

For Office Use Only:

File Number BND 2021234
Related File Number _____
Pre-consultation Meeting _____
Application Submitted JULY 12/21
Complete Application JULY 22/21

Application Fee PAID
Conservation Authority Fee _____
Well & Septic Info Provided _____
Planner N. GOODBRAND
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: 491004370000000

A. Applicant Information

Name of Owner Roger Adam Farms Limited (Dan Adam)

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 174 Windham Road 2

Town and Postal Code Norwich, ON N0J 1P0

Phone Number _____

Cell Number 519-608-3866

Email craftyme83@hotmail.com

Purchaser of Farmland

Name of Applicant Jeff Whiteside In Trust

Address 712431 Middletown Line

Town and Postal Code Tillsonburg, ON N4G 4G8

Phone Number _____

Cell Number 519-521-5647

Email swhiteside@silomail.com

Name of Agent David Roe , Civic Planning Solutions Inc.
Address 61 Trailview Dr.
Town and Postal Code Tillsonburg, ON N4G 0C6
Phone Number _____
Cell Number 519-983-8154
Email civicplanningsolutions@nor-del.com

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:

none

B. Location, Legal Description and Property Information

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

Part Lot 22, Concession 2 Windham

Municipal Civic Address: 174 Windham Road 2

Present Official Plan Designation(s): Agricultural

Present Zoning: Agricultural

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:

Agricultural cash crops

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:

Dwelling, garage, barn and shed

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:

Nothing proposed

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:

9. Existing use of abutting properties:

Agricultural

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	434m	
Lot depth	675m	
Lot width	495m	
Lot area	76.22 acres	
Lot coverage		
Front yard		
Rear yard		
Left Interior side yard		
Right Interior side yard		
Exterior side yard (corner lot)		

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:	80.67m
Depth:	69.1m / 63.23m
Width:	80.67m / 77.66m
Lot Area:	5225.5m ² / 1.29ac
Present Use:	Agricultural
Proposed Use:	Agricultural

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: 353m

Depth: 675m

Width: 495m

Lot Area: 74.93 acres

Present Use: Agricultural

Proposed Use: Agricultural

Buildings on retained land: none

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: Farm being purchased by Jeff Whiteside In Trust

Owners Name: Roger Adam Farms Limited (Dan Adam)

Roll Number: 4910043700000000

Total Acreage: 76.22 acres

Workable Acreage: 73ac

Existing Farm Type: (for example: corn, orchard, livestock) Cash crop

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

Owners Name: D R Whiteside Farms Ltd
Roll Number: 491004470000000
Total Acreage: 115.31ac
Workable Acreage: 114 ac
Existing Farm Type: (for example: corn, orchard, livestock) Cash crop potatoes
Dwelling Present?: ☐ Yes ☒ No If yes, year dwelling built _____

Owners Name: Thomas and Susan Whiteside
Roll Number: 541030034000000
Total Acreage: 62.42 ac
Workable Acreage: 57.7 ac
Existing Farm Type: (for example: corn, orchard, livestock) Cash crop potatoes
Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built _____

Owners Name: Jeffery Whiteside
Roll Number: 541030051500000
Total Acreage: 50 ac
Workable Acreage: 38.9 ac
Existing Farm Type: (for example: corn, orchard, livestock) Cash crop potatoes
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:
knowledge of owner

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:

No change in land use

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:

not within a source water protection area

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 _____

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
☐ Other (describe below)
- ☒ Open ditches

2. Existing or proposed access to subject lands

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

Name of road/street:

G. Other Information

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

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

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.

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

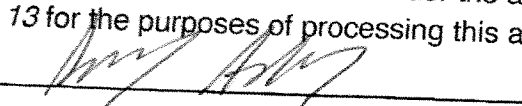
The owner acknowledges and agrees that if required it is their solicitor's responsibility on behalf of the owner for the registration of all transfer(s) of land to the County, and/or transfer(s) of easement in favour of the County and/or utilities. Also, the owner further acknowledges and agrees that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

July 8 2021
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 Roger Adam Farms Limited (Dan Adam) am/are the registered owner(s) of the lands that is the subject of this application.

