



COMMENT REQUEST FORM

FILE NO: BNPL2011004

☒ Building Department
☒ Building Inspector (Sewage System Review)
☒ Forestry Division
☒ GIS Section
☒ Fire/EMS
☒ Public Works NOTE: If an agreement is required
please attach the clauses you require in the
agreement.

☐ Railway
☒ Norfolk Power
☐ Ministry of Transportation
☒ Union Gas
☒ Norfolk Heritage Committee
☐ Conservation Authority

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 requires your comments by:**

October 3rd, 2011

APPLICANT:

SCHOLTEN HENRY, AIRPORT RD RR 1 NORWICH, ON N0J 1P0

AGENT:

SMELKO ALBERT EDWARD, 25 NORFOLK ST N SIMCOE, ON N3Y 3N6

LOCATION: WDM CON 12 PT LOT 3 (161 Concession 13 Road West)

ASSESSMENT ROLL NO.: 3310491021430000000

PROPOSAL:

An application has been received to sever a parcel having a frontage of 64 m (210 ft.) a depth of 96 m (315 ft.) and having an area of 0.64 ha (1.5 ac) and retain a parcel having an area of 162.5 ac as the severance of a dwelling made surplus through farm amalgamation.

PLEASE REPLY BY EMAIL DIRECTLY TO:

MARY ELDER, MCIP, RPP

60 Colborne Street South, Simcoe ON N3Y 4H3
(519) 426-5870 ext: 1341

EMAIL: mary.elder@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 application, you must make a written request to:

Karen Judd, ACST, Secretary-Treasurer
P.O. Box 128, 22 Alberf Street, Langton ON N0E 1G0
Phone: (519) 875-4485 ext 1835; Fax: (519) 875-4789
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.

CIRCULATION DATE: September 19, 2011

CONSENT / SEVERANCE

Office Use:

File Number: BN- PL2010004
Related File: _____
Fees Submitted: Dec 16, 2010
Application Submitted: Dec 16, 2010
Sign Issued: Jan 6, 2011
Complete Application: Jan 6, 2011 *EG*

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: 3310-491-021-43000

- | | |
|---|--|
| <input type="checkbox"/> Creation of a new lot | <input type="checkbox"/> Boundary adjustment |
| <input checked="" type="checkbox"/> Surplus Dwelling | <input type="checkbox"/> Easement |
| <input type="checkbox"/> Farm Split | <input type="checkbox"/> Right-of-way |
| <input type="checkbox"/> Other (lease / charge) | |

A. APPLICANT INFORMATION

Name of Applicant ¹ Henry SCHOLTEN Phone # 519-468-2714
Address 285874 Airport Road RR #1 Fax # _____
Town / Postal Code NORWICH Ontario N0J 1P0 E-mail _____

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

AGENT INFORMATION

Name of Agent Albert E. Smelko, SMELKO LAW OFFICE Phone # 519-426-1711
Address 25 Norfolk Street North Fax # 519-426-7863
Town / Postal Code SIMCOE Ontario N3Y 3N6 E-mail cjudd@smelkolaw.com

OWNER(S) INFORMATION Please indicate name(s) exactly as shown on the Transfer/Deed of Land

Name of Owners ² SCHOLTEN FARMS INC. Phone # 519-688-1011
Address 1492 Windham Road #12, RR #4 Fax # _____
Town / Postal Code SIMCOE Ontario N3Y 4K3 E-mail _____

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:
Farm Credit Canada, being Instrument #NR600433, registered 8 May 2006, in the amount of \$450,000

Farm Credit Canada, being Instrument #LT10024, registered 1st November 2006, in the amount of \$160,000



B. LOCATION/LEGAL DESCRIPTION OF SUBJECT LANDS

Geographic Township	Formerly Township Windham	Urban Area or Hamlet	Formerly Township Delhi
Concession Number	Concession 12	Lot Number(s)	Lot 3
Registered Plan Number		Lot(s) or Block Number(s)	
Reference Plan Number	EXCEPT #37R-860, Part 1	Part Number(s)	
Frontage (metres/feet)	On Conc #12 & Conc #13	Depth (metres/feet)	Approx 4,340 feet
Width (metres/feet)	Varies	Lot area (m ² / ft ² or hectares/acres)	164 assessed acres
Municipal Civic Address	161 Concession #13 Road West, 1492 & 1486 Concession Road #12 (3 residents)		

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

Easement in Gross in favour of HYDRO ONE NETWORKS INC, over Part 2 on Reference Plan #37R-9630

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):

The 164 acre farm property in question contains three (3) separate single family dwellings, with one dwelling located at (a) 161 Concession #13 Road West; (b) 1492 Concession Road #12 & (c) 1486 Concession Road #12.

