



COMMITTEE OF ADJUSTMENT DECISION

FILE NUMBER: **BN-064/2006**

ROLL NUMBER: **33-10-541-020-02200**

MEETING DATE: August 31st, 2006

APPLICANT: Scholten's Farm Equipment, PO Box 247, RR 2, Courtland ON N0J 1E0

LOCATION: Part Lot 21, Concession 2 NTR (170 County Road 13) (Middleton/Norfolk)

PROPOSAL:

Sever a parcel having a width of 60.96 m. (200 ft.) a depth of 60.96 m. (200 ft.) and having an area of 0.37 ha. (0.92 ac) and retain a parcel having an area of 15.46 ha. (38.2 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.
- ✓2. Receipt of a letter from the Planning and Economic Development Department indicating that the zoning of the retained lands has been amended.
- ✓3. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
- ✓4. That the severed parcel becomes part and parcel of the abutting lands presently owned by Stanislaw Barnas Roll No. 3310-541-020-02210.
- ✓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 ~~Scholten's Farm Equipment~~ ^{Stanislaw Barnas} Roll No. 3310-541-020-02200 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 3310-541-020-02210 and that the costs for completing same be at the expense of the applicant.
- ✓7. Receipt of five copies of a registered reference plan and deeds in triplicate of the severed parcel of land.
8. That the above conditions must be fulfilled and the Certificate for consent be issued on or before **August 31st, 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 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

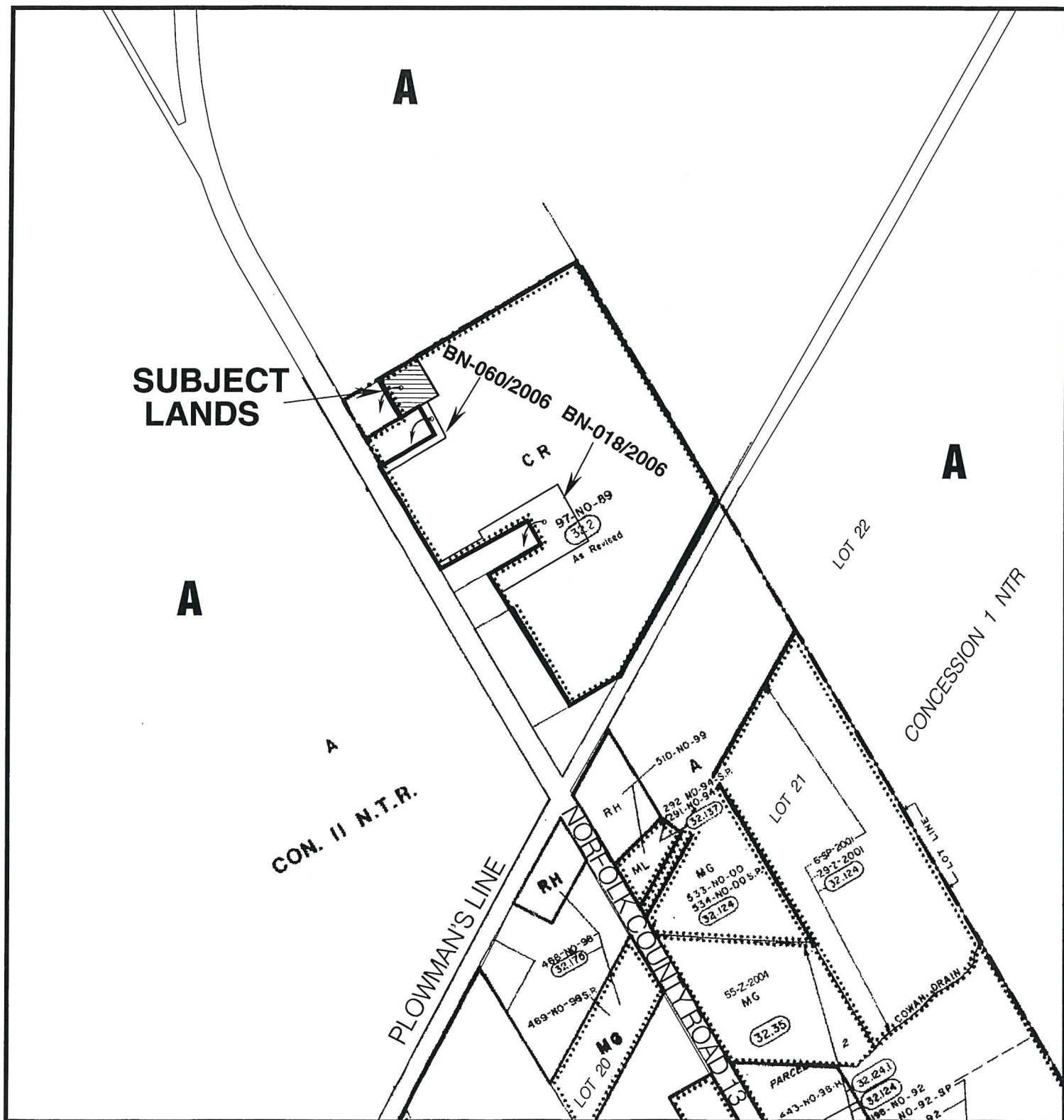
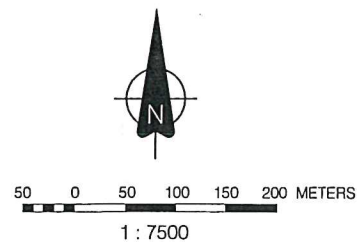
(The Planning Act, R.S.O. 1990, as amended, c.p. 13, Section 53(19))

