



THE CORPORATION OF NORFOLK COUNTY
COMMITTEE OF ADJUSTMENT

COMMENT REQUEST FORM

FILE NO: BNPL2012195

☒ 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 1, 2012

APPLICANT:

2154069 ONTARIO INC, C/O JOHN A RYAN 1080 CONC 14 TOWNSEND RR 4 SIMCOE, ON N3Y 4K3

AGENT:

CLINE BACKUS NIGHTINGALE & MCARTHUR - MARIA KINKEL, 39 COLBORNE STREET NORTH SIMCOE, ON N3Y4N5

LOCATION:

WINDHAM CON 7 PT LOT 12 AND, PLAN 48B BLK 8 PT LOTS 2 7, AND 12 (1009 Windham Road 9)

ASSESSMENT ROLL NO.: 3310491014235000000

PROPOSAL:

An application has been received to sever a parcel having a frontage of 989m (3244.7 ft), an irregular depth of 604m (1981.6ft), and having an area of 55.8ha (137.88ac) and retain a parcel having an area of 7842 sqm (1.93ac) as the creation of a lot in the Hamlet Designation.

PLEASE REPLY BY EMAIL DIRECTLY TO:

PAM DUESLING, MCIP, RPP, EC.D

60 Colborne Street S., Simcoe ON N3Y 4H3

(519) 426-5870 ext: 1342

EMAIL: pam.duesling@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 Albert 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 17, 2012

CONSENT / SEVERANCE

Office Use:

File Number: BN-PL2002195
 Related File: 10
 Fees Submitted: _____
 Application Submitted: Sep. 4 2012
 Sign Issued: Sep. 6 2012
 Complete Application: Sep. 6 2012 **FR**

*pending 4
More detailed sketch*

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- 491014' 123500

- | | |
|---|--|
| <input checked="" type="checkbox"/> Creation of a new lot | <input type="checkbox"/> Boundary adjustment |
| <input 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 2154069 ONTARIO INC. Phone # 519-428-5327
 Address c/o John Ryan RR#4 Fax # _____
 Town / Postal Code Simcoe ON N3Y 4K3 E-mail _____

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

AGENT INFORMATION

Tom Cline

Name of Agent Cline Backus et al Maria Kinkel Phone # 519-426-6763
 Address 39 Colborne St. N Fax # _____
 Town / Postal Code Simcoe ON N3Y 4N5 E-mail kinkel@cclinebackus.com

OWNER(S) INFORMATION

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

Name of Owners ² same as applicant Phone # _____
 Address _____ Fax # _____
 Town / Postal Code _____ 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:

TD Canada Trust (first mortgage)

CONSENT / SEVERANCE

B. LOCATION/LEGAL DESCRIPTION OF SUBJECT LANDS

Geographic Township	<u>Windham</u>	Urban Area or Hamlet	<u>Windham Centre</u>
Concession Number	<u>7</u>	Lot Number(s)	<u>Pt. 12, Pt. Road Allowance</u>
Registered Plan Number	<u>488</u>	Lot(s) or Block Number(s)	<u>Lot 2, 7, Blk 8</u>
Reference Plan Number		Part Number(s)	
Frontage (metres/feet)	<u>103 +/- m</u>	Depth (metres/feet)	<u>674 +/- m to 1362 +/- m</u>
Width (metres/feet)	<u>103 +/- m to 593 +/- m</u>	Lot area (m ² / ft ² or hectares/acres)	<u>141 +/- acres</u>
Municipal Civic Address	<u>1009 Windham Rd 9, Windham Centre, Ontario</u>		

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:

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 of agriculture lands

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

R. & A. Kukielka Farm Ltd.

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

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						
					<input type="checkbox"/> Yes <input type="checkbox"/> No	
					<input type="checkbox"/> Yes <input type="checkbox"/> No	
					<input type="checkbox"/> Yes <input type="checkbox"/> No	
					<input type="checkbox"/> Yes <input type="checkbox"/> No	
					<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	(m ² / ft ² or hectares/acres)	(m ² / ft ² or hectares/acres)
Woodlot area	(m ² / ft ² or hectares/acres)	(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) 989 +/- m Depth (metres/feet) 604 +/- m
Width (metres/feet) irregular 604 +/- m Lot area (m² / ft² or hectares/acres) 55.8 ha
PROPOSED FINAL LOT SIZE (if boundary adjustment) _____