I/We authorize David Roe, Jeff Whiteside In Trust 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.


I have power to bind the corporation

Owner

July 8 2021
Date

Date

K. Declaration

I, David Roe of Oxford 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 and by virtue of *The Canada Evidence Act*.

Declared before me at:

Delhi


Owner/Applicant/Agent Signature

In Norfolk County

This 9th day of July

A.D., 2021

LC Robinson

A Commissioner, etc.



LEANNE CARLA ROBINSON, a Commissioner, etc.
Province of Ontario
for John R. Hanselman, Barrister & Solicitor
Expires August 25, 2021

MAP NORFOLK - Community Web Map



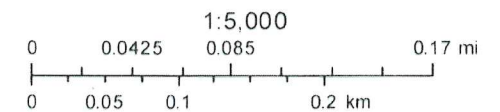
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Zones 1-Z-2014

-  Zone
-  Zone with Holding Provision

-  Special Provisions
-  Site Plan Control
-  Lakeshore Erosion Prone Areas

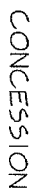
-  Land Parcels
-  Plan Lines
-  DraftPlan



Queen's Printer for Ontario
Norfolk GIS

NORFOLK COUNTY

JEWITT AND DIXON LTD.



THIS PLAN IS IN METRIC AND CAN BE CONVERTED TO IMPERIAL BY MULTIPLYING BY 3.2808

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

E-mail: surveyors@amtelecom.net

JOB # 21-2944-2 CLIENT: ADAMS FARMS

Agreement of Purchase and Sale **Commercial**

Form 500
for use in the Province of Ontario

This Agreement of Purchase and Sale dated this 5 day of March, 2021

BUYER: Jeff Whitledge in Trust
(Full legal names of all Buyers)

SELLER: Roger Adam Farms Ltd
(Full legal names of all Sellers)

agree to purchase from

REAL PROPERTY:

Address 174 Windham road 2 (House, Garage & Shed Value secured) **DA** **JW**
fronting on the south side of Windham road 2
In the County of Norfolk

and having a frontage of 1435.41 ft more or less by a depth of 2092.05 Feet more or less
and legally described as
Part Lot 22-23, Conc 2 Windham as in NR321132 Except Pt 1, 2 37R5401, Norfolk County, On

(Legal description of land including easements not described elsewhere)

(the "property") **DA** **JW**

PURCHASE PRICE: **DA**

Dollars (CAD\$)

Thousand

Dollars

DEPOSIT: Buyer submits

upon acceptance

(Herein/Upon Acceptance/As otherwise described in this Agreement)

Dollars (CAD\$)

by negotiable cheque payable to ReMax Centro City Realty Inc Brokerage
to be held in trust pending completion or other termination of this Agreement and to be credited toward the Purchase Price on completion. For the purposes of this Agreement "Upon Acceptance" shall mean that the Buyer is required to deliver the deposit to the Deposit Holder within 24 hours of the acceptance of this Agreement. The parties to this Agreement hereby acknowledge that, unless otherwise provided for in this Agreement, the Deposit Holder shall place the deposit in trust in the Deposit Holder's non-interest bearing Real Estate Trust Account and no interest shall be earned, received or paid on the deposit.

Buyer agrees to pay the balance as more particularly set out in Schedule A attached.

SCHEDULE(S) A

1. **IRREVOCABILITY:** This offer shall be irrevocable by Buyer **DA** **JW**
(Seller/Buyer) Buyer **DA** **JW**
the 5 day of March, 2021, after which time, if not accepted, this offer shall be null and void and the deposit shall be returned to the Buyer in full without interest.

2. **COMPLETION DATE:** This Agreement shall be completed by no later than 6:00 p.m. on the 29th day of December, 2021.
Upon completion, vacant possession of the property shall be given to the Buyer unless otherwise provided for in this Agreement.

INITIALS OF BUYER(S): **JW**

INITIALS OF SELLER(S): **DA**

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28. SUCCESSIONS AND ASSIGNS: The heirs, executors, administrators, successors and assigns of the undersigned are bound by the terms herein SIGNED, SEALED AND DELIVERED in the presence of:

IN WITNESS whereof I have hereunto set my hand and seal.

