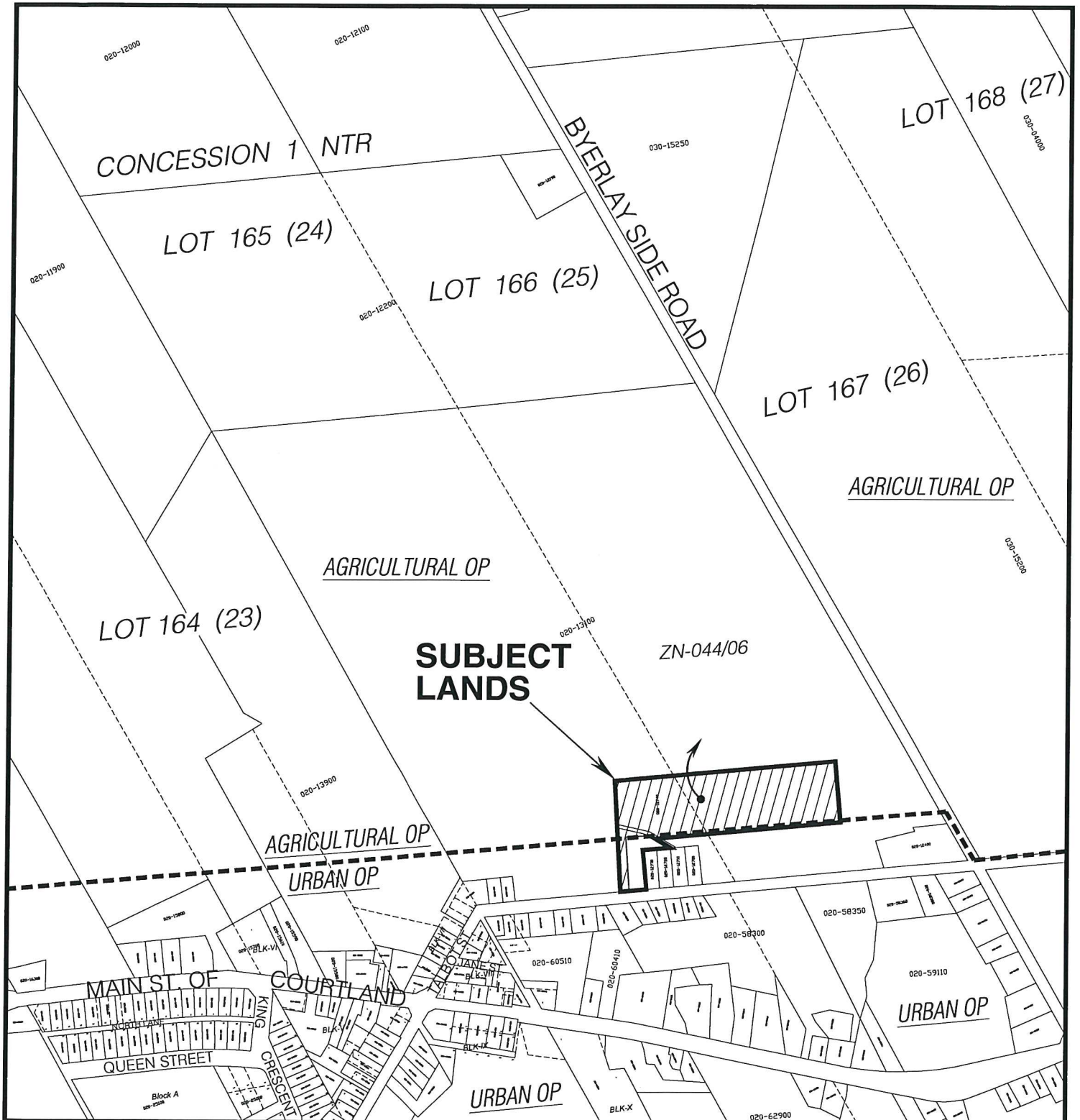


# MAP 4

File Number: BN-061/2006  
Geographic Township of MIDDLETON



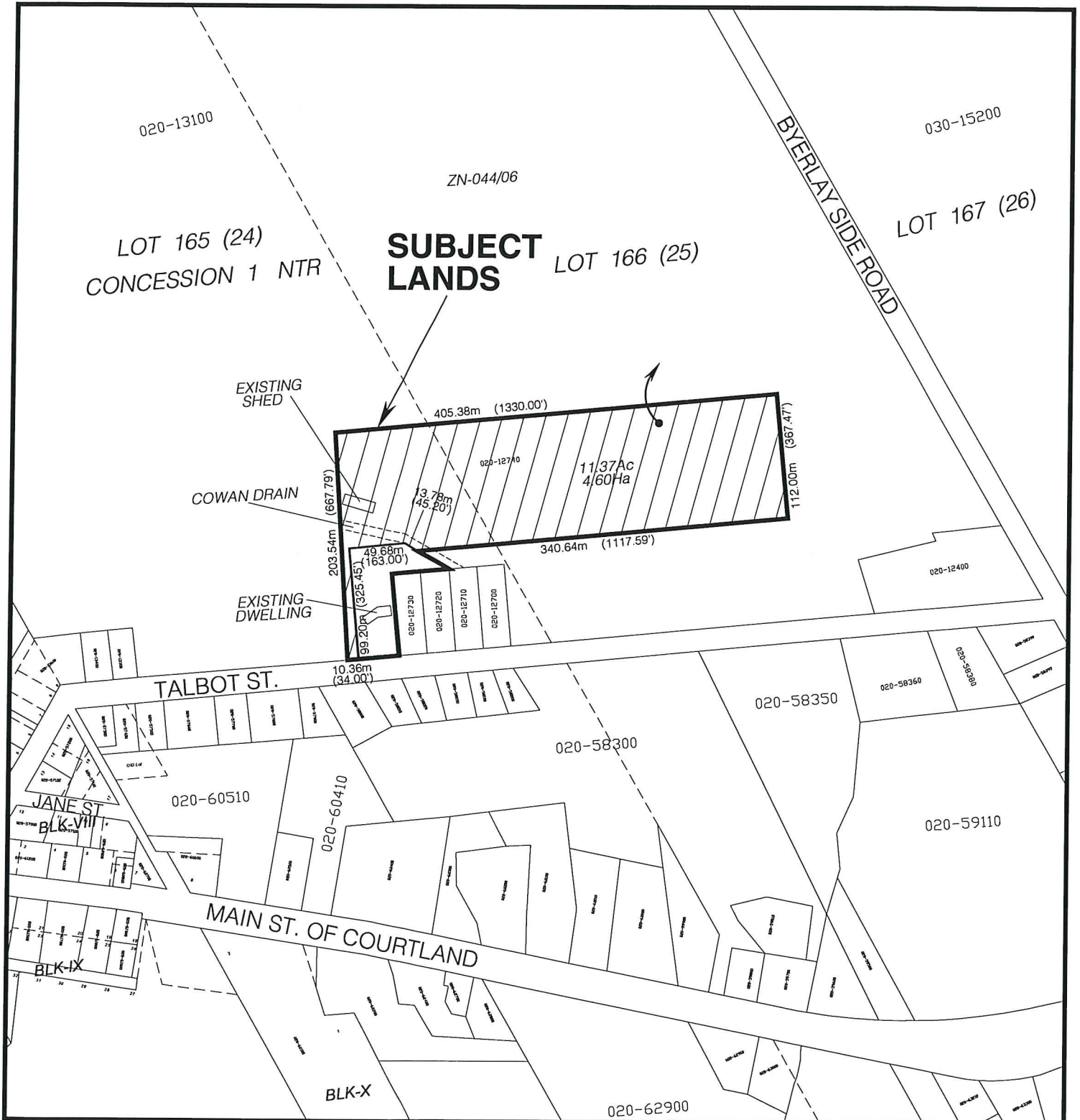
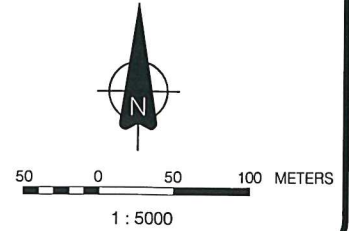
100 50 0 100 200 METERS  
1 : 10000





# MAP 5

File Number: BN-061/2006  
Geographic Township of MIDDLETON





**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, David Roe of Norfolk County 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:

Hanlet of Langton

in Norfolk County

this 28<sup>th</sup> day of

June A.D., 20 06

 **TREVOR SCOTT PECK, a**  
Commissioner, etc., Norfolk County,  
for the Corporation of Norfolk County.  
Expires October 25, 2007.

A Commissioner, etc.

