

For Office Use Only:

File Number BNPL 2020018
Related File Number _____
Pre-consultation Meeting _____
Application Submitted May 28, 2020
Complete Application _____

Application Fee \$ 3,301.00
Conservation Authority Fee _____
Well & Septic Info Provided _____
Planner Scott W
Public Notice Sign _____

Check the type of planning application(s) you are submitting.

- ☐ Consent/Severance/Boundary Adjustment
☒ Surplus Farm Dwelling Severance and Zoning By-law Amendment
☐ Minor Variance
☐ Easement/Right-of-Way

Property Assessment Roll Number: 33 10 491 017 13000 0000

A. Applicant Information

Name of Owner Peter and Victoria Shabatura

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.

Address 1670 Windham Road 9
Town and Postal Code Windham Centre, ON N0E 2A0
Phone Number _____
Cell Number 519-909-1902
Email peter@shabaturaproduce.com

Name of Applicant Mary Shabatura
Address 1815 Windham Rd. 9
Town and Postal Code Windham Centre, ON
Phone Number _____
Cell Number 519-909-1888
Email maryshabatura@xplornet.com



Name of Agent

Address

Town and Postal Code

Phone Number

Cell Number

Email

Please specify to whom all communications should be sent. Unless otherwise directed, all correspondence and notices in respect of this application will be forwarded to the agent noted above.

☐

Owner

☐

Agent

☒

Applicant

Names and addresses of any holder of any mortgagees, charges or other encumbrances on the subject lands:

Farm Credit Canada
1133 St-George Blvd.
Moncton NB E1E 4E1



B. Location, Legal Description and Property Information

1. Legal Description (include Geographic Township, Concession Number, Lot Number, Block Number and Urban Area or Hamlet):

1656-1670 Windham Rd. 9
WDM Con.9PT Lot 4
Windham Township Norfolk County



Municipal Civic Address: 1670 Windham Rd. 9

Present Official Plan Designation(s): Agriculture

Present Zoning: Agriculture

2. Is there a special provision or site specific zone on the subject lands?

☐

Yes

☒

No If yes, please specify:

3. Present use of the subject lands:

Farming of fruits, vegetables and grains



4. Please describe **all existing** buildings or structures on the subject lands and whether they are to be retained, demolished or removed. If retaining the buildings or structures, please describe the type of buildings or structures, and illustrate the setback, in metric units, from front, rear and side lot lines, ground floor area, gross floor area, lot coverage, number of storeys, width, length, and height on your attached sketch which must be included with your application:

Two storey brick house approx. 1800 sq.ft (ground floor area). Total of approx. 3,000 sq.ft. , small wood garden shed in back of property. Please refer to

5. If an addition to an existing building is being proposed, please explain what it will be used for (for example a bedroom, kitchen, or bathroom). If new fixtures are proposed, please describe.

6. Please describe **all proposed** buildings or structures/additions on the subject lands. Describe the type of buildings or structures/additions, and illustrate the setback, in metric units, from front, rear and side lot lines, ground floor area, gross floor area, lot coverage, number of storeys, width, length, and height on your attached sketch which must be included with your application:

7. Are any existing buildings on the subject lands designated under the *Ontario Heritage Act* as being architecturally and/or historically significant? Yes ☐ No ☒
If yes, identify and provide details of the building:

8. If known, the length of time the existing uses have continued on the subject lands:
approx. 1950's , two storey brick house built in 1978

9. Existing use of abutting properties:
horticultural farming

10. Are there any easements or restrictive covenants affecting the subject lands?

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

C. Purpose of Development Application

Note: Please complete all that apply.

