

Property Assessment Roll Number:

33-10- 337-010-25900 ⁺
(to be provided by applicant/agent)

Office Use

File No.

BN/23/2005

Date Submitted

Feb 28/2005

Date Received

Feb 28, 2005

Sign Issued

March 3, 2005



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 W.D. COOKSON LTD. Phone No. 426-1351
Address R.R. #3 Fax No. 426-4833
Simcoe, Ontario Postal Code N3Y 4K2
E-mail _____
2. Agent (if any) _____ Phone No. _____
Address _____ Fax No. _____
Postal Code _____
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

n/a

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 Woodhouse
Urban Area or Hamlet _____
Concession Number 3 Lot Number 4
Registered Plan Number 37R-1374 Lot(s)/Block(s) _____
Reference Plan Number 37R-7552 Part Number(s) 1,2,3
Civic Address 265 Regional Road 3

C. PURPOSE OF APPLICATION

1. Type and purpose of proposed transaction: (check appropriate box)
- | | | | |
|-----------|---|--------|--|
| Transfer: | <input checked="" type="checkbox"/> Creation of a new lot | Other: | <input type="checkbox"/> a charge |
| | <input type="checkbox"/> Boundary Adjustment | | <input type="checkbox"/> a lease |
| | <input type="checkbox"/> an easement/right-of-way | | <input type="checkbox"/> 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):
R.D. Cookson Disposal Limited
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- Name: _____
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 SEVERED:**Frontage: 258.214 m.Depth: 167.65 m.847.15 ft.550.03 ft.Width: 258.2 m.Area: 41931.68 m² 4.19 hectares847.11 ft.451363.61 ft² 10.36 acresExisting use TruckingProposed Use: Transfer Station & TruckinNumber and type of buildings and structures existing on the land to be severed:Metal Clad garage, 1.5 Storey Aluminum Sided House,Frame sheds (3), Concrete Block GarageNumber and type of buildings and structures proposed on the land to be severed:**2. Description of land intended to be RETAINED:**Frontage: 249.33 m.Depth: 1000.518 m.818.01 ft.3,282.55 ft.Width: 611.162 m.Area: 24,9459 m²2,005.12 ft.24.95k
6/ac

Existing use _____

Proposed Use: _____

Number and type of buildings and structures existing on the land to be retained:Single Storey House, 2 Metal Clad GarageNumber and type of buildings and structures proposed on the land to be retained:**3. Existing or proposed access to land intended to be SEVERED:**☐ Unopened Road☒ Municipal Road☐ Provincial Highway☐ Other (Specify)

Name of Road/Street

Regional Road 3

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

☐ Unopened Road ☒ Municipal Road ☐ Provincial Highway

☐ Other (Specify)

Name of Road/Street Regional Road 3

5. Servicing:

Indicate what services are available or proposed:

Water Supply

Piped Water ☐
Individual Wells ☒
Other (describe) ☐

Sewage Treatment

Sewers ☐
Communal System ☐
Septic Tank & Tile Bed ☒
Other (describe) ☒
Holding Tank

Storm Drainage*

Storm Sewers ☐
Open Ditches ☒
Other (describe) ☐

* Have you consulted with Public Works & 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: Agricultural

2. What is the existing Zoning of the subject lands: Agricultural
(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)		X
A Wooded area		N/A
A Municipal Landfill		N/A
A Sewage Treatment Plant or Waste Stabilization Plant		N/A
A Provincially Significant Wetland (Class 1, 2 or 3 wetland) or other environmental feature		N/A
Floodplain		N/A
A Rehabilitated Mine Site		N/A
A Non-Operating Mine Site within 1 Kilometre		N/A
An Active Mine Site		X Gravel Pit
An Industrial or commercial use (specify the use(s)) Gravel Pit/Construction Co.		X
An Active Railway Line		N/A
Seasonal Wetness of Land		N/A
Erosion		N/A
Abandoned Gas Wells		X

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.:

How many separate parcels have been created? _____

Date(s) these parcels were created: _____

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? _____

3. Date of construction of the dwelling proposed to be severed: **Unknown & Shop: 1983**

4. Has this property ever been part of an application for approval for a plan of subdivision or consent under the Planning Act?

Yes ☐ No ☒ Unknown ☐

If yes, provide the file number, if known, and the decision made on the application.

File No. _____ Decision: _____

5. Date of purchase of subject land.

6. How many years has the owner farmed? _____

Outside this municipality but in Ontario? _____ In this municipality? _____

Other (please specify) _____

H. CURRENT APPLICATION

1. Is this property the subject of an application for an Official Plan Amendment that has been submitted for approval?

Yes ☐ No ☒ 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 Subdivision?

Yes ☐ No ☒ Unknown ☐

If Yes, File No. _____ Status: _____

3. Is there any other application on this property that could affect this application?

Yes ☐ No ☒ Unknown ☐

If Yes, describe _____

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 and 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:

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
PRESIDENT - W.D. COOKSON LTD.

February 25, 2005
Date

L. DECLARATION

I, James D. Cookson 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.

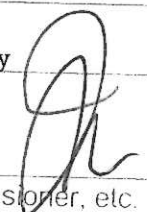
Declared before me at:

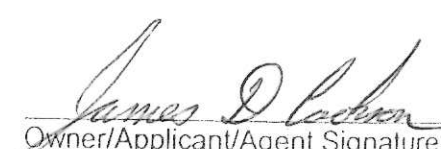
Norfolk County

in the Province of Ontario

this 25 day of

February A.D., 20 05


A Commissioner, etc.


Owner/Applicant/Agent Signature

PRESIDENT - W. D. Cookson LTD.

