

For Office Use Only:

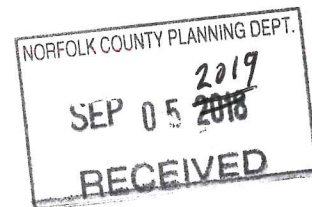
File Number	<u>OPNPL2019310</u>	Public Notice Sign	<u> </u>
Related File Number	<u> </u>	Application Fee	<u>3821.00</u>
Pre-consultation Meeting	<u> </u>	Conservation Authority Fee	<u> </u>
Application Submitted	<u>Aug 29 / 19</u>	Well & Septic Info Provided	<u> </u>
Complete Application	<u>Aug 30 / 19</u>	Planner	<u>MAT</u>

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

- ☒ Official Plan Amendment
- ☐ Zoning By-Law Amendment
- ☐ Temporary Use By-law
- ☐ Draft Plan of Subdivision/Vacant Land Condominium
- ☐ Condominium Exemption
- ☐ Site Plan Application
- ☐ Consent/Severance
- ☐ Minor Variance
- ☐ Easement/Right-of-Way
- ☐ Extension of a Temporary Use By-law
- ☐ Part Lot Control
- ☐ Cash-in-Lieu of Parking
- ☐ Renewable Energy Project or Radio Communication Tower

Please explain the desired end result of this application (for example: a special zoning provision on the subject lands, changing the zone and/or official plan designation of the subject lands, creating a certain number of lots, or similar)

To amend Official Plan for Norfolk County on a site specific basis to create two residential building lots.



Property Assessment Roll Number: 33 10 491 023 45000

A. Applicant Information

Name of Owner Abel Kupa and Emily Kupa

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 293 Windham Road 12

Town and Postal Code Simcoe ON N3Y 4K6

Phone Number _____

Cell Number 519-427-9594

Email _____

Name of Applicant Abel Kupa

Address 293 Windham Road 12

Town and Postal Code Simcoe ON N3Y 4K6

Phone Number _____

Cell Number 519427-9594

Email _____

Name of Agent Thomas A. Cline, Cobb & Jones

Address 23 Argyle Street, Box 548

Town and Postal Code Simcoe ON N3Y 4N5

Phone Number 519-428-0170

Cell Number _____

Email tcline@cobbjones.ca

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

☐ Owner

☒ Agent

☐ Applicant

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

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 18, Concession 11 (Windham); Norfolk County

Municipal Civic Address: 293 Windham Road 12

Present Official Plan Designation(s): Agricultural, Provincially Significant Wetlands & Significant Woodlands

Present Zoning: Agriculture

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

☐ Yes ☒ No If yes, please specify:

3. Present use of the subject lands:

Portion used for residential purposes, balance kept in natural state

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:

See attached diagram

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

Two single family dwellings proposed, configuration not determined.

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:

Two single family dwellings proposed, configuration not determined.

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:
Since 1970

9. Existing use of abutting properties:

Agricultural and Woodland and Provincially Significant Wetland

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

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

Note: Please complete all that apply.

1. Please explain what you propose to do on the subject lands/premises which makes this development application necessary:

Create 2 non-farm residential lots at the south-west corner of property

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

What is proposed is not supported by the current policies of the Norfolk County Official Plan.

3. Does the requested amendment alter all or any part of the boundary of an area of settlement in the municipality or implement a new area of settlement in the municipality? ☐ Yes ☒ No If yes, describe its effect:

4. Does the requested amendment remove the subject land from an area of employment? ☐ Yes ☒ No If yes, describe its effect:

5. Does the requested amendment alter, replace, or delete a policy of the Official Plan?
☒ Yes ☐ No If yes, identify the policy, and also include a proposed text of the policy amendment (if additional space is required, please attach a separate sheet):