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 21ST, 2006

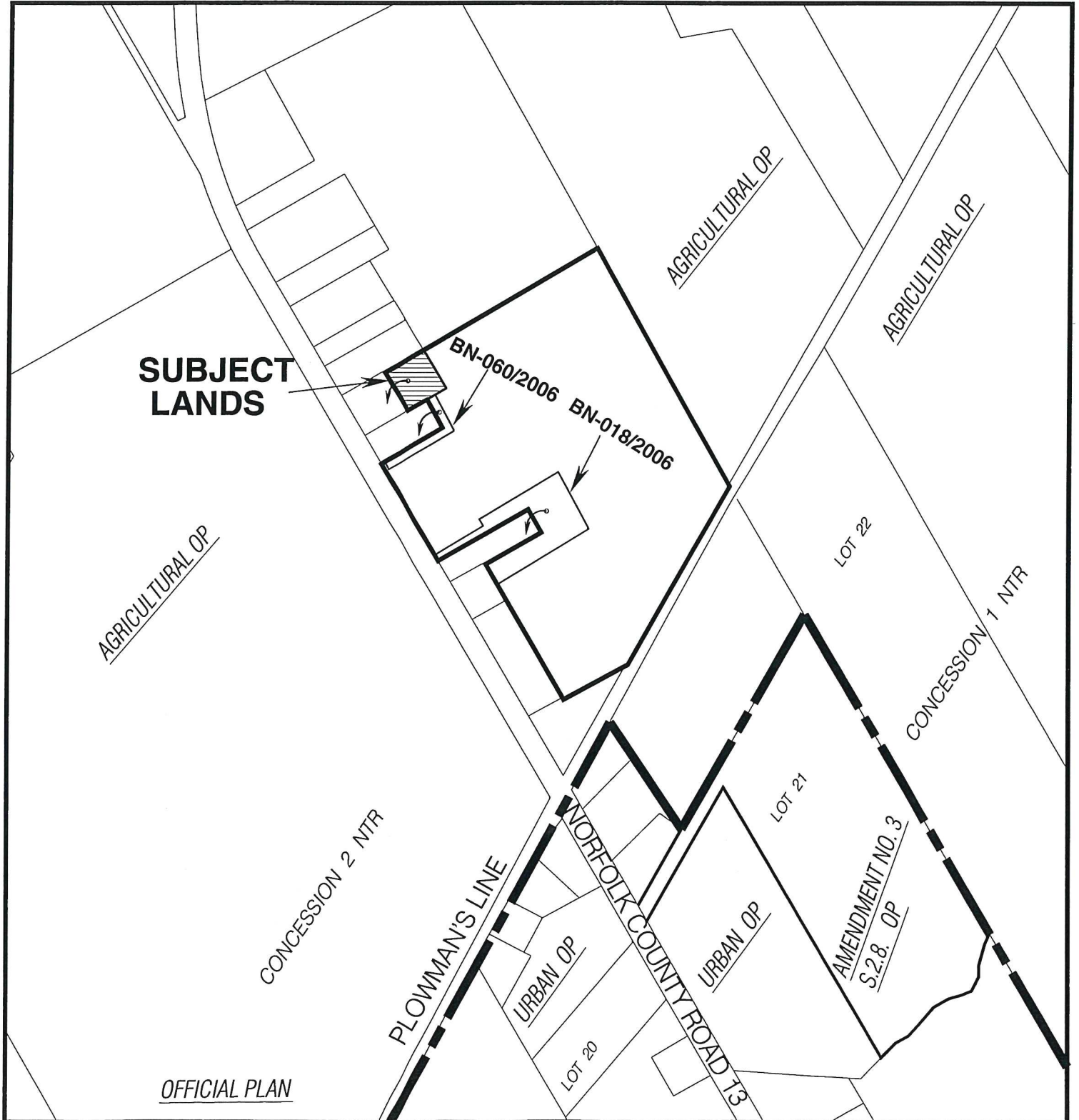
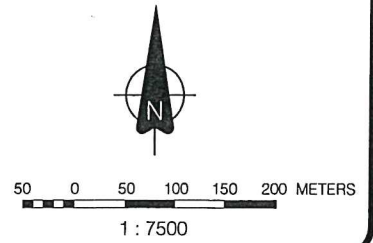
MAP 3

File Number: BN-064/2006
Geographic Township of MIDDLETON



MAP 4

File Number: BN-064/2006
Geographic Township of MIDDLETON



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 (\$ _____).
 - 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.
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 Stanislawa Barnas Roll No. 33 10 541 020 02210.

