



**THE CORPORATION OF NORFOLK COUNTY
COMMITTEE OF ADJUSTMENT**

COMMENT REQUEST FORM

This Committee has received a consent/minor variance application concerning land within your jurisdiction. The proposal is explained on the attached application. If you require further information, please feel free to contact this office.

In order to properly consider this application, the Committee of Adjustment would appreciate your comments or recommendation before the date below:

May 16TH, 2007

FILE NO.: BN-031/2007

ASSESSMENT ROLL NO.: 3310-335-040-17810

APPLICANT:

James Bruce and Stephanie Sophie Charters, 233 Montclair Crescent, Waterford, ON N0E 1Y0

AGENT:

Brimage, Tyrell, Van Severen & Homeniuk LLP

Attention: James A. Boll, 21 Norfolk Street North, P.O. Box 188, Simcoe, ON N3Y 4L1

LOCATION:

Part Lot 59 & 60, Plan 443 WAT (233 Montclair Crescent, Waterford)

PROPOSAL:

Validation of title to correct a technical error related to title.

- Building Department
- Building Inspector (Sewage System Review)
- Forestry Division
- Treasury Department
- Public Works > NOTE: If an agreement is required please attach the clauses you require in the agreement.

- GIS Section
- Norfolk Power
- Ministry of Transportation
- Railway
- Conservation Authority

CIRCULATION DATE: May 2nd, 2007

PLEASE REPLY BY FAX OR EMAIL DIRECTLY TO:

Mary Elder, MCIP, RPP
Norfolk County, 60 Colborne Street, South, Simcoe, ON N3Y 4N5
(519) 426-5870 ext 1341

FAX: (519) 428-3069 EMAIL: mary.elder@norfolkcounty.on.ca

COMMITTEE OF ADJUSTMENT DECISION:

If you wish to be notified of the Decision of Norfolk County, Committee of Adjustment in respect of the proposed consent, you must make a written request to: Stephanie Godby, Acting Secretary-Treasurer, P.O. Box 128, 22 Albert Street, Langton ON N0E 1G0 • Phone: (519) 875-4485 ext 1835; Fax: (519) 875-4789; Email: stephanie.godby@norfolkcounty.on.ca

APPEALS TO THE ONTARIO MUNICIPAL BOARD:

If a person or public body that files an appeal of a Decision of Norfolk County Committee of Adjustment in respect of the proposed consent or variance does not make written submission to the Norfolk County Committee of Adjustment, before it gives or refuses to give a provisional consent or variance, the Ontario Municipal Board may dismiss the appeal.

VALIDATION OF TITLE

Office Use:

File Number: BN-31/07

Related File: _____

Date Submitted: Apr. 23/07

Date Received: "

Sign Issued: "

AB

This development 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.

Property assessment roll number: 335 ~~330~~ 040 17810

A. APPLICANT INFORMATION

James Bruce Charters

Name of Applicant ¹ Stephanie Sophie Charters Phone # (519) 443-5267

233 Montclair Crescent

Address Waterford, Ontario N0E 1Y0 Fax # _____

E-mail _____

¹ If the applicant is a numbered company provide the name of a principal of the company.

Brimage, Tyrrell, Van Severen & Homeniuk LLP

Name of Agent Attention: James A. Boll Phone # (519) 426-5840

21 Norfolk Street North, P.O. Box 188

Address Simcoe, Ontario N3Y 4L1 Fax # (519) 426-5572

E-mail _____

James Bruce Charters

Name of Owner ² Stephanie Sophie Charters Phone # (519) 443-5267

233 Montclair Crescent

Address Waterford, Ontario N0E 1Y0 Fax # _____

E-mail _____

² 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.

Please specify to whom all communications should be sent ³: Applicant Agent Owner

³ Unless otherwise directed, all correspondence, notices, etc., in respect of this development application will be forwarded to the Applicant noted above, except where an Agent is employed, then such will be forwarded to the Applicant and Agent.

Names and addresses of any holders of any mortgages, charges or other encumbrances on the subject lands:



VALIDATION OF TITLE

Bank of Nova Scotia, 54 Norfolk Street North, Simcoe, Ontario N3Y 4L1 (scheduled to be discharged upon sale closing June 29, 2007).

