

CONSENT / SEVERANCE

Office Use:

File Number: BN-033/2009
 Related File: BN-032/2009
 Fees Submitted: Feb 24/09 & Feb 25/09
 Application Submitted: Feb 23, 2009
 Sign Issued: Feb 24, 2009
 Complete Application: Feb 25, 2009

me

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: 3310-336-010-25200 & 336-010-25100

*property severed
lands to be added to*

- Creation of a new lot
- Boundary adjustment
- Easement/right-of-way
- Other (lease / charge)

A. APPLICANT INFORMATION

Name of Applicant ¹ William Procyk & Procyk Farms Limited Phone # 519-443-7565 or 443-4516
 Address R. R. # 1 Fax # 519-443-4511
 Town / Postal Code Wilsonville, ON. N0E 1Z0 E-mail _____

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

Name of Agent THOMAS A. CLINE Phone # 519-426-6763
 Address 39 Colborne St. N., P. O. Box 528 Fax # 519-426-2055
 Town / Postal Code Simcoe, ON. N3Y 4N5 E-mail cline@clinebackus.com

Name of Owner ² _____ Phone # _____
 Address _____ Fax # _____
 Town / Postal Code _____ 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 mortgagees, charges or other encumbrances on the subject lands:
NONE



CONSENT / SEVERANCE

B. LOCATION/LEGAL DESCRIPTION OF SUBJECT LANDS

Geographic Township	<u>Townsend</u>	Urban Area or Hamlet	
Concession Number	<u>Conc. 3</u>	Lot Number(s)	<u>Part Lot 10</u>
Registered Plan Number		Lot(s) or Block Number(s)	
Reference Plan Number		Part Number(s)	
Frontage (metres/feet)	<u>+/- 550 ft.</u>	Depth (metres/feet)	<u>+/- 590 ft.</u>
Width (metres/feet)	<u>+/- 750 ft. (Combined)</u>	Lot area (m ² / ft ² or hectares/acres)	<u>+/- 8 acres</u>
Municipal Civic Address	<u>758 Townsend Conc. 3 Rd.</u>		

For questions regarding requirements for a municipal civic address please contact NorfolkGIS@norfolkcounty.on.ca.

To obtain your municipal civic address for the severed lands please contact your local building inspector.

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

Yes No

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

Overhead wires for hydro service

C. PURPOSE OF DEVELOPMENT APPLICATION

Please explain what you propose to do on the subject lands/premises which makes this development application necessary (if additional space is required, please attach a separate sheet):

The purpose of the Development Application is to reconfigure the subject lands to accommodate construction put in place by the Applicants, together with Procyk Farms (1994) Limited.

Name of person(s), if known, to whom lands or interest in lands is to be transferred, leased or charged (if known):
PROCYK FARMS (1994) LIMITED

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

3310-336-010-252-00 Procyk Farms (1994) Limited



CONSENT / SEVERANCE

If the application involves the severance of a surplus farmhouse (through farm amalgamation), please list all properties in Norfolk County, which are owned and farmed by the applicant and involved in the farm operation:

Owners Name and Address <small>(including those with part interest)</small> Assessment Roll No. <small>(obtained from your tax bill)</small>	Geographic Township Concession and Lot #	Total Acreage <small>(individual property)</small>	Acres Workable <small>(individual property)</small>	Existing Farm Type <small>(individual property e.g. corn production, orchard, tobacco)</small>	Dwelling Present	Year Dwelling Built
SUBJECT LANDS						
NOT APPLICABLE					<input type="checkbox"/> Yes	<input type="checkbox"/> No
OTHER					<input type="checkbox"/> Yes	<input type="checkbox"/> No
					<input type="checkbox"/> Yes	<input type="checkbox"/> No
					<input type="checkbox"/> Yes	<input type="checkbox"/> No
					<input type="checkbox"/> Yes	<input type="checkbox"/> No
					<input type="checkbox"/> Yes	<input type="checkbox"/> No

If the application proposes to divide a farm into two smaller agricultural parcels, please complete the following:

Description of Land	Lands to be Severed	Lands to be Retained
Area under cultivation	(m ² / ft ² or hectares/acres)	(m ² / ft ² or hectares/acres)
Woodlot area	(m ² / ft ² or hectares/acres)	(m ² / ft ² or hectares/acres)
Existing crops grown (type and area)	NOT APPLICABLE	
Proposed crops grown (type and area)	NOT APPLICABLE	

Description of Existing Buildings	Lands to be Severed	Lands to be Retained
Residence	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Livestock barn	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Type of livestock	NOT APPLICABLE	
Capacity of barn		
Manure storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Type of manure storage		

CONSENT / SEVERANCE

Description of land intended to be **SEVERED**: *no heritage*

Frontage (metres/feet)

SEE ATTACHED DIAGRAM

Depth (metres/feet)

(386.9') west 117.9m
Varres (340.07') east 103.65m.

Width (metres/feet)

(749.91ft) 228.57m.

Lot area (m² / ft² or hectares/acres)

1.63 ha (4.01Ac)

Existing use:

Storage Complex for vegetable growing operation together with housing facilities for off-shore labour

Proposed use:

No change

Number and type of buildings and structures existing on the land to be severed, please describe 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:

Situate on the subject lands are storage facilities and housing units for off-shore labour

Number and type of buildings and structures proposed on the land to be severed, please describe 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:

No change. Existing structures will be expanded, which accounts for additional lands included in adjustment

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

Frontage (metres/feet)

+/- 780 ft.

Depth (metres/feet)

+/- 4,400 ft.

Width (metres/feet)

Lot area (m² / ft² or hectares/acres)

+/- 90 acres

Existing use:

Agriculture

Proposed use:

Agriculture

Number and type of buildings and structures existing on the land to be retained, please describe 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:

No structures

Number and type of buildings and structures proposed on the land to be retained, please describe 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:

None contemplated at this time

CONSENT / SEVERANCE

Description of proposed **RIGHT OF WAY/EASEMENT**:

Frontage (metres/feet) Not applicable Depth (metres/feet) _____

Width (metres/feet) _____ Lot area (m² / ft²) _____

Proposed use:

D. PROPERTY INFORMATION

Present official plan designation(s):

Agriculture

Present zoning:

Agriculture

Has the owner previously severed any lands from this subject land holding or any other lands the owner has interest in since August 24, 1978?

Yes No Unknown

If yes, indicate the file number and the status/decision:

Has any land been severed from the parcel originally acquired by the owner of the subject lands?