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 _____ 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.

Date: _____

Signature: _____

Date: _____

Signature: _____

N. NOTES TO APPLICANTS

The following is required in order for the application to be considered complete:

1. One copy of this application, including the required sketch, be filed with the responsible person, 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:

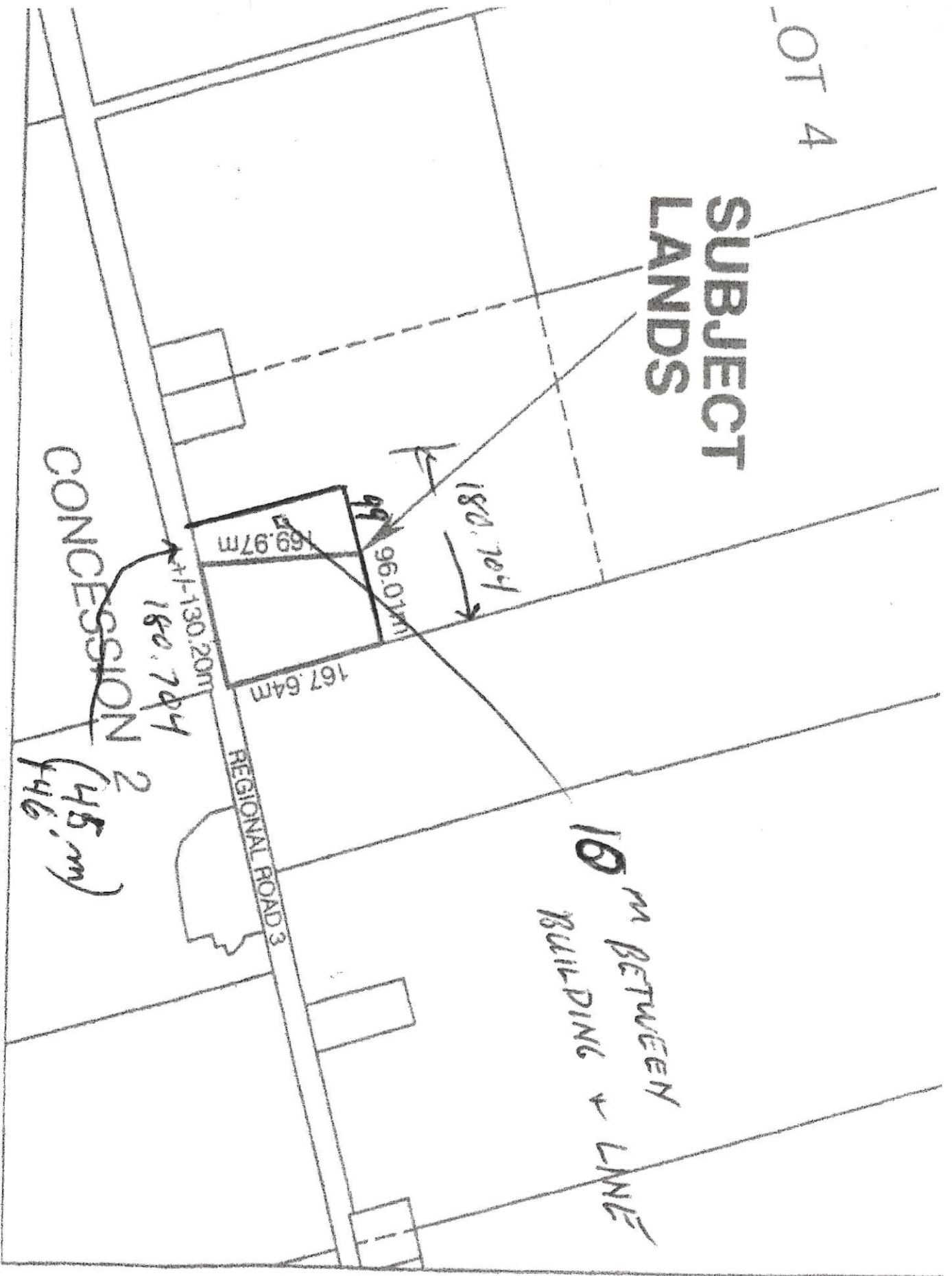
Norfolk County Planning & Economic Development Department