VALIDATION OF TITLE

B. LOCATION/LEGAL DESCRIPTION OF SUBJECT LANDS

Geographic Township	Townsend	Urban Area or Hamlet	Waterford
Concession Number		Lot Number(s)	Part of Lot 60 and 59
Registered Plan Number	443	Lot(s) or Block Number(s)	
Reference Plan Number		Part Number(s)	
Frontage (metres/feet)	21.34 metres	Depth (metres/feet)	42.04 metres
Width (metres/feet)	21.34 metres	Lot area (m ² / ft ² or hectares/acres)	+ or - 897 sq. metres
Municipal Civic Address	233 Montclair Crescent, Waterford, Ontario N0E 1Y0		

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

Yes No

If yes, describe the easement or covenant and its effect:

Instrument No. 537475 is a Notice of Claim for Bell Canada being telephone Easement which was originally registered as Instrument No. 265359.

C. PURPOSE OF DEVELOPMENT APPLICATION

The date the subject lands was acquired by the current owner:

February 28, 1992

The date the contravention of Section 50 of *The Planning Act*, or a predecessor thereof occurred:

November 7, 1972

Please describe the nature of the contravention, explain below or attach on a separate page:

Instrument No. 341850 is a Transfer registered November 7, 1972 for John Antkiw and Mary Antkiw to Sophie Marinuk. This Transfer contained a Certificate of the Secretary-Treasurer of the Committee of Adjustment under the Planning Act. Both the legal description in the Certificate and the legal description in the Transfer (please see copies enclosed) contain an error in the first course "...thirty-two minutes East...." which should read West. Subsequent Deeds have corrected this error, however, the legal description for the original consent was incorrect.

VALIDATION OF TITLE

D. PROPERTY INFORMATION

Present use of the subject lands:

Residential

Are there any existing buildings or structures on the subject lands?

Yes No

If yes, please describe the type of building or structure and in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure and its dimensions or floor area:

The setback from the front line is 8.5 metres, side lot lands appear to be 1.2 and 1.95 meters on the South and 1.82 and 1.86 on the North.

Are there any buildings or structures proposed to be built on the subject lands?

Yes No

If yes, please describe the type of building or structure and in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure and its dimensions or floor area:

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:

The date the subject lands was acquired by the current owner:

Febrary 28, 1992

If known, the date existing buildings or structures were constructed on the subject lands:

Not available

If known, the length of time the existing uses have continued on the subject lands:

Not available

VALIDATION OF TITLE

E. PREVIOUS USE OF THE PROPERTY

Has there been an industrial or commercial use on the subject lands or adjacent lands?

Yes No Unknown

If yes, specify the uses:

Has the grading of the subject lands been changed through excavation or the addition of earth or other material?

Yes No Unknown

Has a gas station been located on the subject lands or adjacent lands at any time?

Yes No Unknown

Has there been petroleum or other fuel stored on the subject lands or adjacent lands at any time?

Yes No Unknown

Is there reason to believe the subject lands may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

Provide the information you used to determine the answers to the above questions:

If you answered yes to any of the above questions, 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

F. PROVINCIAL POLICY

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:

VALIDATION OF TITLE

Are the subject lands within an area of land designated under any provincial plan or plans?

Yes No

If yes, does the requested amendment conform to or does not conflict with the provincial plan or plans:

Are any of the following uses or features on the subject lands or within 500 metres (1,640 feet) of the subject lands, unless otherwise specified? Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Lands		Within 500 Metres (1,640 feet) of Subject Lands (Indicate Distance)		
Livestock facility or stockyard (if yes, complete Form 3 – available upon request)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ distance
Wooded area	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ distance
Municipal landfill	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ distance
Sewage treatment plant or waste stabilization plant	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ distance
Provincially significant wetland (class 1, 2 or 3) or other environmental feature	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ distance
Floodplain	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ distance
Rehabilitated mine site	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ distance
Non-operating mine site within one kilometre	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ distance
Active mine site within one kilometre	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ distance
Industrial or commercial use (specify the use(s))	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ distance
Active railway line	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ distance
Seasonal wetness of lands	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ distance
Erosion	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ distance
Abandoned gas wells	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ distance

G. SERVICING AND ACCESS

Indicate what services are available or proposed:

Water Supply

- Municipal piped water
- Communal wells
- Individual wells
- Other (describe below)

Sewage Treatment

- Municipal sewers
- Communal system
- Septic tank and tile bed
- Other (describe below)

Storm Drainage

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

If other, describe:

Have you consulted with Public Works & Environmental Services concerning stormwater management?

Yes No



VALIDATION OF TITLE

Has the existing drainage on the subject lands been altered?

- Yes No

Does a legal and adequate outlet for storm drainage exist?

- Yes No Unknown

Existing or proposed access to subject lands:

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

If other, describe:

Name of road/street:

Municipal Road - Montclair Crescent

H. OTHER INFORMATION

Is there a time limit that affects the processing of this development application?

