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THE CORPORATION OF
NORFOLK COUNTY

RECEIVED
DEC 15 2004

December 10, 2004

Vera Fish, Secretary-Treasurer
Committee of Adjustment
Norfolk County
22 Albert St, PO Box 128
Langton ON N0E 1G0

PLANNING DEPT.

RE: OMB Case No.: PL030986
OMB File No.: C030223
Submission No.: BN-092/2003
Appellant: Morley and Marian Harvey
Land Location: Part Lot 18, Conc. 2 N.T.R., Township of Middleton

Subsection 53(29) of the *Planning Act* provides;

If all appeals under subsection (19) or (27) are withdrawn and the time for appealing has expired, the Municipal Board shall notify the council or the Minister, as the case may be, and subject to subsection (23), the decision of the council or the Minister to give or refuse to give a provisional consent is final.

I am writing to advise that the appeal by Morley and Marian Harvey was withdrawn by letter dated December 6, 2004.

There are no outstanding appeals in this matter. Our file is closed.

Yours truly,


Patrick Hennessy
Board Secretary

c: Morley and Marian Harvey

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

MEETING DATE: August 28th, 2003

FILE NO.: BN-092/2003

APPLICANT(S):

Morley & Marian Harvey, R.R. #2, Tillsonburg, ON, N4G 4G7

AGENT:

Dennis Odorjan, Box 397 37 Harvey St., Tillsonburg, ON, N4G 4H8

LOCATION:

Part of Lot 18, Concession 2, N.T.R., (Middleton/Norfolk)

PROPOSAL:

Sever a parcel with a frontage of 50.31 m. (165.06 ft.) an irregular depth (97.54 m. – 320.02 ft. and 136.26 m. – 447.06 ft.) and having an area of approximately .58 ha. (1.4 ac.) and retain a parcel with an area of 2.02 ha. (5 ac.) more or less.

PLANNING STAFF RECOMMENDATION:

That Application BN-092/2003 BE REFUSED.

REASON:

There is no policy basis on which to base support of this application.

SITE FEATURES AND LAND USE:

The subject lands front on the north side of Highway 3 and are covered in scrub forest. There are no buildings on the subject lands. There are 5 residential dwellings in the area surrounding the subject lands and agricultural lands are generally located behind these residences.

PERTINENT CIRCULATION COMMENTS:

Finance Department – This application, if approved, would attract one new development charge as well as Cash In Lieu of Parklands.

Forestry Division – No comments.

Health Department – The subject lands contain adequate area for the installation of a

sewage disposal system meeting the requirements of the Ontario Building Code Act and Regulations.

Public Works and Environmental Services – Lot grading control plan to be submitted before a building permit can be issued.

Long Point Region Conservation Authority – No comments to make.

Ministry of Transportation – The Ministry objects to this severance application. The number of entrances within this lot exceeds the ministry Average Entrance Spacing Policy for a Class III Controlled Access Highway. The Ministry will not provide Entrance, Building or Land Use Permits for this property. The Ministry also sent a copy of a letter from a previous application on this property outlining their concerns (copy attached).

COMMUNITY PLANNING COMMENTS:

It is planning staff's understanding that the applicants want to sever a portion of their "Agriculture" designated and zoned rural property. It appears that the applicants have purchased properties adjacent to their home and these properties have been merged in title. There now is one rural lot. There is no Official Plan policy to permit this type of severance. Further to this the Ministry of Transportation objects to this application and will not grant an entry permit. Planning staff recommends refusal of this application, as it does not meet Official Plan policy.



Mary Elder
Planner

FILE NO.: - BN-092/2003- Morley & Marian Harvey

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Receipt of a letter from Norfolk County indicating that their requirements, financial or otherwise have been satisfied including:
 - (X) (a) A development charge (amount may be revised from time to time).
 - (X) (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).
 - (X) (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 Drainage Act, R.S.O. 1990.
- () 9. 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.
- () 10. 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.

BN-092/2003- Morley & Marian Harvey

- () 11. Receipt of final approval of the required zoning amendment.
- (X) 12. Receipt of four copies of a registered reference plan of the severed parcel of land.
- () 13. 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.
- () 14. That the above plan show the required front, rear and side yard measurements of all existing buildings on the parcel.
- () 15. Subject to approval of the required Minor Variance Application No.
- () 16. That Application _____ will lapse.
- () 17. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
- () 18. That the severed parcel become part and parcel of the abutting lands presently owned by _____ Roll No. _____
- () 19. 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".
- () 20. 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.
- () 21. 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) 22. That the above conditions must be fulfilled and the Certificate for consent be issued on or before **August 28th, 2004** after which time the consent will lapse.

NOTE: Agreements and required fee must be completed prior to the issuance of the certificate or stamping of the deed. Please allow approximately six (6) weeks for preparation of the agreement and passage of the adoption by-law.

NOTE: Zoning amendments take at least three to four months, therefore the application must be submitted as soon as possible.

MAP 1 - Infilling Inquiry



MORLEY & MARIAN HARVEY - BN-092/2003
NORFOLK COUNTY
LOT 17, CON. 2 N.T.R.
Geographic Township of MIDDLETON