See Schedule "A" attached

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

Frontage: _____

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: _____

7. Description of proposed right-of-way/easement:

Frontage: _____

Depth: _____

Width: _____

Area: _____

Proposed use: _____

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

One lot is proposed for sale and other will be conveyed to owners' son

9 Site Information**Existing****Proposed**

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

Lot frontage	_____	_____
Lot depth	_____	_____
Lot width	_____	_____
Lot area	_____	_____
Lot coverage	_____	_____
Front yard	_____	_____
Rear yard	_____	_____
Left Interior side yard	_____	_____
Right Interior side yard	_____	_____
Exterior side yard (corner lot)	_____	_____
Landscaped open space	_____	_____
Entrance access width	_____	_____
Exit access width	_____	_____
Size of fencing or screening	_____	_____
Type of fencing	_____	_____
10. Building Size		
Number of storeys	_____	_____
Building height	_____	_____
Total ground floor area	_____	_____
Total gross floor area	_____	_____
Total useable floor area	_____	_____
11. Off Street Parking and Loading Facilities		
Number of off street parking spaces	_____	_____
Number of visitor parking spaces	_____	_____
Number of accessible parking spaces	_____	_____
Number of off street loading facilities	_____	_____

12. Residential (if applicable)

Number of buildings existing: _____

Number of buildings proposed: _____

Is this a conversion or addition to an existing building? ☐ Yes ☐ No

If yes, describe: _____

Type	Number of Units	Floor Area per Unit in m ²
Single Detached	_____	_____
Semi-Detached	_____	_____
Duplex	_____	_____
Triplex	_____	_____
Four-plex	_____	_____
Street Townhouse	_____	_____
Stacked Townhouse	_____	_____
Apartment - Bachelor	_____	_____
Apartment - One bedroom	_____	_____
Apartment - Two bedroom	_____	_____
Apartment - Three bedroom	_____	_____

Other facilities provided (for example: play facilities, underground parking, games room, or swimming pool): _____

13. Commercial/Industrial Uses (if applicable)

Number of buildings existing: _____

Number of buildings proposed: _____

Is this a conversion or addition to an existing building? ☐ Yes ☐ No

If yes, describe: _____

Indicate the gross floor area by the type of use (for example: office, retail, storage): _____

Seating Capacity (for assembly halls or similar): _____

Total number of fixed seats: _____

Describe the type of business(es) proposed: _____

Total number of staff proposed initially: _____

Total number of staff proposed in five years: _____

Maximum number of staff on the largest shift: _____

Is open storage required: ☐ Yes ☐ No

Is a residential use proposed as part of, or accessory to commercial/industrial use?

☐ Yes ☐ No If yes please describe: _____

14. Institutional (if applicable)

Describe the type of use proposed: _____

Seating capacity (if applicable): _____

Number of beds (if applicable): _____

Total number of staff proposed initially: _____

Total number of staff proposed in five years: _____

Maximum number of staff on the largest shift: _____

Indicate the gross floor area by the type of use (for example: office, retail, or storage): _____

15. Describe Recreational or Other Use(s) (if applicable)

D. Previous Use of the Property

1. Has there been an industrial or commercial use on the subject lands or adjacent lands? ☐ Yes ☒ No ☐ Unknown
If yes, specify the uses (for example: gas station or petroleum storage):
2. Is there reason to believe the subject lands may have been contaminated by former uses on the site or adjacent sites? ☐ Yes ☒ No ☐ Unknown
3. Provide the information you used to determine the answers to the above questions:
Personal 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. 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:
See attached Schedule "B"
2. It is owner's responsibility to be aware of and comply with all relevant federal or provincial legislation, municipal by-laws or other agency approvals, including the Endangered Species Act, 2007. Have the subject lands been screened to ensure that development or site alteration will not have any impact on the habitat for endangered or threatened species further to the provincial policy statement subsection 2.1.7? ☐ Yes ☒ No
If no, please explain:
No change in habitat adjacent to the proposed lots.