Existing use: Agriculture

Proposed use: Agriculture

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:

greenhouse 40x110 feet, barn 42x101 feet, pump house 8x10 feet and chemical storage 10x10 feet

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:

see above

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

Frontage (metres/feet) 103 +/- Depth (metres/feet) 60 +/- m
Width (metres/feet) irregular Lot area (m² / ft² or hectares/acres) 7,842 +/- m²

Existing use: Agriculture

Proposed use: Residential

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:

barn 50x85 feet, bunkhouse 20x40 feet, cookhouse 18x24 feet and kiln 22x45 feet

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:

see above

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

Frontage (metres/feet) _____ Depth (metres/feet) _____
Width (metres/feet) _____ Lot area (m² / ft²) _____

Proposed use: _____

CONSENT / SEVERANCE

D. PROPERTY INFORMATION

Present official plan designation(s): Agriculture

Present zoning: Agriculture

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: BNP2010022 approved

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: BNP2010022 approved

Number of separate parcels that have been created: 1

Date(s) these parcels were created: 2010

Name of the transferee for each parcel: _____

Uses of the severed lands: Residential

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: _____

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?

CONSENT / SEVERANCE

☐ 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:

knowledge of principals of owner

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.

File number: BNPL2010022

Land it affects: Part 1 on 37R10266

Purpose: creation of a lot within hamlet of Windham Centre

Status/decision: approved

Effect on the requested amendment: _____

Is the above information for other planning developments applications attached? ☐ Yes ☐ No

CONSENT / SEVERANCE

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:

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 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

Municipal piped water

SEVERED

☐

RETAINED

☐

Communal Wells

☐☐

Individual Wells

☐☒

Other means (describe) _____

CONSENT / SEVERANCE

SEWAGE TREATMENT

SEVERED

RETAINED

Municipal Sewers

☐☐

Communal System

☐☐

Septic tank and tile bed

☐☒

Other means (describe) _____

STORM DRAINAGE

SEVERED

RETAINED

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 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: _____

