

February 19, 2002

BN-1/02

B. Toth, Q.C.
Gibson, Linton, Toth, Campbell & Bennett
Barristers & Solicitors
Box 5
Tillsonburg, Ontario
N4G 4H3

Dear Mr. Toth:

Re: File No. BN-1/02

We are in receipt of your letter dated February 11, 2002 and offer the following comments.

1. We confirm that lands are as identified in Deed # 533657. The Roll # for this property is 541-020-01200.
2. We have reviewed Condition # 6 and have confirmed that this condition is not required. As such, you do not need to address this requirement.

I trust this addresses your concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "T. Scott Peck".

T. Scott Peck
Development Planner

TSP/tsp

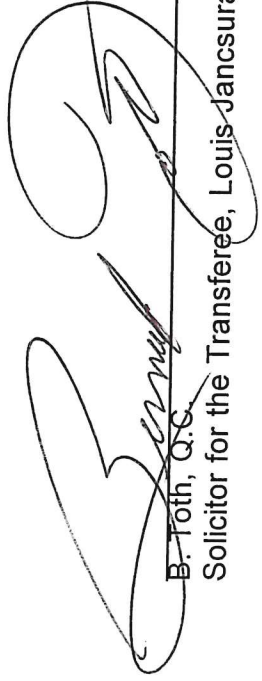
UNDERTAKING

TO: Norfolk County
FILE NO. BN-1/02
ROLL NO. 541-020-01200

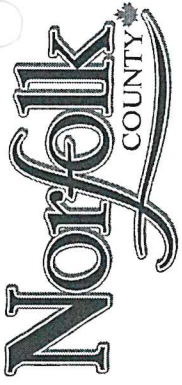
Pursuant to Condition #5 of the Decision of the Committee of Adjustment I hereby undertake as follows:

In consideration of the Certificate by the Official I undertake to ensure by a subsearch of the abstract book that at the time of the registration of the said Certificate or Deed upon which time it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said Deed.

DATED at Tillsonburg, Ontario this 20th day of March, 2002.



B. Toth, Q.S.
Solicitor for the Transferee, Louis Jancsurak Jr.



COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION REGARDING CONSENT
FILE NO.: BN-1/02
ROLL NO. 541 020 012

DATE OF MEETING: January 31, 2001

APPLICANT: Louis Jancsurak, R.R. #2, Tillsonburg, ON, N4G 4G7

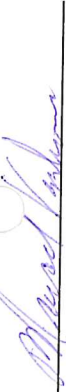
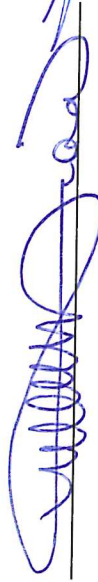

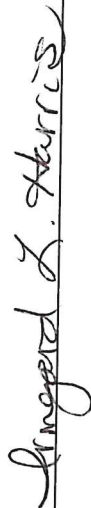
PROPERTY: Part of Lot 23, Concession 2, N.T.R. (Middleton/Norfolk)

PURPOSE: Sever a parcel with a frontage of 60.43 ft., a depth of 311.81 (irregular) and having an area of approximately 15,122 sq. ft. as a boundary adjustment and retain a parcel with an area of 77 acres more or less.

DECISION: APPROVES

CONDITIONS:

1. Receipt of a letter from the Norfolk County indicating that their requirements, financial or otherwise have been satisfied including:
 - (a) Payment of any outstanding taxes.
 - (b) Drainage Assessment re-apportionment be undertaken pursuant to Section 65 of the Drainage Act, R.S.O. 1990 at the applicant's expense.
2. Receipt of a registered reference plan of the severed parcel of land.
3. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
4. That the severed parcel become part and parcel of the abutting lands presently owned by Louis Leslie Jancsurak Roll No. 541 020 012.
5. That the solicitor acting in the transfer provide his undertaking in the following manner: "In consideration of the Certificate by the Official I undertake to ensure by a subsearch of the abstract book that at the time of the registration of the said Certificate or deed upon which time it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said deed".
6. That a one square foot portion of land presently owned by Louis Leslie Jancsurak (Roll No. 541 020 012) be conveyed to the abutting road allowance owned by Norfolk County (registered copy of document for conveyance and





Members


Chairman

I hereby certify this to be a true copy of the Committee of Adjustment of Norfolk County and this decision was concurred in by a majority of the members who heard the application at a meeting duly held on January 31, 2001.