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:

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

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

Livestock facility or stockyard (submit MDS Calculation with application)

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

Wooded area

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

Adjacent

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 _____

Adjacent

Floodplain

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

Rehabilitated mine site

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

Non-operating mine site within one kilometre

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

Active mine site within one kilometre

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

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

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

Active railway line

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

Seasonal wetness of lands

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

Erosion

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

Abandoned gas wells

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

F. Servicing and Access

1. Indicate what services are available or proposed:

Water Supply

- ☐ Municipal piped water
☒ Individual wells

- ☐ Communal wells
☐ Other (describe below)

Sewage Treatment

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

Storm Drainage

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

-
2. Existing or proposed access to subject lands:

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

Name of road/street: Windham Road 12

G. Other Information

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

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

✓

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

See Schedule "C"

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 properly named 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. Key map
4. Scale, legend and north arrow
5. Legal description and municipal address
6. Development name
7. Drawing title, number, original date and revision dates
8. Owner's name, address and telephone number
9. Engineer's name, address and telephone number
10. Professional engineer's stamp
11. Existing and proposed easements and right of ways
12. Zoning compliance table – required versus proposed
13. Parking space totals – required and proposed
14. All entrances to parking areas marked with directional arrows
15. Loading spaces, facilities and routes (for commercial developments)
16. All dimensions of the subject lands
17. Dimensions and setbacks of all buildings and structures
18. Location and setbacks of septic system and well from all existing and proposed lot lines, and all existing and proposed structures
19. Gross, ground and useable floor area
20. Lot coverage
21. Floor area ratio
22. Building entrances, building type, height, grades and extent of overhangs
23. Names, dimensions and location of adjacent streets including daylighting triangles
24. Driveways, curbs, drop curbs, pavement markings, widths, radii and traffic directional signs
25. All exterior stairways and ramps with dimensions and setbacks
26. Retaining walls including materials proposed
27. Fire access and routes
28. Location, dimensions and number of parking spaces (including visitor and accessible) and drive aisles
29. Location of mechanical room, and other building services (e.g. A/C, HRV)
30. Refuse disposal and storage areas including any related screening (if indoors, need notation on site plan)
31. Winter snow storage location

32. Landscape areas with dimensions
33. Natural features, watercourses and trees
34. Fire hydrants and utilities location
35. Fencing, screening and buffering – size, type and location
36. All hard surface materials
37. Light standards and wall mounted lights (plus a note on the site plan that all outdoor lighting is to be dark sky compliant)
38. Business signs (make sure they are not in sight lines)
39. Sidewalks and walkways with dimensions
40. Pedestrian access routes into site and around site
41. Bicycle parking
42. Architectural elevations of all building sides
43. All other requirements as per the pre-consultation meeting

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

- ☐ Zoning Deficiency Form
- ☐ On-Site Sewage Disposal System Evaluation Form (to verify location and condition)
- ☐ Architectural Plan
- ☐ Buildings Elevation Plan
- ☐ Cut and Fill Plan
- ☐ Erosion and Sediment Control Plan
- ☐ Grading and Drainage Control Plan (around perimeter and within site) (existing and proposed)
- ☐ Landscape Plan
- ☐ Photometric (Lighting) Plan
- ☐ Plan and Profile Drawings
- ☐ Site Servicing Plan
- ☐ Storm water Management Plan
- ☐ Street Sign and Traffic Plan
- ☐ Street Tree Planting Plan
- ☐ Tree Preservation Plan
- ☐ Archaeological Assessment
- ☐ Environmental Impact Study

- ☐ Geotechnical Study / Hydrogeological Review
- ☐ Minimum Distance Separation Schedule
- ☐ Noise or Vibration Study
- ☐ Record of Site Condition
- ☐ Storm water Management Report
- ☐ Traffic Impact Study – please contact the Planner to verify the scope required

Site Plan applications will require the following supporting materials:

1. Two (2) complete sets of the site plan drawings folded to 8½ x 11 and an electronic version in PDF format
2. Letter requesting that the Holding be removed (if applicable)
3. A cost estimate prepared by the applicant's engineer
4. An estimate for Parkland dedication by a certified land appraiser
5. Property Identification Number (PIN) printout

Standard condominium exemptions will require the following supporting materials:

- ☐ Plan of standard condominium (2 paper copies and 1 electronic copy)
- ☐ Draft condominium declaration
- ☐ Property Identification Number (PIN) printout

Your development approval might also be dependent on Ministry of Environment and Climate Change, 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. Development Agreements

A development agreement may be required prior to approval for site plan, subdivision and condominium applications. Should this be necessary for your development, you will be contacted by the agreement administrator with further details of the requirements including but not limited to insurance coverage, professional liability for your engineer, additional fees and securities.

