

MHN

LAWYERS LLP

February 1, 2023



Norfolk County
Planning Department
185 Robinson Street, Suite 200
Simcoe, Ontario
N3Y 5L6

Dear Sir or Madam:

RE: Severance Application – Backus/McSpadden
1130 Bay Street, Port Rowan, Ontario

We are the solicitors for John Albert Backus and Ruth Anne McSpadden, the owners of the above-noted property.

Enclosed please find the following:

1. Planning Department Development Application Form;
2. Copy of sketch for the parcel to be severed;
3. Committee of Adjustment Application to Planning Department;
4. Copy of sketch for the parcel to be severed;
5. Cheque payable to County of Norfolk in the amount of \$4,170.00; and
6. Cheque payable to Corporation of Norfolk County in the amount of \$3,089.00 for the consent fee.

Yours very truly,

MHN LAWYERS LLP

Maria Kinkel

MK/jr
Encl.

39 Colborne Street North Simcoe Ontario N3Y 3T8

R. Paul Hosack~
Chris Nunn
Jamie Pereira~

Maria Kinkel~
Peter Karsten~
Emma Brown

Josh Herter

~ Professional Corporation,

www.mhnlawyers.com

Phone: 519.426.6763

Fax: 519.426.2055

| | | | |
|--------------------------|--------------------|-----------------------------|-----------------------|
| File Number | <u>BNPL2023106</u> | Application Fee | <u>\$3089.00</u> |
| Related File Number | <u></u> | Conservation Authority Fee | <u></u> |
| Pre-consultation Meeting | <u></u> | Well & Septic Info Provided | <u></u> |
| Application Submitted | <u></u> | Planner | <u>Andrew Wallace</u> |
| Complete Application | <u></u> | Public Notice Sign | <u></u> |

☒ Consent/Severance/Boundary Adjustment

☐ Surplus Farm Dwelling Severance and Zoning By-law Amendment

☐ Minor Variance

☐ Easement/Right-of-Way

Email

Name of Agent MHN Lawyers LLP

Address 39 Colborne St. N.

Town and Postal Code Simcoe ON N3Y 3T8

Phone Number 519-426-6763

Cell Number _____

Email kinkel@mhnlawyers.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 owner and agent noted above.

☐ Owner ☒ Agent ☐ Applicant

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

n/a

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 OF LOT 1 NORTHEAST OF PITMAN STREET BLOCK XXXV REGISTERED PLAN 16-B

Formerly Township of Walsingham

Municipal Civic Address: 1130 Bay Street

Present Official Plan Designation(s): Urban Residential

Present Zoning: Development

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:

Agriculture

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:

none

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.

none

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:

expand onsite parking

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:

Institutional - Church and Residential

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. **Failure to complete this section will result in an incomplete application.**

1. Site Information (Please refer to Zoning By-law to confirm permitted dimensions)

| | Existing | Permitted | Provision | Proposed | Deficiency |
|---------------------------------|----------|-----------|-----------|---------------|---------------------|
| Lot frontage | | | | | |
| Lot depth | | | | | |
| Lot width | | | | | |
| Lot area | | | | | |
| Lot coverage | | | | | |
| Front yard | | | | | |
| Rear yard | | | | | |
| Height | | | | | |
| Left Interior side yard | | | | | |
| Right Interior side yard | | | | | |
| Exterior side yard (corner lot) | | | | | |
| Parking Spaces (number) | | | | | |
| Aisle width | | | | | |
| Stall size | | | | | |
| Loading Spaces | | | | | |
| Other | farm use | farm | 13.1.1 | institutional | not a permitted use |

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

Zoned Development and required to be re-zoned given that the purpose of the application is a boundary adjustment for lands currently zoned and used for institutional use, which is not a permitted use under the Development Zone

3. **Consent/Severance/Boundary Adjustment:** Description of land intended to be severed in metric units:

Frontage: 9.144 meters

Depth: 63.87 meters

Width: 9.144 meters

Lot Area: 584 m2 (approximately)