The property which is to be severed from the property referred to in Section B above, is a two story single family dwelling, laneway, swimming pool and shed located at 161 Concession #13 Road West, together with a proposed parcel of land being 64 x 96 m (or 0.6144 ha).

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

Henry SCHOLTEN

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

NOT APPLICABLE – is not a boundary adjustment application

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						
NOTE: Property in question was					<input type="checkbox"/> Yes <input type="checkbox"/> No	
purchased by Scholten in April 2000					<input type="checkbox"/> Yes <input type="checkbox"/> No	
& contained 3 family dwellings at					<input type="checkbox"/> Yes <input type="checkbox"/> No	
that time. No amalgamation has					<input type="checkbox"/> Yes <input type="checkbox"/> No	
taken place during Scholten ownership.					<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		
Woodlot area		(m ² / ft ² 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

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

Frontage (metres/feet)	<u>64 metres (approx 210 feet)</u>	Depth (metres/feet)	<u>96 metres (approx 315 feet)</u>
Width (metres/feet)	<u>64 metres (approx 210 feet)</u>	Lot area (m ² / ft ² or hectares/acres)	<u>0.6144 ha (approx 1.5 acre)</u>
		PROPOSED FINAL LOT SIZE (if boundary adjustment)	

Existing use: One of 3 single family dwellings located on a 1.64-acre farm.

Proposed use: Separate 2-story single family dwelling (Dwelling #3 referred to in Schedule "A" below), laneway, swimming pool & shed, not forming part of the farm operation, located on approximately 1.5 acre land.

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:

See SKETCH #1 of proposed severed lands, & Figure #2 in Lynn Valley Consultants report attached hereto.

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:

SAME AS ABOVE – namely, 2-story single family dwelling, laneway, swimming pool & shed, as set out in Sketch #1.

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

Frontage (metres/feet)		Depth (metres/feet)	
Width (metres/feet)		Lot area (m ² / ft ² or hectares/acres)	<u>Approx 162.5 acres</u>

Existing use: A 1.64 acre farm operation, (organic cash crops & beef cattle), containing thereon the structures set out in SCHEDULE "A" attached.

Proposed use: A 162.5 acre farm operation (organic cash crops & beef cattle), containing all the structures listed in Schedule "A", less single family dwelling #3 to be severed.

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:

See SKETCH #2 of farm lands herein (Assessment Roll #33-10-491-021-43000), & PIN MAP for #50187-0035.

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:

SAME AS ABOVE, - namely, those farm lands & buildings in SKETCH #2, less the south east one-acre corner parcel fronting on Thirteenth Street West, being the parcel to be severed herein.

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

Frontage (metres/feet)		Depth (metres/feet)	
Width (metres/feet)		Lot area (m ² / ft ²)	

Proposed Use: _____

CONSENT / SEVERANCE

D. PROPERTY INFORMATION

Present official plan designation(s): Agricultural & Hazard Lands

Present zoning: Agricultural & Hazard Lands

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: _____

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: unknown

CONSENT / SEVERANCE

Date of purchase of subject lands: April 27, 2000

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:

Information disclosed at time of purchase, and history of property during time of ownership.

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**: If additional space is required, attach a separate sheet.

CONSENT / SEVERANCE

File number: _____

Land it affects: _____

Purpose: _____

Status/decision: _____

Effect on the requested amendment: _____

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: N/A

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:

It is our belief that the request for severance of this surplus single family dwelling conforms with current governmental 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No _____ distance
Wooded area	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input 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

WATER SUPPLY

SEVERED

RETAINED

Municipal piped water

☐
☐

Communal Wells

☐
☐

Individual Wells

☒
☒

Other means (describe) _____

SEWAGE TREATMENT

SEVERED

RETAINED

Municipal Sewers

☐
☐

Communal System

☐
☐

Septic tank and tile bed

☒
☒

Other means (describe) _____

CONSENT / SEVERANCE

STORM DRAINAGE

SEVERED

RETAINED

Storm Sewers

☐☐

Open ditches

☒☒

Other (describe) NOTE: There never has been problem with drainage – land naturally drains is sandy loam.

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

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

☐ Unopened road

☐ Provincial highway

☒ **Municipal road maintained all year**

☐ Right-of-way

☐ Municipal road maintained seasonally

☐ Other (describe below)

If other, describe: _____

Name of road/street: Concession Road #12

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

☐ Unopened road

☐ Provincial highway

☒ **Municipal road maintained all year**

☐ Right-of-way

☐ Municipal road maintained seasonally

☐ Other (describe below)

If other, describe: _____

Name of road/street: Concession Road #13 West

CONSENT / SEVERANCE

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.