J. Transfers, Easements and Postponement of Interest

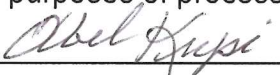
The owner acknowledges and agrees that if required it is their solicitor's responsibility on behalf of the owner for the registration of all transfer(s) of land to the County, and/or transfer(s) of easement in favour of the County and/or utilities. Also, the owner further acknowledges and agrees that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

K. 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.

L. 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 Signature



Date

M. Owner's Authorization

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

I/We _____ am/are the registered owner(s) of the lands that is the subject of this application.

I/We authorize _____ 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

N. Declaration

I, Abel Kupa of Norfolk County

solemnly declare that:

all of the above statements and the statements contained in all of the exhibits transmitted herewith are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at:

Michael Cough

Abel Kupa

Owner/Applicant Signature

In Ontario

This 21st day of June

A.D., 20 19
Michael

A Commissioner, etc.

Schedule "A"

Page 5, Number 5

If proposed amendment is approved, it would change the existing policy restricted however to a site specific of no severances in agriculturally designated lands precluding creating of residential lots.

Schedule "B"

E. PROVINCIAL POLICY

1. Without the benefit of this Official Plan amendment, this application would not be in accord with the Provincial Policy Statement. The reason being that all land within Norfolk County is designated "agriculture" with the exception of settlement areas and the lakeshore. If the lands of subject matter in this application were designated rural, in Norfolk County's Official Plan, we would have no need to apply for any approvals subject of course to severance.

Schedule "C"

G. OTHER INFORMATION

2. Prior to submitting this application, given the subject lands are on Provincially Significant Wetlands, correspondence was directed to the Long Point Conservation Authority and the Authority has no objection to what is being proposed as per attached correspondence.

Kupi Severance

PLANNING JUSTIFICATION STATEMENT

The fact that Norfolk County has designated all land in the County with the exception of urban areas, hamlets and the lakeshore as a “Prime Agricultural Area”, mandates that no residential lots are permitted in the “Agricultural Area” except surplus farm dwellings.

It is no secret that there is a high demand for building lots in rural areas and given the current policy, this application addresses the issue as to whether or not consideration should be given to designate portions of the “Prime Agricultural Area” as “Rural” as defined in the Provincial Policy Statement or as an alternative, examine each application for an Official Plan Amendment on a site-specific basis whether it is prudent to approve the request ie. allow a residential use.

Given the foregoing, no useful purpose is served by rehashing those policies in place to foster and support the agricultural industry in Norfolk. That is accepted as a given. This application is being brought forward by the Kupi family to hopefully bring to the floor a debate as to whether or not there are areas in the “Prime Agricultural Area” which can be re-designated and developed without adverse impacts on the agricultural community.

If after debate council should determine to look at this issue, it is respectfully requested that this particular Official Plan Amendment be approved on a site-specific basis assuming of course all other planning regulations can be satisfied.

Any planning report brought forward to council will highlight the policies in place to ensure preservation of the agricultural resource. The report no doubt will include the soils classification of the subject lands which is Class 2 and we accept all such comments as givens.

The subject lands comprise 25 acres and the vast majority of the 25 acres is designated as “Provincially Significant Wetlands”. Mr. Kupa’s residence is situate at or near the Southeast corner of the 25 acre parcel and abutting on the West is an area which would accommodate two lots for residential purposes. The surrounding area on the North side of Windham Road 12 is a heavily wooded area which surrounds the “Provincially Significant Wetlands”.

Workable farmland is situated to the East of the subject lands and on the South side of Windham Road 12. Mr. Kupa has had a number of farmers attend at the site for a “viewing” as to whether or not their farming operations, assuming they are farming in his area, will in any way be impacted. A review of the designations under the Official Plan clearly designates the “Provincially Significant Wetlands”, the “Hazard Lands” abutting and what appears to be a slight “agricultural” designated area which encompasses the area where my client would like to create two additional lots.