- Yes No

If yes, describe:

Property is scheduled to be sold on June 29, 2007.

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

11850
COMMITTEE OF ADJUSTMENT

TOWN OF WATERFORD

NOTICE OF DECISION

This is to inform you that the following is the decision of the Committee of Adjustment for the Town of Waterford regarding Application 82(B7/72) made by Mary and John Antkiw on August 31, 1972.

You have the right to appeal this decision on or before November 1, 1972 after which time this decision is final and binding.

That since the Application 82(B7/72) is in accordance with the By-Law and no objections have been received, that consent is granted to the Application 82(B7/72).

I, William H. Shimmons, Secretary-Treasurer of the Committee of Adjustment for the Town of Waterford, do hereby certify that the foregoing is a true statement of the Application 82(B7/72) Notice of Decision.

William H. Shimmons

3B

CERTIFICATE OF SECRETARY-TREASURER

Pursuant to subsection 20 of section 42 of The Planning Act I certify that the consent of the Committee of Adjustment of the Town of Waterford was given on September 28, 1972 to Conveyance of the following described lands.

ALL AND SINGULAR that certain parcel or tract of land and premises, situate lying and being in the Town of Waterford in the County of Norfolk and in the Province of Ontario, said parcel being composed of part of lots 60 and 59 in accordance with registered plan 443 on file in the Registry Office for the Registry Division of Norfolk, said parcel containing by admeasurement 9654 square feet, be the same, more or less, and is more particularly described as follows:

BEARINGS contained herein are referred to those shown on Registered Plan 443 and more particularly the Easterly limit of Montclair Crescent as North fifteen degrees, thirty-two minutes West.

COMMENCING at an iron bar planted in the Westerly limit of said Lot 60 distant nine feet and one one-hundredths of a foot ^{from} to an iron bar planted in the South-west angle of Lot 59 measured on a course of South fifteen degrees thirty-two minutes East therefrom.

THENCE North fifteen ~~ga~~ degrees, thirty-two minutes East along the Westerly limit of Lots 60 and 59, seventy feet to an iron bar planted distant five feet from the North-westerly angle of said Lot 59 measured on a course of South fifteen degrees thirty-two minutes East therefrom.

THENCE North seventy-four degrees twenty-eight minutes East, one hundred and thirty-~~XXX~~seven feet and ninety-two one-hundredths of a foot to an iron bar planted in the Easterly limit of said Lot 59, distant five feet from the North-easterly angle of Lot 59 measured on a course of South fifteen degrees thirty-two minutes East therefrom.

THENCE South fifteen degrees thirty-two minutes East along the Easterly limit of Lot 59 and 60 seventy feet to an iron bar planted, distant nine feet and one one-hundredth of a foot from the South-easterly angle of said Lot 59 measured on a course of South fifteen degrees thirty-two minutes therefrom.

THENCE South seventy-four degrees twenty-eight minutes West, one hundred and thirty seven feet and ninety-two one-hundredths of a foot to the point of commencement.

William H. Phelan

Secretary - Treasurer

Dated this 28 day of October, 1972

CONVEYANCE

made (in duplicate) the 30th day of October
one thousand nine hundred and seventy-two.

In Pursuance of The Short Forms of Conveyances Act Between

Dye & Durham
Co. Limited
Toronto, Canada

Form 1 to 4

JOHN ANTKIW, Retired Farmer, and MARY ANTKIW,
his wife, both of the Town of Waterford, in the
County of Norfolk, (formerly of the Township of
Oakland, in the County of Brant) hereinafter
called the Grantors

OF THE FIRST PART

- and -

SOPHIE MARINUK, of the Township of Oakland, in
the County of Brant, Married Woman, hereinafter
called the Grantee