Secretary-Treasurer

NOTE:

This property is also the subject of an application for (Zoning By-Law Amendment, Official Plan Amendment, Minor Variance), File No.

ADDITIONAL INFORMATION

If you require additional information regarding the application, please contact the Secretary-Treasurer for Norfolk County Committee of Adjustment, P.O. Box 128, 22 Albert Street, Langton, Ontario, N0E 1G0, between 8:30 a.m. and 4:30 p.m.

NOTICE OF CHANGES

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have either made a written request to be notified of the decision to give or refuse to give provisional consent or make a written request to be notified of changes to the conditions of the provisional consent.

APPEALS

Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Municipal Board, A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group.

NOTICE OF LAST DAY FOR FILING OF APPEAL TO THE MUNICIPAL BOARD (The Planning Act, c.P. 13, R.S.O. 1990, as amended, Section 53(19)).

Any person or public body may, not later than twenty days after the giving of a written decision, appeal the decision and/or any condition imposed by the Township of Norfolk Committee of Adjustment to the Ontario Municipal Board.

BN-1/02- Louis Jancsurak

- () 11. Receipt of final approval of the required zoning amendment.
- (X) 12. Receipt of a registered reference plan of the severed parcel of land.
- () 13. That the above plan show the required front, rear and side yard measurements of all existing buildings on the _____ parcel.
- () 14. Subject to approval of the required Minor Variance Application No. _____
- () 15. That Application _____ will lapse.
- (X) 16. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
- (X) 17. That the severed parcel become part and parcel of the abutting lands presently owned by ~~Louis Jancsurak~~ Roll No. ~~541-020-12000~~.
- (X) 18. That the solicitor acting in the transfer provide his undertaking in the following manner: "In consideration of the Certificate by the Official I undertake to ensure by a subsearch of the abstract book that at the time of the registration of the said Certificate or deed upon which time it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said deed".
- (x) 19. That a one square foot portion of land presently owned by Louis Jancsurak (Roll No. 541 020 120 00) be conveyed to the abutting road allowance owned by Norfolk County (registered copy of document for conveyance and reference plan required) for the purposes of consolidating the subject lands with lands owned by Louis Jancsurak and that the costs for completing same be at the expense of the applicant (if required).
- () 20. That the severance subject of this application not be completed prior to the lands identified by Assessment Roll No. _____ being sold to _____ and that evidence of this transaction submitted to the Secretary-Treasurer prior to the stamping of the deed.
- (X) 21. That the above conditions must be fulfilled and the Certificate for consent be issued on or before **January 31, 2003** after which time the consent will lapse.

NOTE: Agreements and required fee must be completed prior to the issuance

FILE NO.: - BN-1/02- Louis Jancsurak

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Receipt of a letter from the Norfolk County indicating that their requirements, financial or otherwise have been satisfied including:
 - (a) A development charge (amount may be revised from time to time).
 - (b) cash-in-lieu of parkland dedication be paid in accordance with Section 51(5) and (8) of the Planning Act, R.S.O. 1990, c.p. 13 (amount may be revised from time to time).
 - (c) Payment of any outstanding taxes.
 - (d) Drainage Assessment re-apportionment be undertaken pursuant to Section 65 of the Drainage Act, R.S.O. 1990 at the applicant's expense.
 - (e) Any road widening.
2. Receipt of a letter from the Planning and Economic Development Department indicating that the applicant has entered into the necessary agreement regarding a comprehensive grading plan to address surface drainage of the property satisfying the Public Works and Environmental Services Department.
3. Receipt of a letter from the County Engineering Department indicating that their requirements have been satisfied concerning an entrance permit.
4. Receipt of a letter from the Planning and Economic Development Department indicating an agreement has been entered into that no dwelling be constructed on the retained lands for five years from the date of the Decision.
5. Receipt of a letter from the Health Department indicating their requirements have been satisfied.
6. Receipt of a letter from the Forestry Division indicating that the applicant(s) has entered into the necessary agreement addressing reforestation and management.
7. Receipt of a letter from the Conservation Authority indicating that a satisfactory Environmental Impact Statement has been received showing no negative impact on the Provincially Significant Wetland or Woodland.
8. That prior to final approval of a report under Section 4.1 of the R.S.O.