Yes No Unknown

If yes, indicate the file number and the status/decision:

Number of separate parcels that have been created:

Not applicable

Date(s) these parcels were created:

Not applicable

Name of the transferee for each parcel:

Not applicable

Uses of the severed lands:

Not applicable

CONSENT / SEVERANCE

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

Not applicable

Date of construction of the dwelling proposed to be severed:

Not applicable

Date of purchase of subject lands:

Subject lands have historically been in the Procyk family

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:

Personal Knowledge of Applicant

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

CONSENT / SEVERANCE

F. STATUS OF OTHER PLANNING DEVELOPMENT APPLICATIONS

Has the subject land or land within 120 metres of it been or is now the subject of an application under the *Planning Act, R.S.O. 1990, c. P. 13* for:

- (a) a minor variance or a consent;
- (b) an amendment to an official plan, a zoning by-law or a Minister's zoning order; or
- (c) approval of a plan of subdivision or a site plan?

Yes No Unknown

If yes, indicate the following information about **each application**:

File number:

Contemporaneous Application included with this Application BN-10/2002 boundary adjustment certificate issued

Land it affects:

See Covering Letter

Purpose:

See Covering Letter BN-004/87 CN one lot off farm - approved/complete

Status/decision:

Not applicable

Effect on the requested amendment:

None BN-032/2009 surplus farm dwelling

If additional space is required, please attach a separate sheet.

Is the above information for other planning developments applications attached?

Yes No

G. PROVINCIAL POLICY

Is the requested application 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:

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

Yes No

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

CONSENT / SEVERANCE

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

H. 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

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



CONSENT / SEVERANCE

Existing or proposed access to the **retained** lands:

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

If other, describe:

Name of road/street:

758 Townsend Conc. 3 Rd.

Existing or proposed access to **severed** lands:

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

If other, describe:

Name of road/street:

758 Townsend Conc. 3 Rd.

I. OTHER INFORMATION

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

- Yes No

If yes, describe:

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.

J. SUPPORTING MATERIAL TO BE SUBMITTED BY APPLICANT

In order for your development application to be considered complete, **a sketch**, in metric units, drawn to scale, must be included as part of the development application, which shows:

1. The boundaries and dimensions of the subject lands including the part that is intended to be severed and the part that is intended to be retained
2. Location, size, height and type of all **existing** and **proposed** buildings and 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 lands owned by the owner, including the subject lands and abutting lands
4. The distance between the subject lands and the nearest municipal lot line or landmark, such as a railway crossing or bridge
5. The location of all lands previously severed from the parcel originally acquired by the current owner of the subject lands
6. The approximate location of all natural and artificial features including but not limited to, buildings, railways, roads, watercourses, municipal drains, drainage ditches, banks of rivers or streams, pipelines, gas wells, wetlands, wooded areas that are located on the subject land and on land that is adjacent to it and may affect the application
7. The current use(s) of the adjacent lands
8. The location, width and name of any roads within or abutting the subject lands. Indicate whether the road is an unopened road allowance, a public travelled road, a private road or a right-of-way
9. The location and nature of any restrictive covenant or easement affecting the subject lands
10. If the severed parcel is to be conveyed to an abutting property owner, please identify the abutting property with name and instrument number exactly as now registered
11. The location of any existing sewage system and well, on the lot to be created and/or retained

Five (5) copies of any applicable information/reports indicated in the development application.

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

CONSENT / SEVERANCE

K. NOTIFICATION SIGN REQUIREMENTS

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

1. Post one sign per frontage in a conspicuous location on the subject lands
2. Ensure one sign is posted at the front of the subject lands 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 development application is finalized and thereafter removed

L. PERMISSION TO ENTER SUBJECT LANDS

Permission is hereby granted to Norfolk County staff and to members of the Committee of Adjustment to enter the premises subject to this development application for the purposes of making inspections associated with this application, during normal and reasonable working hours.



Owner/Applicant/Agent Signature



Date

M. 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 development application.



Owner/Applicant/Agent Signature



Date

CONSENT / SEVERANCE

N. DECLARATION

I, PAUL PROCYK 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*.

I am a Director of **PROCYK FARMS LIMITED**

Declared before me at:

Norfolk County

in the Province of Ontario

This 19th day of February

A.D., 20 09

[Signature]
A Commissioner, etc.

[Signature]
Owner/Applicant/Agent Signature

O. OWNER'S AUTHORIZATION

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

I/We WILLIAM PROCYK am/are the registered owner(s) of the lands that is the subject of this development application for a consent / severance.

I/We authorize PAUL PROCYK to make this development application on my/our behalf and to provide any of my/our personal information necessary for the processing of this development application. Moreover, this shall be your good and sufficient authorization for so doing.