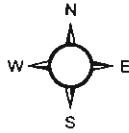
See Lynn Valley Consultants report dated September 10, 2010 attached hereto. Note severed lot has been amended to reflect a 1.5 acre parcel.

MAP 1

File Number: BNPL2011004

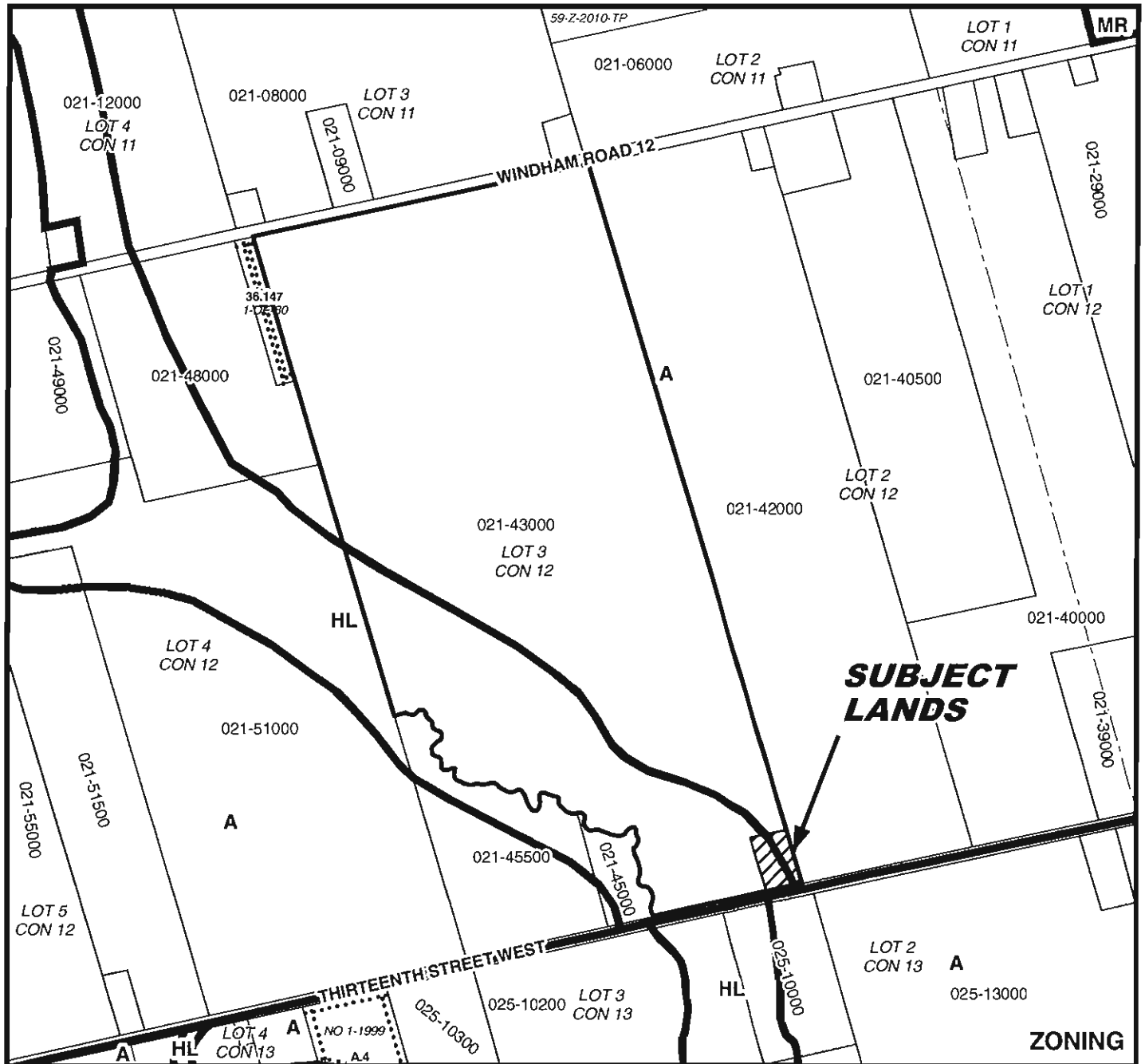
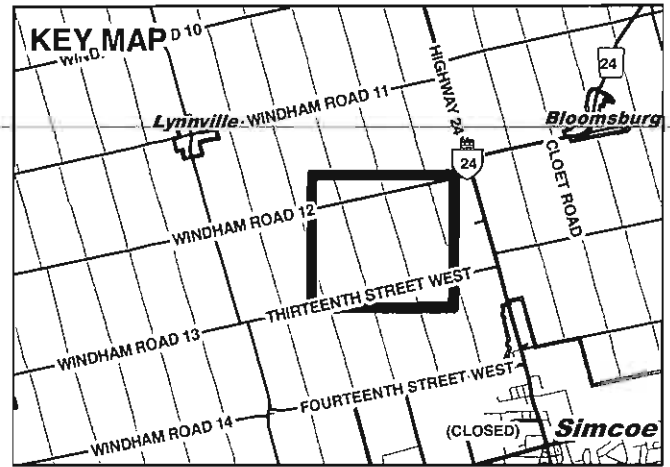
Geographic Township of