County Rd. 9

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: _____

County Rd 25

I. OTHER INFORMATION

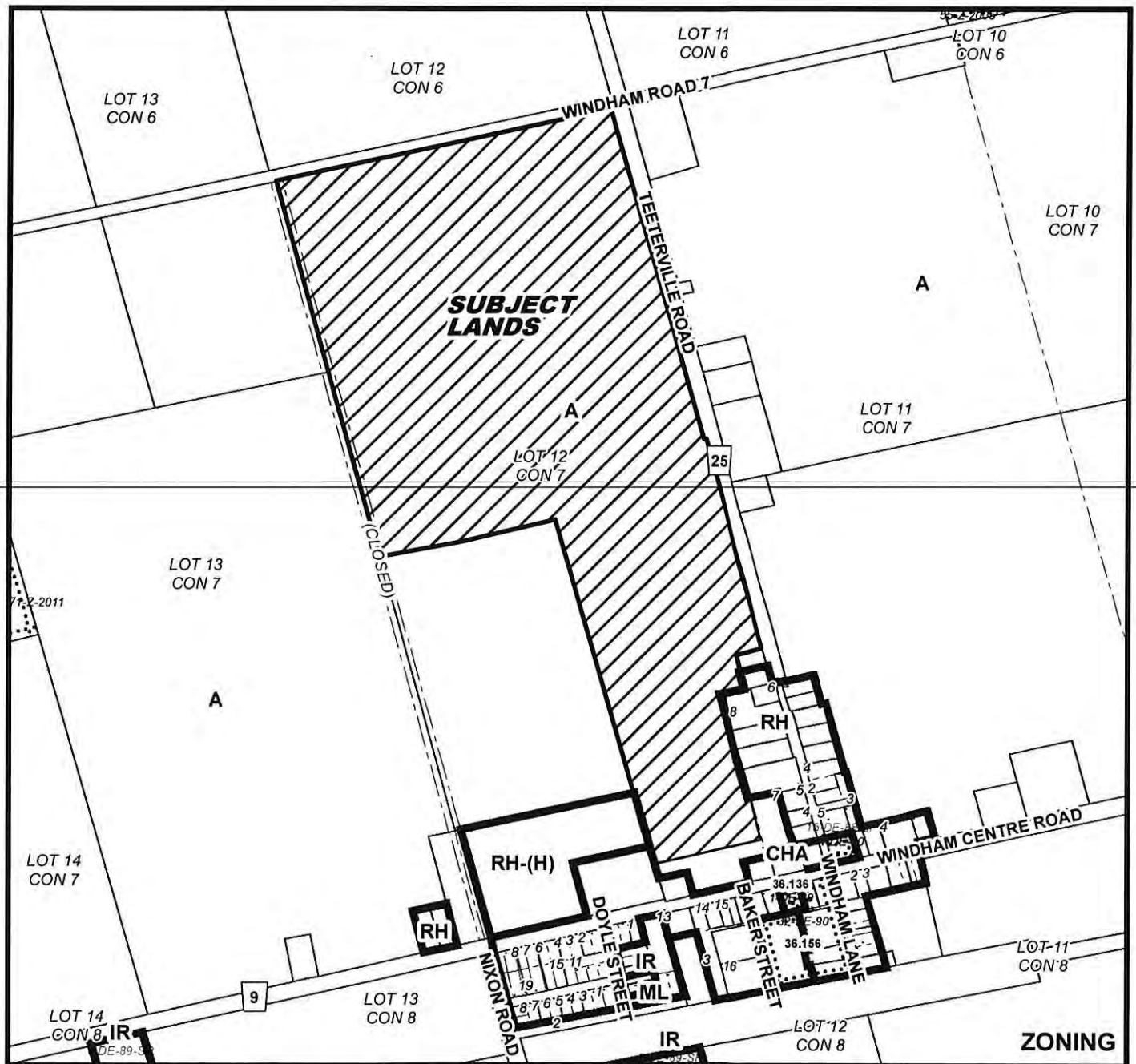
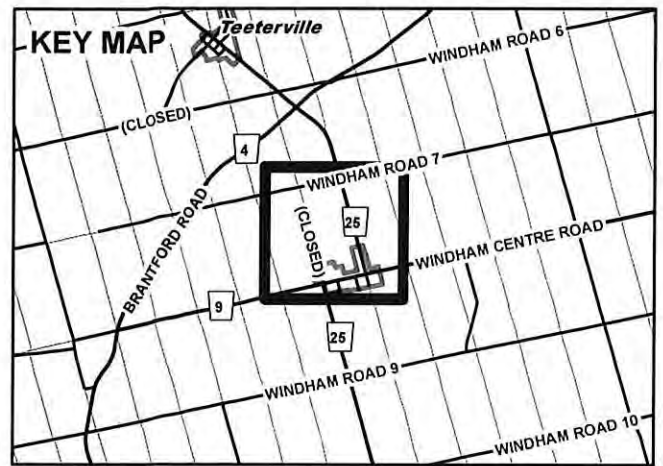
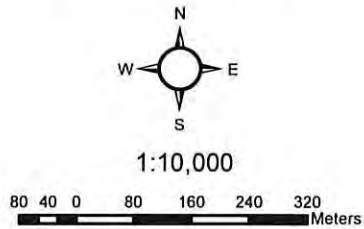
Is there a time limit that affects the processing of this development application? ☒ Yes ☐ No

If yes, describe: sale of severed lands on Sept 17, 2012

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.