➤ 60 Colborne Street, South, Simcoe, ON N3Y 4N5 (519) 426-5870

-or- ➤ 22 Albert Street, Langton, ON N0E 1G0 (519) 875-4485

LOT 4

SUBJECT LANDS

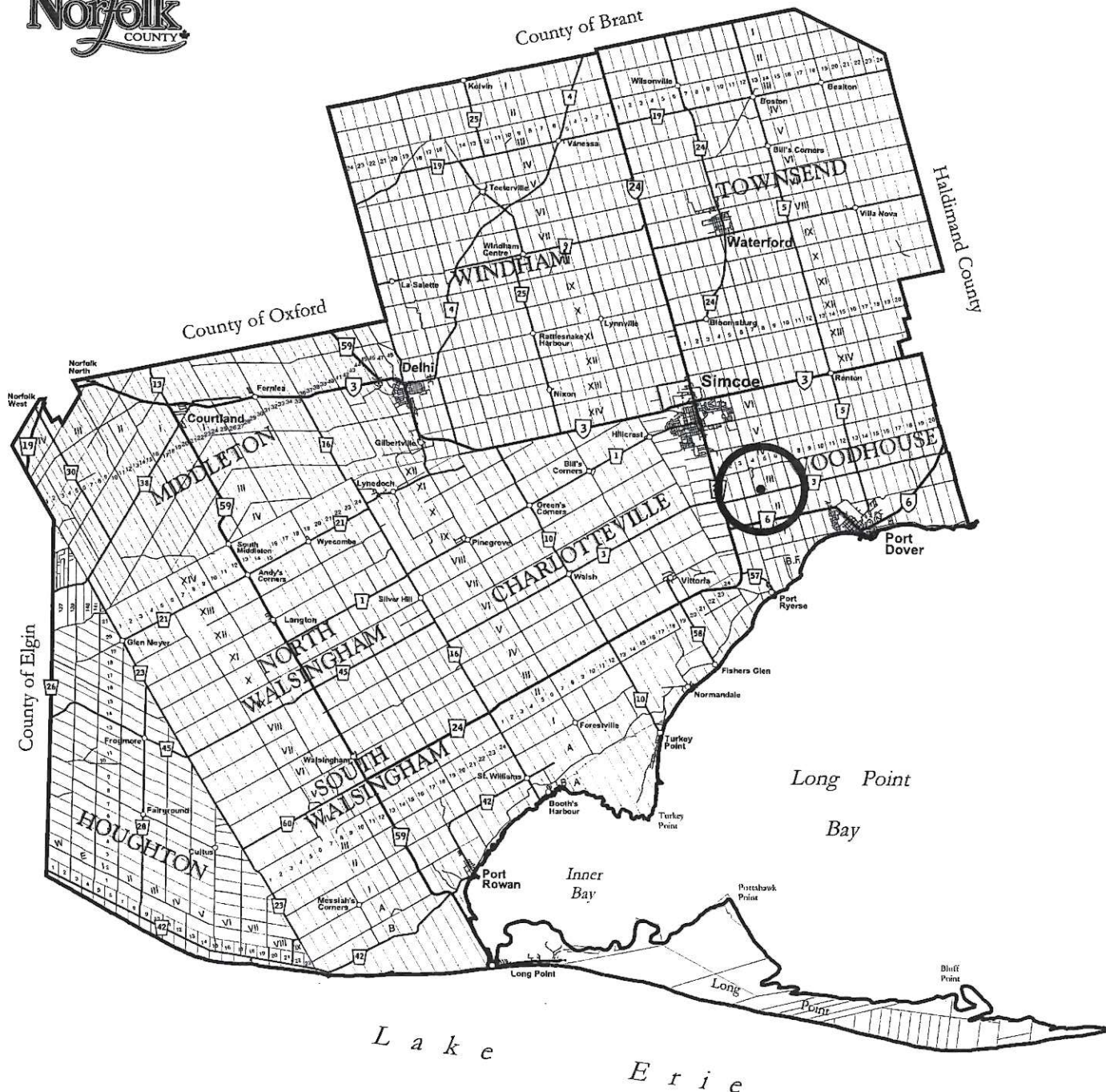


Received Feb. 28th