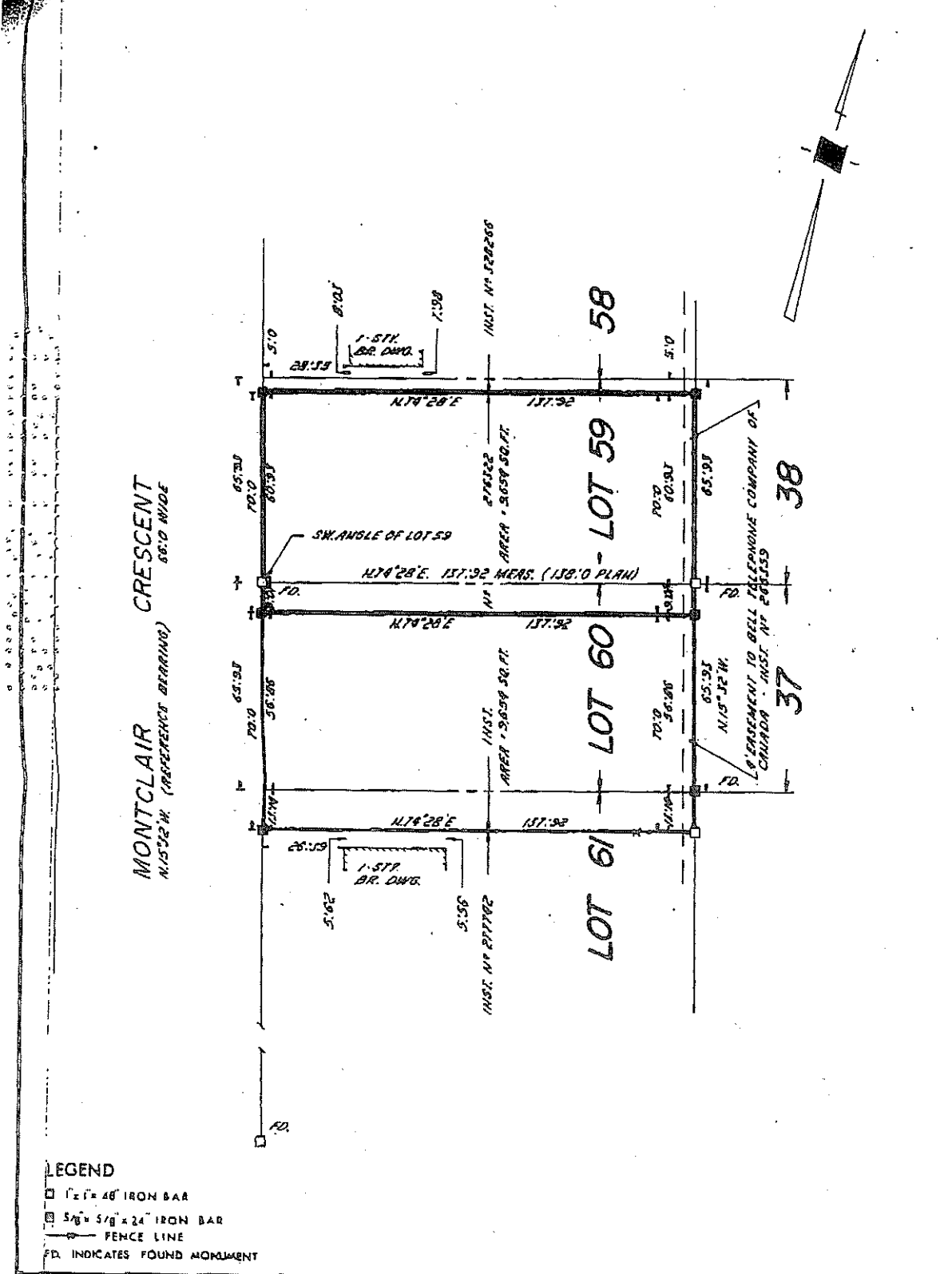
OF THE SECOND PART

Witnesseth that in consideration of other good and valuable

consideration and the sum of TWO (\$2.00) ----- Dollars
of lawful money of Canada now paid by the said Grantee to the said
Grantors (the receipt whereof is hereby by them acknowledged), they
the said Grantors do Grant unto the said Grantee in fee simple.
All and Singular that certain parcel or tract of land and premises
situate lying and being in the Town of Waterford, in the County of
Norfolk and in the Province of Ontario, said parcel being comp-
rised of part of Lots 60 and 59 in accordance with Registered
Plan 443 on file in the Registry Office for the Registry Division
of Norfolk, said parcel containing by admeasurement 9654 square
feet, be the same, more or less, and is more particularly
described as follows: BEARINGS contained herein are referred to
those shown on Registered Plan 443 and more particularly the
easterly limit of Montclair Crescent as north 15 degrees 32
minutes west. COMMENCING at an iron bar planted in the westerly