MAP 1
File Number: BNPL2012195

Geographic Township of
WINDHAM



MAP 2

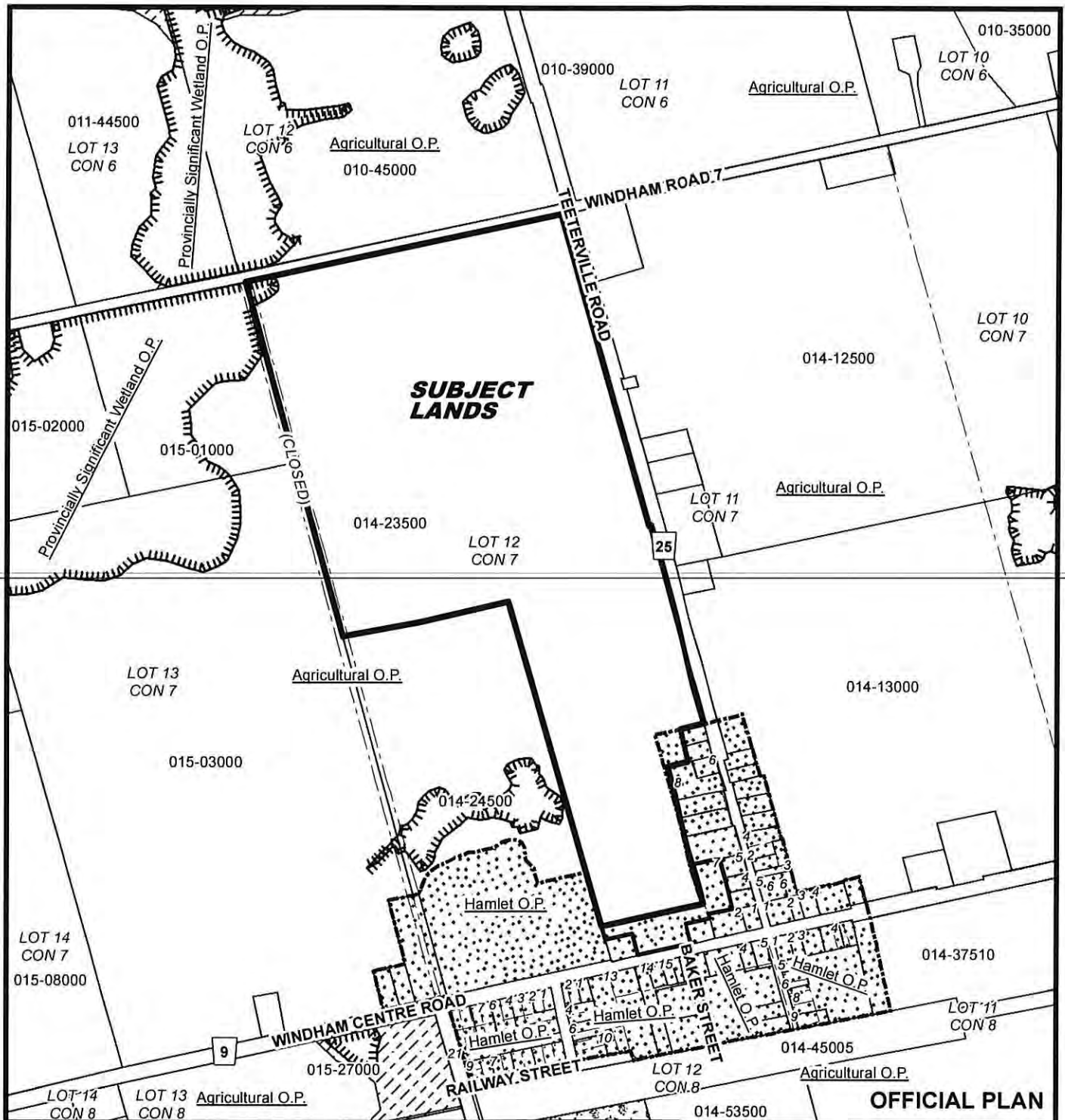
File Number: BNPL2012195

