

Brimage
LAW GROUP

Norfolk County
Planning Department
12 Gilbertson Drive,
Simcoe, Ontario N3Y 3N3

Hand-delivered

October 11th, 2024

Attention: Committee of Adjustment Applications and Andrew Wallace, Planner

Dear Madam or Sir:

RE: Loftus Surplus Farm Dwelling Severance
615 Windham Road 11

We are the solicitors for the owner-applicant, Bill Loftus.

Please find enclosed:

1. Application;
2. Survey Sketch; and
3. E.O.S.S.S. Evaluation.

Please contact the undersigned if you require any further information.

Yours truly,
BRIMAGE LAW GROUP

Per:

Nathan Kolomaya
NK

For Office Use Only:

File Number _____
Related File Number _____
Pre-consultation Meeting _____
Application Submitted _____
Complete Application _____

Application Fee _____
Conservation Authority Fee _____
Well & Septic Info Provided _____
Planner _____
Public Notice Sign _____

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

- Consent/Severance/Boundary Adjustment
- Surplus Farm Dwelling Severance and Zoning By-law Amendment
- Minor Variance
- Easement/Right-of-Way

Property Assessment Roll Number: 33 10 491 019 52000 0000

A. Applicant Information

Name of Owner John William Loftus (on title to subject lands as "William Loftus")

It is the responsibility of the owner or applicant to notify the planner of any changes in ownership within 30 days of such a change.

Address 597 Windham Road 11

Town and Postal Code Delhi, Ontario N4B 2W5

Phone Number 519-582-0797

Cell Number

Email

Name of Applicant Same as owner

Address _____

Town and Postal Code _____

Phone Number _____

Cell Number _____

Email _____

Name of Agent	Brimage Law Group - Nathan Kolomaya
Address	21 Norfolk Street North
Town and Postal Code	Simcoe, Ontario N3Y 4L1
Phone Number	519-426-5840
Cell Number	
Email	nkolomaya@brimage.com

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

Owner Agent Applicant

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

NA

B. Location, Legal Description and Property Information

1. Legal Description (include Geographic Township, Concession Number, Lot Number, Block Number and Urban Area or Hamlet):

PT LT 17 CON 10 WINDHAM AS IN NR405583; NORFOLK COUNTY

Municipal Civic Address: 615 Windham Road 11, Delhi, Ontario

Present Official Plan Designation(s): Agricultural

Present Zoning: Agricultural

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

Yes No If yes, please specify:

3. Present use of the subject lands:

Agricultural and single-family residential

4. Please describe **all existing** buildings or structures on the subject lands and whether they are to be retained, demolished or removed. If retaining the buildings or structures, please describe the type of buildings or structures, and illustrate the setback, in metric units, from front, rear and side lot lines, ground floor area, gross floor area, lot coverage, number of storeys, width, length, and height on your attached sketch which must be included with your application:

The subject lands consist of a single-family dwelling and garage that are to be retained

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

N/A

6. Please describe **all proposed** buildings or structures/additions on the subject lands. Describe the type of buildings or structures/additions, and illustrate the setback, in metric units, from front, rear and side lot lines, ground floor area, gross floor area, lot coverage, number of storeys, width, length, and height on your attached sketch which must be included with your application:

N/A

7. Are any existing buildings on the subject lands designated under the *Ontario Heritage Act* as being architecturally and/or historically significant? Yes No

If yes, identify and provide details of the building:

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

9. Existing use of abutting properties:

Agricultural and single-family residential

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

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

Revised April 2023

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C. Purpose of Development Application

Note: Please complete all that apply. **Failure to complete this section will result in an incomplete application.**

1. Site Information (Please refer to Zoning By-law to confirm permitted dimensions)

	Existing	Permitted	Provision	Proposed	Deficiency
Lot frontage	304m	30m	12.1.2(b)(i)	271m	NIL
Lot depth	1,027m	N/A	N/A	Unchanged westerly & 966m easterly boundary	N/A
Lot width	310m	N/A	N/A	Unchanged	N/A
Lot area	30.14ha	40ha	12.1.2(a)(i)	29.93ha	N/A Surplus dwelling severance
Lot coverage					
Front yard					
Rear yard					
Height					
Left Interior side yard					
Right Interior side yard					
Exterior side yard (corner lot)					
Parking Spaces (number)					
Aisle width					
Stall size					
Loading Spaces					
Other					

