

For Office Use Only:

File Number _____
Related File Number _____
Pre-consultation Meeting _____
Application Submitted _____
Complete Application _____

Application Fee _____
Conservation Authority Fee _____
Well & Septic Info Provided _____
Planner _____
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: 3310-336-020-57500 _____

A. Applicant Information

Name of Owner Roy Haviland _____

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 1530 Concession 8 Townsend _____
Town and Postal Code Waterford, ON N0E 1Y0 _____
Phone Number 519-443-8543 _____
Cell Number 519-428-4558 _____
Email cindyhaviland@hotmail.com _____

Name of Applicant Agent _____

Address _____
Town and Postal Code _____
Phone Number _____
Cell Number _____
Email _____

Name of Agent David McPherson
Address 8 Culver Lane
Town and Postal Code Simcoe, ON N3Y 5C8
Phone Number 519-426-7295
Cell Number 519-427-6483
Email david-a-mcpherson@hotmail.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):

Lot 19 Concession 4 Townsend

Municipal Civic Address: 1494 Norfolk County Road 19 East

Present Official Plan Designation(s): Hamlet & Agricultural

Present Zoning: CHA & A

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

☒ Yes ☐ No If yes, please specify:

8-Z-2017

3. Present use of the subject lands:

Commercial and Agricultural

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:

All existing building are shown on the attached sketch but include the 81 sqm Refrigeration Shop,
a 29 sqm Sea Can Storage Building, a 121 sqm Barn and a 243 sqm Barn

All of theses existing buildings, their sizes, heights and setbacks are shown on the attached sketch.

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.

No construction is proposed.

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:

No new buildings are 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:

Refrigeration business has existed since 1974

9. Existing use of abutting properties:

Residential and 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. **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	370 m	30 m		63 m	
Lot depth	967 m			108.58 m	
Lot width	598 m			143.63m	
Lot area	89 acres			2.66 AC	
Lot coverage					
Front yard	77.82 m	13 m		77.82 m	
Rear yard	875 m	9 m		11.26 m	
Height	10 m	11 m		10 m	
Left Interior side yard	50+ m	3 m		20 m	
Right Interior side yard	50 + m	3 m		4.69 m	
Exterior side yard (corner lot)					
Parking Spaces (number)					
Aisle width					
Stall size					
Loading Spaces					
Other					

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

All existing buildings comply with the zoning provisions.

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

Frontage: 63 m

Depth: 108.58 m

Width: 143.63 m

Lot Area: 10,519.35 sqm

Present Use: Commercial (refrigeration business)

Proposed Use: Commercial (refrigeration business)

Proposed final lot size (if boundary adjustment): n/a

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

Description of land intended to be retained in metric units:

Frontage: 307 m

Depth: 967 m

Width: 598 m

Lot Area: 86.34 acres

Present Use: Agricultural

Proposed Use: Agricultural

Buildings on retained land: vacant farm land with no buildings

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

Frontage: n/a

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: n/a
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):

Abattoir established in 1949 and zoned MS, rezoned to CHA in 1987 to recognize the refrigeration business.

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:
Information supplied by property owner, these lands have been in his family for 3 generations.

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:

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:

These lands are not within a WHPA

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 REFRIGERATION BUSINESS

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
☒ 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:

Norfolk County Road 19 East

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?

4

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.

Attached is a PJR, a survey sketch, GIS map and copy of Bylaw 24-NA-87

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

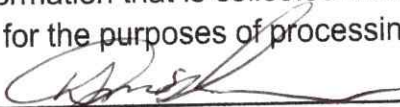
The owner acknowledges and agrees that if required it is their solicitor's responsibility on behalf of the owner for the registration of all transfer(s) of land to the County, and/or transfer(s) of easement in favour of the County and/or utilities. Also, the owner further acknowledges and agrees that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

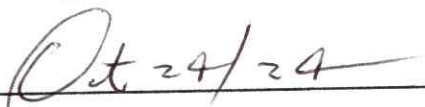
Permission is hereby granted to Norfolk County officers, employees or agents, to enter the premises subject to this application for the purposes of making inspections associated with this application, during normal and reasonable working hours.

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



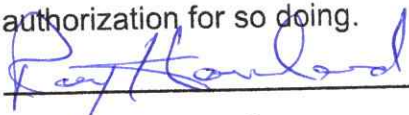
Date

J. Owner's Authorization

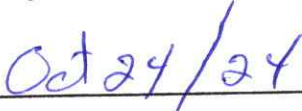
If the applicant/agent is not the registered owner of the lands that is the subject of this application, the owner must complete the authorization set out below.

I/We Ron & Roy HAVILAND am/are the registered owner(s) of the lands that is the subject of this application.


I/We authorize David McPherson 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.



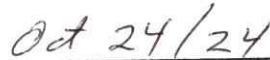
Owner



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

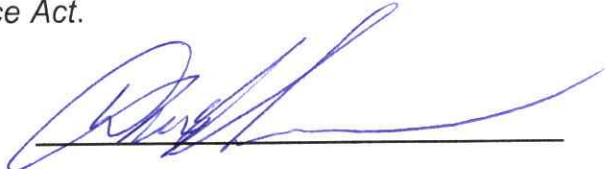
I, David McPherson of Simcoe

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:

Gilbertson Admin Building




~~Owner/Applicant~~/Agent Signature

In Simcoe, ON

This 13th day of December

A.D., 2024



A Commissioner, etc.

Olivia Catherine Davies, a
Commissioner, etc., Province of Ontario,
for the Corporation of Norfolk County.
Expires May 23, 2027.

For Office Use Only:

File Number	_____	Application Fee	_____
Related File Number	_____	Conservation Authority Fee	_____
Pre-consultation Meeting	_____	Well & Septic Info Provided	_____
Application Submitted	_____	Planner	_____
Complete Application	_____	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: 3310-336-020-57500

A. Applicant Information

Name of Owner Roy Haviland

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 1530 Concession 8 Townsend

Town and Postal Code Waterford, ON N0E 1Y0

Phone Number 519-443-8543

Cell Number 519-428-4558

Email cindyhaviland@hotmail.com

Name of Applicant Agent

Address _____

Town and Postal Code _____

Phone Number _____

Cell Number _____

Email _____

Name of Agent David McPherson
Address 8 Culver Lane
Town and Postal Code Simcoe, ON N3Y 5C8
Phone Number 519-426-7295
Cell Number 519-427-6483
Email david-a-mcpherson@hotmail.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 mortgages, 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):

Lot 19 Concession 4 Townsend

Municipal Civic Address: 1494 Norfolk County Road 19 East

Present Official Plan Designation(s): Agricultural & Hamlet

Present Zoning: CHA & A

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

☒ Yes ☐ No If yes, please specify:

8-Z-2017

3. Present use of the subject lands:

Commercial and Agricultural

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:

81 sqm Refrigeration Shop, 29 sqm Sea Can storage unit, 121 sqm barn and a 243 sqm barn

All of these buildings, their sizes, heights and setbacks are shown on the attached sketch.

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.

n/a

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:

No new buildings are 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:

Refrigeration business established in 1974 and by 1984 had expanded to the 2 barns & outdoor storage.

9. Existing use of abutting properties:

Residential and 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. **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	370 m	30 m		63 m	
Lot depth	967 m			108.58 m	
Lot width	598 m			143.63 m	
Lot area	89 acres			2.66 acres	
Lot coverage					
Front yard	77.82 m	13 m		77.82 m	
Rear yard	875 m	9 m		11.26 m	
Height	10 m	11 m		10 m	
Left Interior side yard	50+ m	3 m		20 m	
Right Interior side yard	50+m	3 m		4.69 m	
Exterior side yard (corner lot)					
Parking Spaces (number)					
Aisle width					
Stall size					
Loading Spaces					
Other	393 sqm	200 sqm	3.1.c	393 sqm	193 sqm

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

Accessory structures are former agricultural barns and have existed on these land for 75+ years.

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

Frontage: n/a

Depth:

Width:

Lot Area:

Present Use:

Proposed Use:

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:

Present Use:

Proposed Use:

Buildings on retained land:

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

Frontage: n/a

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: n/a
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):

Abattoir established in 1949 and operated until 1974 when the use change to Refrigeration sales and service.

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:

Information supplied by property owner, these lands have been in his family for 3 generations.

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:

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:

These lands are not within a WHPA

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 _____

Refrigeration business

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
☒ 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:

Norfolk County Road 19 East

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?

4

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.

Attached is a PJR, a surveyor's sketch, Gis map, explanatory note and copy of Bylaw 24-NA-87

The premise of this application is to recognize the size of the existing accessory buildings and to apply 45(2)(b) of the Planning Act to extend the refrigeration business use onto the ag lands as shown.

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

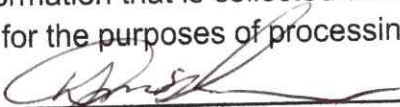
The owner acknowledges and agrees that if required it is their solicitor's responsibility on behalf of the owner for the registration of all transfer(s) of land to the County, and/or transfer(s) of easement in favour of the County and/or utilities. Also, the owner further acknowledges and agrees that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

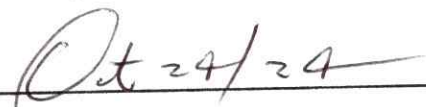
Permission is hereby granted to Norfolk County officers, employees or agents, to enter the premises subject to this application for the purposes of making inspections associated with this application, during normal and reasonable working hours.

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



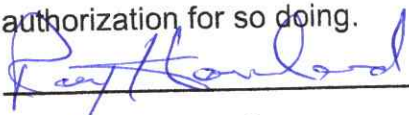
Date

J. Owner's Authorization

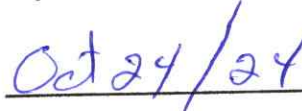
If the applicant/agent is not the registered owner of the lands that is the subject of this application, the owner must complete the authorization set out below.

I/We Ron & Roy HAVILAND am/are the registered owner(s) of the lands that is the subject of this application.


I/We authorize David McPherson 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.



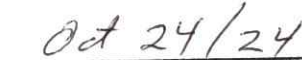
Owner



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, David McPherson of Simcoe

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:

Gilbertson Admin Building



Owner/Applicant/Agent Signature

In Simcoe

This 13th day of December

A.D., 2024



A Commissioner, etc.

Olivia Catherine Davies, a
Commissioner, etc., Province of Ontario,
for the Corporation of Norfolk County.
Expires May 23, 2027.

PREMISE AND EXPLANATION OF MINOR VARIANCE APPLICATION

AT 1494 NORFOLK COUNTY ROAD 19 EAST

Brothers Roy and Ron Haviland jointly own and operate the refrigeration business, established in 1974, on Part 1 of the attached sketch. That piece of property is within the Hamlet Boundary of Bealton, and is zoned Hamlet Commercial. **Bylaw Amendment 24-NA-87** permits a “refrigeration sales and service business” on Part 1.

By 1984, their business had grown such that the 2 barns on Part 2 were now being used to store parts and equipment related to the refrigeration business. The lands surrounding the 2 barns on Part 2 have evolved as outdoor storage for the business.

The time has come now that brother Roy wants to retire. Brother Ron is committed to continuing the refrigeration business.

Ron is trading his share of the farmland for Roy’s share of the business. Logically then, Ron wants to sever Parts 1 and 2, occupied by the business, from the farm land and retain the lands occupied by the business. This leaves the farm land vacant of buildings. Roy plans to build his retirement home on the vacant farm land.

The purpose of the Minor Variance Application is two-fold.