3D

limit of said Lot 60 distant nine feet and one one-hundredth of a foot ^{from} (to) an iron bar planted in the south-west angle of Lot 59 measured on a course of south 15 degrees 32 minutes east therefrom. Thence north 15 degrees 32 minutes ^{should be WEST.} east along the westerly limit of Lots 60 and 59, seventy feet to an iron bar planted distant five feet from the north-westerly angle of said Lot 59 measured on a course of south 15 degrees 32 minutes east therefrom. Thence north 74 degrees 28 minutes east, one hundred and thirty-seven feet and ninety-two one-hundredths of a foot to an iron bar planted in the easterly limit of said Lot 59, distant five feet from the north-easterly angle of Lot 59 measured on a course of south 15 degrees 32 minutes east therefrom. Thence south 15 degrees 32 minutes east along the easterly limit of Lot 59 and 60 seventy feet to an iron bar planted, distant nine feet and one one-hundredth of a foot from the south-easterly angle of said Lot 59 measured on a course of south 15 degrees 32 minutes east therefrom. Thence south 74 degrees 28 minutes west, one hundred and thirty-seven feet and ninety-two one-hundredths of a foot to the point of commencement. ALL OF WHICH is shown on a plan of survey attached hereto and outlined in red.



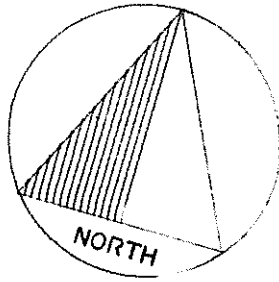
PLAN OF SURVEY
 SHOWING
LOT 60
 AND PART OF
LOTS 59 & 61
REGISTERED PLAN 443
 TOWN OF WATERFORD
 COUNTY OF NORFOLK
 SCALE 1" = 40'

SURVEYOR'S CERTIFICATE

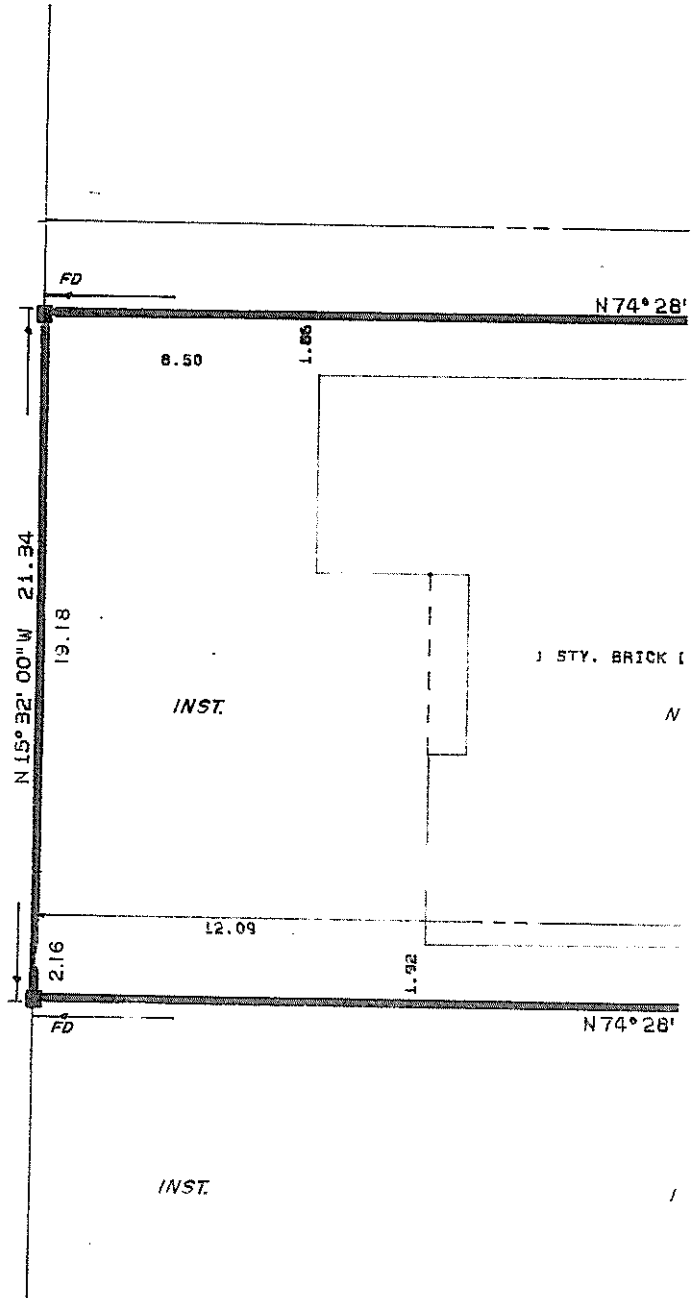
I HEREBY CERTIFY THAT:
 (I) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER.
 (II) THIS SURVEY WAS COMPLETED ON THE 31st DAY OF **AUGUST** 1972.
 DATED THIS 31st DAY OF **AUGUST** 1972.