1. Site Information

Existing

Proposed

Please indicate unit of measurement, for example: m, m² or %

Lot frontage	<hr/>	56 x 96 m
Lot depth	<hr/>	96 m
Lot width	<hr/>	56 m
Lot area	40.5 ha	(.526 ha) 5,361 sq.m
Lot coverage	40.5 ha	39.9 ha
Front yard	see sketch	see sketch
Rear yard	see sketch	see sketch
Left Interior side yard	see sketch	see sketch
Right Interior side yard	see sketch	see sketch
Exterior side yard (corner lot)	<hr/>	<hr/>

2. Please outline the relief requested (assistance is available):

3. Please explain why it is not possible to comply with the provision(s) of the Zoning By-law:

4. Description of land intended to be severed in metric units:

Frontage:	56 x96 m
Depth:	96 m
Width:	56 m
Lot Area:	.526 ha (5,361 sq.m)
Present Use:	Residence
Proposed Use:	Residence

Proposed final lot size (if boundary adjustment):

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

Description of land intended to be retained in metric units:

Frontage: _____

Depth: _____

Width: _____

Lot Area: 39.9 ha

Present Use: Horticultural and Grain farming

Proposed Use: Horticultural and Grain farming

Buildings on retained land: House, Greenhouse, Workshop, Cooler & Packhouse, 2 Bunkhouse Trailers

5. Description of proposed right-of-way/easement in metric units:

Frontage: _____

Depth: _____

Width: _____

Area: _____

Proposed Use: _____

6. List all properties in Norfolk County, which are owned and farmed by the applicant and involved in the farm operation:

Owners Name: Peter and Victoria Shabatura

Roll Number: 33 10 491 017 13000 0000

Total Acreage: 40.5 ha

Workable Acreage: 34.8 ha

Existing Farm Type: (for example: corn, orchard, livestock) Horticulture & Grain

Dwelling Present?: ☒ Yes ☐ No If yes, year dwelling built approx. 1950's

Owners Name: 1945192 Ontario Inc.
Roll Number: 491 016 29000 0000
Total Acreage: 34.35 ha
Workable Acreage: 24.95 ha
Existing Farm Type: (for example: corn, orchard, livestock) Horticulture & Grain
Dwelling Present?: ☒ Yes ☐ No If yes, year dwelling built approx. 1950's

Owners Name: _____
Roll Number: _____
Total Acreage: _____
Workable Acreage: _____
Existing Farm Type: (for example: corn, orchard, livestock) _____
Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built _____
Owners Name: _____
Roll Number: _____
Total Acreage: _____
Workable Acreage: _____
Existing Farm Type: (for example: corn, orchard, livestock) _____
Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built _____

Note: If additional space is needed please attach a separate sheet.

D. Previous Use of the Property

1. Has there been an industrial or commercial use on the subject lands or adjacent lands? ☐ Yes ☒ No ☐ Unknown
If yes, specify the uses (for example: gas station, or petroleum storage):
2. Is there reason to believe the subject lands may have been contaminated by former uses on the site or adjacent sites? ☐ Yes ☒ No ☐ Unknown
3. Provide the information you used to determine the answers to the above questions:
Historical knowlege - farming in the Windham area since 1987

4. If you answered yes to any of the above questions in Section D, 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

E. Provincial Policy

1. Is the requested amendment 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:

2. It is owner's responsibility to be aware of and comply with all relevant federal or provincial legislation, municipal by-laws or other agency approvals, including the Endangered Species Act, 2007. Have the subject lands been screened to ensure that development or site alteration will not have any impact on the habitat for endangered or threatened species further to the provincial policy statement subsection 2.1.7? ☐ Yes ☒ No

If no, please explain:

Proposed severance for existing house from existing farmlands. The proposed severance site has been established for over 40 years and is not being developed or altered

+

3. Have the subject lands been screened to ensure that development or site alteration will not have any impact on source water protection? ☐ Yes ☒ No

If no, please explain:

No changes proposed other than existing house to be severed from existing farm

Note: If in an area of source water Wellhead Protection Area (WHPA) A, B or C please attach relevant information and approved mitigation measures from the Risk Manager Official.

4. Are any of the following uses or features on the subject lands or within 500 metres of the subject lands, unless otherwise specified? Please check boxes, if applicable.