WINDHAM



1:10,000

100 50 0 100 200 300 400 Meters



MAP 2

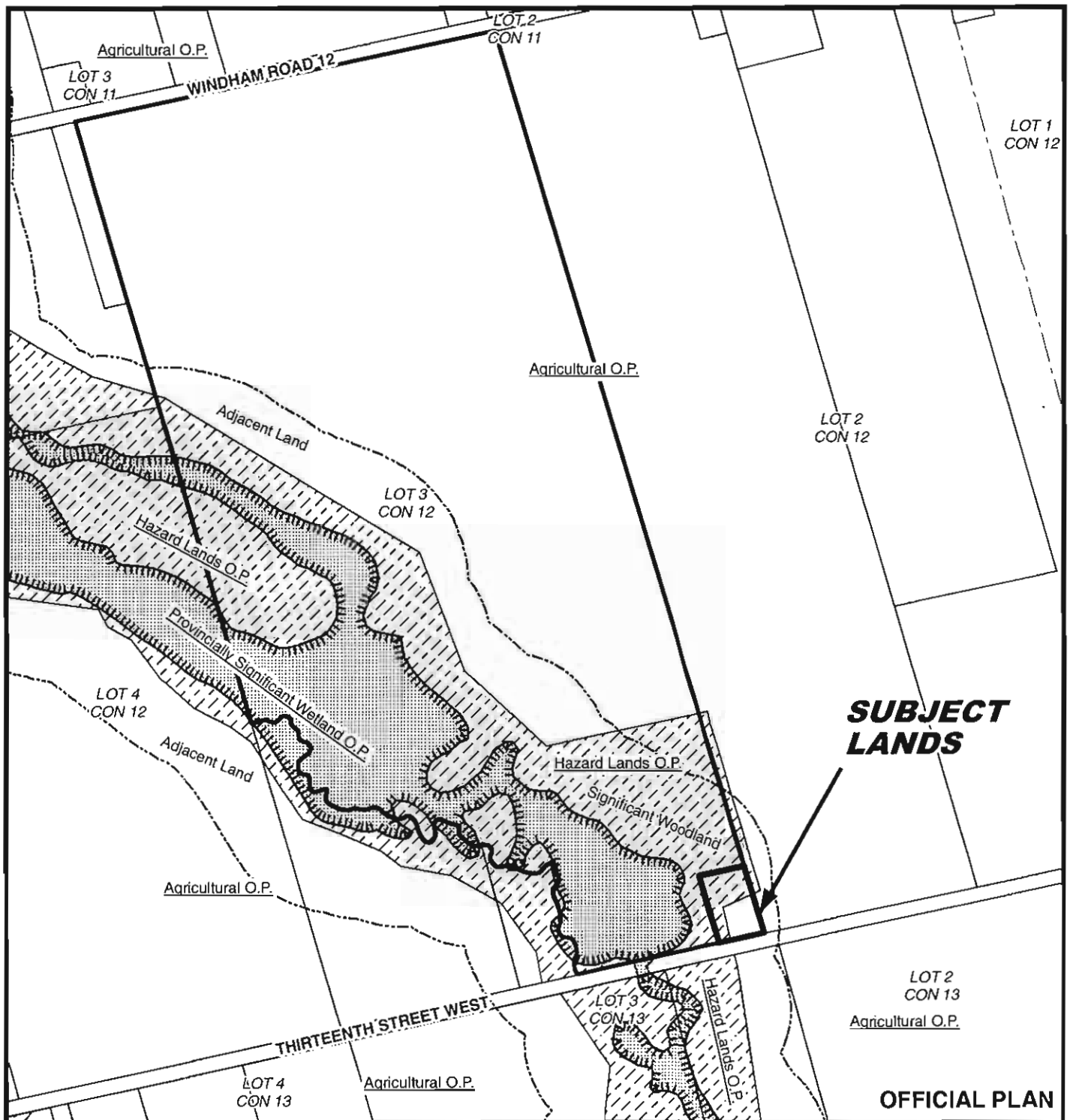
File Number: BNPL2011004

Geographic Township of WINDHAM



30 15 0 30 60 90 120 Meters

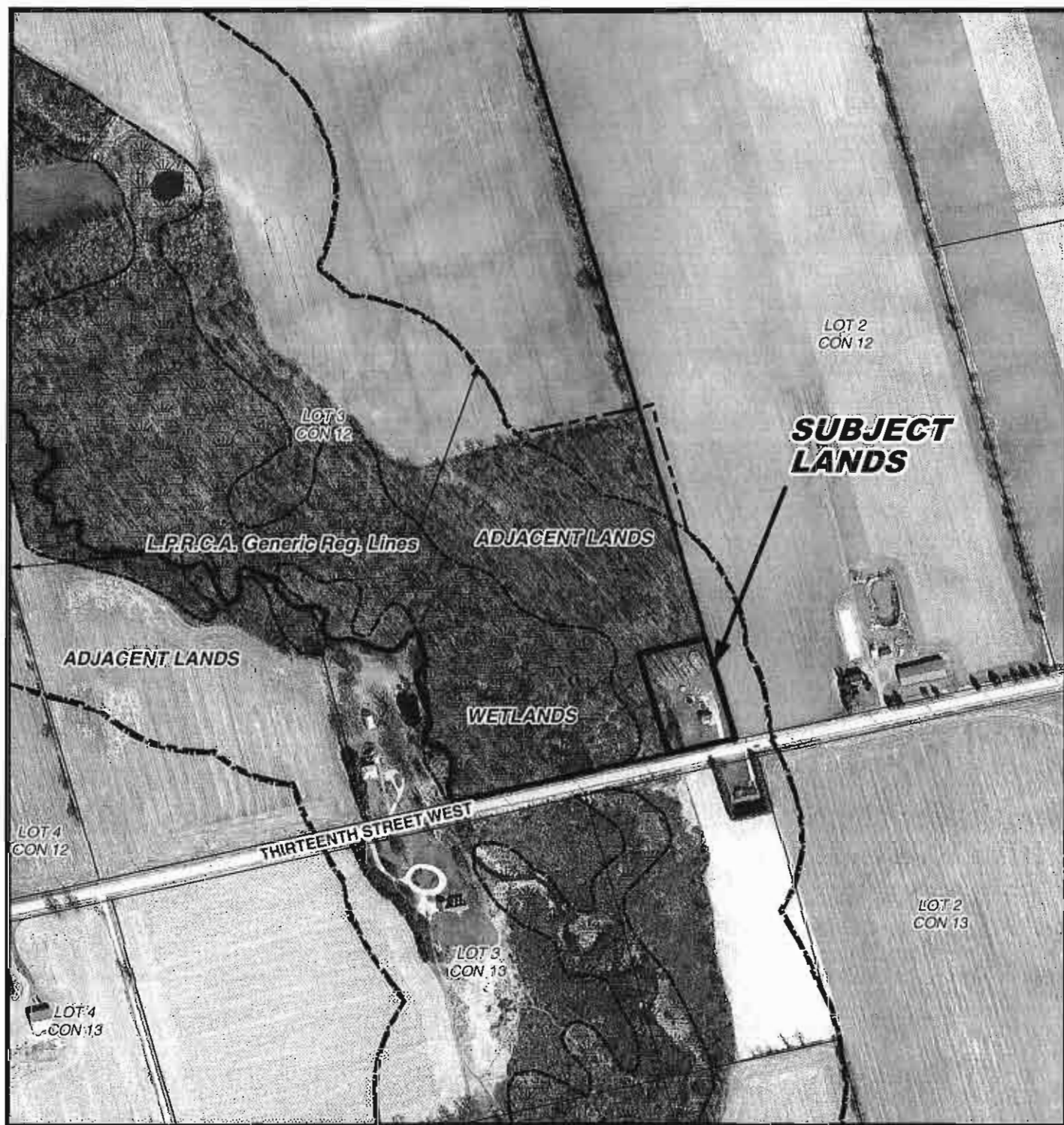
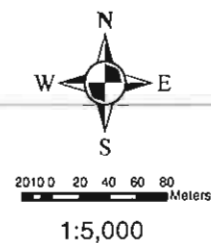
1:7,500



MAP 3

File Number: BNPL2011004

Geographic Township of WINDHAM



MAP 4

File Number: BNPL2011004

Geographic Township of WINDHAM



0 4 0 8 16 24 32 Meters

1:2,000