  
\_\_\_\_\_  
Owner/Applicant/Agent Signature

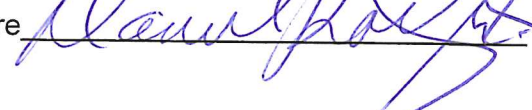
**M. AUTHORIZATION**

If this 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 Daniel Kovacs Jr am/are the owner(s) of the land that is the subject of this consent application I/We authorize David Roe to make this application on my/our behalf and to provide any of my/our personal information necessary for the processing of this application.

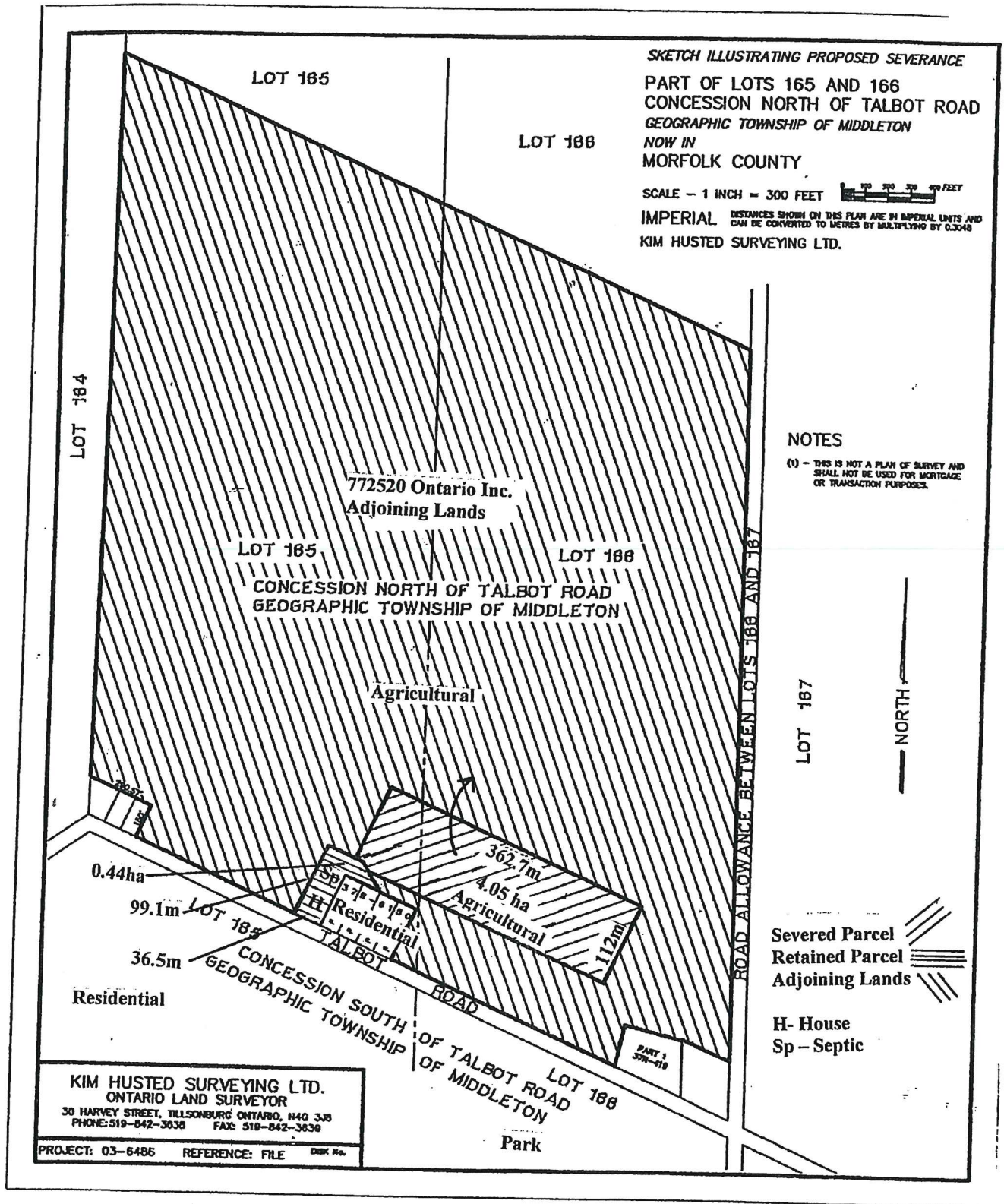
Date: \_\_\_\_\_

Signature 

Date: \_\_\_\_\_

Signature \_\_\_\_\_







**File Number: BN-061/2006**  
**Geographic Township of MIDDLETON**