There are two methods of approaching this issue. If council is of the view to “take a look” at re-designating lands as “Rural” under the Provincial Policy Statement and assuming this area qualifies, the amendment to the existing Official Plan can be approved albeit couched as a site-specific amendment. The Provincial Policy Statement however recommends that

all alternative locations within the County for limited residential development be examined. Hopefully in the long-term council will opt to carry out such a study and in the short term, assuming that there is sentiment to permit limited residential development in the agricultural area, then approve this amendment. This applicant would be less in candid with council if he did not confirm to council the advice, he has received relative to his proposal and that is “specifically the current Provincial Policy Statement and the current Norfolk County Official Plan would not support the creation of the two lots”.

Darcy Varey

From: Christopher Boothe <cboothe@lprca.on.ca>
Sent: Tuesday, May 07, 2019 1:16 PM
To: Thomas Cline
Subject: File No. 32442 (Kupi)

Good Morning Tom,

LPRCA staff have reviewed the proposal for Roll No.: 33-10-491-023-45000 and no objection to the proposed severance.

Thanks,
Chris

Chris Boothe, MEPP
Resource Planning Technician

Long Point Region Conservation Authority
4 Elm Street, Tillsonburg, ON N4G 0C4
Office: 519-842-4242 or 1-888-231-5408 ext.235
Email: cboothe@lprca.on.ca

Bush - Trees

North

Trees

$$\begin{array}{r} 105. \times \\ 415. = \\ \hline 43,575 \text{ feet}^2 \end{array}$$

$$\begin{array}{r} 105. \times \\ 415. = \\ \hline 43,575 \text{ feet}^2 \end{array}$$

Proposed Lot

← 415 feet →

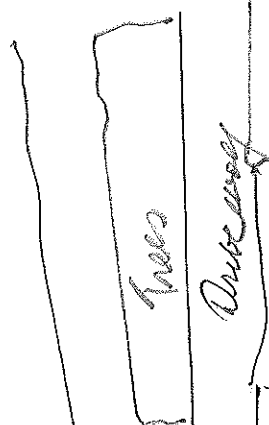
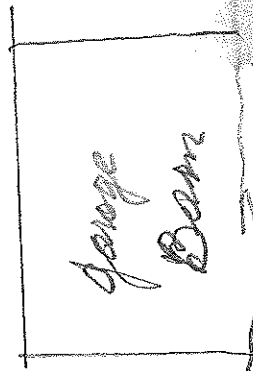
Proposed Lot