MAP 1

File Number: BN-123/2005

Geographic Township of WOODHOUSE



MAP 2

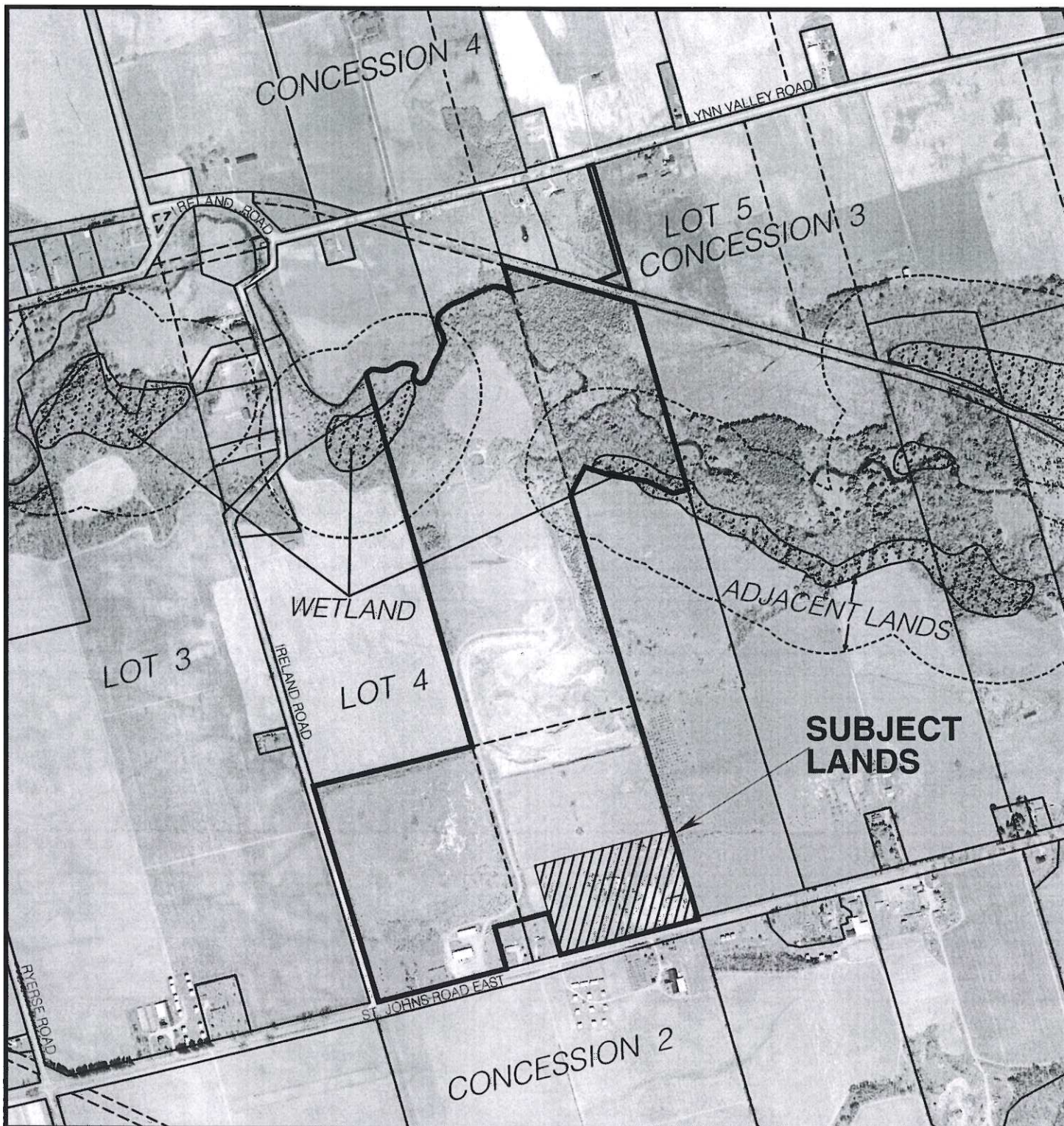
File Number: BN-123/2005

Geographic Township of WOODHOUSE



100 50 0 100 200 METERS

1 : 10000