retained parcels are within the drainage area of the Scott Stover Drain, and therefore a reapportionment of the original drain assessment will be required

Long Point Region Conservation Authority – Have reviewed the above noted application and have no comment to make regarding it.

COMMUNITY PLANNING COMMENTS:

The applicant proposes a boundary adjustment to add the subject lands to the adjacent residential lands. The subject lands are vacant lands, while the retained lands contain several out buildings, bunkhouse and a residence. The lands to be severed combined with the lands that it will be added to will serve to create a more suitable boundary for the residential lot while maintaining a viable agricultural parcel in the retained lands. Planning staff support the application and recommend that it be approved.

Scott Peck, Development Planner
Norfolk County

**REPORT REGARDING AN APPLICATION TO
THE CORPORATION OF NORFOLK COUNTY
COMMITTEE OF ADJUSTMENT FOR CONSENT**

MEETING DATE: January 31, 2001

FILE NO.: BN-1/02

APPLICANT(S):

Louis Jancsurak, R.R. #2, Tillsonburg, ON, N4G 4G7

LOCATION:

Part of Lot 23, Concession 2, N.T.R. (Middleton/Norfolk)

PROPOSAL:

Sever a parcel with a frontage of 60.43 ft., a depth of 311.81 (irregular) and having an area of approximately 15,122 sq. ft. as a boundary adjustment and retain a parcel with an area of 77 acres more or less.

PLANNING STAFF RECOMMENDATION:

That Application BN-1/02 **BE APPROVED**

REASON:

It conforms with the intent of the policies of the Official Plan respecting boundary adjustments.

SITE FEATURES AND LAND USE:

The subject lands are located on the south side of Mall Road north of the Urban Area of Courtland. Mall Road in this location is the boundary between Norfolk County and Oxford County. The subject property contains one single family residence and is designated and zoned as Agricultural. The surrounding land uses are predominately agricultural.

PERTINENT CIRCULATION COMMENTS:

Consent Application

Office Use Only	
File No.	BN-01057
Roll No.	541 020 013
Date Submitted	December 6, 2001
Date Received	December 6, 2001
Sign Issued	December 6, 2001

NORFOLK COUNTY
APPLICATION FOR CONSENT

NOTE: This application must be typed or printed in ink and completed in full. An incomplete or improperly prepared application may not be accepted and could result in processing delays.

A. APPLICANT INFORMATION

1. Name of Owner Louis Jancsurak Phone No. _____

Address RR 2 Fax No. _____

Tillsonburg Postal Code N4G 4G7

E-Mail _____

2. Agent _____ Phone No. 842-6009

Address _____ Fax No. _____

Postal Code _____

E-Mail _____

Please specify to whom all communications be sent: Owner Agent

3. Names and addresses of any mortgagors L-11

Consent Application

4. Are there any easements or restrictive covenants affecting the property?
 Yes No If Yes, describe the easement or covenant and its effect:

B. LOCATION/LEGAL DESCRIPTION OF PROPERTY

1. Geographic Township Middleton
 Urban Area or Hamlet _____
 Concession Number 2 NTR Lot Number 23
 Registered Plan Number 31154 Lot(s) Block(s) _____
 Reference Plan Number _____ Part Number(s) _____
 911 Number and Name of Street/Road 64~~th~~ MALL ROAD

C. PURPOSE OF APPLICATION

1. Type and purpose of proposed transaction: (check the appropriate box)
 Transfer: creation of a new lot Other: a charge
 boundary adjustment a lease
 an easement/right-of-way a correction of title
2. Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

3. If a boundary adjustment, identify the Assessment Roll No. and property owner of the lands to which the parcel will be added.
33 10 541,020,01200,0000 Louis Jancsurak
4. If application involves a residential lot in the rural/agricultural area, please complete Form 1 which is available upon request.
5. If application proposes to divide a farm into two smaller parcels, please complete Form 1 which is available upon request.