Witness

Notary Public in and for the State of Texas

Witness

Notary Public in and for the State of Texas

I, the Undersigned Seller, agree to the above offer. I hereby irrevocably, intend my lawyer to pay directly to the undersigned with whom I have agreed to pay commission, the unpaid balance of the commission together with applicable itemized Sales Tax (and any other taxes as may hereafter be applicable), from the proceeds of the sale prior to any payment to the undersigned on completion, as advised by the undersigned to my lawyer, SIGNED, SEALED AND DELIVERED in the presence of:

(IN WITNESS whereof I have hereunto set my hand and seal.)

Witness

Notary Public in and for the State of Texas

Witness

Notary Public in and for the State of Texas

SPECIAL COMMENT: This undersigned agrees of the Seller hereby consents to the disposition evidenced herein pursuant to the provisions of the Family Law Act, R.S.O. 1990, and hereby agrees to execute all necessary or fictional documents to give full force and effect to the sale evidenced herein.

CONFIRMATION OF ACCEPTANCE: Notwithstanding anything contained herein to the contrary, I confirm this Agreement with all changes both typed and written was fully accepted by all parties of this day of 20.

Listing Brokerage	REMAX CENTRE CITY REAL ESTATE REALTY	Phone: (519) 667-1800
Coop/Buyer Brokerage	ROYAL LEPAGE REALTY BROKERAGE	Phone: 519-842-8418
Signature of Seller or Buyer		
Signature of Broker/Agent of Record Name		
Signature of Broker/Agent of Record Name		

ACKNOWLEDGEMENT

I acknowledge receipt of my signed copy of this accepted Agreement of Purchase and Sale and I authorize the Brokerage to forward a copy to my lawyer.