Revised: 09-Mar-06



MAP 3

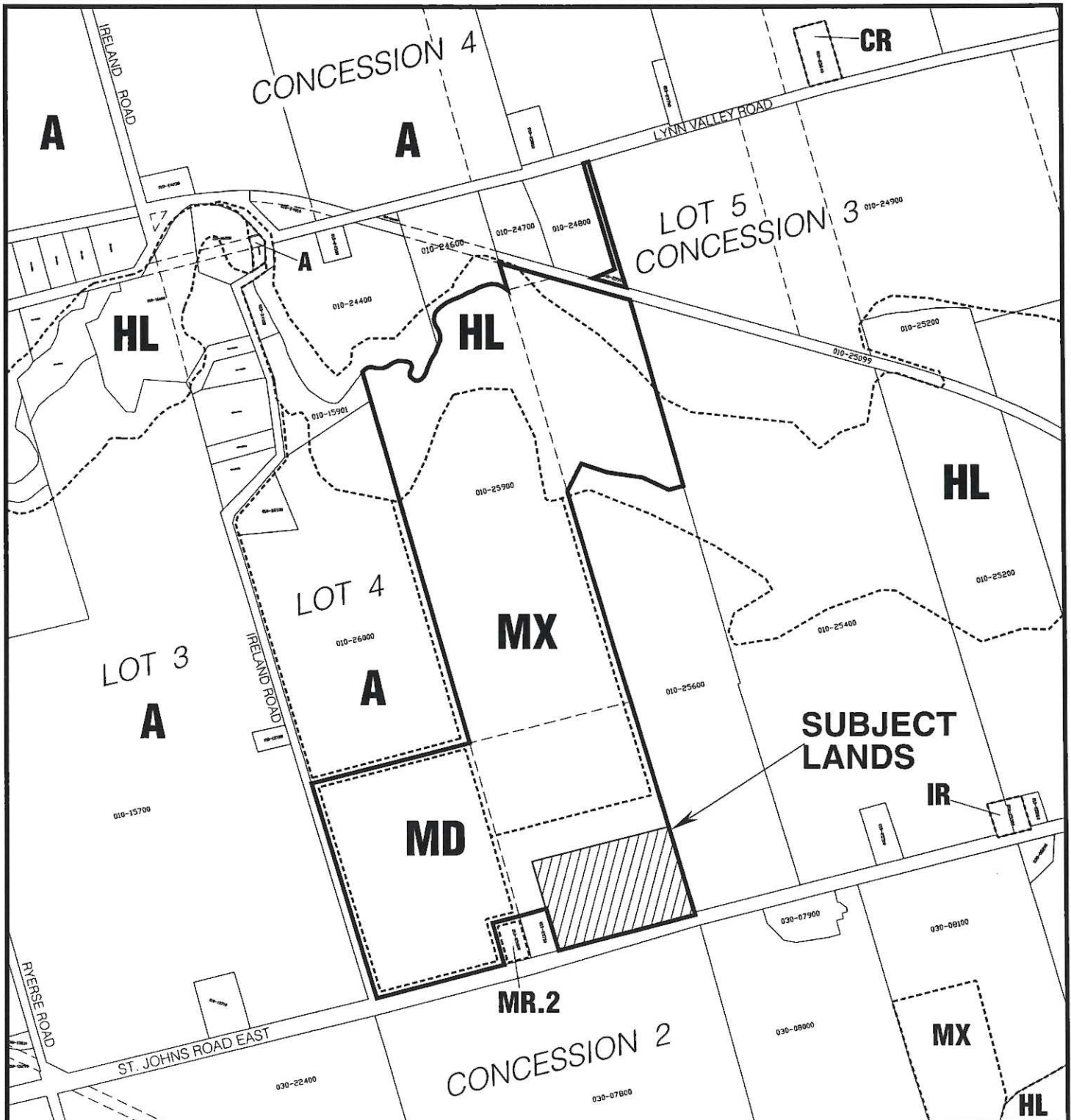
File Number: BN-123/2005

Geographic Township of WOODHOUSE

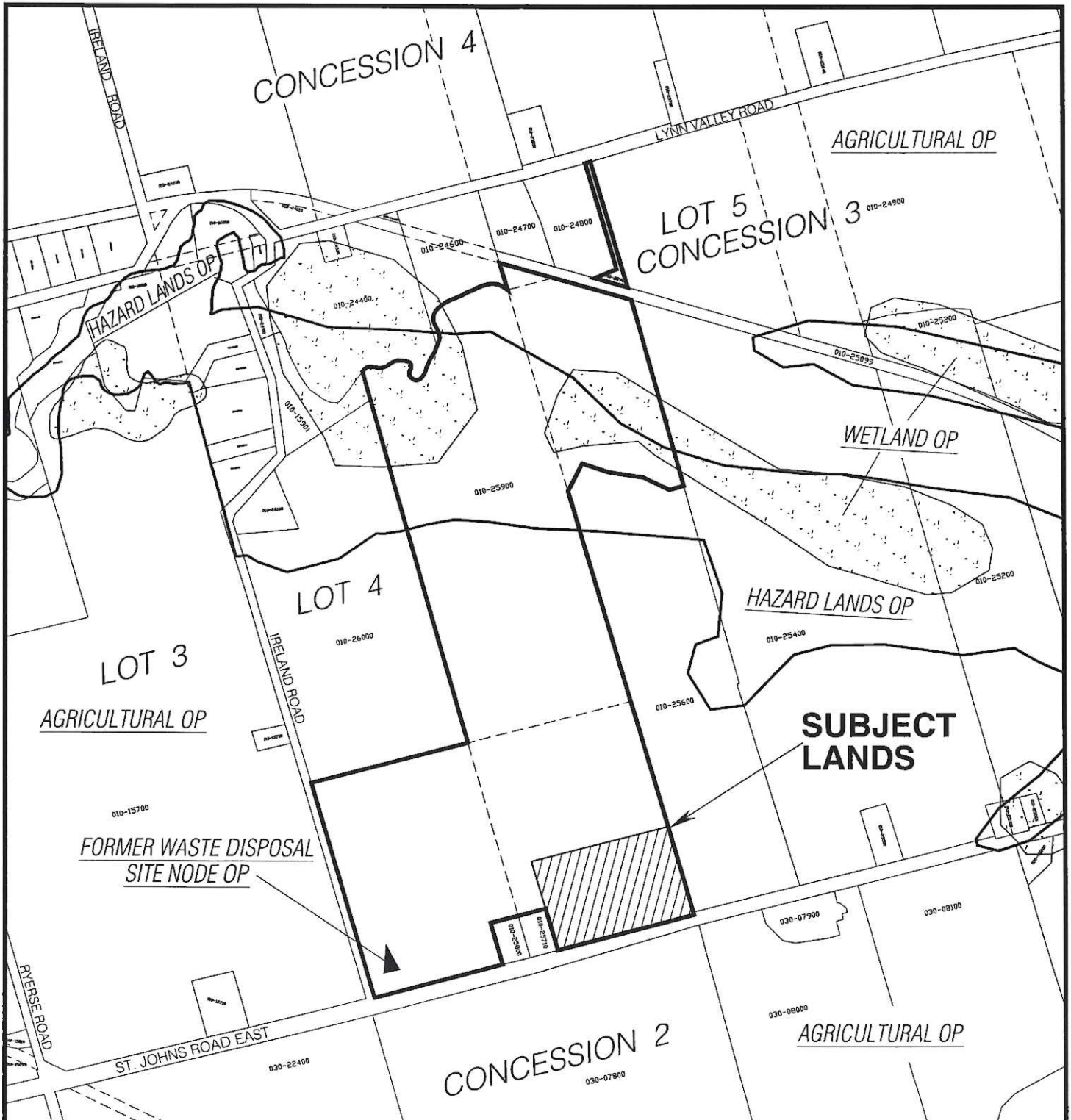
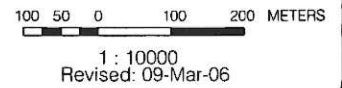