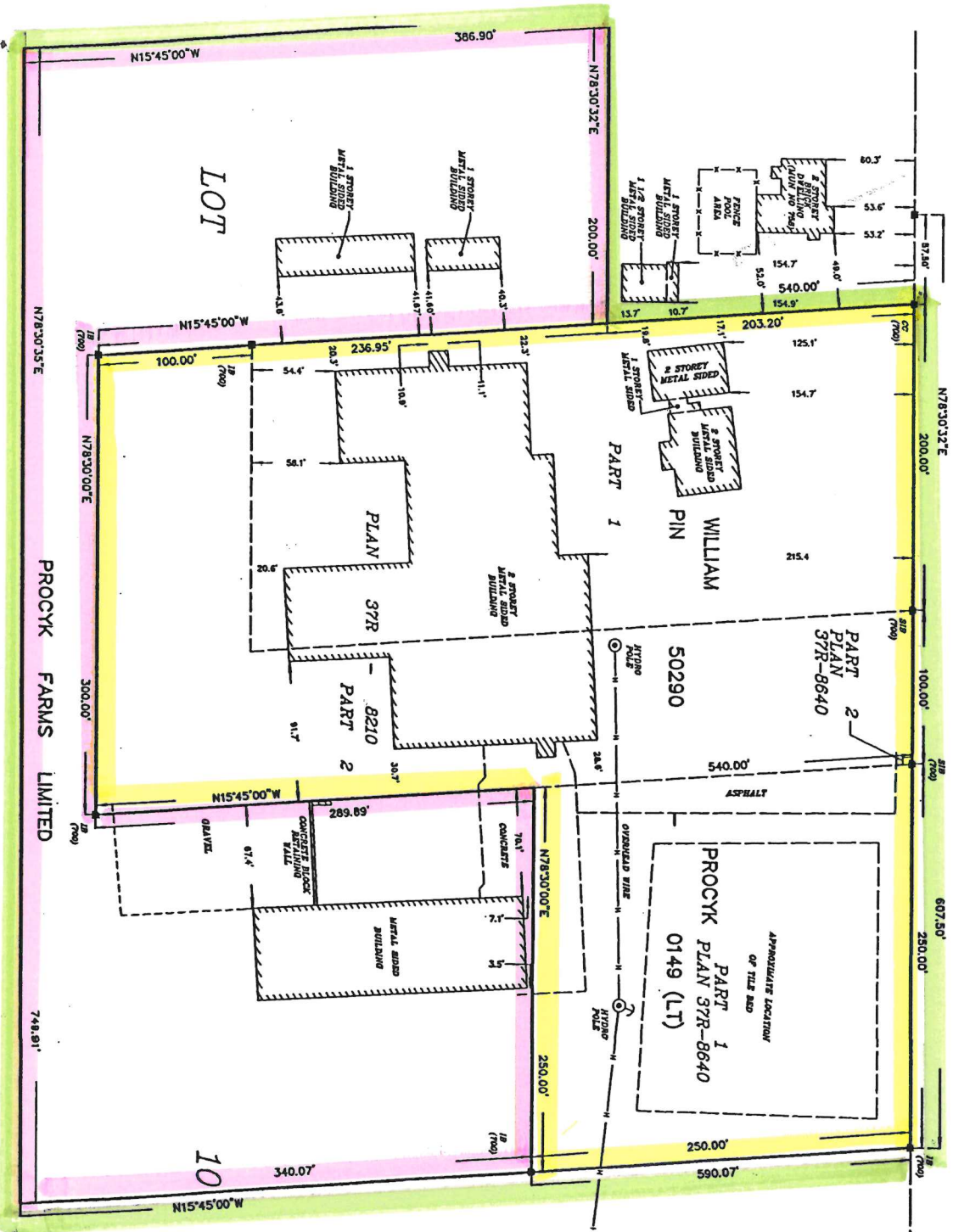
[Signature]
Owner
Owner

Feb. 18/09
Date
Date



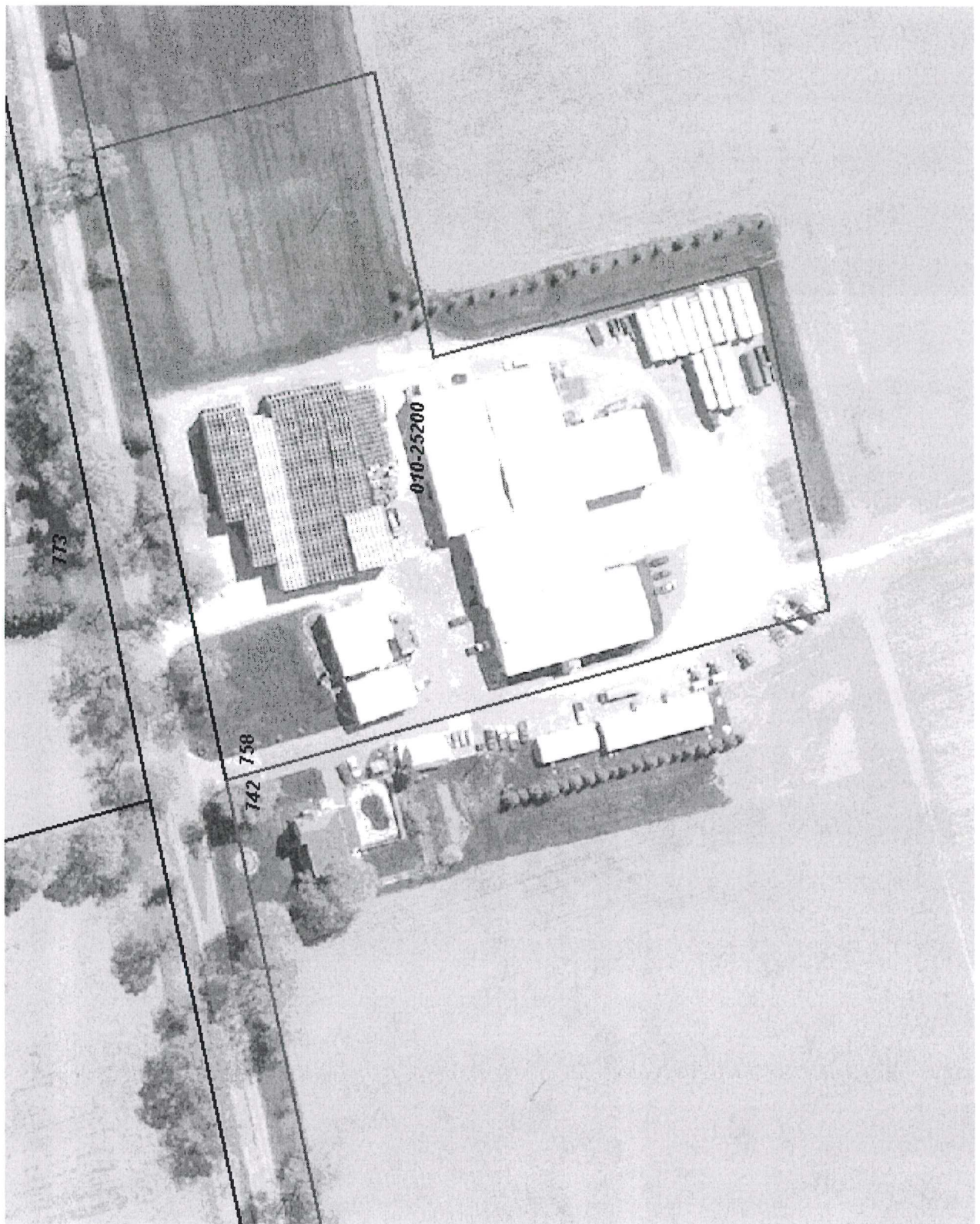
66.00' ALLOWANCE FOR ROAD BETWEEN CONCESSIONS 2 AND

PIN 50290 - 0182 (LT)



PIN 50290 - 0148 (LT)