Grass

Grass

Trees

Trees



Abel & Emily
Kupi

293
House

Trees

East

Trees

105 feet

105 feet

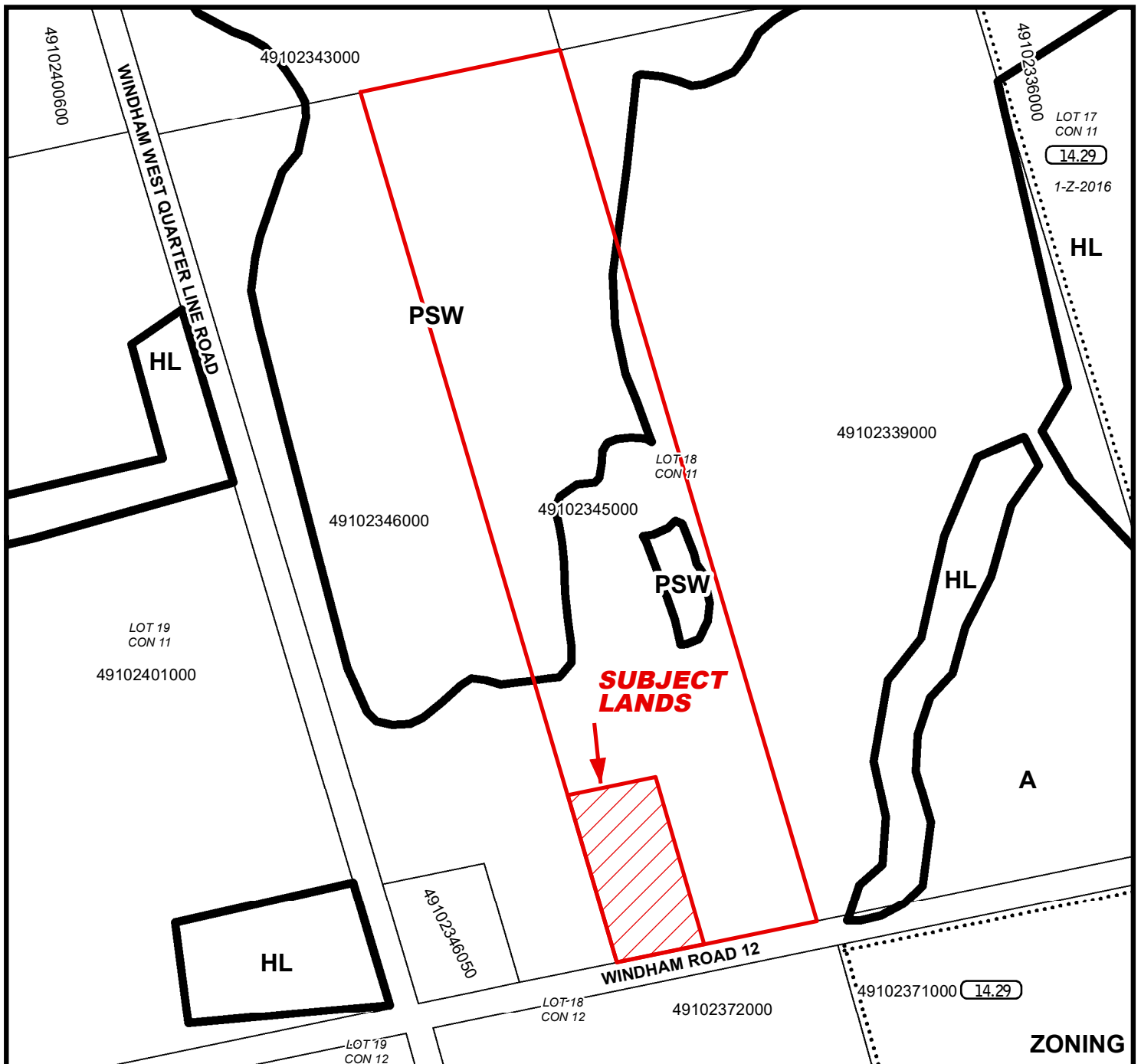
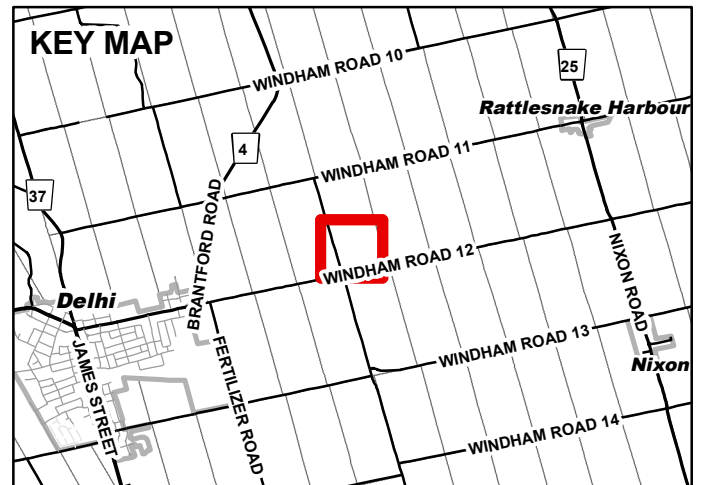
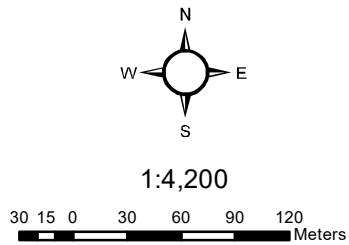
WINDHAM ROAD 12

(South)