Consent Application

D. PROPERTY, SERVICING AND ACCESS INFORMATION

1. Description of land intended to be **SEVERED**:

Frontage: _____ m

Depth: _____ m

60,433 ft

311,811 ft (100,000 sq. ft)

Width: _____ m

Area: _____ ha

_____ ft

15,122 sq. ft

Existing Use: _____

Proposed Use: _____

Number and type of buildings and structures existing on land to be severed:

Number and type of buildings and structures proposed on land to be severed:

2. Description of land intended to be **RETAINED**:

Frontage: _____ m

Depth: _____ m

2694.57 ft +-

Width: _____ m

ft

_____ ft

Area: _____ ha

Existing Use: _____ Proposed Use: 77 ac +-

Number and type of buildings and structures existing on land to be retained:

house, garage, large barn, greenhouse, machine shed, bunkhouse

Number and type of buildings and structures proposed on land to be retained:

3. Existing or proposed access to land intended to be **SEVERED**:

Unopened Road

Municipal Road

Other (specify)

Provincial Hwy.

Consent Application

5. Servicing:

Indicate what services are available or proposed:

<u>Water Supply</u>	<u>Sewage Treatment</u>	<u>Storm Drainage</u>
Piped Water ()	Sewers ()	Storm Sewers ()
Individual Wells <input checked="" type="checkbox"/>	Communal System ()	Open Ditches <input checked="" type="checkbox"/>
Other (describe) ()	Septic Tank & Tile Bed <input checked="" type="checkbox"/>	Other (describe) ()
_____ ()	Other (describe) _____ ()	_____ ()

* Have you consulted with the _____ concerning stormwater management? Yes _____ No

* Does a legal and adequate outlet for storm drainage exist? Yes _____ No _____ Unknown

* Has the existing drainage on the subject land been altered? Yes _____ No Unknown _____

E. LAND USE

1. What is the existing official plan designation(s) of the subject land: AGRICULTURE
2. What is the existing zoning of the subject land: Res / Farm
(if required, assistance is available for questions 1 and 2 above) Farm / AGRICULTURE

F. PROVINCIAL POLICY

1. Are any of the following uses or features located on the subject land or within 500 metres (1,640 feet) of the subject land? Please check the appropriate boxes, if any apply. (Assistance is available to complete this table).

Use or Feature	On the Subject Land	Within 500 metres (1640 ft.) of subject
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Consent Application

Use or Feature	On the Subject Lands	Within 500 metres (1640 ft.) of subject land (Indicate distance)
A Provincially significant wetland (Class 1, 2 or 3 wetland) or other environmental feature	No	
Floodplain		
A rehabilitated mine site		
A non-operating mine site within 1 kilometre		
An active mine site		
An industrial or commercial use (Specify the use(s))		
An active railway line		
Seasonal wetness of land		
Erosion		
Abandoned gas wells		

2. If there are any livestock operations within 500 metres (1,640') of the subject land, please complete Form 3, which is available upon request. **No**

G. STATUS OF OTHER PLANNING APPLICATIONS

1. Has the owner previously severed any land from this land holding or any other land the owner has interest in since August 24, 1978? **Yes**

Yes No

If the answer to the above question is Yes:

How many separate parcels have been severed?

Consent Application

2. If this application proposes to sever a dwelling made surplus through farm amalgamation, when were the farm properties amalgamated. _____

Date of construction of the dwelling proposed to be severed 4/18

3. Has this property ever been part of an application for approval of a plan of subdivision or consent under the Planning Act?

Yes No Unknown

If yes, provide the file number, if known, and the decision made on the application.