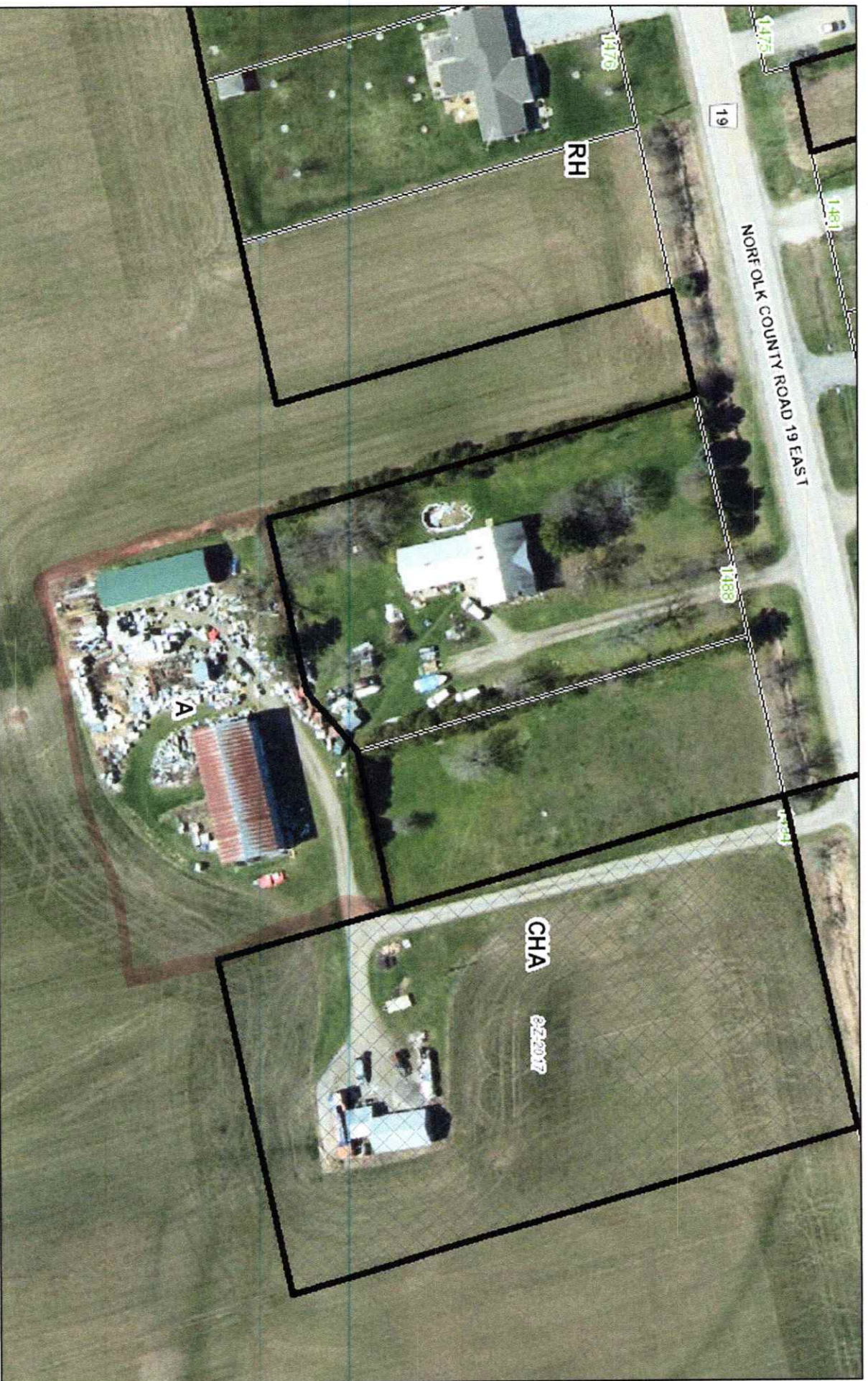
Firstly, we are asking Committee to exercise their prerogative under section 45(2)(b) of the Planning Act and to extend the refrigeration use permitted on Part 1 onto Part 2, as these lands have been used by the business since 1984. There is no need to re-zone the lands from Agricultural, as the Act allows for Committee to extend or add the current business use onto Part 2.

Secondly, we are asking for relief of 193 sq m from the maximum permitted 200 sq m in useable floor area of accessory buildings, to permit a total of 393 sq m of useable floor area in existing accessory buildings (the existing 2 barns and a sea can).

The attached **PLANNING JUSTIFICATION REPORT** identifies that this application:

- Has regard for the Planning Act
- Is consistent with OMAFRA guidelines
- Conforms to Norfolk County Official Plan
- Conforms to Norfolk County Zoning Bylaw 1-Z-2014
- Consistent with Provincial Policy Statement, 2024

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



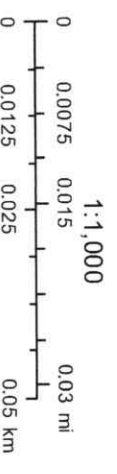
Land Parcels



Civic Address



Plan Lines



Queen's Printer for Ontario
Norfolk GIS

CITY OF NANTICOKE

BY-LAW NO.24-NA 87

Being a By-law to amend Zoning By-law 1-NA 86, as amended, of the City of Nanticoke.


WHEREAS City of Nanticoke Council is empowered to enact this By-law by virtue of the provisions of Section 34 of the Planning Act, 1983 and Section 53 of the Regional Municipality of Haldimand-Norfolk Act, R.S.O. 1980, c. 435;

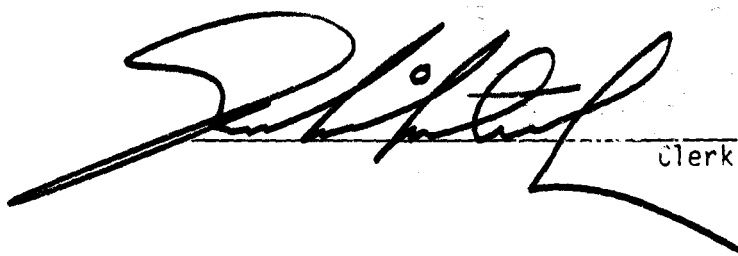
AND WHEREAS this By-law conforms to the District Plan of the City of Nanticoke Planning Area;

NOW THEREFORE the Council of the Corporation of the City of Nanticoke hereby enacts as follows:

1. THAT Schedule "A 1-A" "Figure 1" to the City of Nanticoke Zoning By-law 1-NA 86, as amended, is hereby amended by changing the zoning of the lands shown as subject lands on Maps "A" and "B" (attached to and forming part of this By-law) from "Special Industrial Zone (MS)" to "Hamlet Commercial Zone (CHA)" on parcel A and to "Agricultural Zone (A)" on parcel B.
2. AND THAT this By-law shall become effective from and after the date of passing hereof.

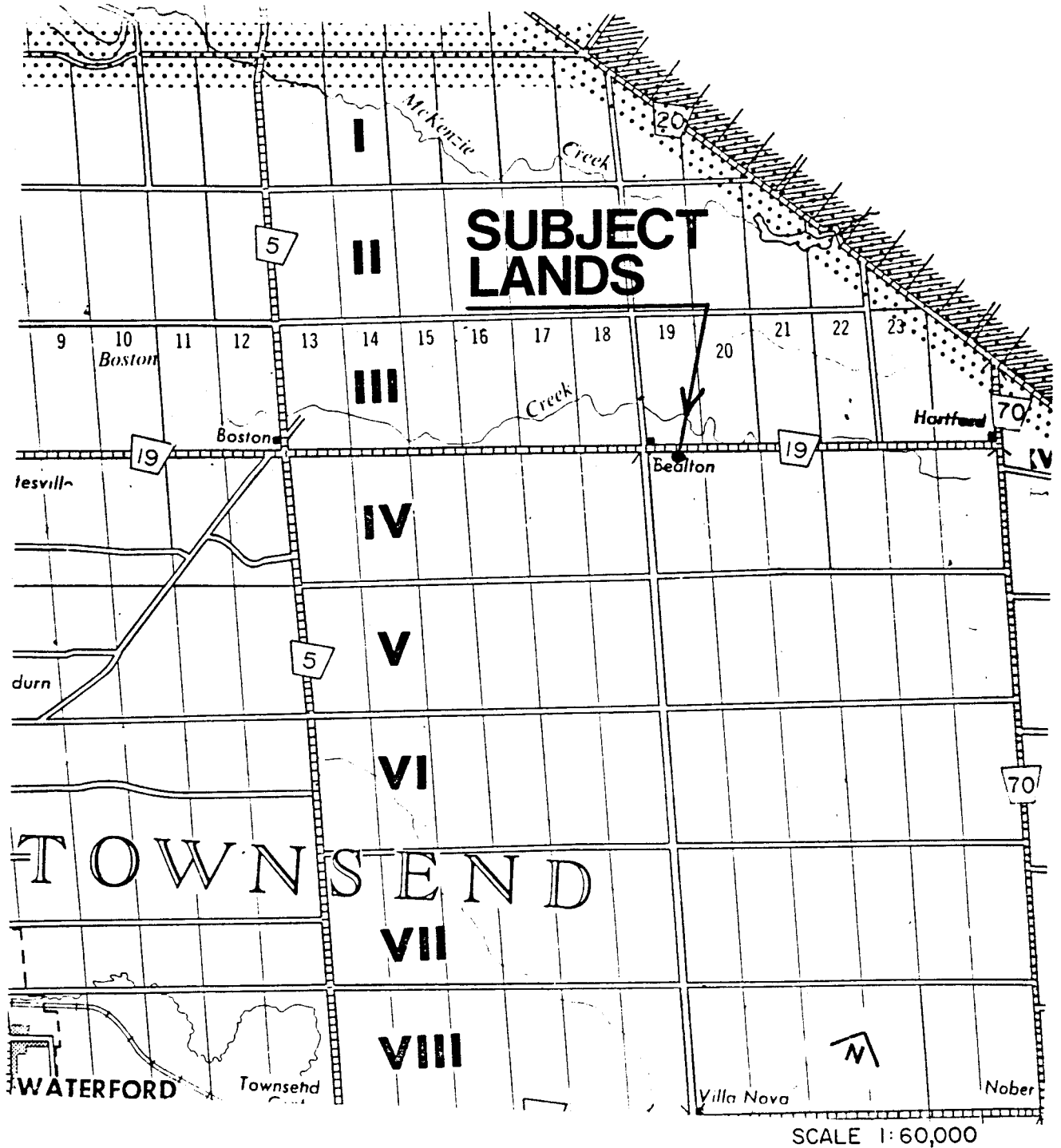
PASSED IN OPEN COUNCIL this 3rd day of November, 1987.