MAP 1

File Number: OPNPL2019310

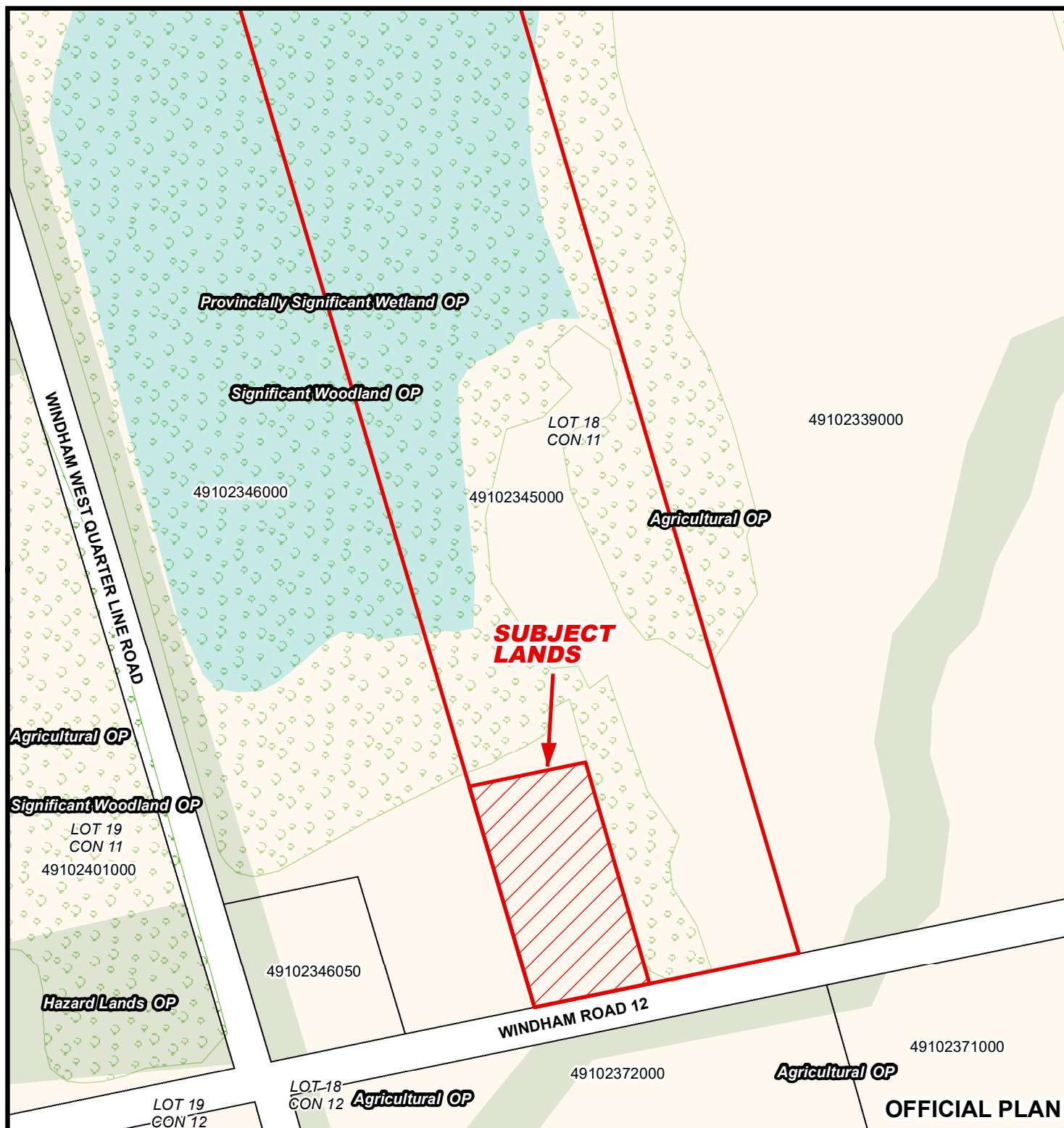
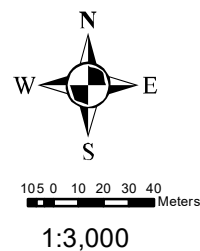
Geographic Township of
WINDHAM