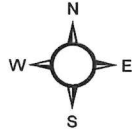
CONCESSION



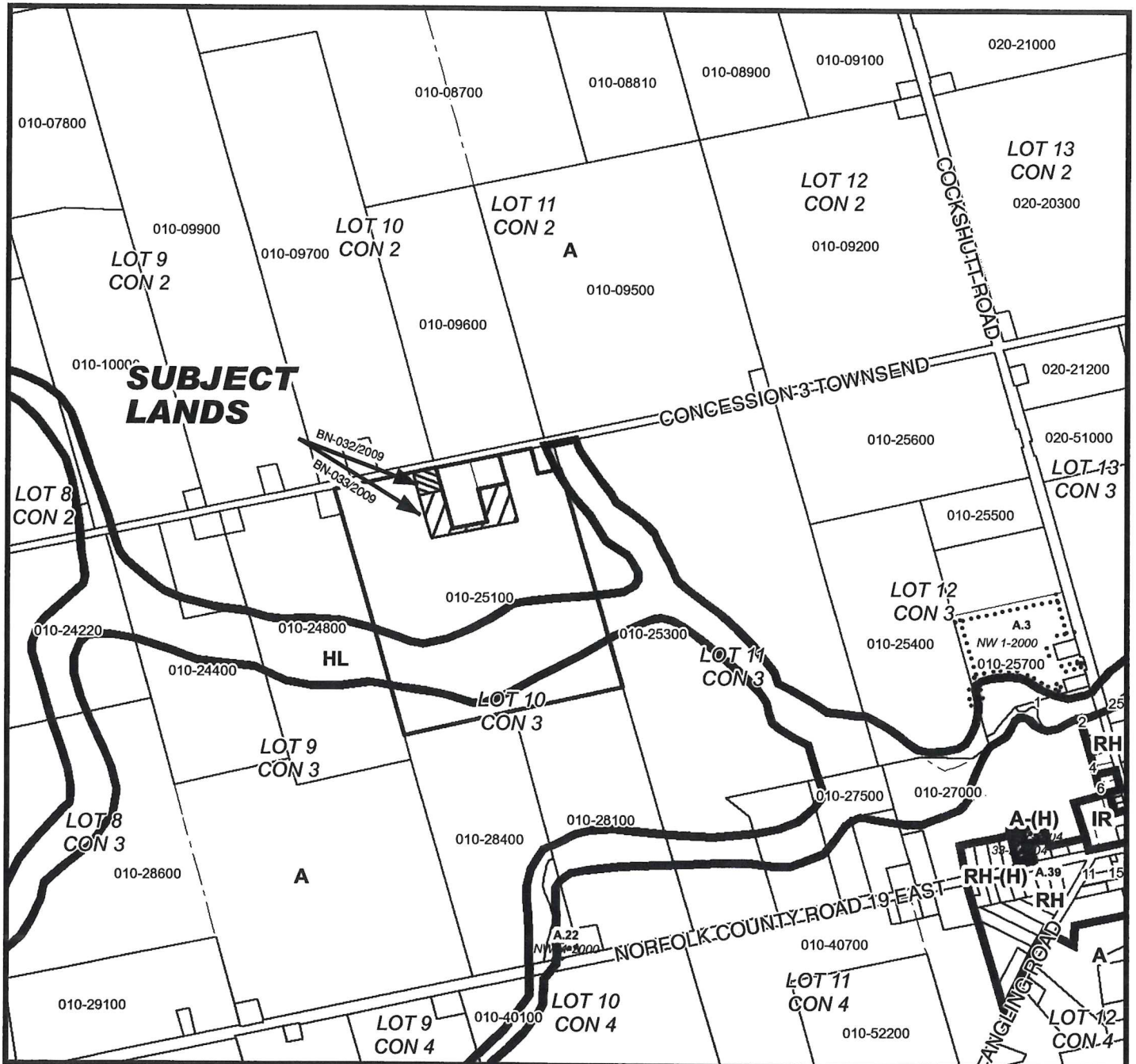
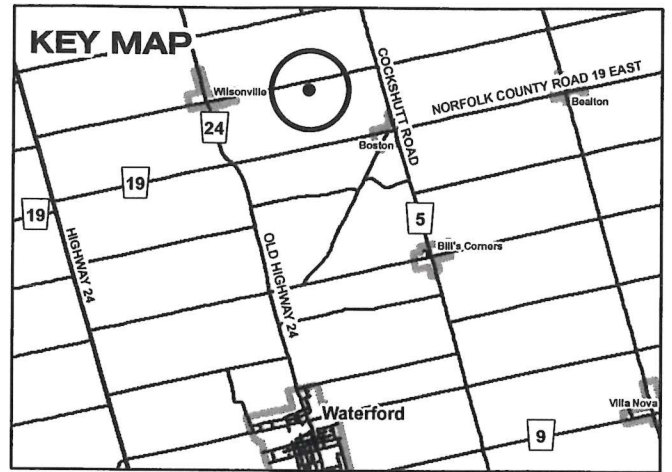
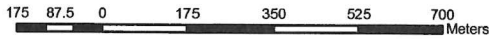
MAP 1