Livestock facility or stockyard (submit MDS Calculation with application)

☐ On the subject lands or ☐ within 500 meters – distance _____

Wooded area

☐ On the subject lands or ☒ within 500 meters – distance 3m

Municipal Landfill

☐ On the subject lands or ☐ within 500 meters – distance _____

Sewage treatment plant or waste stabilization plant

☐ On the subject lands or ☐ within 500 meters – distance _____

Provincially significant wetland (class 1, 2 or 3) or other environmental feature

☐ On the subject lands or ☐ within 500 meters – distance _____

Floodplain

☐ On the subject lands or ☐ within 500 meters – distance _____

Rehabilitated mine site

☐ On the subject lands or ☐ within 500 meters – distance _____

Non-operating mine site within one kilometre

☐ On the subject lands or ☐ within 500 meters – distance _____

Active mine site within one kilometre

☐ On the subject lands or ☐ within 500 meters – distance _____

Industrial or commercial use (specify the use(s))

☐ On the subject lands or ☐ within 500 meters – distance _____

Active railway line

☐ On the subject lands or ☐ within 500 meters – distance _____

Seasonal wetness of lands

☐ On the subject lands or ☐ within 500 meters – distance _____

Erosion

☐ On the subject lands or ☐ within 500 meters – distance _____

Abandoned gas wells

☐ On the subject lands or ☐ within 500 meters – distance _____

F. Servicing and Access

1. Indicate what services are available or proposed:

Water Supply

- ☐ Municipal piped water
☒ Individual wells
☐ Communal wells
☐ Other (describe below)
-

Sewage Treatment

- ☐ Municipal sewers
☒ Septic tank and tile bed in good working order
☐ Communal system
☐ Other (describe below)
-

Storm Drainage

- ☐ Storm sewers
☐ Open ditches
☐ Other (describe below)
-

2. Existing or proposed access to subject lands

- ☒ Municipal road
☐ Unopened road
☐ Provincial highway
☐ Other (describe below)

Name of road/street:

Windham Rd. 9

G. Other Information

1. Does the application involve a local business? ☒ Yes ☐ No

If yes, how many people are employed on the subject lands?

50+ seasonal farm employees

2. Is there any other information that you think may be useful in the review of this application? If so, explain below or attach on a separate page.

Please see attached cover letter

H. Supporting Material to be submitted by Applicant

In order for your application to be considered complete, folded hard copies (number of paper copies as directed by the planner) and an **electronic version (PDF) of the site plan drawings, additional plans, studies and reports** will be required, including but not limited to the following details:

1. Concept/Layout Plan
2. All measurements in metric
3. Existing and proposed easements and right of ways
4. Parking space totals – required and proposed
5. All dimensions of the subject lands
6. Dimensions and setbacks of all buildings and structures
7. Location and setbacks of septic system and well from all existing and proposed lot lines, and all existing and proposed structures
8. Names of adjacent streets
9. Natural features, watercourses and trees

In addition, the following additional plans, studies and reports, including but not limited to, **may** also be required as part of the complete application submission:

- ☐ Zoning Deficiency Form
- ☐ On-Site Sewage Disposal System Evaluation Form (to verify location and condition)
- ☐ Environmental Impact Study
- ☐ Geotechnical Study / Hydrogeological Review
- ☐ Minimum Distance Separation Schedule
- ☐ Record of Site Condition
- ☐ Agricultural Impact Assessment

Your development approval might also be dependent on Ministry of Environment Conservation and Parks, Ministry of Transportation or other relevant federal or provincial legislation, municipal by-laws or other agency approvals.

All final plans must include the owner's signature as well as the engineer's signature and seal.

I. Transfers, Easements and Postponement of Interest

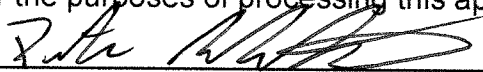
The owner acknowledges and agrees that if required it is their solicitor's responsibility on behalf of the owner for the registration of all transfer(s) of land to the County, and/or transfer(s) of easement in favour of the County and/or utilities. Also, the owner further acknowledges and agrees that it is their solicitor's responsibility on behalf of the owner for the registration of postponements of any charges in favour of the County.

Permission to Enter Subject Lands

Permission is hereby granted to Norfolk County officers, employees or agents, to enter the premises subject to this application for the purposes of making inspections associated with this application, during normal and reasonable working hours.