Revised April 2023

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2. Please explain why it is not possible to comply with the provision(s) of the Zoning

By-law:

N/A

3. **Consent/Severance/Boundary Adjustment:** Description of land intended to be severed in metric units:

Frontage: 33m

Depth: 63.4m

Width: 33m

Lot Area: 2,068.8 sqm

Present Use: Single-family residential

Proposed Use: Unchanged

Proposed final lot size (if boundary adjustment): N/A

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

Description of land intended to be retained in metric units:

Frontage: 271m

Depth: 1,027m (westerly boundary) & 966m (easterly boundary)

Width: 310m

Lot Area: 29.93ha

Present Use: Agricultural and single-family residential

Proposed Use: Unchanged

Buildings on retained land: Single-family dwelling and barns

Frontage:

Depth:

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Width: _____
Area: _____
Proposed Use: _____

5. Surplus Farm Dwelling Severances Only: List all properties in Norfolk County, which are owned and farmed by the applicant and involved in the farm operation

Owners Name: John William Loftus and John Christopher Loftus
Roll Number: 33-10-491-023-32500-0000
Total Acreage: 0.69ac
Workable Acreage: 0.69ac
Existing Farm Type: (for example: corn, orchard, livestock) Corn/soybeans
Dwelling Present?: Yes No If yes, year dwelling built _____
Date of Land Purchase: 2017/05/24

Owners Name: William Loftus
Roll Number: 33-10-491-023-31000-0000
Total Acreage: 48.61ac
Workable Acreage: 45ac
Existing Farm Type: (for example: corn, orchard, livestock) Corn/soybeans
Dwelling Present?: Yes No If yes, year dwelling built _____
Date of Land Purchase: 1981/06/30

Owners Name: John William Loftus and John Christopher Loftus
Roll Number: 33-10-491-023-33000-0000
Total Acreage: 47.15ac
Workable Acreage: 40ac
Existing Farm Type: (for example: corn, orchard, livestock) Corn/soybeans
Dwelling Present?: Yes No If yes, year dwelling built _____
Date of Land Purchase: 2017/05/24

Owners Name: William Loftus
Roll Number: 33-10-491-019-54000-0000
Total Acreage: 35ac
Workable Acreage: 25ac
Existing Farm Type: (for example: corn, orchard, livestock) Tobacco/corn
Dwelling Present?: Yes No If yes, year dwelling built _____
Date of Land Purchase: 1981/06/30

Owners Name: William Loftus
Roll Number: 33-10-491-019-52000-0000
Total Acreage: 74.5ac
Workable Acreage: 70ac
Existing Farm Type: (for example: corn, orchard, livestock) Corn/soybeans/tobacco
Dwelling Present?: Yes No If yes, year dwelling built 1880s
Date of Land Purchase: 1981/06/30

Note: If additional space is needed please attach a separate sheet.

D. All Applications: Previous Use of the Property

1. Has there been an industrial or commercial use on the subject lands or adjacent lands? Yes No Unknown
If yes, specify the uses (for example: gas station, or petroleum storage):

2. Is there reason to believe the subject lands may have been contaminated by former uses on the site or adjacent sites? Yes No Unknown
3. Provide the information you used to determine the answers to the above questions:

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4. If you answered yes to any of the above questions in Section D, a previous use inventory showing all known former uses of the subject lands, or if appropriate, the adjacent lands, is needed. Is the previous use inventory attached? Yes No

E. All Applications: Provincial Policy

1. Is the requested amendment consistent with the provincial policy statements issued under subsection 3(1) of the *Planning Act*, R.S.O. 1990, c. P. 13? Yes No

If no, please explain:

2. It is owner's responsibility to be aware of and comply with all relevant federal or provincial legislation, municipal by-laws or other agency approvals, including the Endangered Species Act, 2007. Have the subject lands been screened to ensure that development or site alteration will not have any impact on the habitat for endangered or threatened species further to the provincial policy statement subsection 2.1.7? Yes No

If no, please explain:

Severance of existing dwelling

3. Have the subject lands been screened to ensure that development or site alteration will not have any impact on source water protection? Yes No

If no, please explain:

Severance of existing dwelling

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

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

Livestock facility or stockyard (submit MDS Calculation with application)