File No.: _____ Decision: _____

4. Date of purchase of subject land 1967

5. How many years has the owner farmed? 34 years

Outside this municipality but in Ontario? _____ In this municipality? 34

Other (please specify) _____

H. CURRENT APPLICATION

1. Is this property the subject of an application for an Official Plan Amendment that has been submitted for approval?

Yes No Unknown

If yes, and if known, specify the appropriate file number and status of the application

2. Is this property the subject of an application for a Zoning By-law Amendment, Minister's Zoning Order Amendment, Minor Variance Consent or Plan of Subdivision?

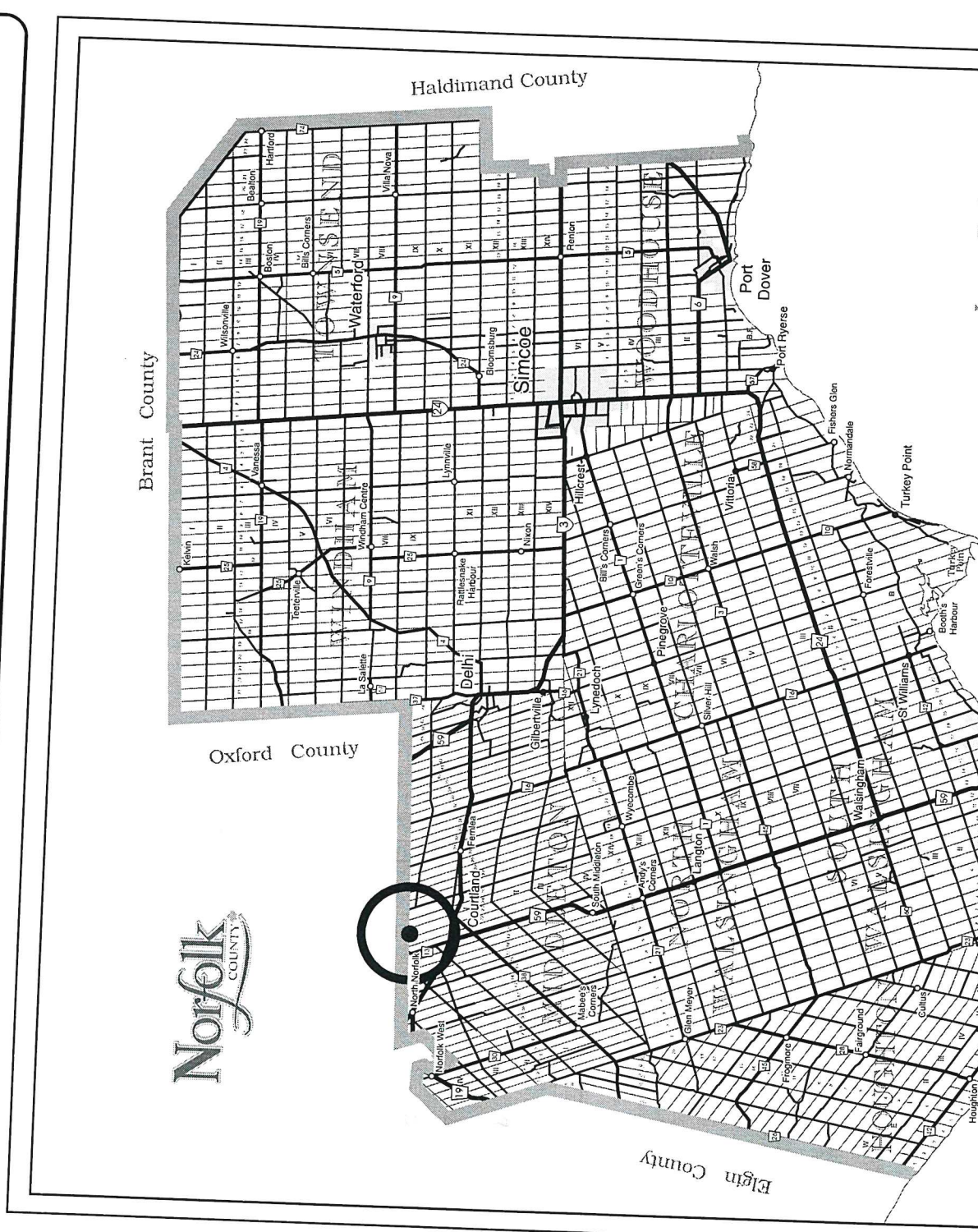
Yes No Unknown

If yes, and if known, specify the appropriate file number and status of the application