Freedom of Information

For the purposes of the *Municipal 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, R.S.O. 1990, c. P. 13* for the purposes of processing this application.



Owner/Applicant/Agent Signature

May 28, 2020


Date

J. Owner's Authorization

If the applicant/agent is not the registered owner of the lands that is the subject of this application, the owner must complete the authorization set out below.

I/We Peter and Victoria Shabatura am/are the registered owner(s) of the lands that is the subject of this application.

I/We authorize Mary Shabatura to make this application on my/our behalf and to provide any of my/our personal information necessary for the processing of this application. Moreover, this shall be your good and sufficient authorization for so doing.



Owner



Owner

May 28, 2020

Date

May 28, 2020

Date

K. Declaration

I, Mary Shabatura of Windham Centre, ON

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 and by virtue of *The Canada Evidence Act*.

Declared before me at:

NORFOLK COUNTY

Mary Shabatura
Owner/Applicant/Agent Signature

In the Province of Ontario

This 28th day of May

A.D., 20 20

Deborah Anne Schaeffer

A Commissioner, etc.

Deborah Anne Schaeffer, a Commissioner, etc.,
Province of Ontario, for Cobb & Jones LLP,
Barristers and Solicitors.
Expires July 28, 2020.

Peter and Victoria Shabatura
1670 Windham Rd. 9
Windham Centre, ON
N0E 2A0

May 28, 2020

To the attention of the Committee of Adjustment Application to Planning Department

Re: Surplus Farm Dwelling severance and Zoning By-law Amendment.

We have been farming for over 20 years with our family business, Shabatura Farms Ltd. and collectively we grow approx. 1,000 acres of fresh fruits and vegetables in Norfolk County.

This farm was purchased by us in 2011. It came with two houses and several buildings on the property.

We are applying for a surplus dwelling severance for the house located at 1670 WDM Rd. 9 as it is not required for the farming operations.


We are retaining the other house along with several buildings and the farmland so that it remains a viable farming operation and integral to our family business.

We have appointed Mary Shabatura to make this application and to represent our interests in this severance proposal.

Please feel free to contact Mary for any further information.

We are also available if you needed us.