File Number: **BN-032/2009**
& **BN-033/2009**

Geographic Township of
TOWNSEND



1:15,000



MAP 2

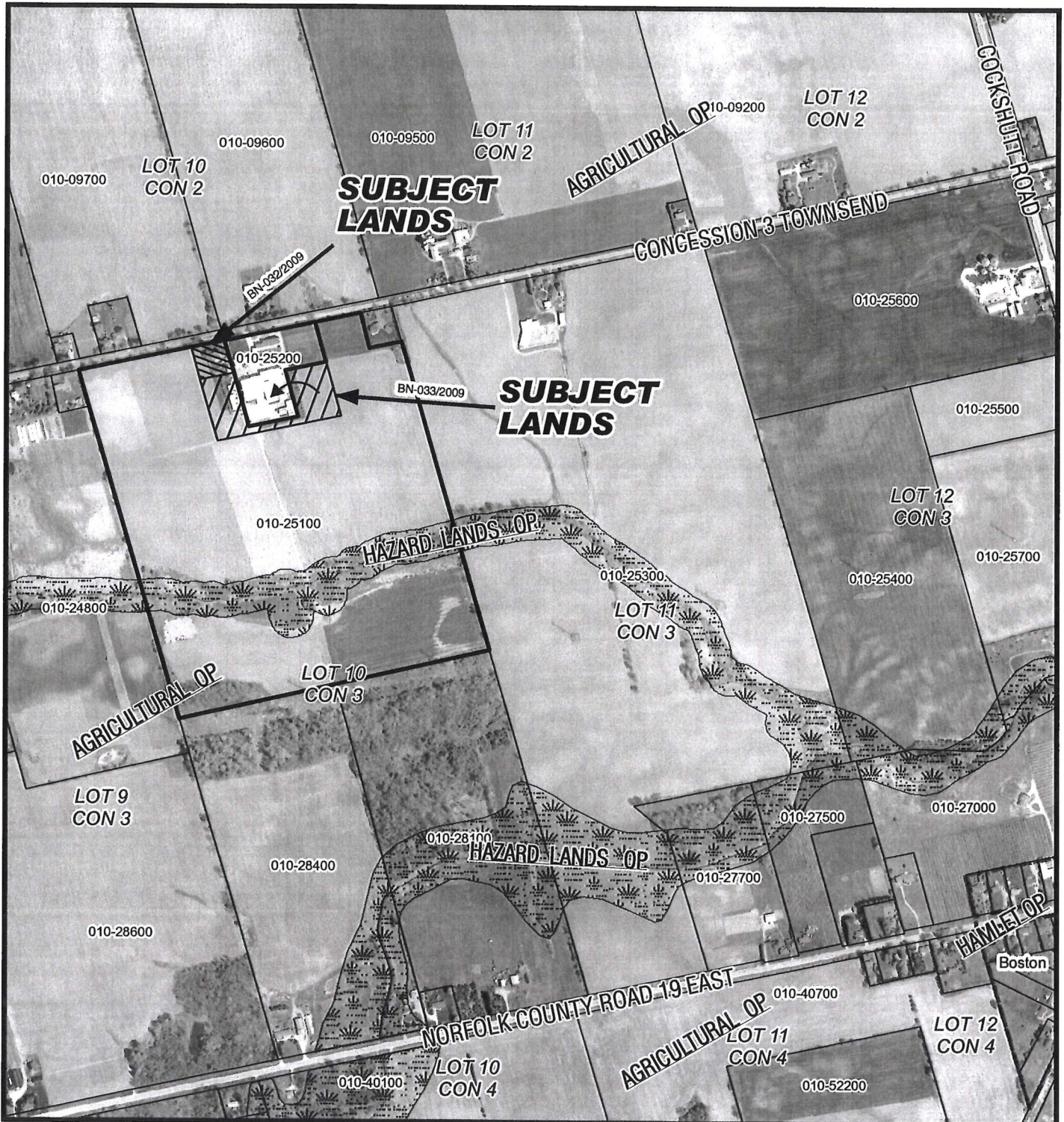
File Number: BN-032/2009 & BN-033/2009

Geographic Township of TOWNSEND



60 30 0 60 120 180 240 Meters

1:10,000



MAP 3

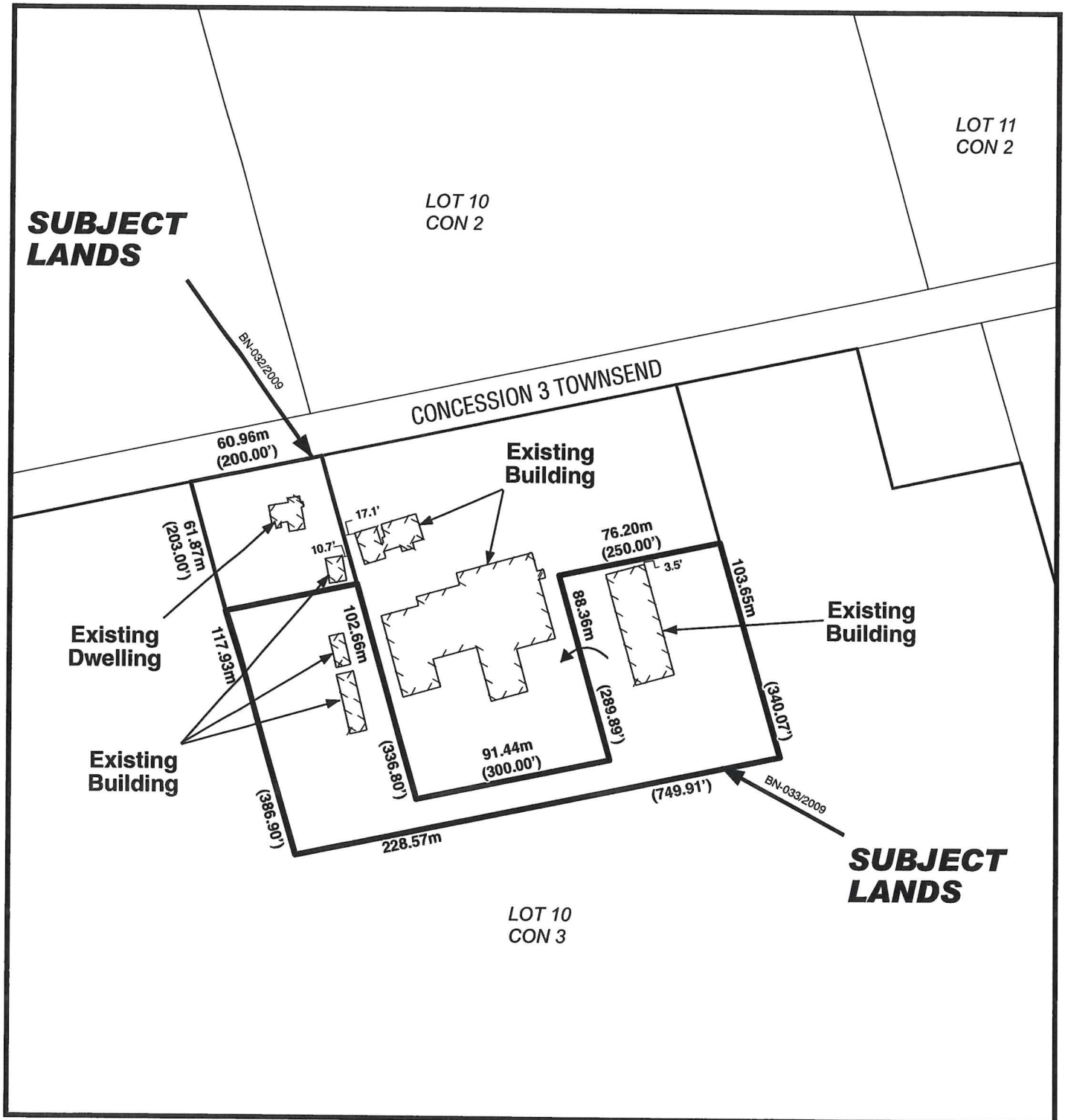
File Number: BN-032/2009 & BN-033/2009

Geographic Township of TOWNSEND



20 10 0 20 40 60 80 Meters

1:2,500





MEMORANDUM

TO: Applicant/Agent/Members of Committee of Adjustment
FROM: Shirley Cater, MCIP, RPP, Senior Planner
DATE: June 18, 2009
RE: **BN-033/2009 - William Procyk & Procyk Farms Limited**

ROLL NUMBER: 3310-336-010-25100

APPLICANT(S): William Procyk & Procyk Farms Limited,
R.R #1, Wilsonville, ON N0E 1Z0

AGENT(S): Thomas A. Cline

LOCATION: Lot 10 Con 3 TWN (758 Townsend Concession 3 Road)

PROPOSAL:

Sever a parcel having no frontage a depth of 228.57 m. (749.91 ft.) a depth on the east side of 103.65 m. (340.07 ft.) a depth of the west side of 117.9 m. (386.9 ft.) and having an area of 1.63 ha. (4.0 ac.) and retain a parcel having an area of 36.423 ha. (90 ac.) more or less as a boundary adjustment.

PLANNING STAFF RECOMMENDATION:

THAT Application File No. BN-33/2009 **BE APPROVED** subject to the attached conditions.

REASON:

As the application conforms to Official Plan policy regarding boundary adjustments.