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 Scholten's Farm Equipment (Roll No. 33 10 541 020 02200) 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 33 10 541 020 02210 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 31st, 2007** after which time the consent will lapse.



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

FILE NO.: BN-064/2006

MEETING DATE:

August 31st, 2006

APPLICANT(S):

Scholten's Farm Equipment

AGENT(S):

Stanislawa Barnas, 196 Norfolk County Road 13, R.R. #2, Courtland, ON N0J 1E0

LOCATION:

Part Lot 21, Concession 2 NTR (170 County Road 13) (Middleton/Norfolk)

PROPOSAL:

Sever a parcel having a width of 60.96 m. (200 ft.) a depth of 60.96 m. (200 ft.) and having an area of 0.37 ha. (0.92 ac) and retain a parcel having an area of 15.46 ha. (38.2 ac.) more or less as a boundary adjustment.

PLANNING STAFF RECOMMENDATION:

That Application BN-064/2006 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 east side of Norfolk County Road 13, north of Plowman's Line, north of the hamlet of Courtland. The subject lands are currently a woodlot and a single detached dwelling is located on the property to the west. Other single detached dwellings are located along the east side of Norfolk County Road 13 to the north, and a mixture of residential and general industrial uses are located to the south of the subject lands. Agricultural land is located to the west, while a heavily covered woodlot is located to the east.

PERTINENT CIRCULATION COMMENTS:

Building Inspector (Part 8) – No objections.

Finance Department – No development charges required.

Forestry Division – The areas in question contain woodland and as such are afforded the protection of the Forest Conservation By-law. It is advised that the applicant be made aware of

the regulations set forth under the Forest Conservation By-law, that approval of this application does not imply that the applicant can remove said woodland without the necessary authorization.

Public Works and Environmental Services – No requirements.

Long Point Region Conservation Authority – Staff have not had an opportunity to review the above noted and offer the following for your consideration. The severed parcels encroach into significant woodland or are located within the adjacent lands of significant woodland. It may therefore be necessary for the County, prior to approving this application, to request that the applicant provide an Environmental Impact Study, which demonstrates that any proposed development will not negatively impact the natural heritage features or ecological functions.

COMMUNITY PLANNING COMMENTS

The applicant proposes to sever a parcel of land as a boundary adjustment from an adjacent wooded parcel and add that parcel of land to an adjacent residential lot that contains an existing house. Boundary adjustments are permitted to address minor boundary issues, easements or right-of-ways, or other purposes that do not create an additional separate lot. The land to be severed has an area of 0.37 hectares (0.92 acres) and is proposed to be added to a lot having an area of 0.37 hectares (0.92 acres) for a total lot area of 0.74 hectares (1.84 acres).

Generally, Planning staff encourage applicant's to maintain an approximate 0.40 hectare (1 acre) lot area for rural residential lots. The purpose of this direction is to ensure that a minimum area is removed from agricultural use in the agricultural area and to minimize the potential conflict between agricultural and non-agricultural uses. In this case, the lands to be severed are not agricultural lands and have not been used for agricultural purposes for many years.

Approval of this application will not remove agricultural land from productions or increase the potential for farm versus non-farm conflict. It will not impact on the lot pattern of the area or result in an inefficient use of the land. Planning staff are of the opinion that an EIS is not required due to the historical use of the subject lands. As it relates to the specifics of this application Section 9.7.1 of the new Norfolk County Official Plan currently under ministry review states:

In circumstances where there is a low likelihood of impact on the natural environmental, and intervening development between the land subject to the planning or building permit application(s) and the feature triggering the EIS requirement, the County, in consultation with the appropriate Conservation Authority, may waive the requirement for the EIS.

As a result, planning staff support the proposal and recommend approval of the application

The lands to be severed are currently designated 'Agricultural' in the Township of Norfolk Official Plan and zoned 'Rural Commercial'. As a condition of approval of this severance, the zoning of the subject lands should be changed from 'Rural Commercial' to 'Agricultural' to reflect the residential use of the subject lands. Further, by copy of this report, the applicant is notified of the requirements as noted by the Forestry Division.

Prepared By: Rebecca Sinnesael
Reviewed By: Lucy Hives, Planner