Respectfully submitted,



Peter Shabatura

Owner



Victoria Shabatura

Owner

MAY 15, 2020

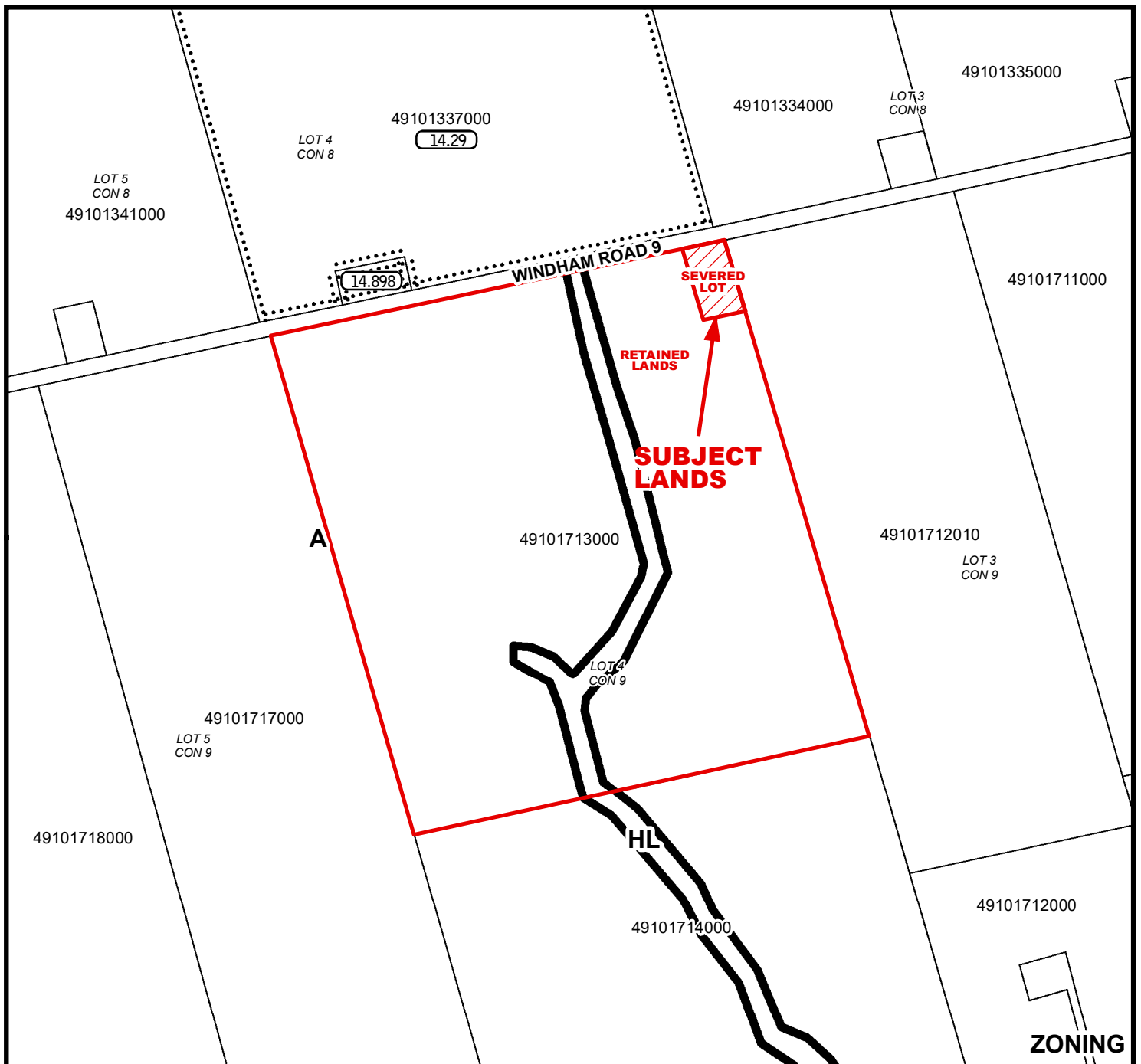
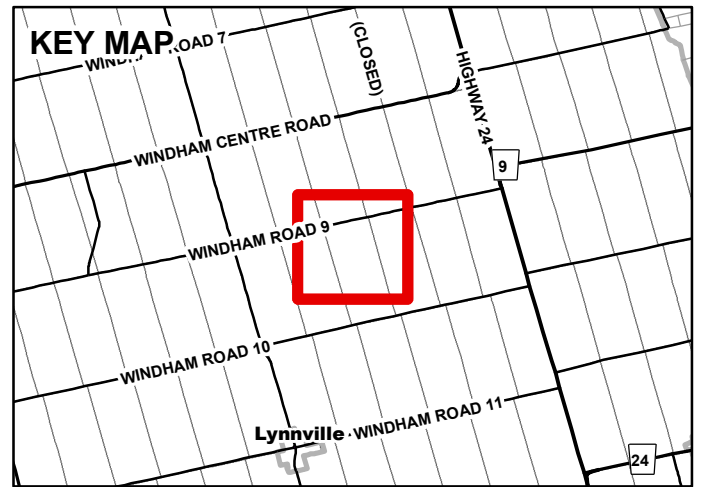


THIS IS NOT A PLAN OF SURVEY AND SHALL NOT
BE USED FOR PURPOSES OTHER THAN THE
PURPOSE INDICATED IN THE TITLE BLOCK.

[illegible]