Deputy Mayor


Clerk

Map A - key map

CITY OF NANTICOKE
FORMER TWP. OF TOWNSEND



SCALE 1:60,000

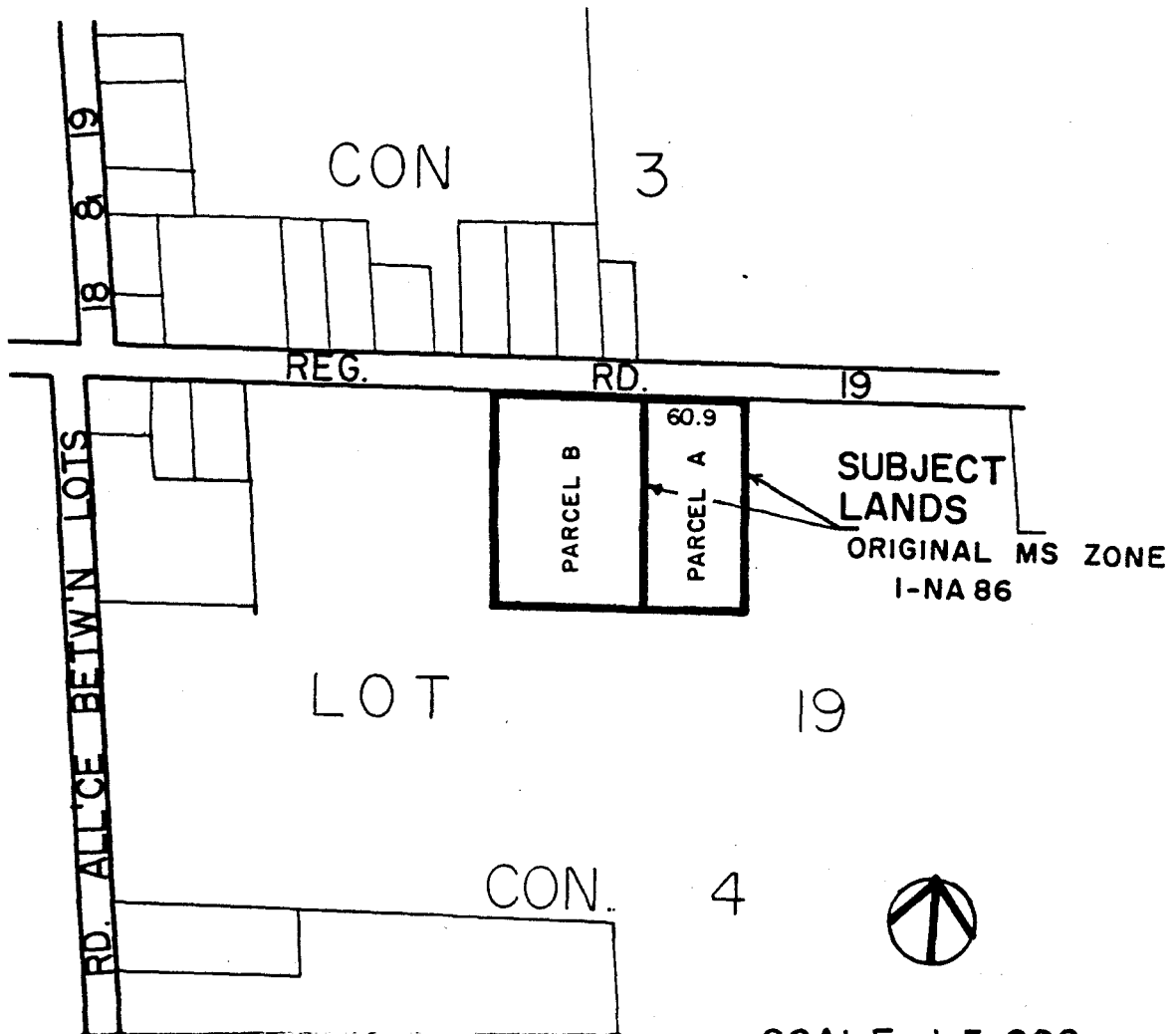
This is Map A to By-law 24-NA 87 Passed the 3 day of November 1987

Arval S. Shorby
DEPUTY MAYOR

[Signature]
CLERK

Map B - detailed map

CITY OF NANTICOKE
FORMER TWP. OF TOWNSEND



NOTE: Measurements shown on this plan
are in metres and may be converted
into feet by dividing by 0.3048.

This is Map B to Zoning By-law 24-NA 87 Passed the 3 day of November 1987

Orval S. Shorpe
Deputy MAYOR

[Signature]
CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 24-NA 87

This By-law only applies to a parcel of land located on part of Lot 19, Concession 4 (Townsend), City of Nanticoke. The lands front on Regional Road 19 in the hamlet of Bealton.

The zone change is from "Special Industrial (MS)" Zone to "Hamlet Commercial (CHA)" Zone on the front portion of the property and "Agricultural (A)" Zone on the remainder of the property.

This will allow the establishment of a refrigeration sales and service business in place of the abattoir which is now permitted.

File No. Z-NA 14 /87

Ron & Roy Haviland

P.D. Report No. 203/87

PDD:BY-NA1487

PREMISE AND EXPLANATION OF SEVERANCE APPLICATION

AT 1494 NORFOLK COUNTY ROAD 19 EAST

Roy and Ron Haviland jointly own both the farm land and the refrigeration business.

The refrigeration business, established in 1974 on Part 1 of the attached sketch, has grown over time and evolved into using the 2 barns shown on Part 2 for storage of business parts and equipment. The lands surrounding the 2 barns are occupied by outdoor storage of refrigerator equipment.

The time has now come that brother Roy plans to retire. Brother Ron is committed to continuing the refrigeration business.

To divide their joint assets, Ron is trading his share of the farm for Roy's share of the business. Naturally, Ron wants to sever Parts 1 and 2 from the farm and retain the lands occupied by the business.

The attached **PLANNING JUSTIFICATION REPORT** identifies that this application:

- Has regard for the Planning Act
- Is consistent with the Provincial Policy Statement, 2024
- Is consistent with OMAFRA guidelines
- Conforms to Norfolk County Official Plan
- Conforms to Norfolk County Zoning Bylaw 1-Z-2014

MAP NORFOLK - Community Web Map



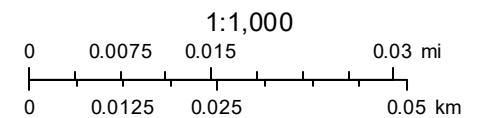
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Community Boundaries

- Urban Area Boundary
- Hamlet Area Boundary

- Resort Area Boundary
- Site Specific Policy Area
- Special Policy Areas

- Industrial Influence Area



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LANDPRO
PLANNING SOLUTIONS

LandPro Planning Solutions Inc.
110 James St., Suite 204, St. Catharines, ON. L2R 7E8

PLANNING JUSTIFICATION BRIEF

MINOR VARIANCE AND SEVERANCE APPLICATION



1494 Norfolk County Road 19 East,
Norfolk ON

December 2024

Prepared For:

Roy Haviland Refrigeration Inc.

c/o Dave McPherson

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1 INTRODUCTION

LandPro Planning Solutions Inc. (“Agent”) has been retained Mr. Roy Haviland and Mr. Ron Haviland (“Owners”) on behalf of *Roy Haviland Refrigeration Inc. c/o Mr. Dave McPherson* (“Applicant”) to assist in the severance of the property located at 1494 Norfolk County Road East (“Subject Property”).

1.1 PURPOSE

This application intends to sever and permit the existing refrigeration business on the property as an agricultural-related commercial use on the portion of the property zoned and designated for agricultural.

This report aims to provide justification for the proposed severance and present an overview of the planning merits of these applications.

2 SITE CONTEXT

The property is situated at 1494 Norfolk County Road 19 East in Norfolk County. It is zoned for Hamlet Commercial and Agricultural uses. Please refer to **Figure 1**.

2.1 SUBJECT PROPERTY

The property is relatively flat and large, in comparison to properties in the surrounding area. The total area of the property is approximately 35 ha (~86.5 ac). The property has approximately 310 m of frontage on Norfolk Count Road East, with one driveway access to the primary building and agricultural fields.

A portion of the property is currently used as a refrigeration business (Commercial use) and the remainder is active agricultural farmland.

The septic system is located on the Commercial Hamlet Area (CHA) lands and one (1) well is contained on the agricultural lands (where the refrigeration business has expanded to). With the approval of a severance, the well would be included on the same property it services.

2.2 SURROUNDING AREA

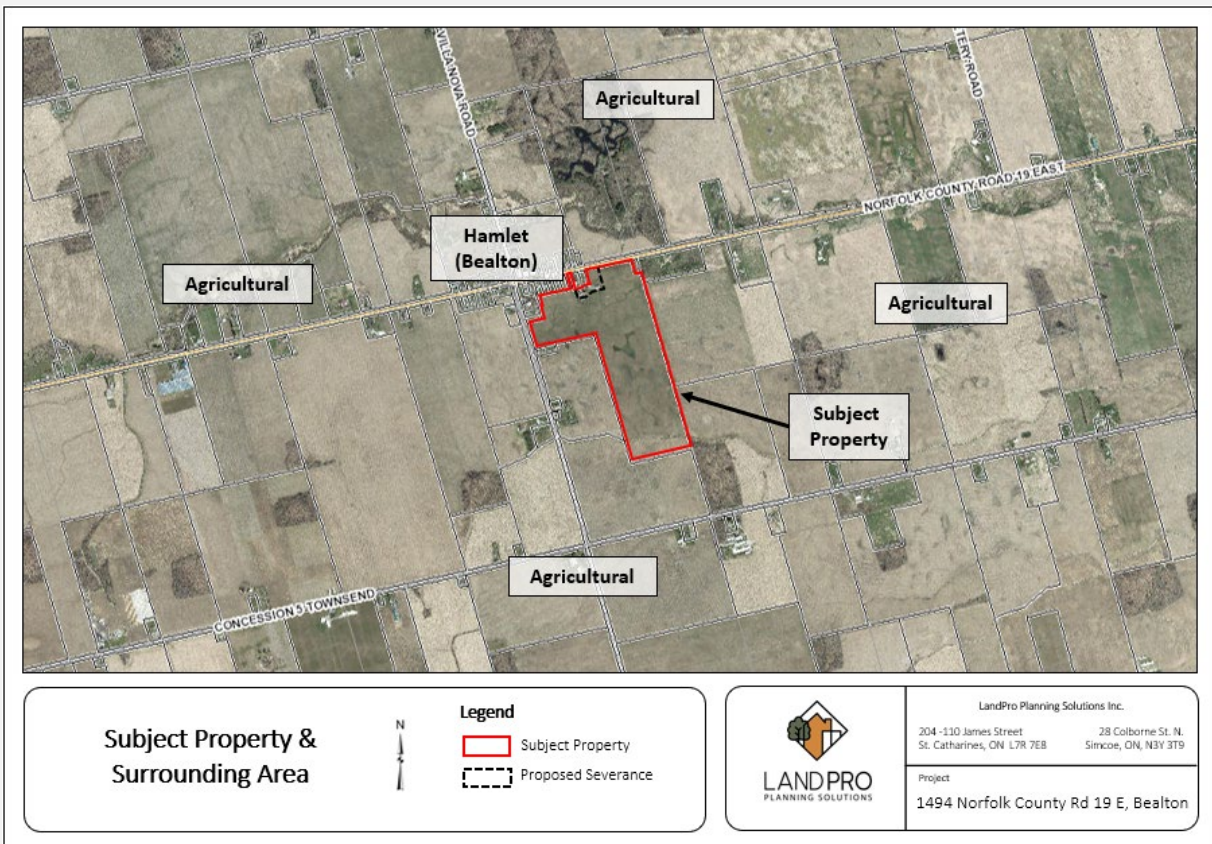
The surrounding area is comprised of primarily agricultural uses and rural residential dwellings.

NORTH	Hamlet and Agricultural
EAST	Agricultural
SOUTH	Agricultural
WEST	Hamlet and Agricultural

1494 Norfolk County Road East, Bealton

Roy Haviland Refrigeration Inc. c/o Dave McPherson

Figure 1: Surrounding Uses



2.3 HISTORY

Three generations of the Haviland family have owned the subject property on the eastern fringe of Bealton. Currently the farm is owned by brothers, Roy and Ron Haviland (“Owners”). The Owner’s grandfather established an abattoir on the property in 1949, operating as *Haviland Meats*. The abattoir was discontinued and transitioned into the current refrigeration business, *Roy Haviland Refrigeration Inc.*, in 1974.

By 1984, the business had grown and expanded into the two (2) barns within the agricultural designation. In 1987, the City of Nanticoke rezoned the property to “*Hamlet Commercial (CHA)*” to recognize the change in use from the abattoir to the refrigeration sales and service business. Since the business’ inception in 1974, the business has experienced a growth of ten fold.

1494 Norfolk County Road East, Bealton

Roy Haviland Refrigeration Inc. c/o Dave McPherson

2.4 THE BUSINESS

Roy Haviland Refrigeration Inc. is an agriculturally-focused refrigeration business where **all** of their clients are farmers. The business does **not** do any residential or commercial work. In addition to the two (2) brothers, the business also employs two (2) seasonal refrigeration tradesmen.