COMMUNITY PLANNING COMMENTS:

This application was deferred at the April 23, 2009 meeting to give the applicant the opportunity to complete the On-Site Septic System Form and to address zoning issues. The Building Department (OBC Part 8) have no outstanding issues with the private servicing. In regard to the zoning matter, staff have some concerns regarding the location of bunk houses on a lot with a farm processing operation as opposed to remaining on the farm itself. In review of this proposal, staff considered the permitted uses in the Agricultural Zone and associated definitions:

Agricultural Zone permits:

Bunk houses provided occupants are employed by the *farm operation* where the *bunk house* is located

Nanticoke Zoning By-law NW 1-2000 provides the following definitions:

"BUNK HOUSE" shall mean a *building* or part of a *building* used for the temporary accommodation of seasonal *farm* workers provided such accommodation does not serve as a *principal place of residence* of an occupant. A *mobile home* or *recreational vehicle* may be used for the purpose of a *bunk house*

"FARM OPERATION" shall mean a *farm* activity carried on in the expectation of gain and operating on one or more properties located within as well as outside of the *City of Nanticoke*.

"FARM PROCESSING" shall mean a use accessory to a *farm operation* used for the sorting, packing, drying or processing of crops and produce produced on properties which form part of the *farm operation* where the facility is located but shall not include processing for gain or compensation. *Farm processing* shall not include an abattoir or slaughter house.

Due to the size of the farm processing operation, staff suspected that produce from operations other than the applicant's produce was being processed at this location. If that is the case, a Zoning By-law Amendment would be required to address the use. The agent has assured staff that only the applicant's produce is processed at this location and that will continue to be the case. As noted in the definitions above, such processing is considered to be accessory to a farm operation and farm operation is defined as taking place on one or more properties.

Therefore, Planning staff recommend that this application be approved subject to the attached conditions.

A handwritten signature in cursive script, appearing to read "Shelly Ester".

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Receipt of a letter from 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 (\$350.00 – Please note: amount may be revised from time to time).
 - (c) Payment of any outstanding taxes.
 - (d) Drainage assessment reapportionment be undertaken pursuant to Section 65 of the Drainage Act, R.S.O. 1990 at the applicant's expense.
(\$ _____)
 - (e) Road widening.
2. Receipt of a letter from the Building Inspector (Sewage System Review) indicating their requirements have been satisfied.
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 Public Works and Environmental Services Department indicating that the applicant has entered into the necessary agreement with the County regarding road construction.
5. 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.
6. Receipt of a letter from the Planning and Economic Development Department indicating that the zoning of the retained lands has been amended to meet the requirements of Section 2.3.4.1(c) of the Provincial Policy Statement.
7. Receipt of a letter from the Planning and Economic Development Department indicating that a new civic address has been assigned to the severed (or retained) parcel.
8. That the severance subject of this application not be completed prior to the lands identified by Assessment Roll No. _____ being transferred to _____ and that evidence of this transaction submitted to the Secretary-Treasurer prior to the stamping of the deed.
9. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
10. That the severed parcel become part and parcel of the abutting lands presently owned by William Procyk and/or Procyk Farms (1994) Limited Roll No. 3310-336-010-252

11. 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 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".
12. That a one square foot portion of land presently owned by William Procyk and/or Procyk Farms (1994) Limited Roll No. 3310-336-010-252 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 identified by Roll No. 3310-336-010-251 and that the costs for completing same be at the expense of the applicant.
13. Receipt of a letter from the Public Works and Environmental Services Department indicating that water and sewer connections have been installed to the severed and retained parcels.
14. Subject to approval of the required Minor Variance Application No. _____
15. That a survey be submitted showing the required front, rear and side yard measurements of all existing buildings on the (severed or retained) parcel.
16. Where the property is registered in Land Titles and where an agreement is required, that the solicitor acting in the transfer provide an undertaking to register the agreement once the deed has been filed and provide Norfolk County with a second original registered copy of said agreement.
17. Receipt of five copies of the registered reference plan for the severed parcel of land.
18. Receipt of three copies of the deed for the severed parcel of land, or if filing by electronic registration, receipt of the PIN print-out and *three* copies of the Transfer in Preparation.
19. That the solicitor acting in the transfer provide an undertaking to provide the Secretary-Treasurer with a copy of the first page of the Receipted Transfer upon completion of the electronic registration.
20. That the above conditions must be fulfilled and the Certificate for consent be issued on or before **June 18, 2010** after which time the consent will lapse.



**COMMITTEE OF ADJUSTMENT
REPORT REGARDING AN
APPLICATION FOR CONSENT**

FILE NUMBER: BN-033/2009
ROLL NUMBER: 3310-336-010-25100

MEETING DATE:
April 23, 2009

APPLICANT(S):
William Procyk & Procyk Farms Limited

AGENT(S):
Thomas A. Cline

LOCATION:
Lot 10 Con 3 TWN (758 Townsend Concession 3 Road)

PROPOSAL:
Sever a parcel having no frontage a depth of 228.57 m. (749.91 ft.) a depth on the east side of 103.65 m. (340.07 ft.) a depth of the west side of 117.9 m. (386.9 ft.) and having an area of 1.63 ha. (4.0 ac.) and retain a parcel having an area of 36.423 ha. (90 ac.) more or less as a boundary adjustment.

PLANNING STAFF RECOMMENDATION:
That Application **BN-033/2009 BE DEFERRED**

REASON:
To give the applicant the opportunity to complete the On-Site Septic System Form; and to address zoning issues.

SITE FEATURES AND LAND USE:
The subject lands front the south side of Concession 3, east of Wilsonville. Bunkhouses and a large building exist on the lands to be severed, which surround the farm processing plant to which the lands are proposed to be added. A farmhouse is proposed to be severed from the retained farm lands as well (BN-32/09). The lands are generally surrounded by agricultural uses.

PERTINENT CIRCULATION COMMENTS:
Building Inspector (Sewage System Review) – Owner to provide confirmation from a registered septic installer that the septic system serving the dwelling on the parcel to be severed is in good working order and is wholly contained on the severed lot with no less than 3.0 m. clearance from the proposed property lines.
Forestry Division – Forestry Division has identified no concerns with this application
GIS Section – No Requirements

COMMUNITY PLANNING COMMENTS

The subject lands are designated and zoned Agricultural in the Norfolk Official Plan and the Nanticoke Official Plan and Zoning By-law. The applicant is proposing to sever an area of 1.63 ha. (4.0 ac.) as a boundary adjustment from the farm parcel to lands containing a farm processing operation. There is a large building on the lands to be severed which appears to be related to the processing operation. In addition there are a number of bunkhouses on the subject lands. Bunk houses are permitted in the Agricultural (A) Zone "provided occupants are employed by the farm operation where the bunk house is located". At the present time, the bunkhouses are located on the farm. The separate parcel of land to which the boundary adjustment is proposed to be added is approximately 2 ha (5 acres) in size and is not a farm. Therefore bunkhouses are not a permitted use on this parcel and planning staff cannot support the application for this reason. Further, staff question whether the zoning of the established processing operation is the appropriate zoning for the use and further recommend to the applicant that a Zoning By-law Amendment be initiated. Perhaps the bunkhouse use could be included in an application. Staff recommend that this application be deferred to give the applicant the opportunity to complete the On-Site Septic System Form; and to address zoning issues.