JOB # 20-2455 CLIENT: SHIGATARA

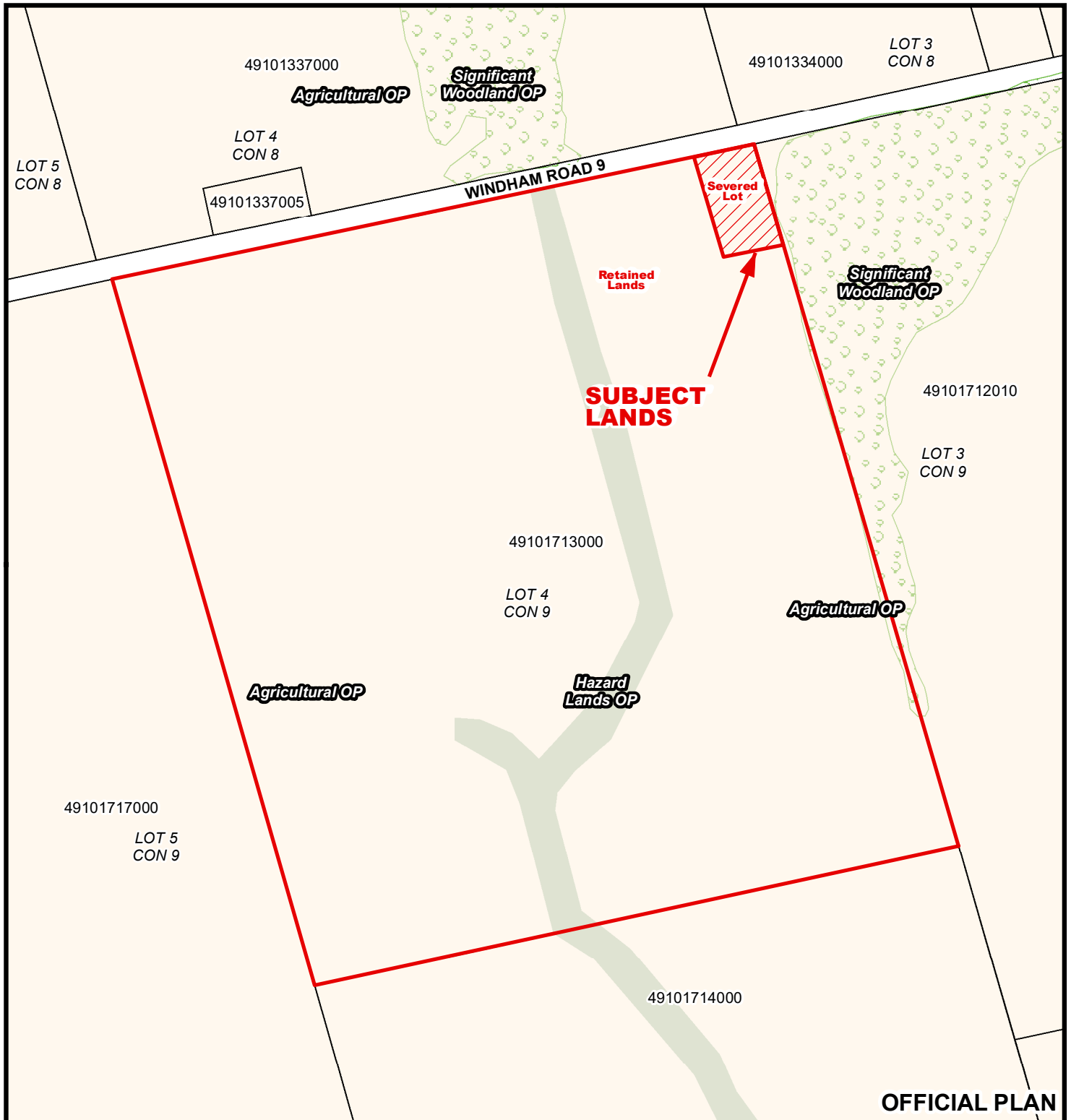
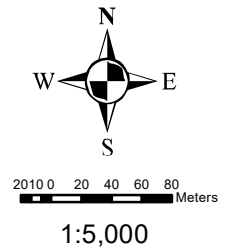
Geographic Township of
WINDHAM