The business operates year-round. After normal business hours, the Owners are on-call to service their farm clients. There are no store front retail sales on-site. The walk-in coolers and freezers are manufactured and assembled within the on-site buildings. Parts are delivered daily by UPS and FEDEX vans and by tractor trailer at a rate of about 1 trailer load per month.

The arial photography shows the on-site storage of parts awaiting installation or recycling.

2.4.1 Clients

The business' largest client is *Procyk Farms Ltd.*, one of the largest produce growers in Canada. During the growing season *Procyk Farms* employ over 800 off-shore workers. *Procyk's* vegetable cooler is massive, roughly the size of a hockey arena. *Procyk's* harvest and bring into their cooler an average of 400 tons of tomatoes per day. They are also harvesting roughly 250 tons of other vegetables per day. As a result of the value and amount of produce, the Haviland's service trucks operate 24/7.

Below is a list of some of the business' larger clients that can take about 250 tons or produce per day or have walk-in coolers in excess of 2000 sq.ft., built and serviced by the Owners.

- | | | |
|------------------------|------------------------|-------------------------|
| • Magalas Produce Ltd. | • GRA Ginseng Farms | • Valley Ridge Farm |
| • Shabatura Farms | • Den Comer Farms | Enterprises |
| • Chary Produce Ltd. | • Bill De Munster | • Hansen Ginseng Farms |
| • Miles Produce Ltd. | • Bill Huffman | • Josmar Acres Inc |
| • Archies Cabbage | • AR Kennedy Farms | • Keresturi Farms Ltd |
| • Warren Peacock | • Jim Atkinson Farms | • Kicksee Farms |
| • Whites Potatoes | • Brelin Farms | • Lan Anh Ginseng Farms |
| • Chuck Emre | • RG Magda Holdings | • R Yin Ginseng Ltd |
| • Hank De Koning Meats | • Miden Farm Products | • Hann Farms Ltd |
| • Gourmet Meats | • Riddoch Ginseng | • Picard's Peanuts |
| • Giles Butchers | • RNK United Agra Inc. | • Ben Obied |
| • Stonehenge Farms | • Scholten Farms Inc | • Slaman Greenhouses |
| • Debco Farms | • Spriet Ventures | • Mark Sloo |

1494 Norfolk County Road East, Bealton

Roy Haviland Refrigeration Inc. c/o Dave McPherson

3 PROPOSED DEVELOPMENT

The applicant wishes to sever and permit the existing refrigeration business on the Hamlet Commercial and agricultural property. The proposed use intends to continue to use the property for commercial use while maintaining the agricultural lands for farming purposes. It will continue to be serviced through the existing private servicing (septic beds and wells). There is no new construction proposed as part of this application.

Currently, a portion of the business located within the Hamlet and is zoned *“Hamlet Commercial (CHA)”* while the portion outside of the Hamlet is zoned Agricultural (A). The CHA area permits a *“refrigeration sales and service business in place of the abattoir”* on the front portion of the property while maintaining agricultural use to the remainder of the property.

The business serves **only** agricultural clients, including some of the largest produce growers, ginseng growers and rural butcher shops in the County.

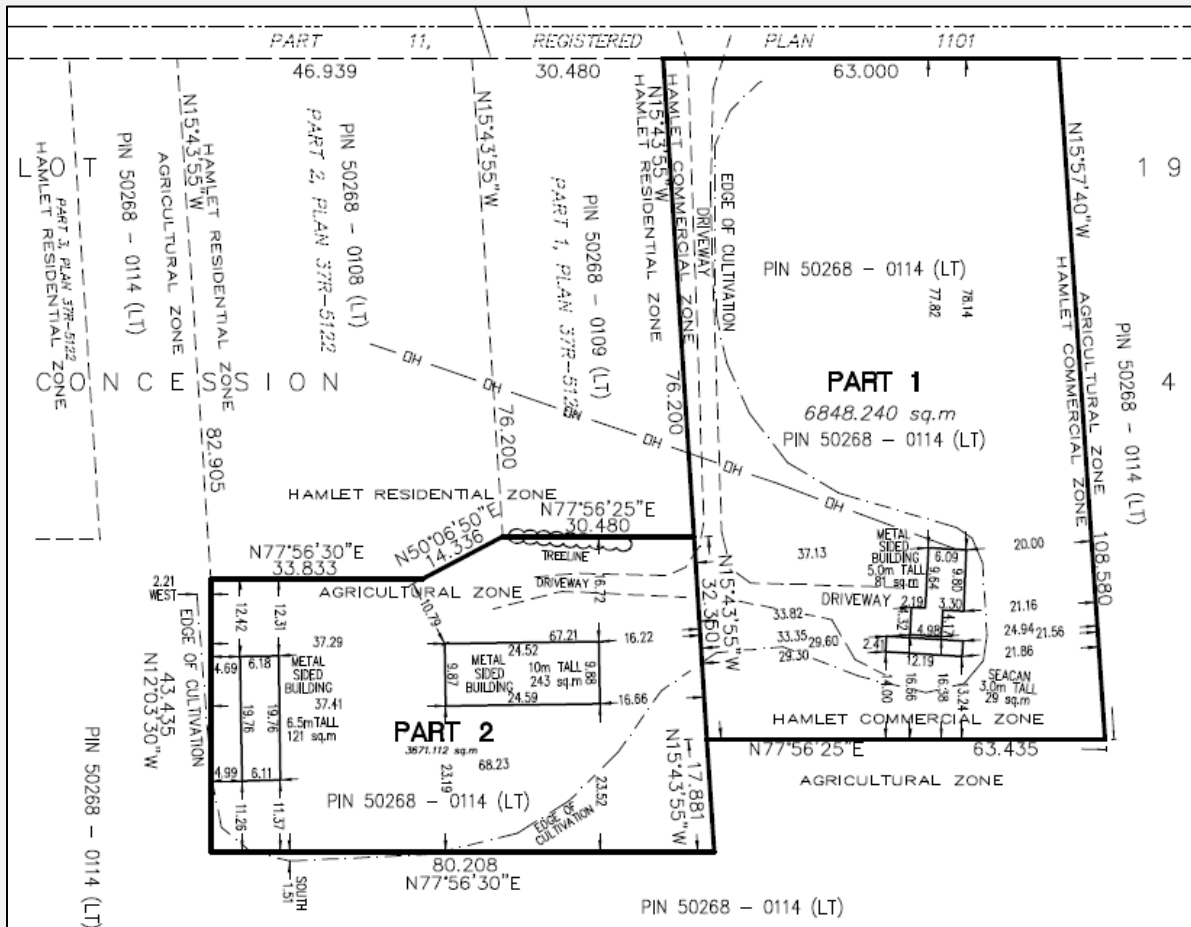
This severance aims to separate the sensitive land uses from each other and bring the private servicing (i.e. well) onto the same property in which it services. The septic system is located on the Commercial Hamlet Area (CHA) lands and one (1) well is contained on the agricultural lands (where the refrigeration business has expanded to). **With the approval of a severance, the well would be included on the same property it services.**

The business expanded beyond the CHA boundaries into agricultural lands around 1984 and is proposing to sever the existing expanded business and servicing onto its own property. The proposed severance and site plan is shown below in **Figure 2**.

1494 Norfolk County Road East, Bealton

Roy Haviland Refrigeration Inc. c/o Dave McPherson

Figure 2: Proposed Site Plan



4 LAND USE PLANNING FRAMEWORK

In preparing this application, several policy and regulatory documents were reviewed that need to be addressed to demonstrate good planning. They include the following:

1. Planning Act, R.S.O 1990 c.P.13
2. Provincial Planning Statement, 2024;
3. Norfolk County Official Plan, 2022;
4. Norfolk County Zoning By-Law 1-Z-2014

The proposed development was assessed against these regulations and associated policies. A detailed review is below.

1494 Norfolk County Road East, Bealton

Roy Haviland Refrigeration Inc. c/o Dave McPherson

4.1 PLANNING ACT, R.S.O 1990 c.P.13

The *Planning Act* is the provincial legislation and provides the basis for land use planning in Ontario, identifying tools for managing how, where and when land use changes occur.

The purposes of the *Act* as outline in **Section 1.1** are (a) to promote sustainable economic development in a healthy natural environment, (b) to provide for a land use planning system led by provincial policy, (c) to integrate matters of provincial interest in provincial and municipal decisions, (d) to provide for planning processes that are fair, (e) to encourage co-operation and coordination among various interests, and (f) to recognize the decision-making authority and accountability of municipal councils in planning.

The matters of Provincial Interest are outlined in **Section 2** of the *Act*. This application *shall have regard to* the following matters: a), b), e), f), h), k), l), m), n), o), and p). These applications also have regard for **Section 34** of the *Act*.

Section 45(1) of *The Act* identifies four (4) tests which a minor variance application must meet. This application requests to recognize the increase in usable floor area for the accessory buildings in the Agricultural area and permit the “agricultural-related commercial use” on the property.

Section 45(2)(b) of *The Act* allows the Committee of Adjustment to permit the new uses on the property for any purpose given that it conforms with the uses permitted in the zoning by-law in the opinion of the Committee. The relevant Section of *The Act* states:

“In addition to its powers under subsection (1), the committee, upon any such application, where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law”

These applications have regard for the relevant sections of the *Planning Act*.

4.2 PROVINCIAL PLANNING STATEMENT, 2024

The *Provincial Planning Statement* (PPS) provides policy direction on matters of provincial interest for all land use development throughout Ontario. It provides direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

Rural Areas in Municipalities (Section 2.5) highlights how healthy, integrated and viable rural areas should be supported by: building upon rural character, and leveraging rural amenities and assets (2.5.1.a); promoting regeneration (2.5.1.b); using rural infrastructure and public service facilities efficiently (2.5.1.d).

1494 Norfolk County Road East, Bealton

Roy Haviland Refrigeration Inc. c/o Dave McPherson

Rural Lands in Municipalities (Section 2.6) states that permitted uses are the management or use of resources **(2.6.1.a)**; agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards **(2.6.1.d)**; other rural and uses **(2.6.1.g)**.

Development that can be sustained by rural service levels should be promoted by municipalities **(2.6.2)**; and development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the uneconomical expansion of this infrastructure **(2.6.3)**.

Employment (Section 2.8) shall promote economic development and competitiveness by: providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs **(2.8.1.a)**; and by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses, and take into account the needs of existing and future businesses **(2.8.1.b)**.

Planning authorities shall designate, protect, and plan for all employment areas in settlement areas by: planning for employment area uses over the long-term that require those locations including manufacturing, research and development in connection with manufacturing, warehousing and goods movement, and associated retail and office uses and ancillary facilities **(2.8.2.3.a)**; including an appropriate transition to adjacent non-employment areas to ensure land use compatibility and economic viability **(2.8.2.3.e)**.

Agriculture – Lot Creation and Adjustments (Section 4.3.3) permits lot creation for agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; **(4.3.3.1.b)**. Further, lot adjustments in prime agricultural areas may be permitted for legal or technical reasons **(4.3.3.2)**.

This application aims to sever and permit the agricultural-related commercial use on the portion of the property zoned and designated for agricultural. The existing refrigeration business services only agricultural clients and is in a suitable location to be severed as a portion of the proposed severance is within the Hamlet and zoned accordingly.

Further, this technical severance aims to separate the sensitive land uses from each other and bring the private servicing (i.e. well) onto the same property in which it services. The severance aims to sever the lands beyond the Hamlet boundary on the agricultural lands as the business expanded beyond its boundaries in 1984 so the business can continue to run as usual but will be a separate property from the farmlands with the existing drilled water supply well.

4.2.1 Ontario Ministry of Food, Agriculture and Rural Affairs Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas 2024

The Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas helps municipalities, decision-makers, farmers and others interpret the policies in the Provincial Planning Statement *(formerly Provincial*

1494 Norfolk County Road East, Bealton

Roy Haviland Refrigeration Inc. c/o Dave McPherson

Policy Statement, 2014) on the uses that are permitted in prime agricultural areas. All of the **guidelines**, are found below in *Table 1*, must be met to qualify as agriculture-related uses in prime agricultural areas.