100 50 0 100 200 METERS

1 : 10000
Revised: 09-Mar-06

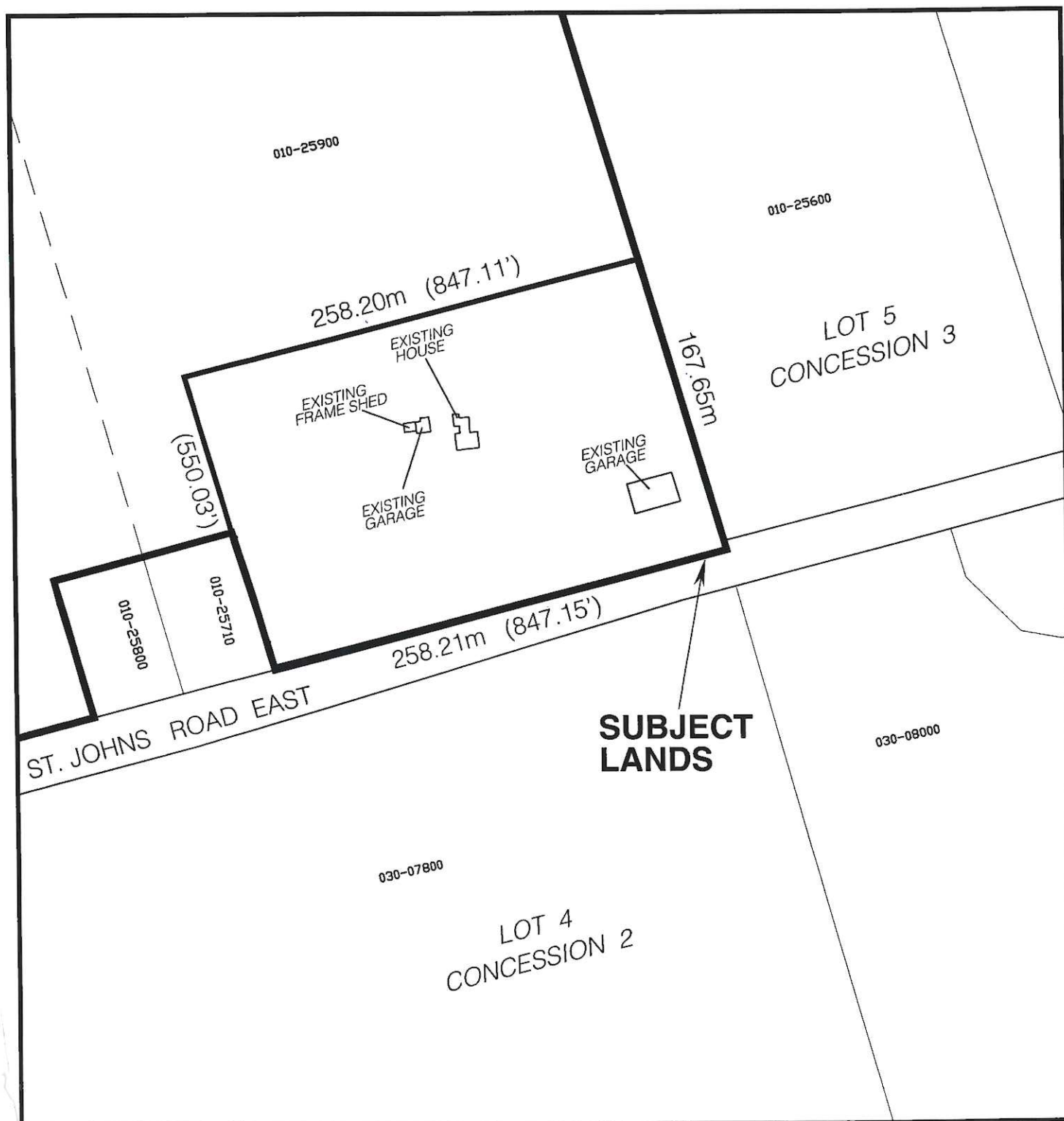
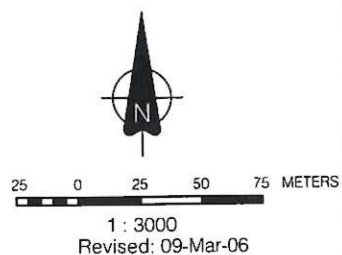