Present Use: agriculture

Proposed Use: institutional

Proposed final lot size (if boundary adjustment): 2,141.43 m2

If a boundary adjustment, identify the assessment roll number and property owner of the lands to which the parcel will be added: 54400219700, owned by the applicant

Description of land intended to be retained in metric units:

Frontage: 118 meters

Depth: various

Width: various

Lot Area: 116,248 m2 (approximately)

Present Use: agriculture

Proposed Use: agriculture

Buildings on retained land: none

4. **Easement/Right-of-Way:** Description of proposed right-of-way/easement in metric units:

Frontage: _____

Depth: _____

Width: _____
Area: _____
Proposed Use: _____

5. Surplus Farm Dwelling Severances Only: List all properties in Norfolk County, which are owned and farmed by the applicant and involved in the farm operation

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 _____
Date of Land Purchase: _____

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 _____
Date of Land Purchase: _____

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 _____
Date of Land Purchase: _____

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 _____
Date of Land Purchase: _____

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 _____
Date of Land Purchase: _____

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

D. All Applications: 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:
owners knowledge

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. All Applications: 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:

n/a

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:

n/a

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. All Applications: 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. All Applications: 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

- ☐ Communal system

- ☐ Septic tank and tile bed in good working order ☐ Other (describe below)

Storm Drainage

- ☒ Storm sewers
☐ Other (describe below)

- ☐ Open ditches

2. Existing or proposed access to subject lands:

- ☒ Municipal road

- ☐ Provincial highway

- ☐ Unopened road

- ☐ Other (describe below)

Name of road/street:

Bay Street

G. All Applications: 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:

- ☐ 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

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

December 22 / 22 January 7/2
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 John A. Backus & Ruth A. McSpadden am/are the registered owner(s) of the lands that is the subject of this application.

I/We authorize Port Rowan Christ the King Lutheran Church 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

Date

Owner

Date

***Note:** If property is owned by an Ontario Ltd. Corporation, Articles of Incorporation are required to be attached to the application.

K. Declaration

I, Keith Ratay of Walsingham / Port Rowan

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:


Simcoe


Owner/Applicant/Agent Signature


In Norfolk County

This 22 day of December

A.D., 2022


Applicant


A Commissioner, etc.




Michele Jane Roberts, a Commissioner, etc.,
Province of Ontario, for MHN Lawyers LLP
Expires February 4, 2024.