Geographic Township of WINDHAM



4020 0 40 80 120 160 Meters

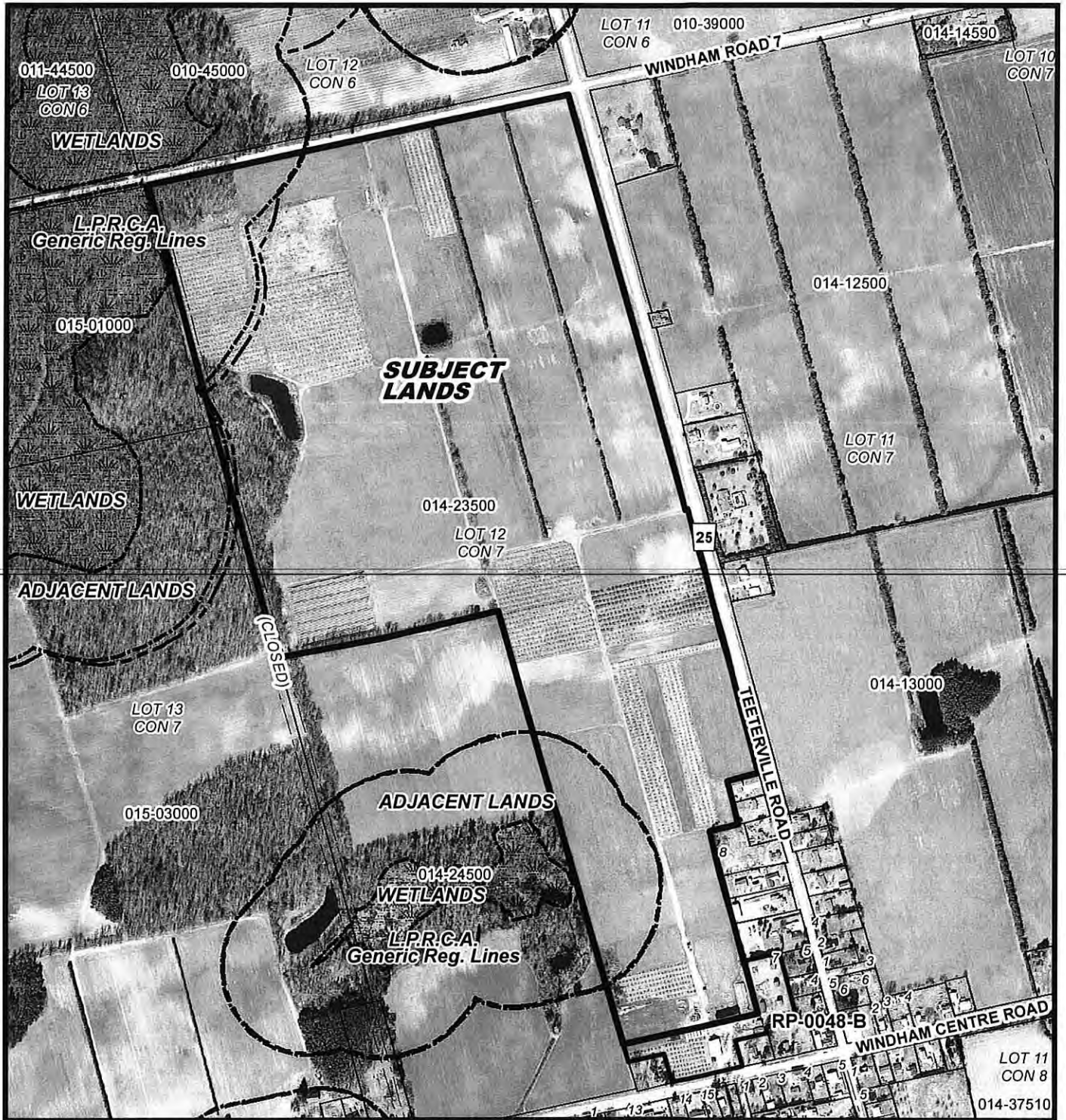
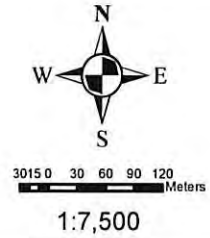
1:10,000