JOHN B. DODD LTD.
 191 GUYENESWAY WEST
 SIMCOE ONTARIO
 P.O. BOX 464

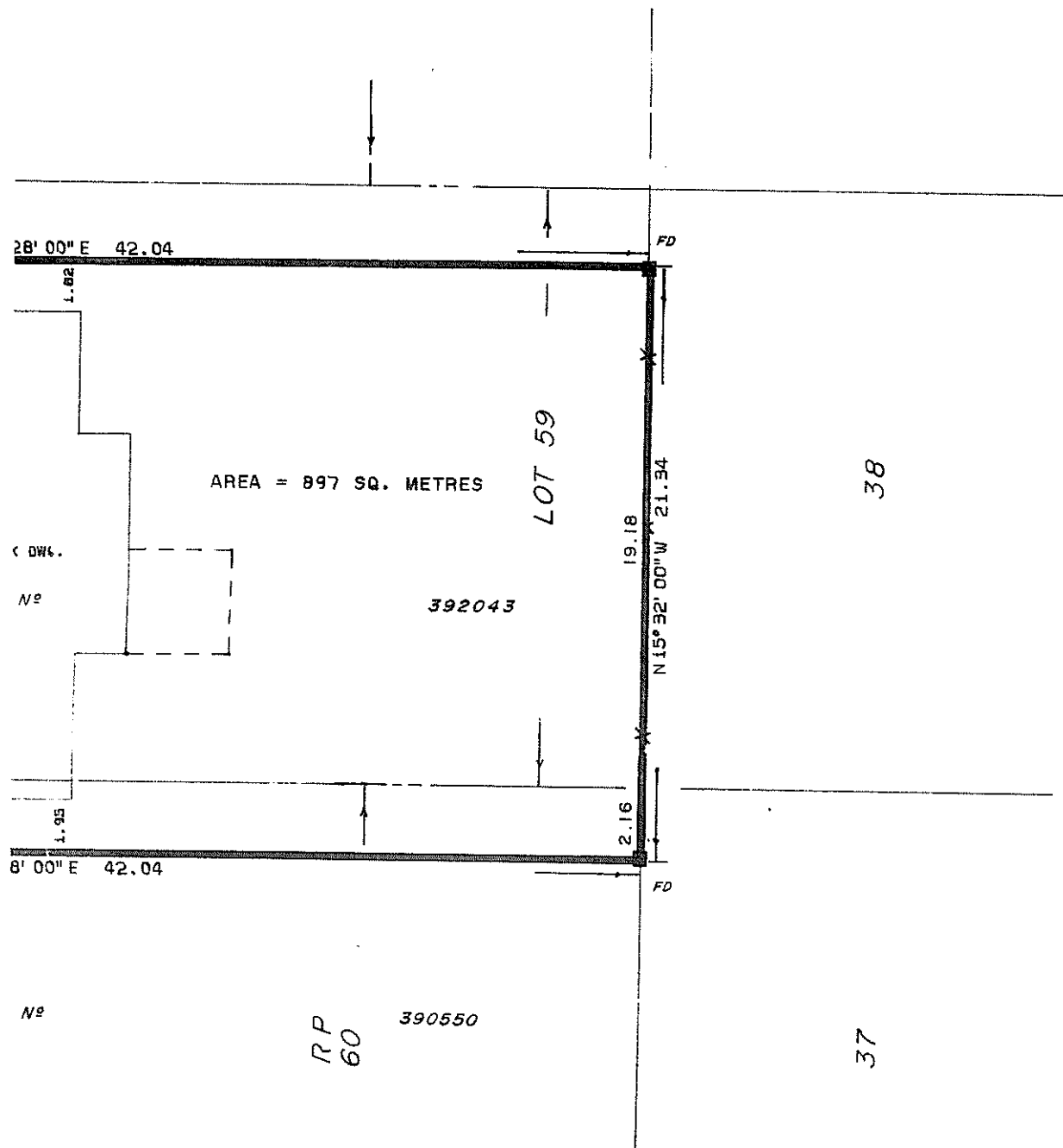
John B. Dodd
 JOHN B. DODD
 ONTARIO LAND SURVEYOR



MONTCLAIR CRESCENT



METRIC: MEASUREMENTS SHOWN ON THIS PLAN ARE IN METRES
 AND MAY BE CONVERTED TO FEET BY DIVIDING BY 30.48



SKETCH SHOWING
PART OF LOTS 59 AND 60
REGISTERED PLAN 443
 FORMERLY IN THE TOWN OF WATERFORD
 IN THE COUNTY OF NORFOLK
 NOW IN THE
CITY OF NANTICOKE
 IN THE REGIONAL MUNICIPALITY OF
HALDIMAND NORFOLK
 SCALE: 1:200 5m 0 5 10m
 1979
 JOHN B. DODD O.L.S.