Signed: *[Signature]* Date: *[Date]*

Signed: *[Signature]* Date: *[Date]*

Signed: *[Signature]* Date: *[Date]*

Address for Service

Seller's Lawyer

Address

Enrol

FOR OFFICE USE ONLY

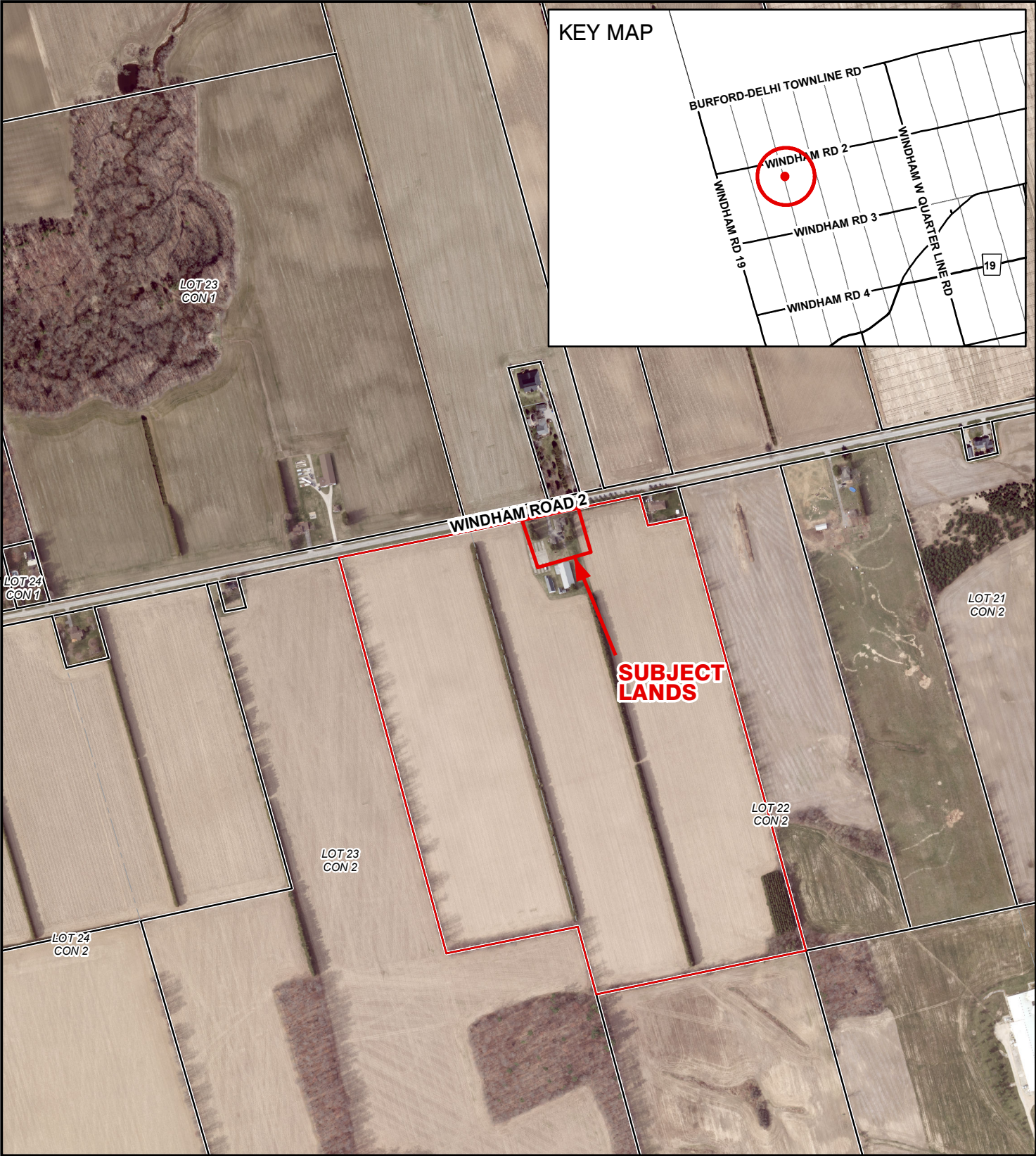
FOR OFFICE USE ONLY

COOPERATION TRUST AGREEMENT

Cooperating Brokerage agrees to the foregoing Agreement of Purchase and Sale, in consideration for the Co-operating Brokerage's agreement of Purchase and Sale, in consideration for the Commission on completion of the Agreement of Purchase and Sale, as evidenced by the Commission Trust Agreement as defined in the MTR Rules and shall be subject to such agreement by the MTR Rules pertaining to Commission Trust.

DATED as of the date of the above Agreement of Purchase and Sale, the undersigned hereby agree to the foregoing Agreement of Purchase and Sale, in consideration for the Commission on completion of the Agreement of Purchase and Sale, as evidenced by the Commission Trust Agreement as defined in the MTR Rules and shall be subject to such agreement by the MTR Rules pertaining to Commission Trust.

The undersigned hereby agree to the foregoing Agreement of Purchase and Sale, in consideration for the Commission on completion of the Agreement of Purchase and Sale, as evidenced by the Commission Trust Agreement as defined in the MTR Rules and shall be subject to such agreement by the MTR Rules pertaining to Commission Trust.