Shirley Cater, MCIP, RPP
Senior Planner

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Receipt of a letter from 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 51.1 of the Planning Act, R.S.O. 1990, c.p. 13 (\$350.00 - amount may be revised from time to time).
 - c) Payment of any outstanding taxes.
 - d) Drainage assessment reapportionment be undertaken pursuant to Section 65 of the Drainage Act, R.S.O. 1990 at the applicant's expense (\$_____).
 - e) Road widening.
2. Receipt of a letter from the Building Inspector (Part 8) indicating their requirements have been satisfied.
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 Public Works and Environmental Services Department indicating that the applicant has entered into the necessary agreement with the County regarding road construction.
5. 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.
6. Receipt of a letter from the Planning and Economic Development Department indicating that the zoning of the lands has been amended to address the processing operation and the bunkhouses.
7. Receipt of a letter from the Planning and Economic Development Department indicating that a new civic address has been assigned to the severed (or retained) parcel.
8. That the severance subject of this application not be completed prior to the lands identified by Assessment Roll No. ___ being transferred to ___ and that evidence of this transaction submitted to the Secretary-Treasurer prior to the stamping of the deed.
9. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
10. That the severed parcel becomes part and parcel of the abutting lands presently owned by Procyk Farms (1994) Limited Roll No. 3310-336-010-252.

11. 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 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".
12. That a one square foot portion of land presently owned by ____ (Roll No.____) 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 ____ and that the costs for completing same be at the expense of the applicant.
13. Receipt of a letter from the Public Works and Environmental Services Department indicating that water and sewer connections have been installed to the severed and retained parcels.
14. Subject to approval of the required Minor Variance Application No.____.
15. That a survey be submitted showing the required front, rear and side yard measurements of all existing buildings on the (severed or retained) parcel.
16. Where the property is registered in Land Titles and where an agreement is required, that the solicitor acting in the transfer provide an undertaking to register the agreement once the deed has been filed and provide Norfolk County with a second original registered copy of said agreement.
17. Receipt of five copies of the registered reference plan for the severed parcel of land.
18. Receipt of three copies of the deed for the severed parcel of land, or if filing by electronic registration, receipt of the PIN print-out and *three* copies of the Transfer in Preparation.
19. That the solicitor acting in the transfer provide an undertaking to provide the Secretary-Treasurer with a copy of the first page of the Receipted Transfer upon completion of the electronic registration.
20. That the above conditions must be fulfilled and the Certificate for consent be issued on or before **April 23rd, 2010** after which time the consent will lapse.



MEMORANDUM

TO: Applicant/Agent/Members of Committee of Adjustment
FROM: Shirley Cater, MCIP, RPP, Senior Planner
DATE: June 18, 2009
RE: **BN-033/2009 - William Procyk & Procyk Farms Limited**

ROLL NUMBER: 3310-336-010-25100

APPLICANT(S): William Procyk & Procyk Farms Limited,
R.R #1, Wilsonville, ON N0E 1Z0

AGENT(S): Thomas A. Cline

LOCATION: Lot 10 Con 3 TWN (758 Townsend Concession 3 Road)

PROPOSAL:

Sever a parcel having no frontage a depth of 228.57 m. (749.91 ft.) a depth on the east side of 103.65 m. (340.07 ft.) a depth of the west side of 117.9 m. (386.9 ft.) and having an area of 1.63 ha. (4.0 ac.) and retain a parcel having an area of 36.423 ha. (90 ac.) more or less as a boundary adjustment.

PLANNING STAFF RECOMMENDATION:

THAT Application File No. BN-33/2009 **BE APPROVED** subject to the attached conditions.

REASON:

As the application conforms to Official Plan policy regarding boundary adjustments.

COMMUNITY PLANNING COMMENTS:

This application was deferred at the April 23, 2009 meeting to give the applicant the opportunity to complete the On-Site Septic System Form and to address zoning issues. The Building Department (OBC Part 8) have no outstanding issues with the private servicing. In regard to the zoning matter, staff have some concerns regarding the location of bunk houses on a lot with a farm processing operation as opposed to remaining on the farm itself. In review of this proposal, staff considered the permitted uses in the Agricultural Zone and associated definitions:

Agricultural Zone permits:

Bunk houses provided occupants are employed by the *farm operation* where the *bunk house* is located

Nanticoke Zoning By-law NW 1-2000 provides the following definitions:

"BUNK HOUSE" shall mean a *building* or part of a *building* used for the temporary accommodation of seasonal *farm* workers provided such accommodation does not serve as a *principal place of residence* of an occupant. A *mobile home* or *recreational vehicle* may be used for the purpose of a *bunk house*

"FARM OPERATION" shall mean a *farm* activity carried on in the expectation of gain and operating on one or more properties located within as well as outside of the *City of Nanticoke*.

"FARM PROCESSING" shall mean a use accessory to a *farm operation* used for the sorting, packing, drying or processing of crops and produce produced on properties which form part of the *farm operation* where the facility is located but shall not include processing for gain or compensation. *Farm processing* shall not include an abattoir or slaughter house.

Due to the size of the farm processing operation, staff suspected that produce from operations other than the applicant's produce was being processed at this location. If that is the case, a Zoning By-law Amendment would be required to address the use. The agent has assured staff that only the applicant's produce is processed at this location and that will continue to be the case. As noted in the definitions above, such processing is considered to be accessory to a farm operation and farm operation is defined as taking place on one or more properties.

Therefore, Planning staff recommend that this application be approved subject to the attached conditions.

A handwritten signature in cursive script, appearing to read "Shelly Ester".

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Receipt of a letter from 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 (\$350.00 – Please note: amount may be revised from time to time).
 - (c) Payment of any outstanding taxes.
 - (d) Drainage assessment reapportionment be undertaken pursuant to Section 65 of the Drainage Act, R.S.O. 1990 at the applicant's expense.
(\$ _____)
 - (e) Road widening.
2. Receipt of a letter from the Building Inspector (Sewage System Review) indicating their requirements have been satisfied.
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 Public Works and Environmental Services Department indicating that the applicant has entered into the necessary agreement with the County regarding road construction.
5. 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.
6. Receipt of a letter from the Planning and Economic Development Department indicating that the zoning of the retained lands has been amended to meet the requirements of Section 2.3.4.1(c) of the Provincial Policy Statement.
7. Receipt of a letter from the Planning and Economic Development Department indicating that a new civic address has been assigned to the severed (or retained) parcel.
8. That the severance subject of this application not be completed prior to the lands identified by Assessment Roll No. _____ being transferred to _____ and that evidence of this transaction submitted to the Secretary-Treasurer prior to the stamping of the deed.
9. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
10. That the severed parcel become part and parcel of the abutting lands presently owned by William Procyk and/or Procyk Farms (1994) Limited Roll No. 3310-336-010-252