MAP A
CONTEXT MAP
Urban Area of PORT ROWAN

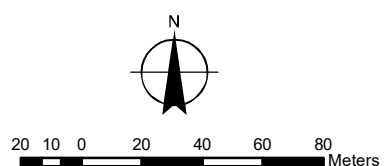
BNPL2023106



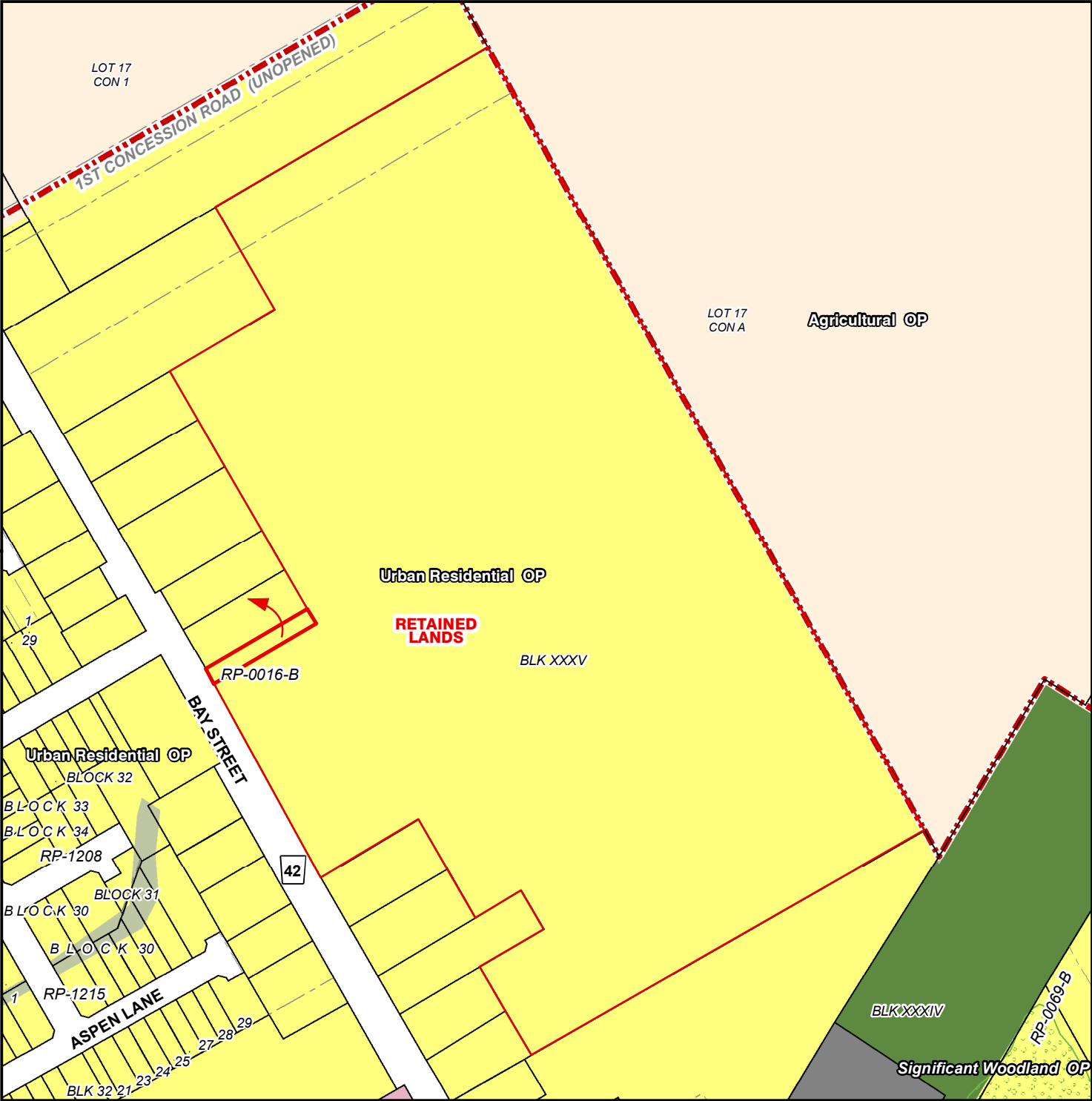
Legend

-  Subject Lands
-  Lands Owned
- 2020 Air Photo

3/31/2023



MAP B
OFFICIAL PLAN MAP
Urban Area of PORT ROWAN



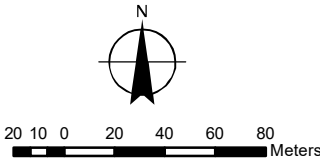
Legend

- Subject Lands
- Lands Owned

Official Plan Designations

- | | |
|-------------------|-----------------------------|
| Agricultural | Major Public Infrastructure |
| Hazard Lands | Parks & Open Space |
| Urban Residential | Urban Area Boundary |
| Commercial | Significant Woodland |