MAP 2

File Number: OPNPL2019310

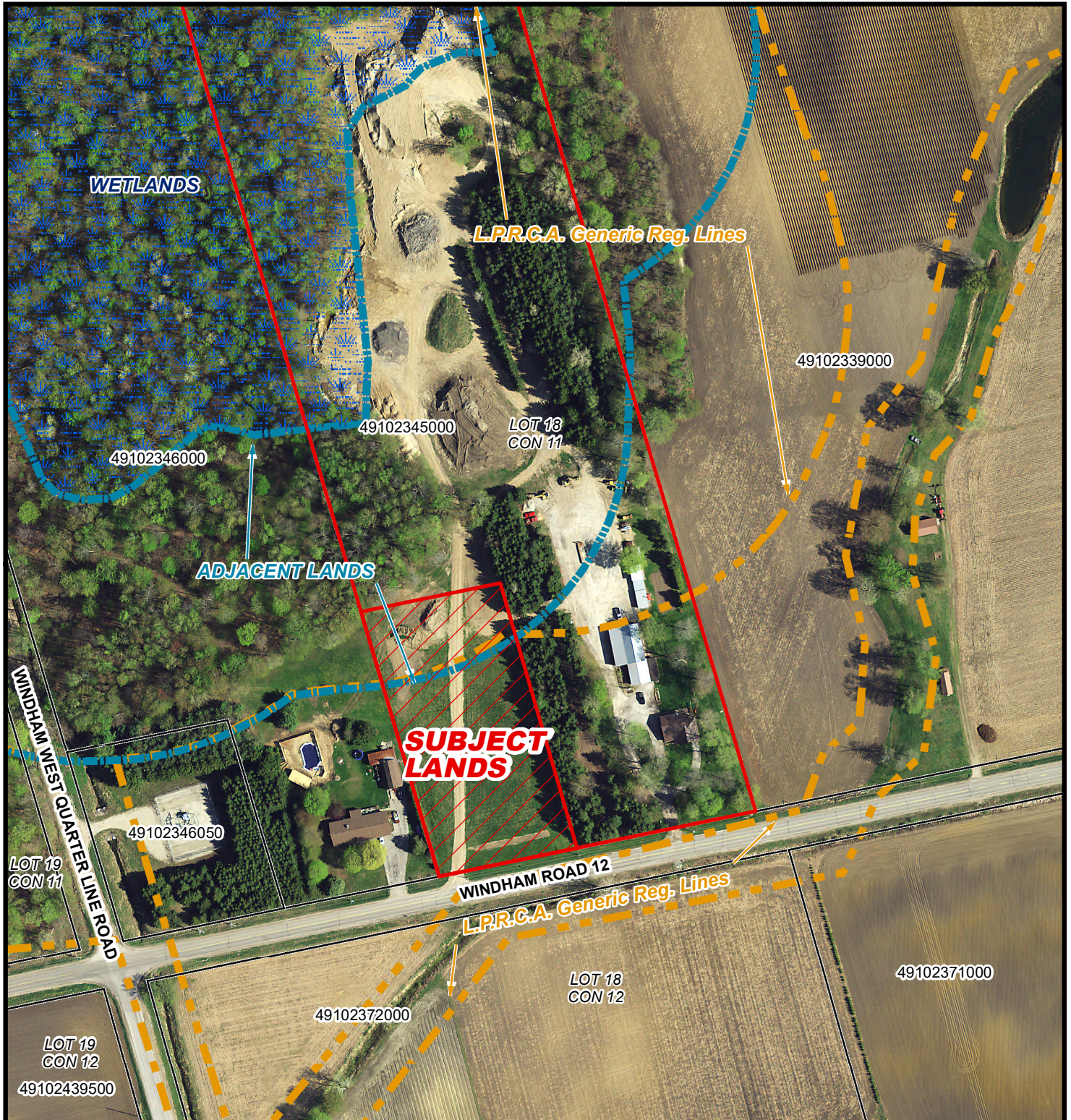
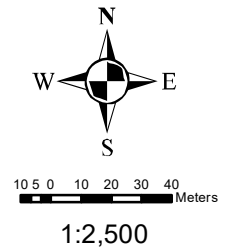
Geographic Township of WINDHAM



MAP 3

File Number: OPNPL2019310

Geographic Township of WINDHAM



MAP 4

File Number: OPNPL2019310

Geographic Township of WINDHAM