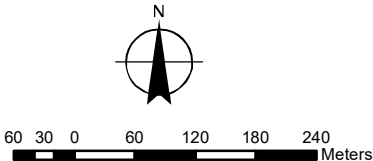


Legend

-  Subject Lands
-  Lands Owned



2020 Air Photo

2021-08-04








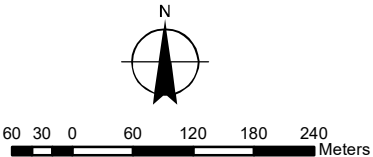
Legend

-  Subject Lands
-  Lands Owned

Official Plan Designations

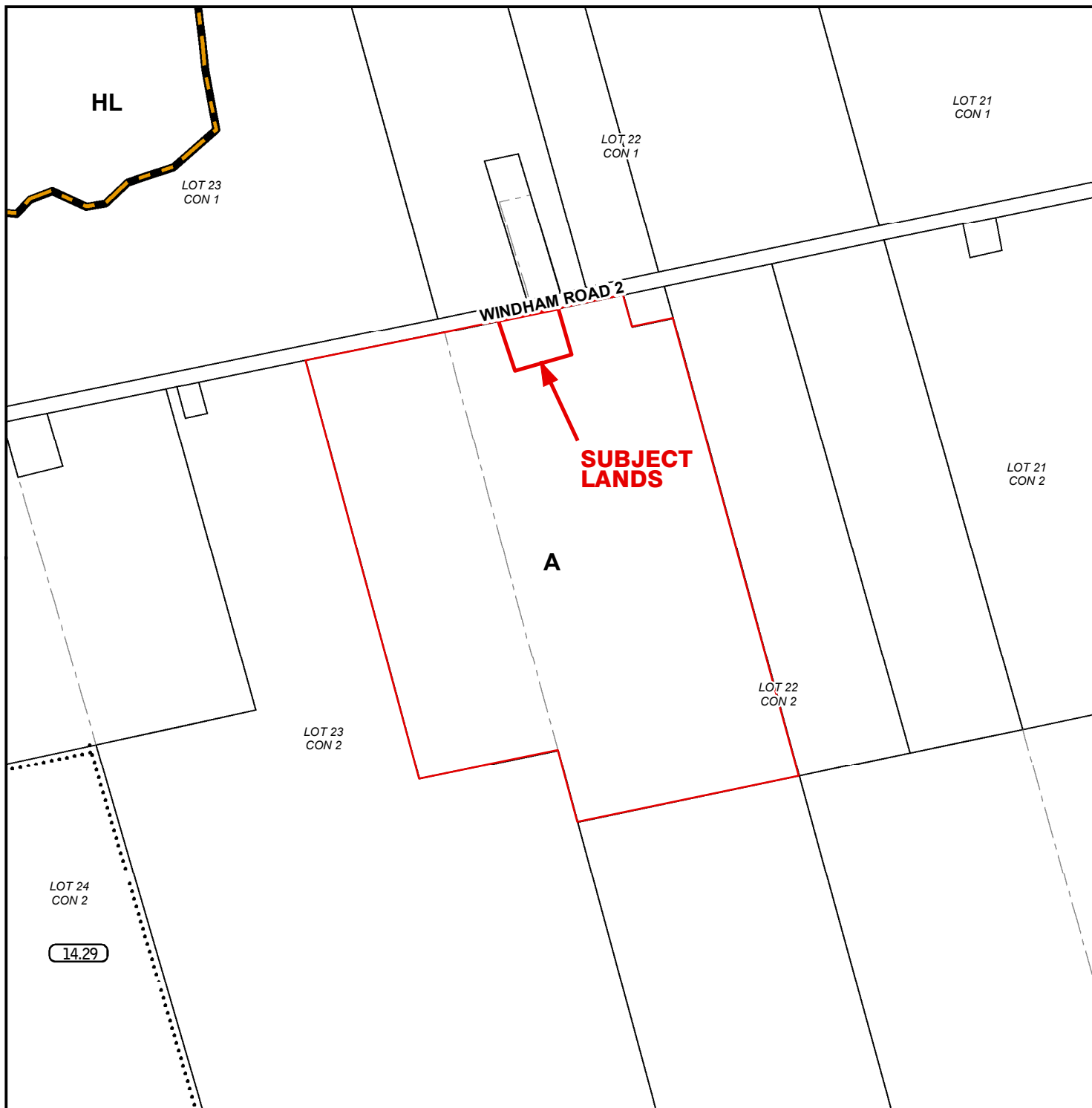
-  Agricultural
-  Hazard Lands
-  Significant Woodland