3/31/2023

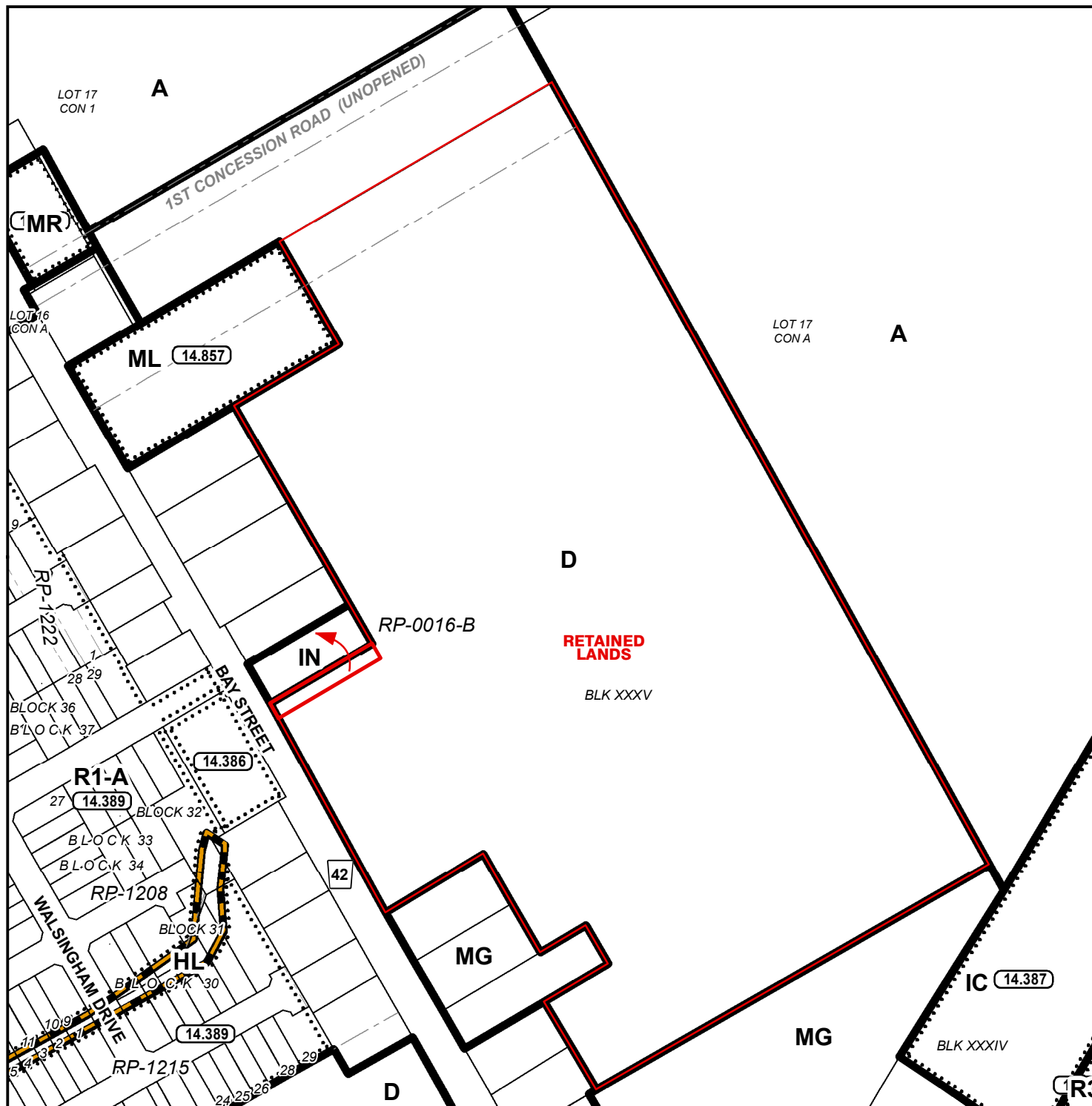


MAP C

ZONING BY-LAW MAP

Urban Area of PORT ROWAN

BNPL2023106



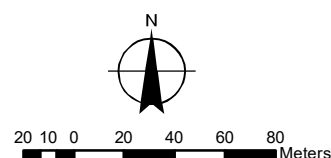
LEGEND

- Subject Lands
- Lands Owned
- LPRCA Generic RegLines

ZONING BY-LAW 1-Z-2014

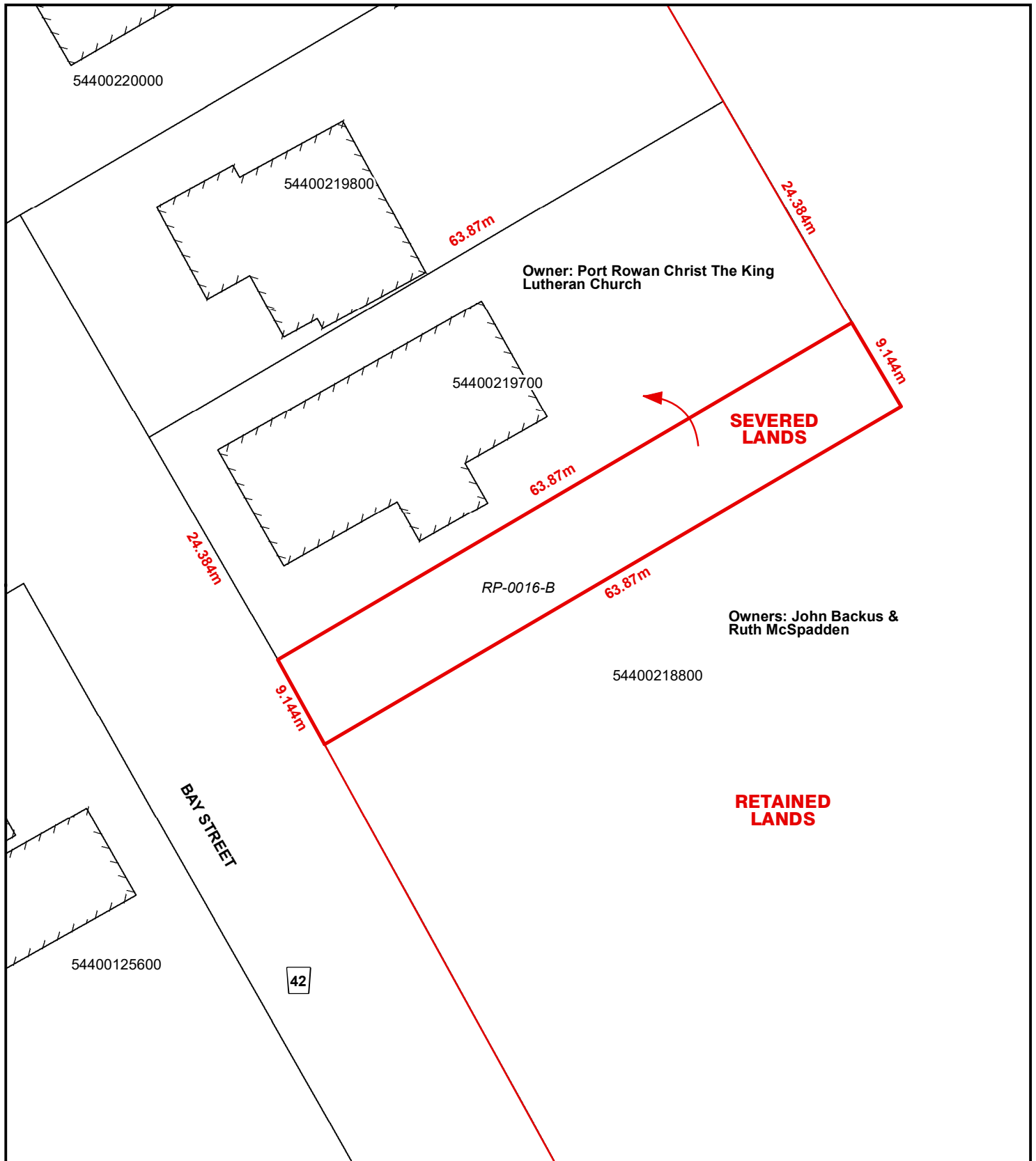
3/31/2023

- (H) - Holding
- A - Agricultural Zone
- IC - Community Institutional Zone
- D - Development Zone
- MG - General Industrial Zone
- HL - Hazard Land Zone
- ML - Light Industrial Zone
- IN - Neighbourhood Institutional Zone
- R1-A - Residential R1-A Zone
- R3 - Residential R3 Zone
- MR - Rural Industrial Zone