File Number: BN-123/2005
Geographic Township of WOODHOUSE



MAP 5

File Number: BN-123/2005
Geographic Township of WOODHOUSE



MAP 6

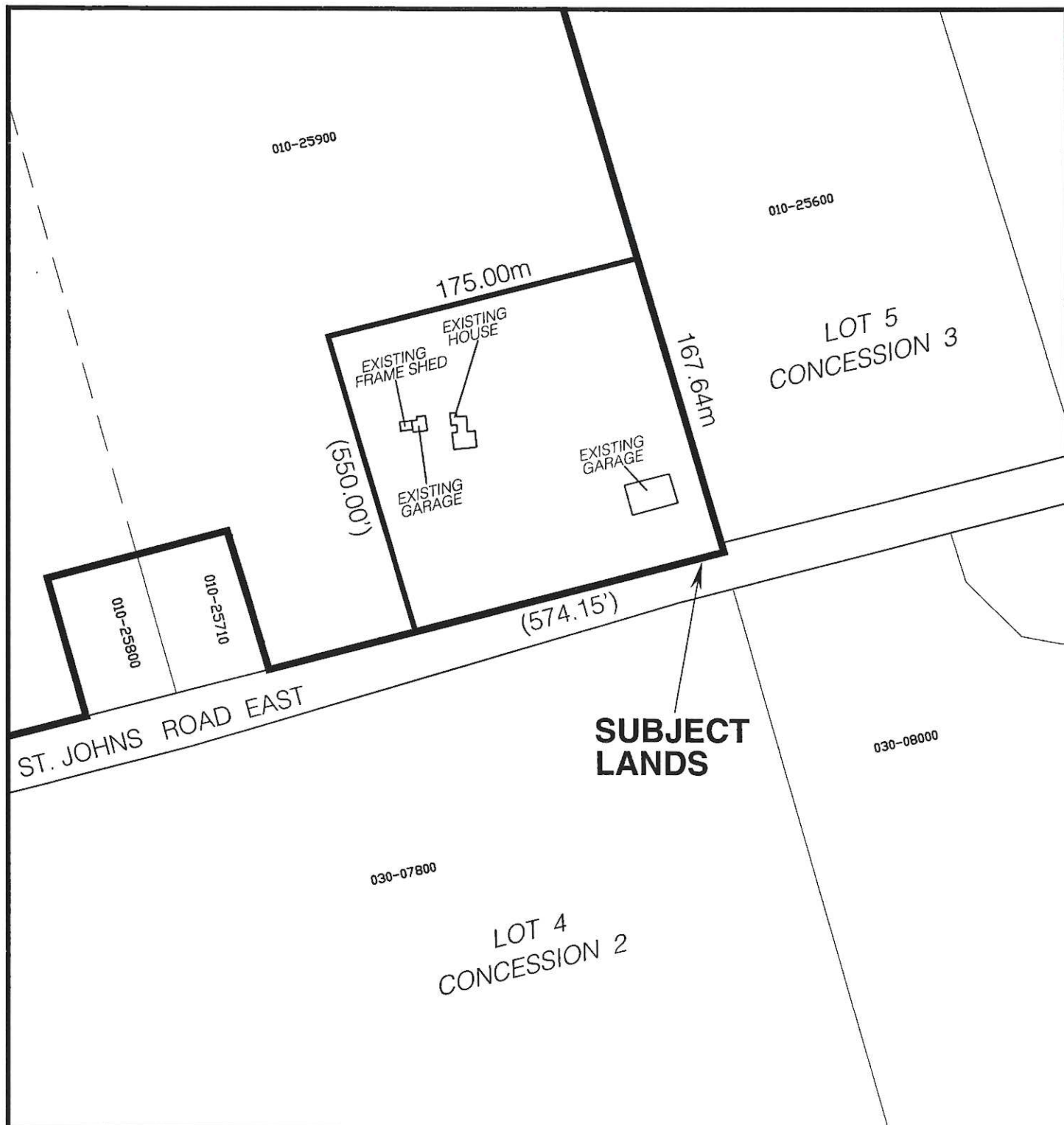
File Number: BN-123/2005

Geographic Township of WOODHOUSE



25 0 25 50 75 METERS

1 : 3000
Revised: 09-Mar-06



LOCATION OF LANDS AFFECTED

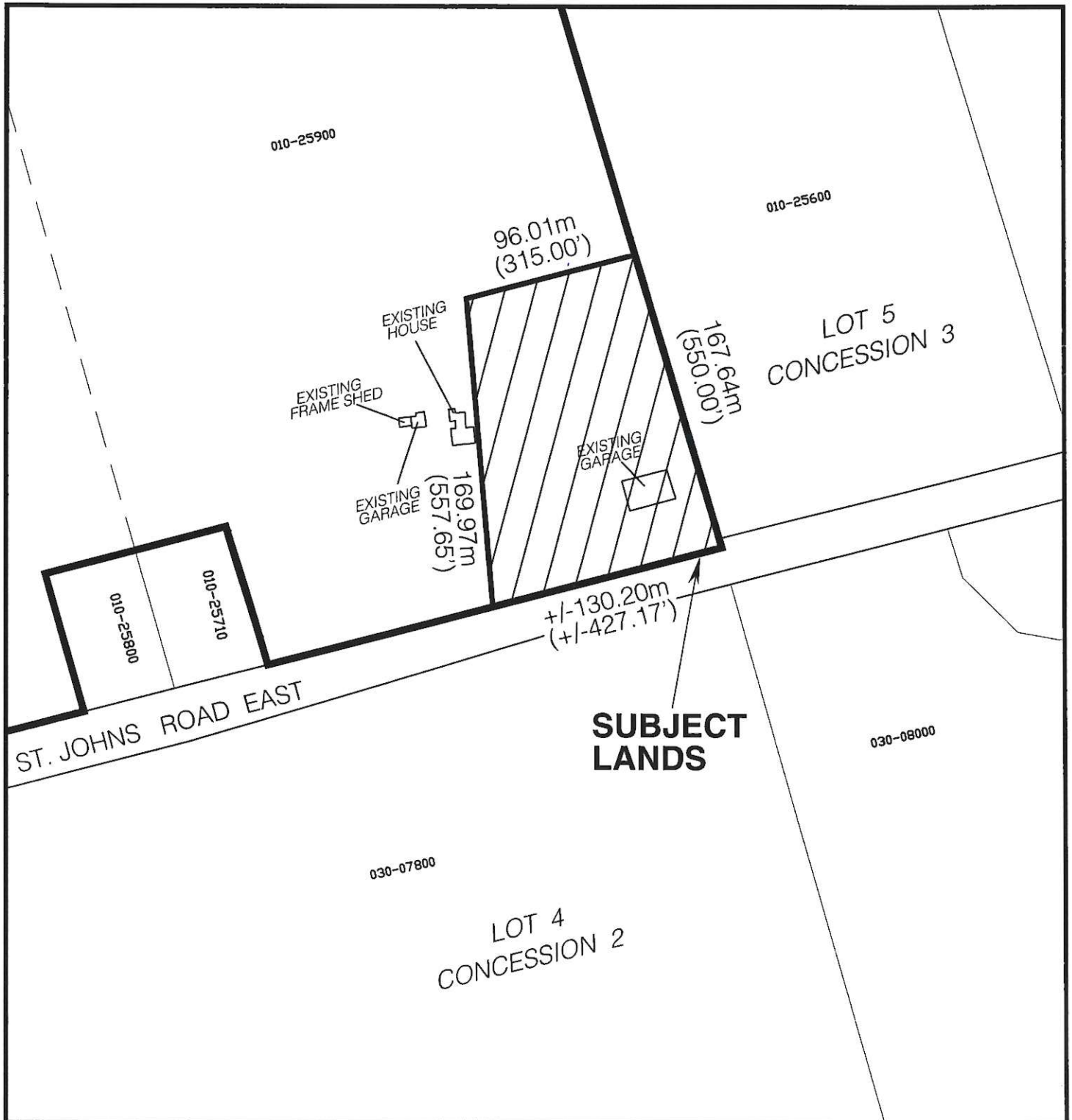
File Number: BN-123/2005

Geographic Township of WOODHOUSE



25 0 25 50 75 METERS

1 : 3000
Revised: 28-Nov-05



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

MEETING DATE: January 26th, 2006

FILE NO.: BN-123/2005

APPLICANT(S):

W. D. Cookson Ltd., RR #3, Simcoe ON N3Y 4K2

AGENT(S):

Brimage, Tyrrell, Van Severen & Homeniuk LLP, PO Box 188, Simcoe ON N3Y 4L1

LOCATION:

Pt Lot 4 Concession 3 (265 Regional Road 3) (Woodhouse/Norfolk)

PROPOSAL:

Sever a parcel with a frontage of 130.20 m. (427.17 ft.) a depth of 167.64 m. (550.00 ft.) and having an area of approximately 2.18 ha. (5.39 ac.) and retain a parcel having an area of approximately 22.94 ha. (56.68 ac.) more or less.