2021-08-04






MAP C
ZONING BY-LAW MAP
Geographic Township of WINDHAM

BNPL2021234



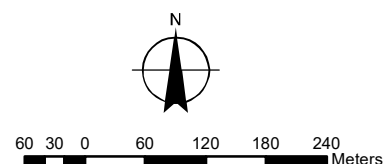
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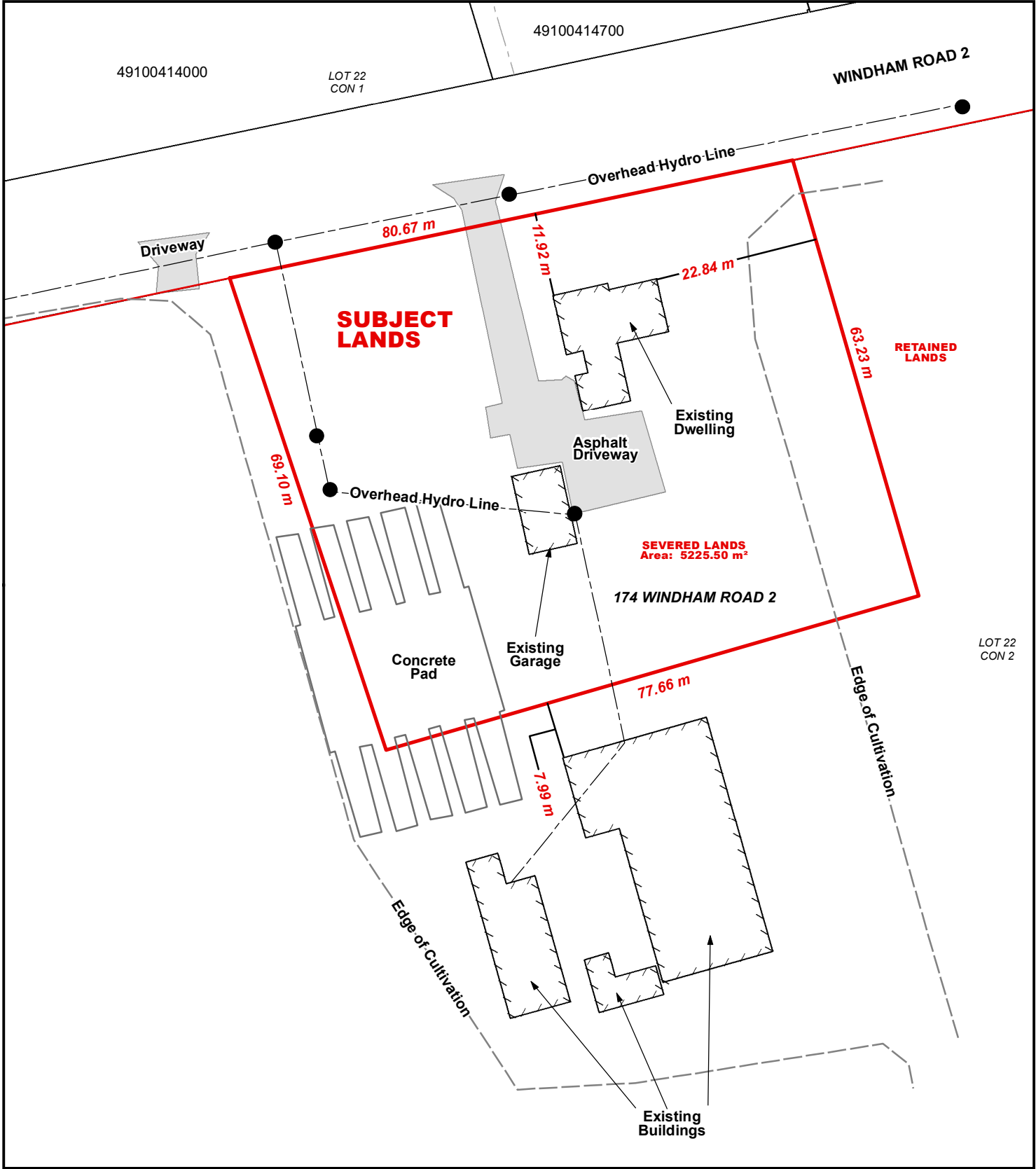
LEGEND