MAP 3

File Number: BNPL2012195

Geographic Township of WINDHAM



MAP 4

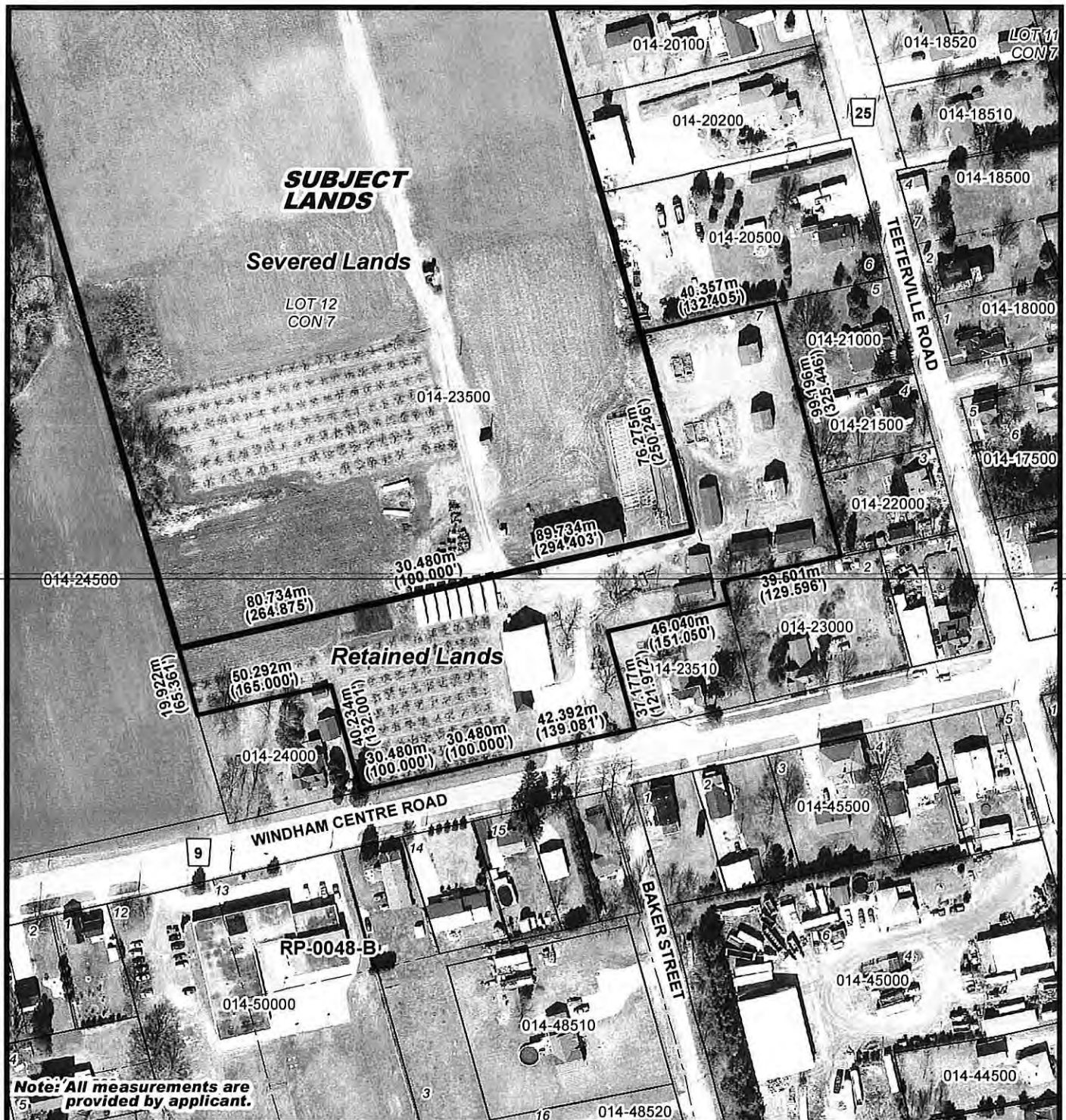
File Number: BNPL2012195

Geographic Township of WINDHAM



8 4 0 8 16 24 32 Meters

1:2,000



MAP 5

File Number: BNPL2012195

Geographic Township of WINDHAM



30 15 0 30 60 90 120 Meters

1:7,500