PLANNING STAFF RECOMMENDATION:

That Application **BN-123/2005 BE APPROVED**, subject to the attached conditions.

REASON: The application conforms to the general intent of the policies of the Official Plan respecting severances for commercial or industrial uses existing prior to August 24, 1978.

SITE FEATURES AND LAND USE:

A recycling and trucking operation are located on the subject lands which front the north side of Regional Road No. 3 to the east of Regional Highway No. 24. An industrial garage containing four bays, is located on the lands to be severed. (Note, this differs from the original application which was to include the dwelling, and sheds etc. which are now to remain with the retained lands). Two dwellings and various out buildings including sheds and a garage are located on the retained lands. The retained lands were used in the past as an aggregate extraction and disposal area. The lands are generally surrounded by agricultural uses. Nonfarm residences are located to the west and to the east and across the road to the south east.

PERTINENT CIRCULATION COMMENTS:

Finance Department- Development charge and cash in lieu of parkland required for severed parcel.

Forestry Division

Health Department-No objections.

Public Works and Environmental Services- Subject to site plan control.

Long Point Region Conservation Authority – No comment

Norfolk Power – No objections or concerns.

COMMUNITY PLANNING COMMENTS

The subject lands are designated 'Agricultural' in the City of Nanticoke Official Plan and they were the subject of a recent rezoning application which was approved by Norfolk County Council. By-law 67-Z-2005 was passed on November 22, 2005 to permit a waste recycling facility as an additional permitted use on the subject lands.

The applicants have applied to sever the existing waste recycling facility from the separate the businesses located on the entire parcel. When planning staff initial'

order to
application

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(5) and (8) of the Planning Act, R.S.O. 1990, c.p. 13 (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 Health Department 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 Roll No. ___.
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 **January 26, 2007** after which time the consent will lapse.

there were some concerns regarding the historical use of the property. Policies set out in the City of Nanticoke Official Plan allow for severances for commercial or industrial uses under two different situations. The first is if the commercial or industrial use is small scale and agriculturally related (not applicable) and the second reason is that the commercial or industrial use must have existed prior to August 24, 1978, provided the remaining parcel of land is not considered a vacant property.

In this particular case, a review of both the severance application file and the zoning application indicated that W.D. Cookson Ltd. bought this entire parcel in October of 1978 and that the garage located on the subject lands was built in 1983. The concern staff had at the outset was whether or not the business was existing prior to August 24, 1978. The applicant however provided some additional background information. He indicated that his father had rented this parcel from the previous owner in the early 1970's. At that time, W.D. Cookson rented the land and was extracting gravel from the lands and was also operating a disposal operation and a recycling operation from the property in the early 70's. Those activities continued on the property and a new shop was constructed in 1983 and is located on the lands to be severed.

In planning staff's opinion, this application does comply with the general intent of the policies in the Official Plan which allow for severances of commercial or industrial uses which existed prior to August 24, 1978. The fact that the actual activity may have moved around somewhat on the property is not critical. The subject lands are part of a larger parcel that historically has been used for commercial and industrial uses prior to 1978 and staff recommend that the application be approved, subject to the attached conditions.

Lucy Hives

Lucy Hives
Planner



COMMITTEE OF ADJUSTMENT DECISION

FILE NUMBER: **BN-123/2005**

ROLL NUMBER: **33-10-337-010-25900**

MEETING DATE: April 27th, 2006

APPLICANT: W. D. Cookson Ltd., RR #3, Simcoe ON N3Y 4K2


LOCATION: Pt Lot 4 Concession 3 (265 Regional Road 3) (Woodhouse/Norfolk)

PROPOSAL:

Sever a parcel with a frontage of 258.21 m. (847.15 ft.) a depth of 167.65 m. (550.03 ft.) and having an area of approximately 4.33 ha. (10.69 ac.) and retain a parcel having an area of approximately 20 ha. (51 ac.) more or less.

DECISION: **APPROVED:**

CONDITIONS:

1. ~~That the lands to be severed be reduced in size to create a parcel with a frontage of 574.15 ft., a depth of 550 ft. and have an area of approximately 7.3 acres.~~ 
- ✓ 2. Receipt of a letter from Norfolk County indicating that their requirements, financial or otherwise have been satisfied including:
 - ✓ a. Payment of any outstanding taxes.
- ✓ 3. 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.
- ✓ 4. Receipt of five copies of a registered reference plan and deeds in triplicate of the severed parcel of land.
- ✓ 5. That the above conditions must be fulfilled and the Certificate for consent be issued on or before **April 27th, 2007** after which time the consent will lapse.

\$50 fee paid

REASON:

The application conforms to the general intent of the policies of the Official Plan respecting severances for commercial or industrial uses existing prior to August 24, 1978.

Marcel Vanhooren

MARCEL VANHOOREN

DAN CIONA

GEORGE AYRES

HONOURABLE JUSTICE JOHN A. PRINGLE, Q.C.

MEMBERS:

Jim Wies
JIM WIES

Dennis Tschirhart
DENNIS TSCHIRHART

Jim Malcolm
JIM MALCOLM

CHAIRMAN:

Richard Barker
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 April 27th, 2006

SECRETARY-TREASURER:

Karen DeJaegher
KAREN DEJAEGER

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, ON N0E 1G0, (519) 875-4485 extension 235 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:

MAY 18TH, 2006