I HEREBY CERTIFY THAT:
 I) THIS SKETCH IS CORRECT.
 II) THE SKETCH WAS COMPLETED ON THE 5th DAY OF JULY 1979.
 DATED THIS 6th DAY OF JULY 1979.

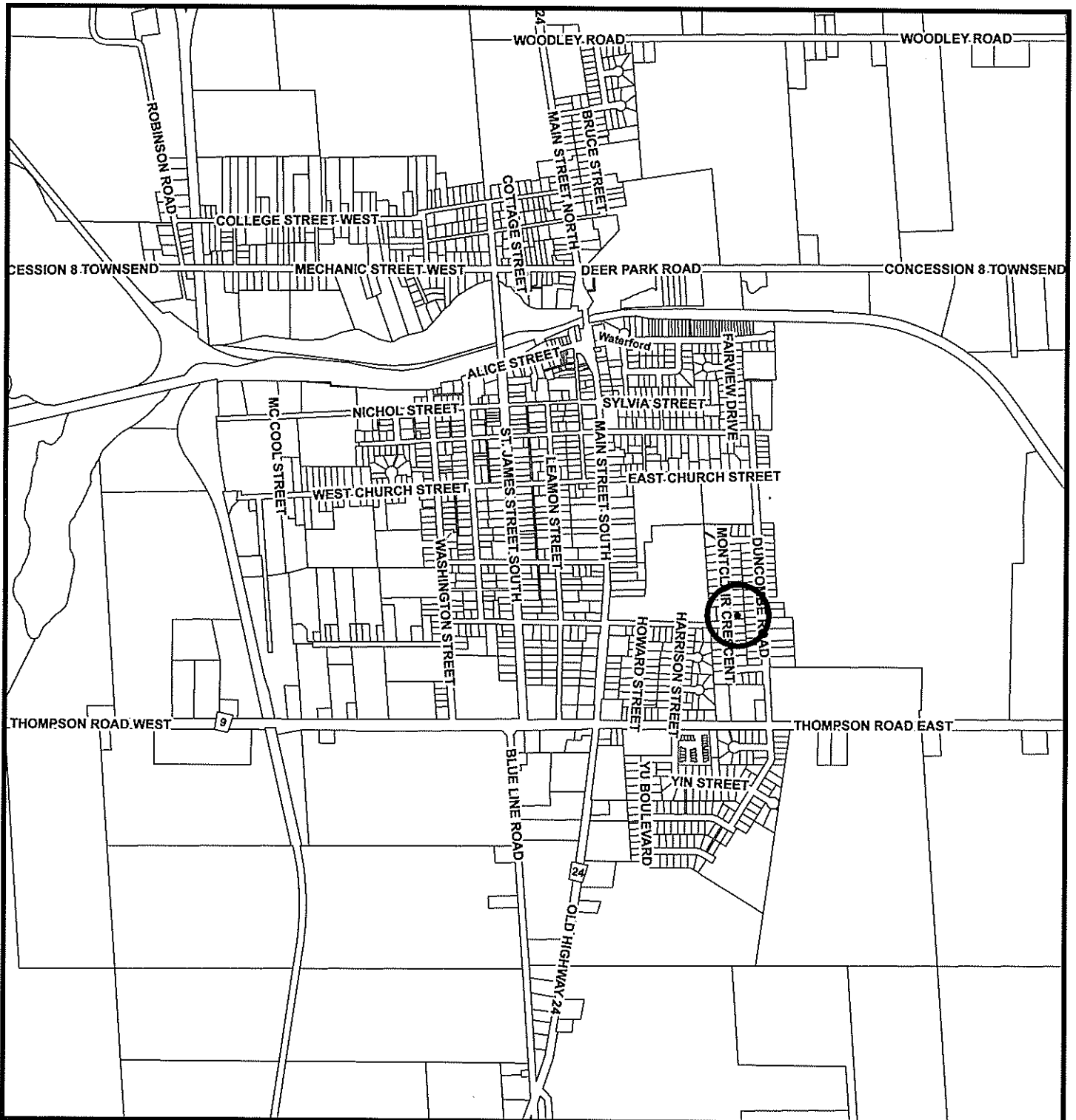
John B. Dodd
 JOHN B. DODD
 ONTARIO LAND SURVEYOR

John B. Dodd Ltd.
 Ontario Land Surveyors,
 65 Queensway East, Telephone
 Simcoe, Ontario N3Y 4M5 519 • 426 • 6610