Table 1: OMAFRA Guidelines on Permitted Uses

Policy	Comment
1. Farm-related commercial and farm-related industrial use.	The existing refrigeration business is a farm-related commercial use as it only services agricultural clients in the area and requires to be located in the agricultural area given the business' client base.
2. Shall be compatible with, and shall not hinder, surrounding agricultural operations.	The existing use is compatible with and does not hinder surrounding agricultural operations.
a) Ensure surrounding agricultural operations are able to pursue their agricultural practices without impairment or inconvenience.	There is no impact on surrounding agricultural operations expected as the use has existed for decades prior.
b) Uses should be appropriate to available rural services.	The proposed severance is compatible with rural service levels.
c) Maintain the agricultural/rural character of the area.	The use has existed since 1974 and expanded behind the residential property (1488 Norfolk County Road East) in 1984 to further mitigate the visual impacts.
d) Meet all applicable provincial air emission, noise, water and wastewater standards and receive all relevant environmental approvals.	No new development is proposed, and all applicable and relevant standards are met.
e) The cumulative impact of multiple uses in prime agricultural areas should be limited and not undermine the agricultural nature of the area.	The cumulative impact does not undermine the agricultural nature of the area as no new development is proposed.
3. Directly related to farm operations in the area.	The existing business is an agriculturally-related commercial refrigeration business where all of its clients are agricultural clients in the area.
4. Supports agriculture.	The existing use is directly related to and provides services to farm operations in the area.

1494 Norfolk County Road East, Bealton

Roy Haviland Refrigeration Inc. c/o Dave McPherson

5. Provides direct products and/or services to farm operations as a primary activity.	The existing use provides services to farm operations as its primary activity. The business was established in 1974 and has proven to be compatible.
6. Benefits from being in close proximity to farm operations.	The existing business benefits directly from being in close proximity to farm operations as the entirety of the business' client base are agricultural clients.

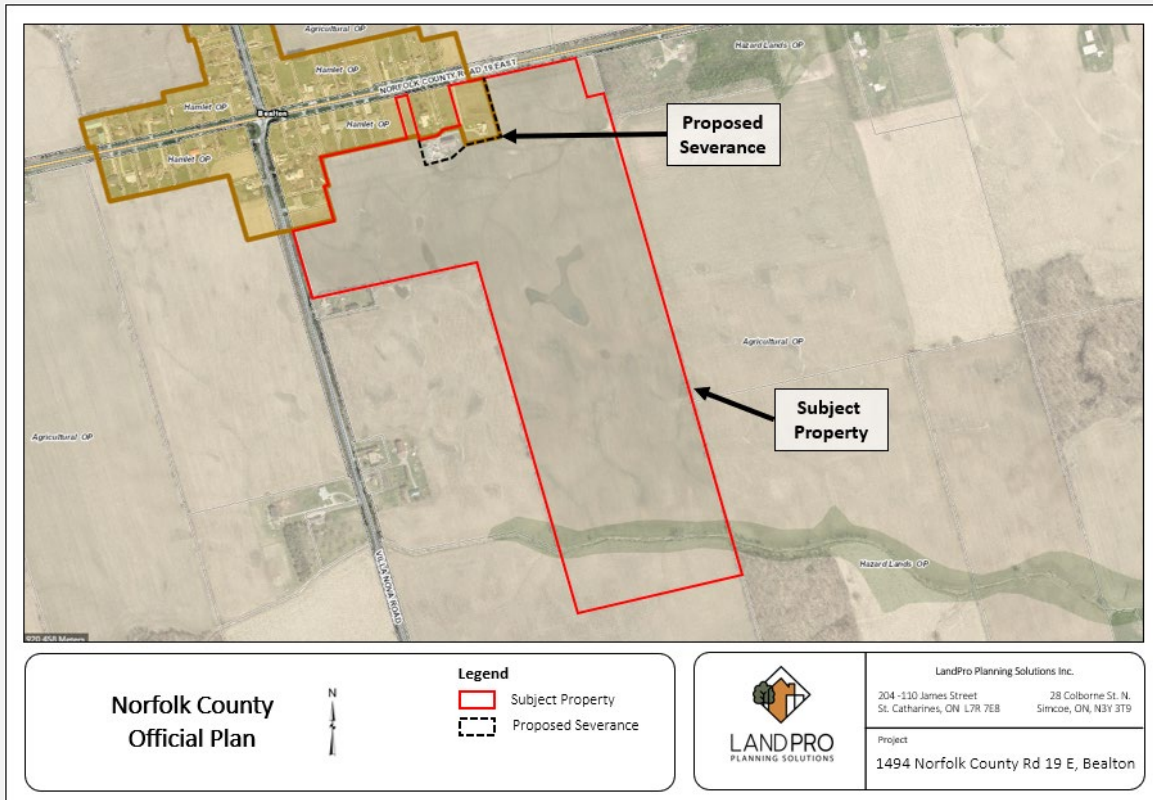
These applications are consistent with the PPS, 2024 and the OMAFRA Guidelines on Permitted Uses.

4.3 NORFOLK COUNTY OFFICIAL PLAN, 2022

The *Norfolk County Official Plan* contains objectives, policies and mapping that describe the County's vision for the next 20+ years, including their approach to guiding economic, environmental, and social decisions that have implications for the use of land.

The subject property is designated as **Hamlet Area** and **Agriculture** in the Norfolk County Official Plan. **Figure 3**, below, shows the property designation and surrounding land uses.

Figure 3: Norfolk County Official Plan



1494 Norfolk County Road East, Bealton

Roy Haviland Refrigeration Inc. c/o Dave McPherson

Strong and Diversified Economy (2.2.1) promotes a flexible and adaptable economic environment that encourages investment and a broad range of employment opportunities, ... [and] protects the vitality and growth of the agricultural industry (2.2.1.1).

Objectives of this Section include: promoting the development of new businesses and economic activities that are not currently available in the County to help maximize employment opportunities (2.2.1.2.b); promoting employment opportunities that utilize local economic and natural resources (2.2.1.2.c); and support business and industrial employment diversification through flexible land use policies and small business development (2.2.1.2.d).

Maintaining and Enhancing the Rural and Small Town Character (2.2.3) protects the unique character of Norfolk's cultural landscapes, Urban Areas, Hamlet Areas and Agricultural Area (2.2.3.1).

Key objectives in this Section include encouraging the beautification, improvement and/or redevelopment of the County (2.2.3.2.b); and revitalizing and reusing underutilized land in the County (2.2.3.2.c)

Ensuring Economic Vitality (4.0) encourages economic development across the County in a manner that balances social, cultural, natural environment and other initiatives. This Plan recognizes the pre-eminence of agriculture as the principal economic activity in the County (4.1).

Specifically, the policies of this Plan shall support the following objectives: enhancing the profile of the County and its Urban Areas as investment opportunities (4.2.i); ensuring that the land use policies of this Plan maintain the pre-eminence of agriculture as the principal economic activity in the rural components of the County (4.2.iii); and improving opportunities for local industries and businesses, especially small businesses within the County (4.2.v).

Agricultural Designation (7.2) contains policies related to the permitted uses on in the agricultural area. Although, the expanded refrigeration business is an agricultural-related commercial use and is permitted on the agricultural portion of the property as per **Section 7.2.1.h.iv**.

"Agriculture-related commercial and industrial uses" that are clearly supportive of and directly related to agricultural operations may be permitted subject to the following criteria (7.2.2.d):

Table 3 – Norfolk County Official Plan - Section 7.2.2.d

Policy	Comment
i) the use must be justified on the basis of being required near to the farm operation;	The existing use is required to be located near farm operations as the business exclusively has agricultural clients.
ii) the proposed use is directly related to farm operations in the area and provides direct	The existing use is directly related to and provides services to farm operations as a primary activity.

products and/or services to farm operations as a primary activity;	
iii) the proposed use shall be compatible with and not hinder surrounding agricultural operations;	The existing use is compatible with and does not hinder surrounding agricultural operations. The business was established in 1974 and has proven to be compatible for the area.
iv) the proposed use shall be appropriate to available rural services, such as road access, private water and waste water services, utilities, fire protection and other public services;	The existing use is appropriate for rural service levels and has not demonstrated any negative impacts to the agricultural area. The hours of operation are normal business hours with 24/7 mobile servicing to farm clients.
v) the proposed use maintains the agricultural character of the area;	The existing use maintains the character of the area as there is no new construction is proposed as part of this application. The outdoor storage of materials and equipment are located in the rear/side yards by the existing storage buildings to mitigate the visual impact from the street.
vi) the proposed use meets all applicable provincial emission, noise, water and wastewater standards and receives all relevant environmental approvals;	The existing buildings appears to be appropriate for mitigating noise, emissions, and visual impact. Landscaping and setbacks will further mitigate any potential negative impacts.
vii) the cumulative impact of multiple agriculture-related uses in prime agricultural areas should be limited and not undermine the agricultural nature of the area;	The existing use has existed since 1974 and has proven to be appropriate for the property and does not undermine the agricultural nature of the area.
viii) the location of the proposed use shall provide for minimum sight distances from the access points in either direction along a County road;	No new construction is proposed as part of this application. Existing minimum sight distances and sightlines will be maintained.
ix) the proposed use shall be located and designed to mitigate potential adverse impacts, including noise impacts, on adjacent residential and other incompatible uses by	The existing buildings appears to be appropriate for mitigating noise, emissions, and visual impact. Landscaping and setbacks will further mitigate any potential negative impacts.

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buffering measures such as landscaping, berming and building setback and layout;	
x) the proposed use shall not be permitted in Provincially Significant Wetlands or Hazard Lands identified on Schedules "B" or Table 1 of Section 3.5(Natural Heritage Systems) to this Plan;	The proposed use is not within a Provincially Significant Wetland or Hazard Land.
xi) the proposed use shall not be permitted in or on adjacent land to the Natural Heritage Features identified...	The property is not located in or adjacent to a Natural Heritage Feature.
xii) the proposed use shall be subject to a Zoning By-law Amendment; and	<p>The existing use on the property has existed since 1974 and was expanded in 1984. The cost and time to prepare, submit, process, and hear a Zoning By-Law Amendment application seems trivial.</p> <p>Section 45(2)(b) of the <i>Planning Act</i> allows the Committee of Adjustment to permit the new uses on the property for any purpose given that it conforms with the uses permitted in the zoning by-law in the opinion of the Committee.</p> <p>As such, we request that this use be permitted by way of a Minor Variance application. Please refer to Section 4.4.1 of this report.</p>
xiii) the proposed use shall be subject to site plan control, where warranted and as appropriate, in accordance with the policies of Section 9.6.5 (Site Plan Control) of this Plan	We do not view a Site Plan Control application to be warranted. We are of the opinion that a Site Plan Waiver would be appropriate for this proposal given the scale and simplicity of this proposal.

This application conforms with the Norfolk County Official Plan.