CONCEPTUAL PLAN

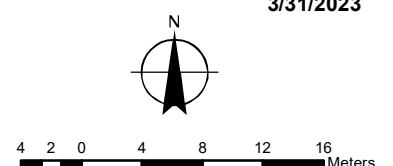
Urban Area of PORT ROWAN



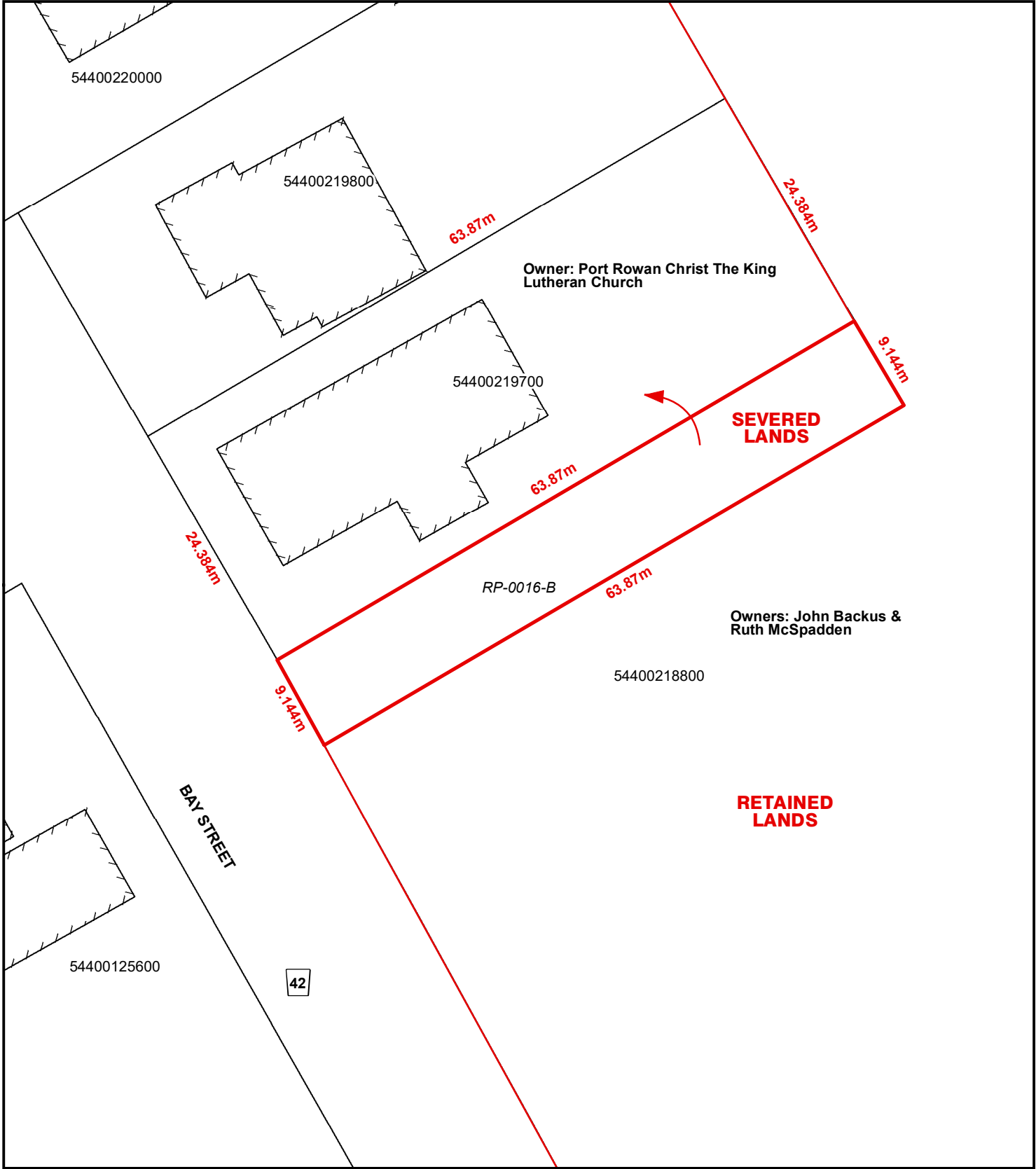
Legend

- Subject Lands
- Lands Owned



3/31/2023



CONCEPTUAL PLAN
Urban Area of PORT ROWAN



Legend

-  Subject Lands
-  Lands Owned