MAP NUMBER 1

File Number: BN-01/02

Geographic Township of MIDDLETON



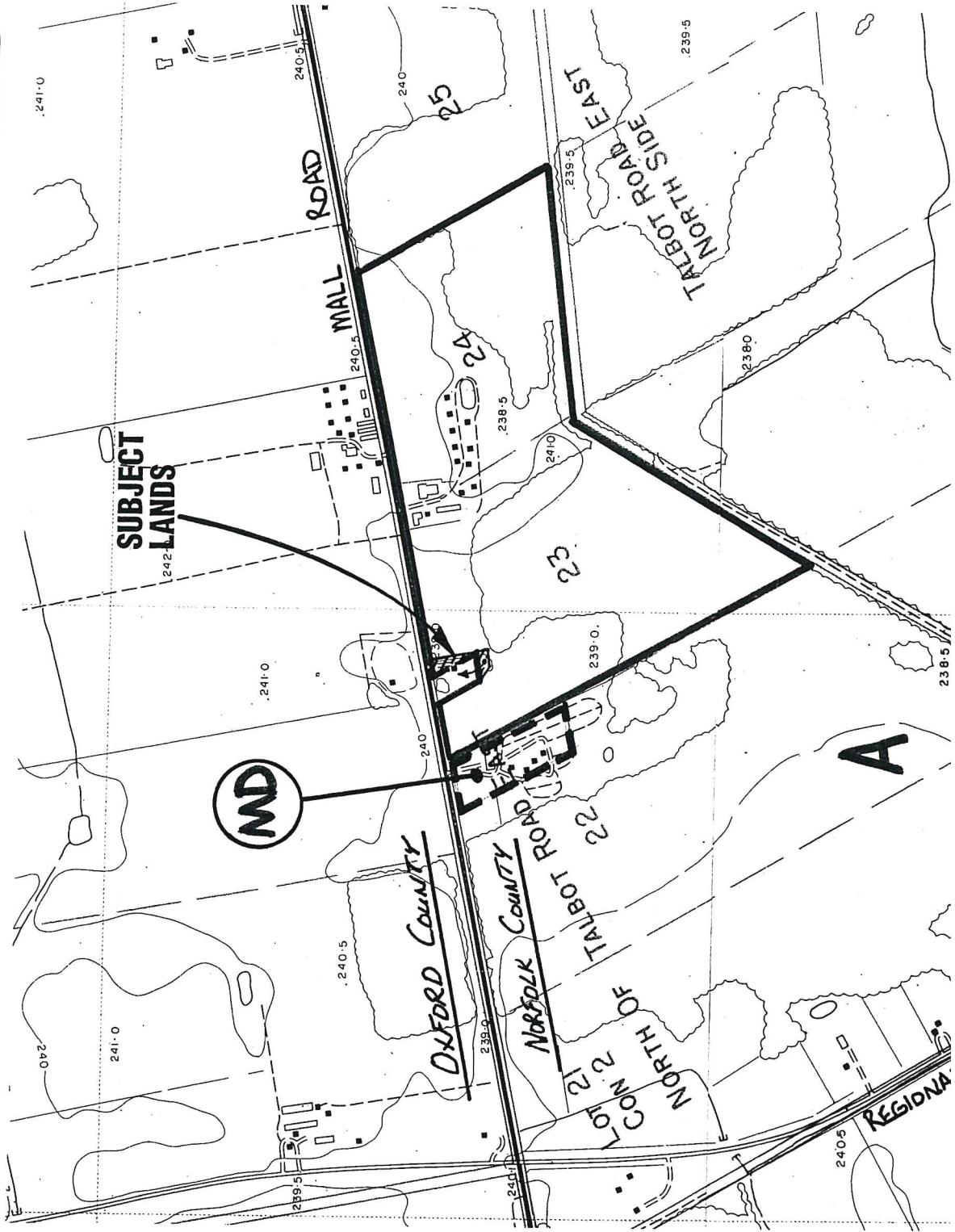
MAP NUMBER 2

File Number: BN-01/02

Geographic Township of MIDDLETON



Scale 1:10000



Consent Application

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I. SUPPORTING MATERIAL TO BE SUBMITTED BY APPLICANT

In order for your application to be considered complete, a sketch drawn to scale must be included as part of this application, which shows:

1. The boundaries and dimensions of the subject land including the part that is to be severed and the part that is to be retained.
2. Location, size, height and type of all existing and proposed buildings or structures on severed or retained lands, including the distance of the buildings or structures from the front yard lot line, rear yard lot line and side yard lot lines.
3. The boundaries and dimensions of the land owned by the owner, including the subject land and adjacent land.
4. The distance between the subject land and the nearest municipal lot line or landmark, such as a railway crossing or bridge.
5. The location of all land previously severed from the parcel originally acquired by the current owner of the subject land.
6. The approximate location of all natural and artificial features on the subject land and adjacent lands, including railways, roads, watercourses, drainage ditches, irrigation ponds, river or stream banks, wetlands, wooded areas, buildings.
7. The current use(s) of the adjacent lands.
8. The location, width and name of any roads within or abutting the subject land. Indicate whether the road is an unopened road allowance, a public travelled road, a private road or a right-of-way.
9. If access to the subject land is by water only, the location of the parking and docking facilities to be used.
10. The location and nature of any restrictive covenant or easement affecting the subject land.
11. If the severed parcel is to be conveyed to an abutting parcel...

If other documentation/supporting material becomes necessary, you will be contacted and this information must be submitted prior to your application proceeding.

J. NOTIFICATION SIGN REQUIREMENTS

For the purpose of public notification and in order for staff to easily locate your land, you will be given a sign to indicate the intent and purpose of your application. It is your responsibility to:

1. Post one sign per frontage in a conspicuous location on the subject property.
2. Ensure one sign is posted at the front of the property at least three feet above ground level.
3. Notify the Planner when the sign is in place in order to avoid processing delays.
4. Maintain the sign until the application is finalized and thereafter removed.

For the purposes of this application, the Owner/Applicant/Agent grants permission to the members of the Committee of Adjustment to enter upon the said property for inspection purposes, and the owner will not be held responsible or liable if any accident or injury occurs.

K. FREEDOM OF INFORMATION

For the purposes of the 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 for the purposes of processing this application.

Louis Januszewski
 Owner/Applicant/Agent Signature

Dec. 6 2001
 Date

Consent Application

L. DECLARATION

I, Louis Jancsurek of Tiltsenburg 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.

Declared before me at the

Village of Longton

in the Norfolk County

this 6th day of

December A.D., 20 01

Louis Jancsurek
Owner/Applicant/Agent Signature

Vera Maxine Fish
A Commissioner, etc.

VERA MAXINE FISH, a Commissioner, etc.
Norfolk County, for the Corporation of Norfolk County
Expires March 2, 2004

M. AUTHORIZATION

If the applicant is not the owner of the land that is the subject of this application, the authorization set out below must be completed by the owner.

AUTHORIZATION OF OWNER

I/we _____ am/are the owner(s) of the land that is the subject of this consent 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.

Consent Application

responsible person, and accompanied by the required application fee, and cheque made payable to Norfolk County. Additional fees for legal costs may apply if an Ontario Municipal Board hearing is held.

The application fee is calculated as follows:

In rural areas - Health Department review \$ 268
base fee \$ 580
~~\$ 788~~

2. A sketch illustrating all information as noted in Section I. (Supporting Material To Be Submitted By Applicant) must accompany this application.
3. For additional information or assistance in completing this application please contact the Planner at Norfolk County.

PLEASE SUBMIT APPLICATION TO:

Norfolk County