4.4 NORFOLK COUNTY ZONING BY-LAW 1-Z-2014

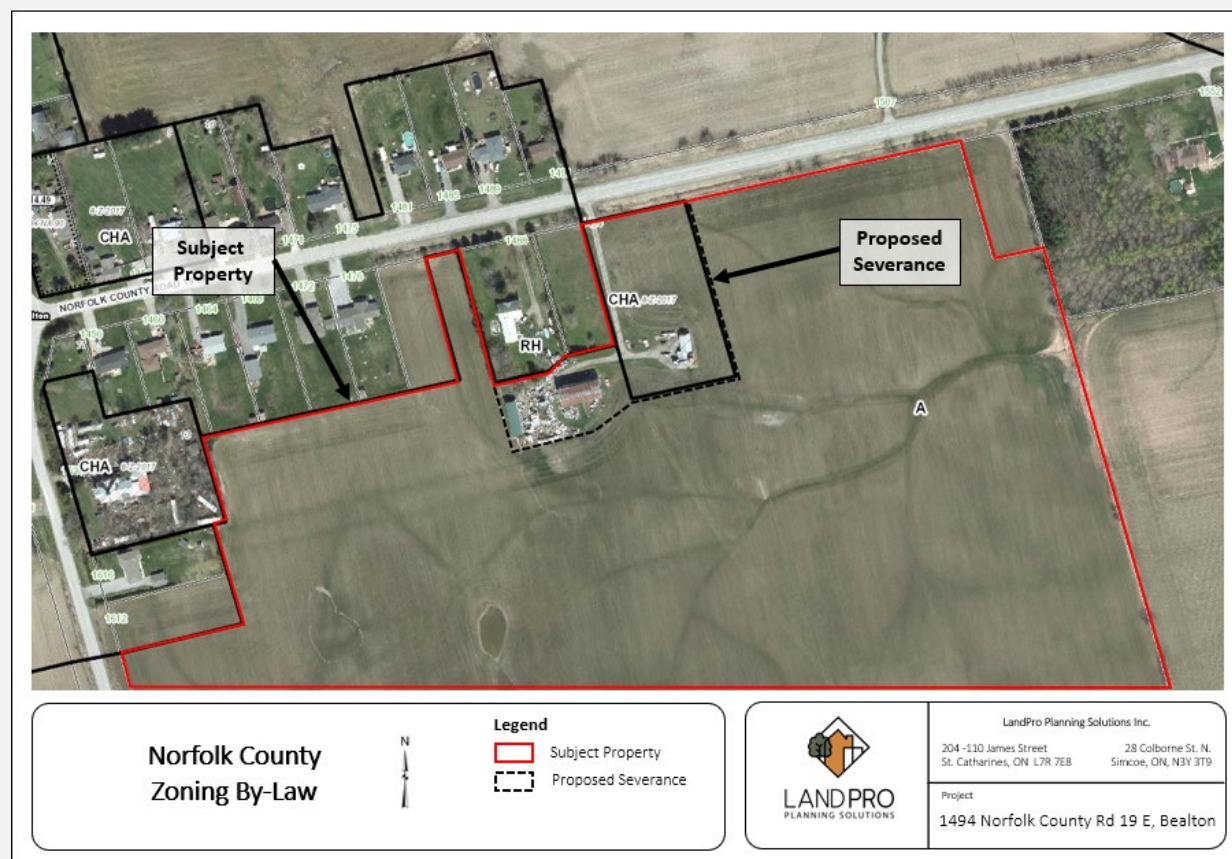
The Norfolk County Zoning By-Law 1-Z-2014 is used to manage land use compatibility, character, and appearance of communities; and to implement policies of the Official Plan.

A front portion of the property is currently zoned **Hamlet Commercial Area (CHA)** while the majority is zoned **Agricultural (A)**. Please refer to *Figure 4*.

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Figure 4: Norfolk County Zoning By-Law 1-Z-2014



The “CHA” zone permits the “refrigeration sales and service business in place of the abattoir” on the front portion of the property while the “A” zone permits the existing use as an “agricultural-related commercial use”. The active agricultural farmlands will remain on the remainder of property.

Accessory Uses to Non-Residential Uses (Section 3.1.c) states “No building or structure, excluding a sign, which is accessory to any non-residential use in any Zone shall: c) occupy more than 10 percent of the lot area, for all accessory buildings together, to a maximum of 200 square metres usable floor area on a lot less than 2 hectares in the Agricultural Zone”.

Additionally, **Section 45(2)(b)** of *The Act* allows the Committee of Adjustment to permit the new uses on the property for any purpose given that it conforms with the uses permitted in the zoning by-law in the opinion of the Committee.

As such, a Minor Variance Application has been included as part of this application to:

1. Recognize the increase in usable floor area for the accessory buildings in the Agricultural area
2. Permit the “agricultural-related commercial use” on the property (*as per 7.2.2.d.xii of the Official Plan*). Please refer to Section 4.4.1 of this Report.

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The zoning statistics are shown in the tables below:

Table 4: Norfolk County Zoning By-Law 1-Z-2014 – CHA & A Zone Provisions

Provision	Required (CHA)	Required (A)	Proposed		Comment
Minimum Lot Area	1,860 sqm	40 ha	1.69 ac		Complies
Minimum Lot Frontage	30m	13m	63m		Complies
Minimum Front Yard	6m	6m	77.82m		Complies
Minimum Exterior Side Yard	6m	13m	n/a		Complies
Minimum Interior Side Yard	3m	3m	4.69m		Complies
Minimum Rear Yard	9m	9m	11.26m		Complies
Maximum Building Height	11m	11m	10m (barn)		Complies
Maximum Useable Floor Area	280 sqm	200sqm (3.1.c)	CHA	A	Does Not Comply
			81sqm	393sqm	
Minimum separation between a farm processing facility and a dwelling on an adjacent lot	n/a	30m	+/-45.5m		Complies

4.4.1 Minor Variance Tests

Section 45(1) of the *Planning Act, R.S.O. 1990, c.P.13* identifies four (4) tests which the minor variance application must meet. Further, **Section 45(2)(b)** allows the Committee of Adjustment to permit the new uses on the property for any purpose given that it conforms with the uses permitted in the zoning by-law in their opinion. This application requests to recognize the increase in usable floor area for the accessory buildings in the Agricultural area and permit the “agricultural-related commercial use” on the property.

Does the application conform to the general intent and purpose of the Official Plan?

These applications conform to the general intent and purpose of the Official Plan as the existing refrigeration business is an “agricultural-related commercial use”. The property is located within the

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Settlement Area designation (Hamlet of Bealton) in Schedule 1 of the Official Plan. The use is permitted on the agricultural portion of the property (7.2.1.h.iv) and on the CHA zoned lands.

Does the application conform to the general intent and purpose of the Zoning By-Law?

These applications conform to the general intent and purpose of the Zoning By-Law as the existing refrigeration business is an *“agricultural-related commercial use”*. This minor variance application intends to formally permit the new use on the property (7.2.2.d.xii) and recognize the existing buildings that are slightly oversized to comply with the usable floor area of accessory uses to non-residential uses provision (3.1.c) but have been used by the refrigeration business since 1984.

Is the application a desirable use for this property?

This use is a desirable use of the property as the family has owned and lived on the property for numerous decades since the abattoir was established in 1949 with the subsequent and current refrigeration business in 1974. The expansion onto the agricultural lands is located behind the residential properties fronting onto Norfolk County Road East to minimize the visual impact from passersby. Through these applications, the business can continue to operate as normal in a desirable and beneficial location for the agricultural refrigeration business.

Is the application minor?

These applications are minor as they look to permit the use that has existed on the property since 1984. The severance aims to separate the sensitive land uses from each other and bring the private servicing (i.e. well) onto the same property in which it services. The increase in usable floor area for the accessory buildings is also minor as the buildings existed prior to the business being established in 1974.

Subject to approval of the Minor Variance Application, this severance and use conforms to the Norfolk County Zoning By-Law 1-Z-2014.

5 PLANNING ANALYSIS

These applications intend to sever the agricultural-related commercial use from the farmland portion of the property. Currently, the property has both Agricultural (A) and Hamlet Commercial (CHA) zones which permits a *“refrigeration sales and service business”* on the front portion of the property while also permitting the existing business on the agricultural lands as an *“agricultural-related commercial use”*.

These applications have regard for Section 2 and Section 51(24) of the *Planning Act*. The matters of provincial interest that these applications have regard to are: *a), b), e), f), h), k), l), m), n), o), and p)*.

The proposed development is consistent with the PPS as the existing refrigeration business services only agricultural clients and is in a suitable location to be severed as a portion of the proposed severance is within the Hamlet and zoned accordingly. Further, the technical severance also aims to include the lands

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beyond the Hamlet boundary on the agricultural lands as the business expanded beyond its boundaries in 1984.

The proposed development satisfies the objectives and goals listed in the Norfolk County Official Plan. The proposed development also ensures that it meets the criteria (Section 7.2.2.d) for agriculture-related commercial and industrial uses demonstrating that the existing use is clearly supportive of and directly related to the agricultural operations in the surrounding area. This application conforms with the Norfolk County Official Plan.

These applications look to recognize the increased usable floor area for the accessory buildings in the Agricultural area and permit the “agriculture-related commercial use” on the property. The Committee of Adjustment may permit new uses and an increased usable floor area on the property as per Section 45(2)(b) of *The Act*. Subject to approval of these applications, the provisions in the zoning by-law are met.

Based on our review of the existing context, the proposed severance and applicable policy, it is our opinion that the proposed applications are suitable for this property.

6 CLOSING

It is our opinion that this application represents good planning and should be approved because the application:

1. Has regard for the *Planning Act*;
2. Is consistent with the *Provincial Planning Statement (2024)*;
3. Conforms with the *Norfolk County Official Plan*;
4. Subject to approval, conforms to the provisions within the *Norfolk County Zoning By-Law 1-Z-2014*

Please do not hesitate to contact the undersigned if you have any questions or concerns.

Sincerely,

LANDPRO PLANNING SOLUTIONS INC.



Mitchell Baker, BES, RPP, MCIP
Planner | Project Manager



289-680-3164



mitchell@landproplan.ca



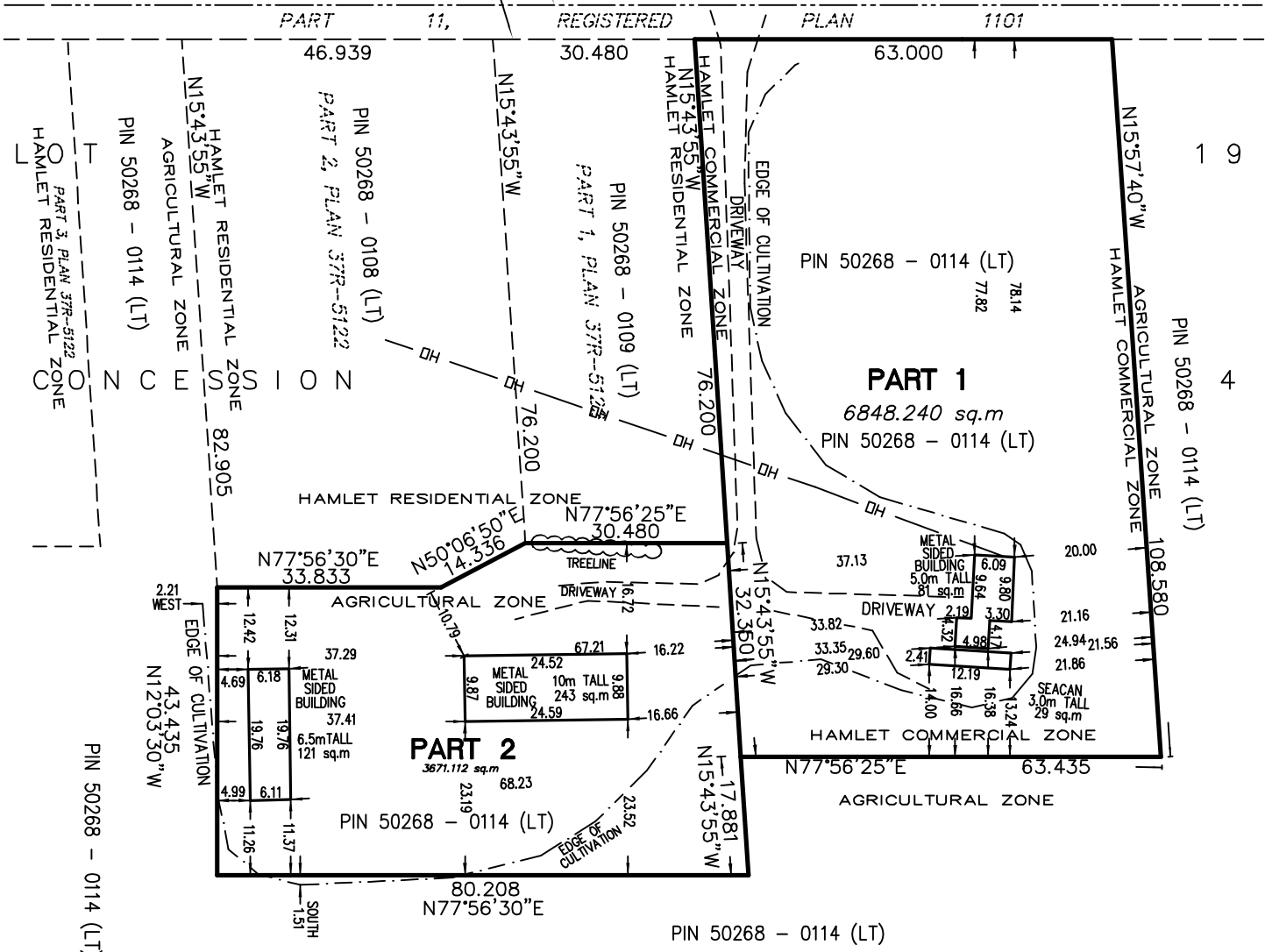
landproplan.ca

SKETCH SHOWING
PROPOSED SEVERANCE
OF
PART LOT 19
CONCESSION 4
GEOGRAPHIC TOWNSHIP OF TOWNSEND
NORFOLK COUNTY
SCALE: 1 : 1000
DECEMBER 4, 2024