MAP 2

File Number: BNPL2020118

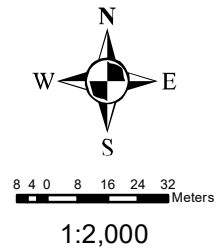
Geographic Township of WINDHAM



MAP 3

File Number: BNPL2020118

Geographic Township of WINDHAM



MAP 4

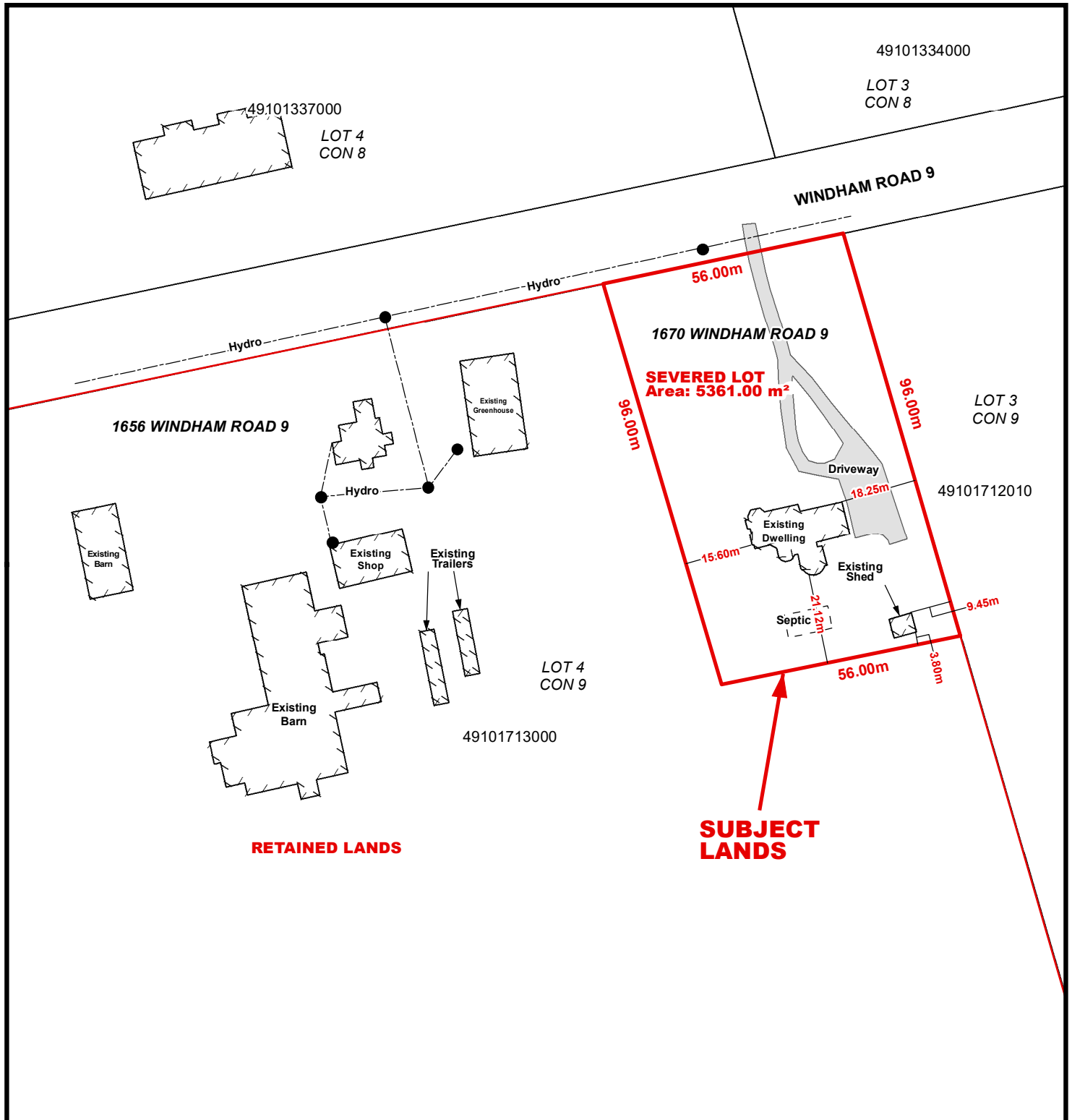
File Number: BNPL2020118

Geographic Township of WINDHAM



52.50 5 10 15 20 Meters

1:1,250



LOCATION OF LANDS AFFECTED

File Number: BNPL2020118

Geographic Township of WINDHAM



52.50 5 10 15 20 Meters

1:1,250