-  Subject Lands
-  Lands Owned
-  LPRCA Generic RegLines

ZONING BY-LAW 1-Z-2014

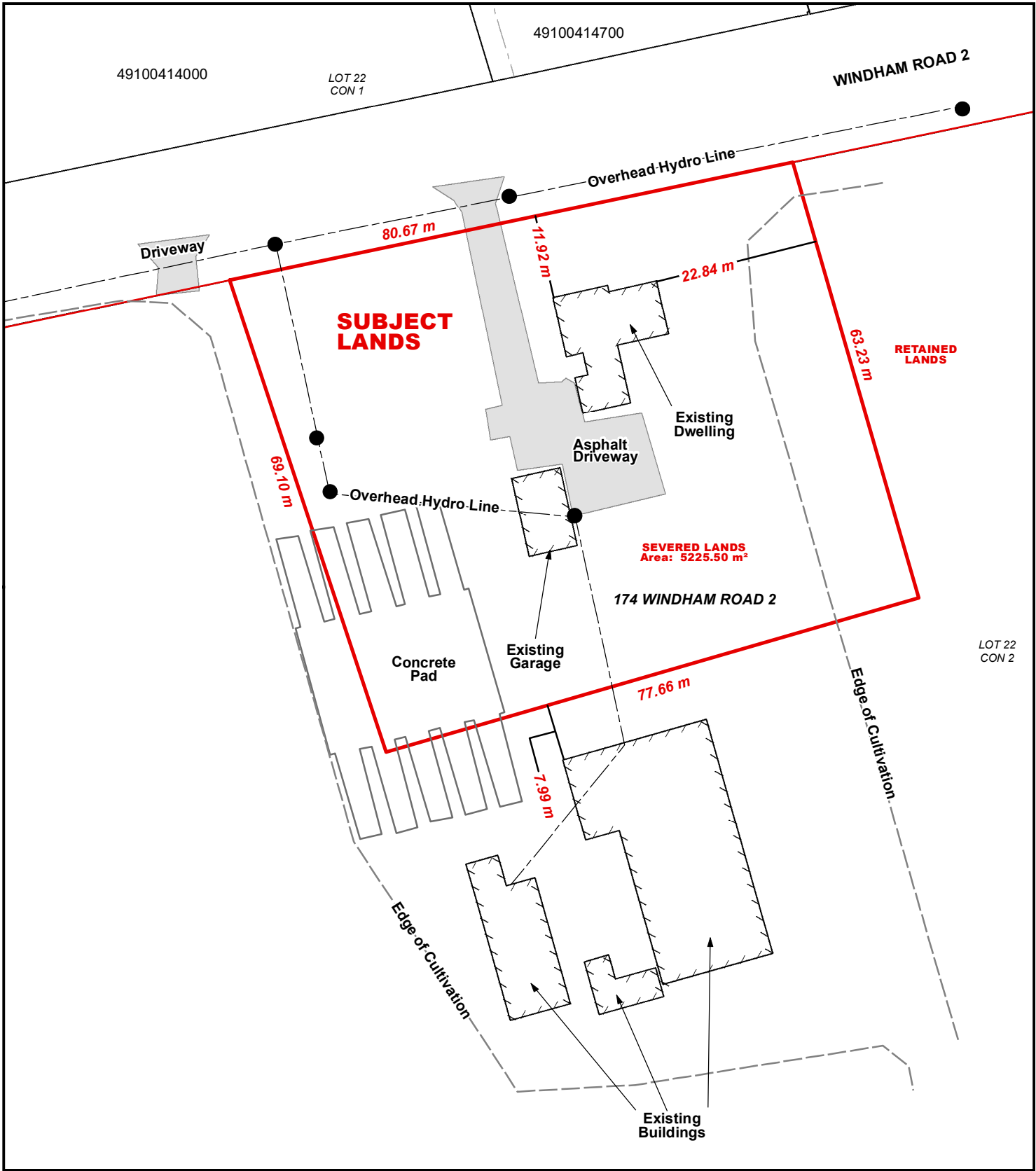
- (H) - Holding
- A - Agricultural Zone
- HL - Hazard Land Zone





CONCEPTUAL PLAN

Geographic Township of WINDHAM



Legend

- Subject Lands
- Lands Owned

2021-08-04