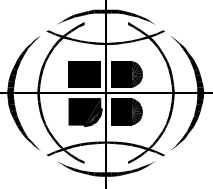
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DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
CAUTION:
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT
BE USED FOR PURPOSES OTHER THAN THE
PURPOSE INDICATED IN THE TITLE BLOCK.

CONCESSION 3 TOWNSEND ROAD
(VARIOUS WIDTHS AS WIDENED BY REGISTERED PLAN 1101)
(20.117m WIDE ROAD ALLOWANCE BETWEEN CONCESSIONS 3 & 4)
PIN 50292 - 0102 (LT)



DATE: DECEMBER 4, 2024
KIM HUSTED, O.L.S.

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ROY WILLIAM HAVILAND
RONALD ELWOOD HAVILAND
(VILLAGE OF BEALTON)



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ONTARIO LAND SURVEYORS
A Division of Kim Husted Surveying Ltd.
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SURVEYING
MAPPING
GIS



DRAWN BY: J.L.M.	CHECKED BY: K.S.H.	REFERENCE NO.: 24-54-108-00
DATED: DECEMBER 4, 2024		




MAP NORFOLK - Community Web Map






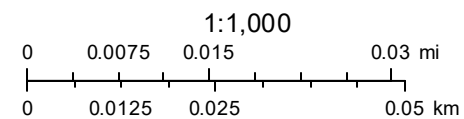
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Zones 1-Z-2014

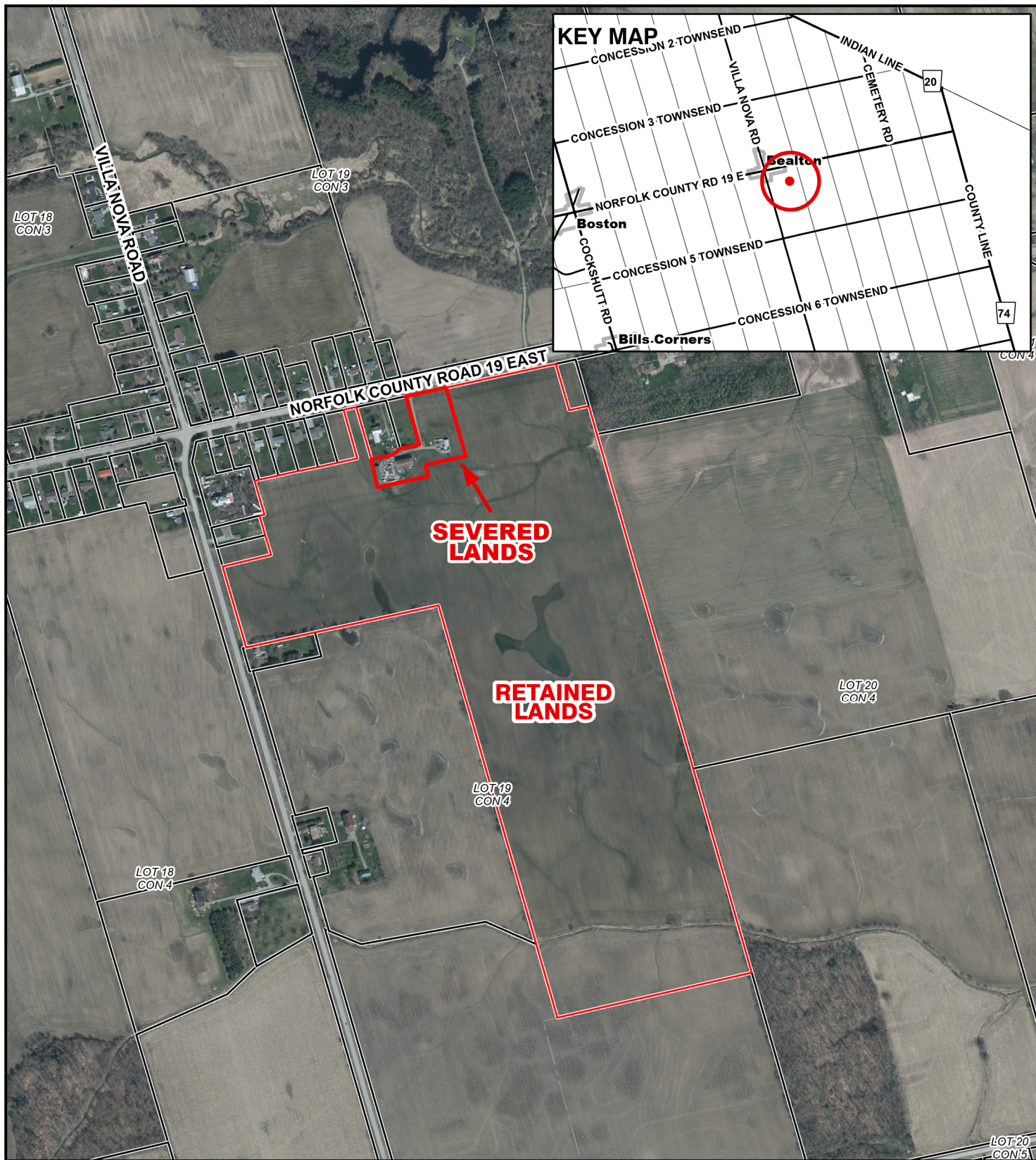
-  Zone
-  Zone with Holding Provision

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

-  Land Parcels
-  Civic Address
-  Plan Lines



Queen's Printer for Ontario
Norfolk GIS

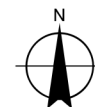


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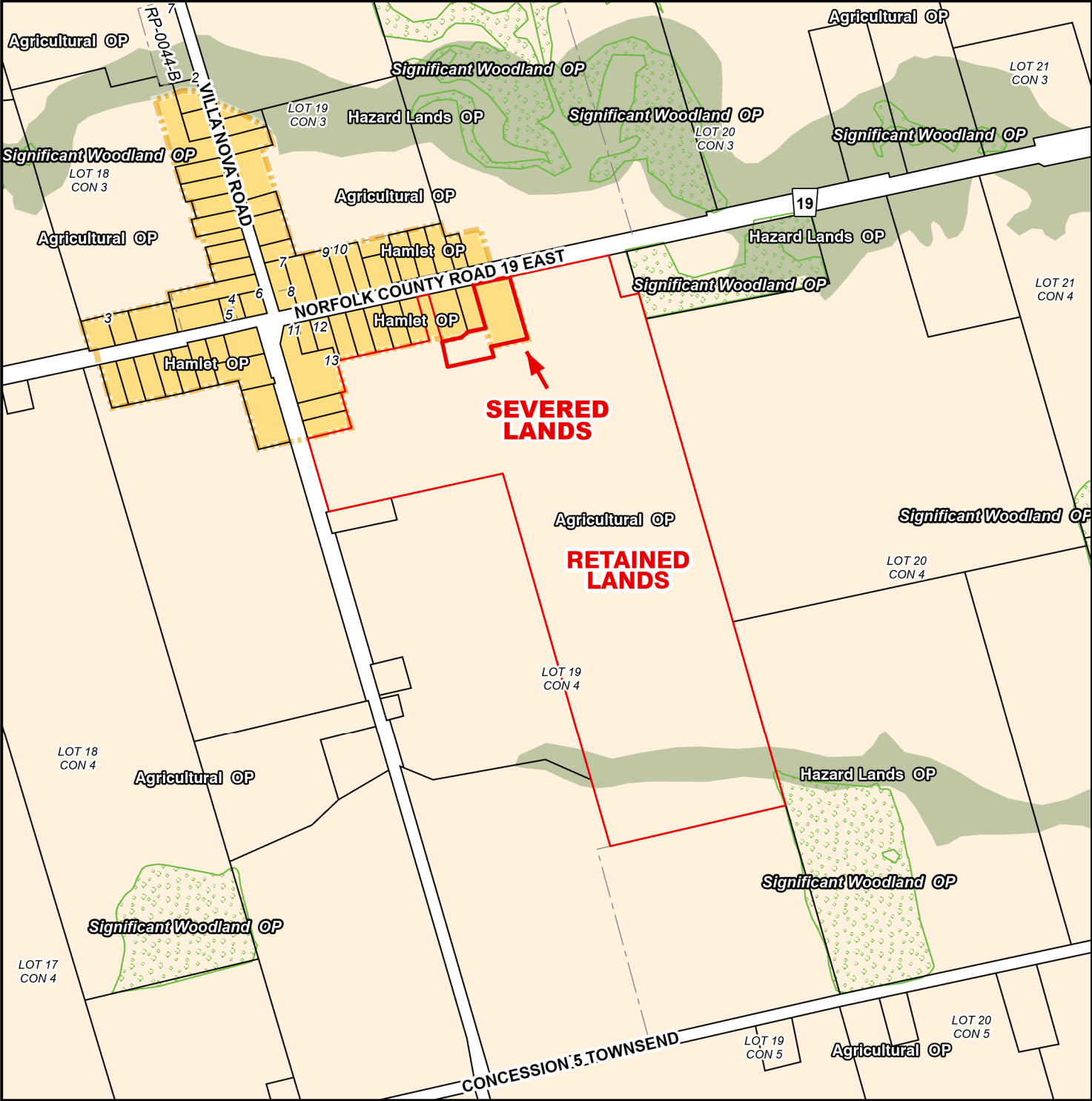
-  Subject Lands
-  Lands Owned

2020 Air Photo

9/29/2025



60 30 0 60 120 180 240
Meters



Legend

- Subject Lands
- Lands Owned

Official Plan Designations

- Agricultural
- Hazard Lands
- Hamlet
- Hamlet Area Boundary
- Significant Woodland