MAP 1

File Number: BN-031/2007

Urban Area of WATERFORD

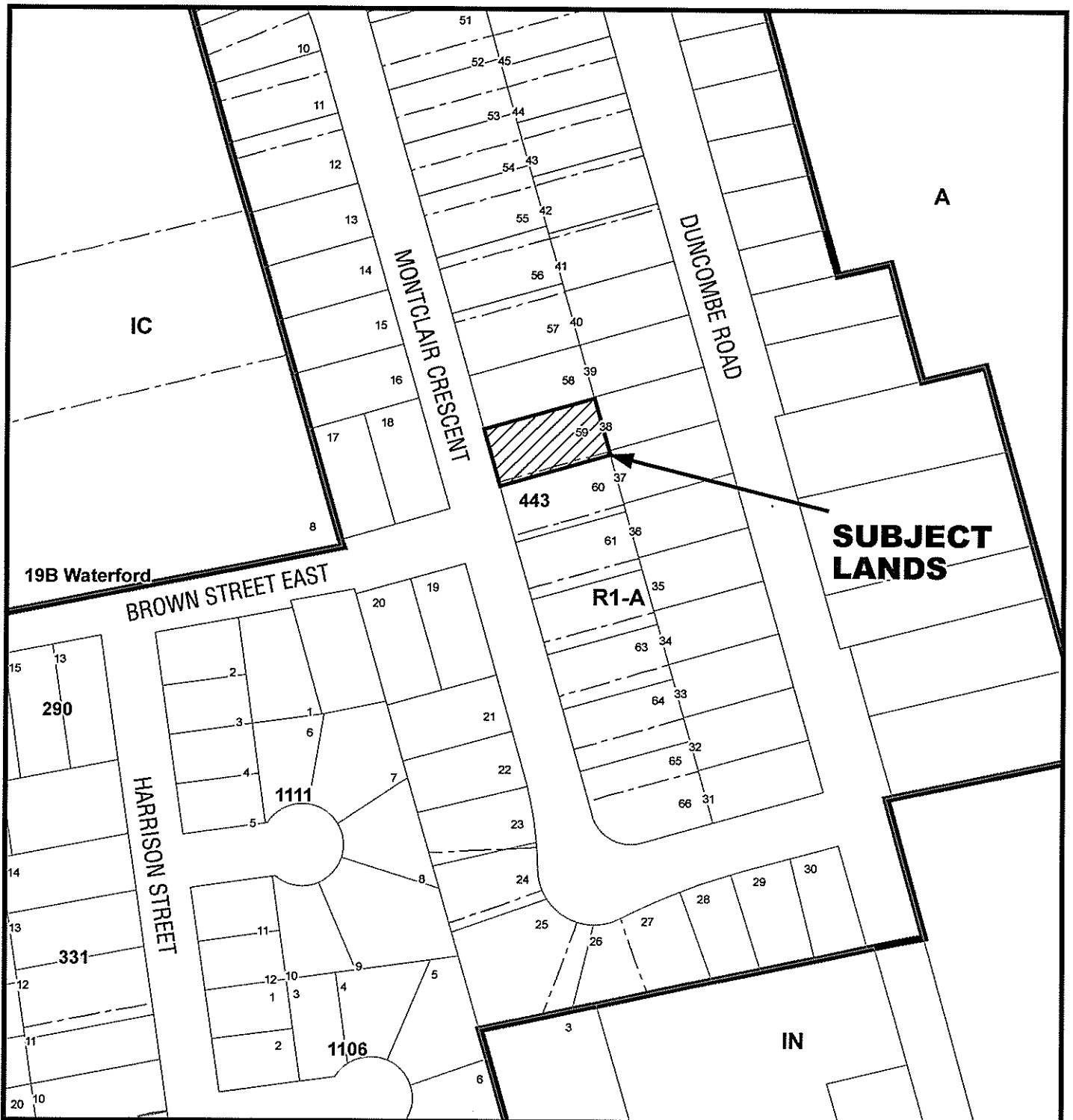


MAP 2
File Number: BN-031/2007
Urban Area of WATERFORD



0 5 10 20 30 40 50 60 Meters

1:2,000



MAP 3
File Number: BN-031/2007
Urban Area of WATERFORD



0 4 8 16 24 32 40 48 Meters

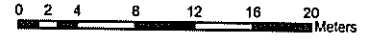
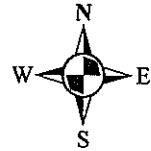
1:1,500



MAP 4

File Number: BN-031/2007

Urban Area of WATERFORD



1:500