11. 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 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".
12. That a one square foot portion of land presently owned by William Procyk and/or Procyk Farms (1994) Limited Roll No. 3310-336-010-252 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 identified by Roll No. 3310-336-010-251 and that the costs for completing same be at the expense of the applicant.
13. Receipt of a letter from the Public Works and Environmental Services Department indicating that water and sewer connections have been installed to the severed and retained parcels.
14. Subject to approval of the required Minor Variance Application No. _____
15. That a survey be submitted showing the required front, rear and side yard measurements of all existing buildings on the (severed or retained) parcel.
16. Where the property is registered in Land Titles and where an agreement is required, that the solicitor acting in the transfer provide an undertaking to register the agreement once the deed has been filed and provide Norfolk County with a second original registered copy of said agreement.
17. Receipt of five copies of the registered reference plan for the severed parcel of land.
18. Receipt of three copies of the deed for the severed parcel of land, or if filing by electronic registration, receipt of the PIN print-out and *three* copies of the Transfer in Preparation.
19. That the solicitor acting in the transfer provide an undertaking to provide the Secretary-Treasurer with a copy of the first page of the Received Transfer upon completion of the electronic registration.
20. That the above conditions must be fulfilled and the Certificate for consent be issued on or before **June 18, 2010** after which time the consent will lapse.



**COMMITTEE OF ADJUSTMENT
REPORT REGARDING AN
APPLICATION FOR CONSENT**

FILE NUMBER: BN-033/2009
ROLL NUMBER: 3310-336-010-25100

MEETING DATE:
April 23, 2009

APPLICANT(S):
William Procyk & Procyk Farms Limited

AGENT(S):
Thomas A. Cline

LOCATION:
Lot 10 Con 3 TWN (758 Townsend Concession 3 Road)

PROPOSAL:

Sever a parcel having no frontage a depth of 228.57 m. (749.91 ft.) a depth on the east side of 103.65 m. (340.07 ft.) a depth of the west side of 117.9 m. (386.9 ft.) and having an area of 1.63 ha. (4.0 ac.) and retain a parcel having an area of 36.423 ha. (90 ac.) more or less as a boundary adjustment.

PLANNING STAFF RECOMMENDATION:
That Application **BN-033/2009 BE DEFERRED**

REASON:

To give the applicant the opportunity to complete the On-Site Septic System Form; and to address zoning issues.

SITE FEATURES AND LAND USE:

The subject lands front the south side of Concession 3, east of Wilsonville. Bunkhouses and a large building exist on the lands to be severed, which surround the farm processing plant to which the lands are proposed to be added. A farmhouse is proposed to be severed from the retained farm lands as well (BN-32/09). The lands are generally surrounded by agricultural uses.

PERTINENT CIRCULATION COMMENTS:

Building Inspector (Sewage System Review) – Owner to provide confirmation from a registered septic installer that the septic system serving the dwelling on the parcel to be severed is in good working order and is wholly contained on the severed lot with no less than 3.0 m. clearance from the proposed property lines.

Forestry Division – Forestry Division has identified no concerns with this application

GIS Section – No Requirements

COMMUNITY PLANNING COMMENTS

The subject lands are designated and zoned Agricultural in the Norfolk Official Plan and the Nanticoke Official Plan and Zoning By-law. The applicant is proposing to sever an area of 1.63 ha. (4.0 ac.) as a boundary adjustment from the farm parcel to lands containing a farm processing operation. There is a large building on the lands to be severed which appears to be related to the processing operation. In addition there are a number of bunkhouses on the subject lands. Bunk houses are permitted in the Agricultural (A) Zone "provided occupants are employed by the farm operation where the bunk house is located". At the present time, the bunkhouses are located on the farm. The separate parcel of land to which the boundary adjustment is proposed to be added is approximately 2 ha (5 acres) in size and is not a farm. Therefore bunkhouses are not a permitted use on this parcel and planning staff cannot support the application for this reason. Further, staff question whether the zoning of the established processing operation is the appropriate zoning for the use and further recommend to the applicant that a Zoning By-law Amendment be initiated. Perhaps the bunkhouse use could be included in an application. Staff recommend that this application be deferred to give the applicant the opportunity to complete the On-Site Septic System Form; and to address zoning issues.



Shirley Cater, MCIP, RPP
Senior Planner

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Receipt of a letter from 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 51.1 of the Planning Act, R.S.O. 1990, c.p. 13 (\$350.00 - amount may be revised from time to time).
 - c) Payment of any outstanding taxes.
 - d) Drainage assessment reapportionment be undertaken pursuant to Section 65 of the Drainage Act, R.S.O. 1990 at the applicant's expense (\$_____).
 - e) Road widening.
2. Receipt of a letter from the Building Inspector (Part 8) indicating their requirements have been satisfied.
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 Public Works and Environmental Services Department indicating that the applicant has entered into the necessary agreement with the County regarding road construction.
5. 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.
6. Receipt of a letter from the Planning and Economic Development Department indicating that the zoning of the lands has been amended to address the processing operation and the bunkhouses.
7. Receipt of a letter from the Planning and Economic Development Department indicating that a new civic address has been assigned to the severed (or retained) parcel.
8. That the severance subject of this application not be completed prior to the lands identified by Assessment Roll No. ___ being transferred to ___ and that evidence of this transaction submitted to the Secretary-Treasurer prior to the stamping of the deed.
9. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
10. That the severed parcel becomes part and parcel of the abutting lands presently owned by Procyk Farms (1994) Limited Roll No. 3310-336-010-252.

11. 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 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".
12. That a one square foot portion of land presently owned by ____ (Roll No.____) 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 ____ and that the costs for completing same be at the expense of the applicant.
13. Receipt of a letter from the Public Works and Environmental Services Department indicating that water and sewer connections have been installed to the severed and retained parcels.
14. Subject to approval of the required Minor Variance Application No.____.
15. That a survey be submitted showing the required front, rear and side yard measurements of all existing buildings on the (severed or retained) parcel.
16. Where the property is registered in Land Titles and where an agreement is required, that the solicitor acting in the transfer provide an undertaking to register the agreement once the deed has been filed and provide Norfolk County with a second original registered copy of said agreement.
17. Receipt of five copies of the registered reference plan for the severed parcel of land.
18. Receipt of three copies of the deed for the severed parcel of land, or if filing by electronic registration, receipt of the PIN print-out and *three* copies of the Transfer in Preparation.
19. That the solicitor acting in the transfer provide an undertaking to provide the Secretary-Treasurer with a copy of the first page of the Receipted Transfer upon completion of the electronic registration.
20. That the above conditions must be fulfilled and the Certificate for consent be issued on or before **April 23rd, 2010** after which time the consent will lapse.