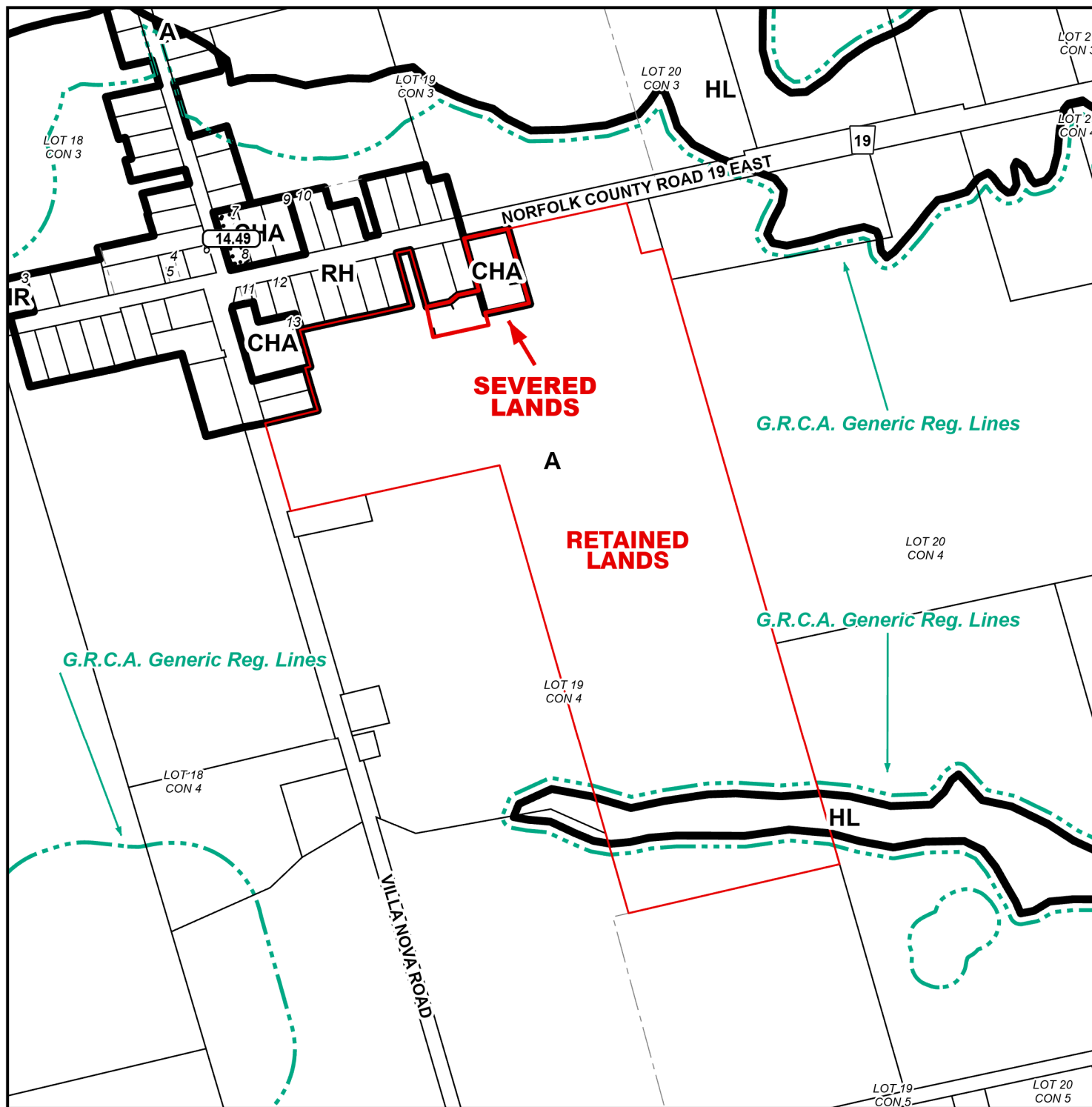
9/29/2025



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MAP C
ZONING BY-LAW MAP
 Geographic Township of TOWNSEND

BNPL2024444
 ANPL2024443



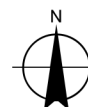
LEGEND

- Subject Lands
- Lands Owned
- GRCA Generic RegLines

ZONING BY-LAW 1-Z-2014

9/29/2025

- (H) - Holding
- A - Agricultural Zone
- CHA - Hamlet Commercial Zone
- RH - Hamlet Residential Zone
- HL - Hazard Land Zone
- IR - Rural Institutional Zone



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 Meters

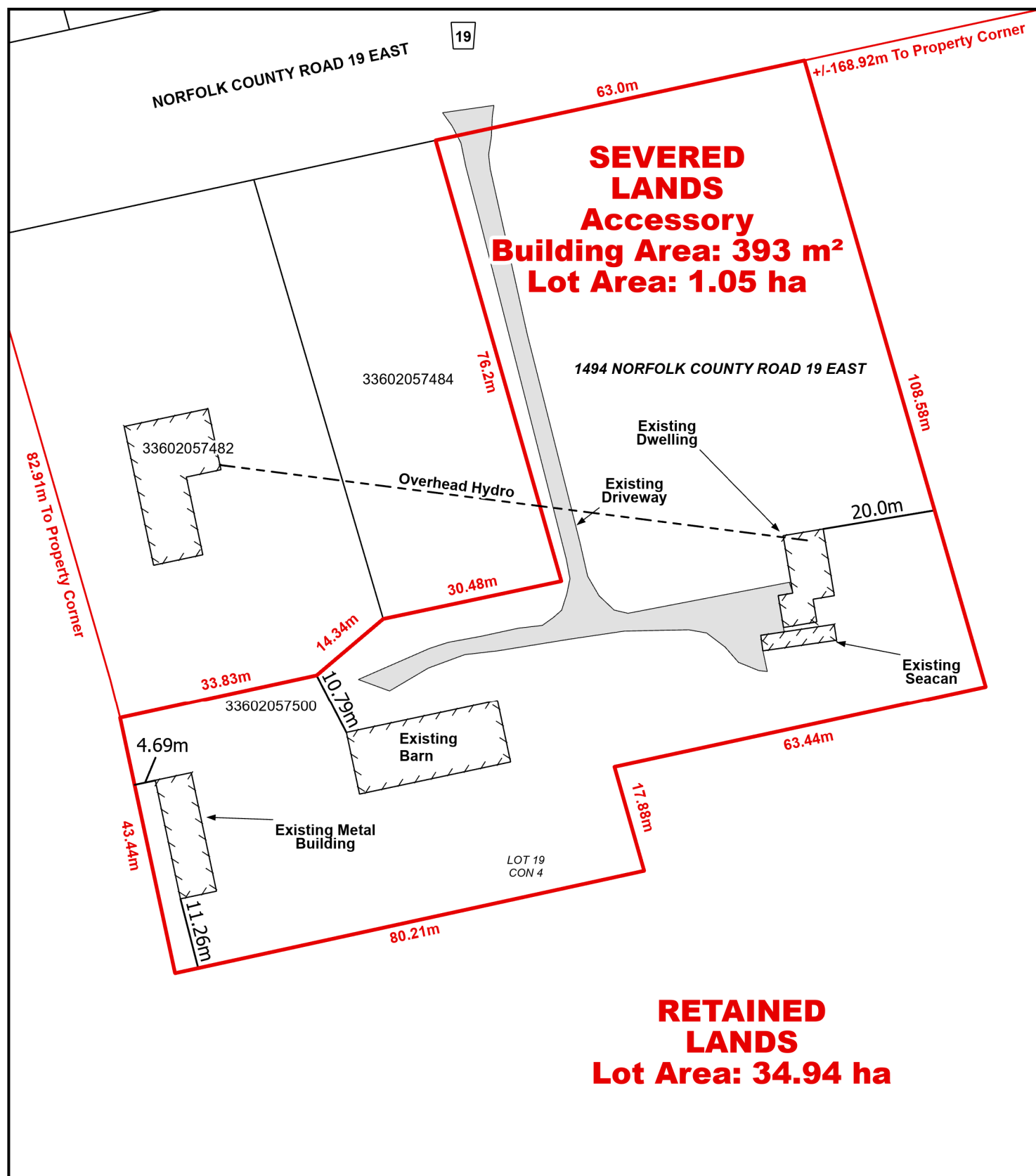
MAP D

CONCEPTUAL PLAN

Geographic Township of TOWNSEND

BNPL2024444

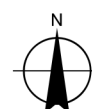
ANPL2024443



Legend

- Subject Lands
- Lands Owned

9/29/2025



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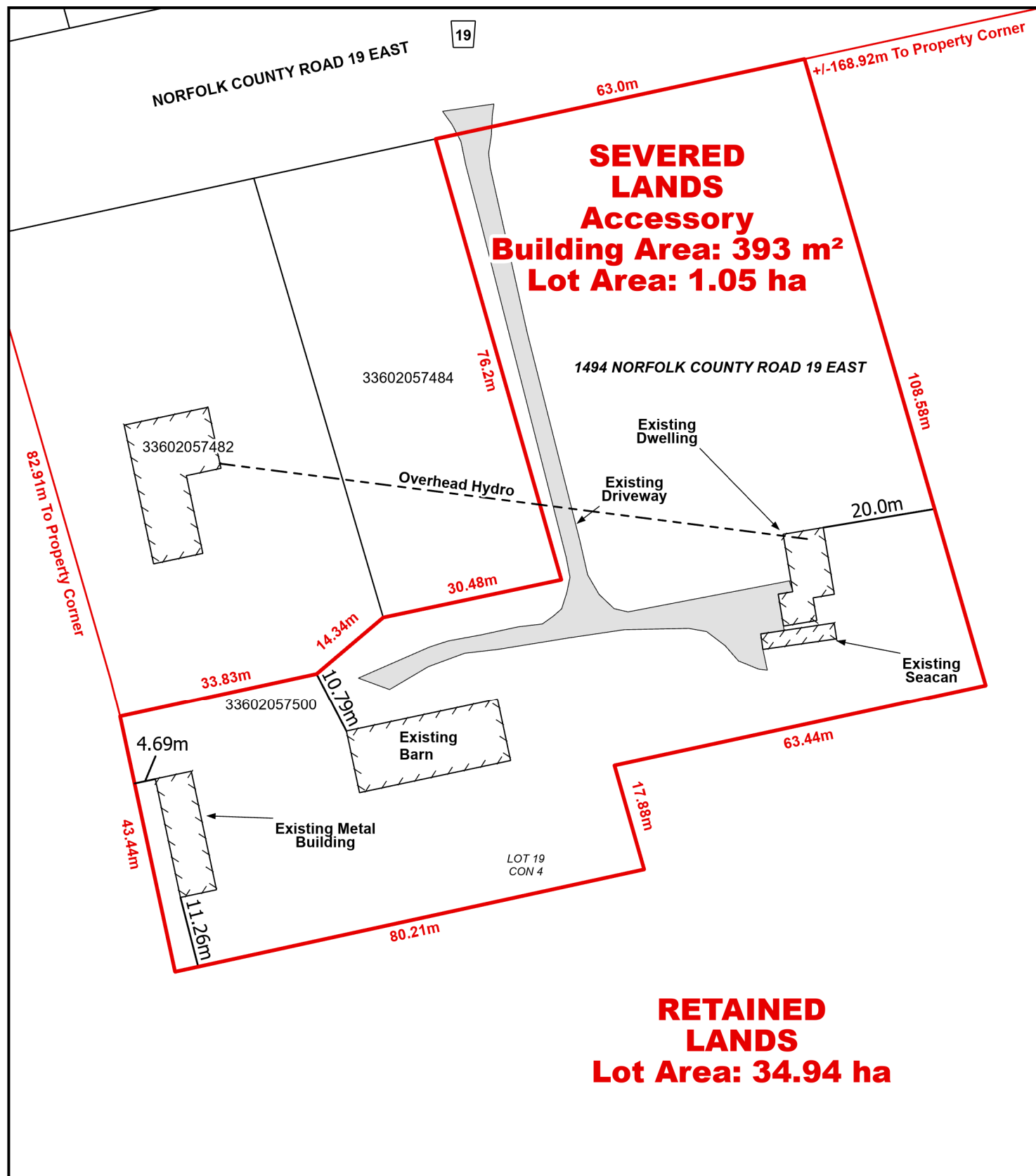
LOCATION OF LANDS AFFECTED

CONCEPTUAL PLAN

Geographic Township of TOWNSEND

BNPL2024444

ANPL2024443



Legend

- Subject Lands
- Lands Owned

9/29/2025



7 3.5 0 7 14 21 28 Meters