On the subject lands or within 500 meters – distance _____

Wooded area

On the subject lands or within 500 meters – distance _____

Municipal Landfill

On the subject lands or within 500 meters – distance _____

Sewage treatment plant or waste stabilization plant

On the subject lands or within 500 meters – distance _____

Provincially significant wetland (class 1, 2 or 3) or other environmental feature

On the subject lands or within 500 meters – distance 188m _____

Floodplain

On the subject lands or within 500 meters – distance _____

Rehabilitated mine site

On the subject lands or within 500 meters – distance _____

Non-operating mine site within one kilometre

On the subject lands or within 500 meters – distance _____

Active mine site within one kilometre

On the subject lands or within 500 meters – distance _____

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

On the subject lands or within 500 meters – distance _____

Active railway line

On the subject lands or within 500 meters – distance _____

Seasonal wetness of lands

On the subject lands or within 500 meters – distance _____

Erosion

On the subject lands or within 500 meters – distance _____

Abandoned gas wells

On the subject lands or within 500 meters – distance _____

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F. All Applications: Servicing and Access

1. 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 in good working order Other (describe below)

Storm Drainage

Storm sewers Open ditches
 Other (describe below)

2. Existing or proposed access to subject lands:

Municipal road Provincial highway
 Unopened road Other (describe below)

Name of road/street:

Windham Road 11

G. All Applications: Other Information

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

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

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

H. Supporting Material to be submitted by Applicant

In order for your application to be considered complete, folded hard copies (number of paper copies as directed by the planner) and an **electronic version (PDF) of the site plan drawings, additional plans, studies and reports** will be required, including but not limited to the following details:

1. Concept/Layout Plan
2. All measurements in metric
3. Existing and proposed easements and right of ways
4. Parking space totals – required and proposed
5. All dimensions of the subject lands
6. Dimensions and setbacks of all buildings and structures
7. Location and setbacks of septic system and well from all existing and proposed lot lines, and all existing and proposed structures
8. Names of adjacent streets
9. Natural features, watercourses and trees

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

- On-Site Sewage Disposal System Evaluation Form (to verify location and condition)
- Environmental Impact Study
- Geotechnical Study / Hydrogeological Review
- Minimum Distance Separation Schedule
- Record of Site Condition

Your development approval might also be dependent on Ministry of Environment Conservation and Parks, Ministry of Transportation or other relevant federal or provincial legislation, municipal by-laws or other agency approvals.

All final plans must include the owner's signature as well as the engineer's signature and seal.

I. Transfers, Easements and Postponement of Interest

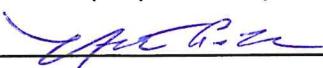
The owner acknowledges and agrees that if required it is their solicitor's responsibility on behalf of the owner for the registration of all transfer(s) of land to the County, and/or transfer(s) of easement in favour of the County and/or utilities. Also, the owner further acknowledges and agrees that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

Permission to Enter Subject Lands

Permission is hereby granted to Norfolk County officers, employees or agents, to enter the premises subject to this application for the purposes of making inspections associated with this application, during normal and reasonable working hours.

Freedom of Information

For the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*, I authorize and consent to the use by or the disclosure to any person or public body any information that is collected under the authority of the *Planning Act, R.S.O. 1990, c. P. 13* for the purposes of processing this application.



Owner/Applicant/Agent Signature



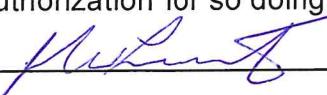
Date

J. Owner's Authorization

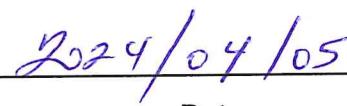
If the applicant/agent is not the registered owner of the lands that is the subject of this application, the owner must complete the authorization set out below.

I/We John William Loftus a.k.a. William Loftus am/are the registered owner(s) of the lands that is the subject of this application.

I/We authorize Brimage Law Group - Nathan Kolomaya to make this application on my/our behalf and to provide any of my/our personal information necessary for the processing of this application. Moreover, this shall be your good and sufficient authorization for so doing.



Owner



Date

Owner

Date

***Note: If property is owned by an Ontario Ltd. Corporation, Articles of Incorporation are required to be attached to the application.**

K. Declaration

I, Nathan Kolomaya of Norfolk County, Province of Ontario

solemnly declare that:

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

Declared before me at:

Norfolk County



Owner/Applicant/Agent Signature

In the Province of Ontario

This 11th day of October

A.D., 2024



A Commissioner, etc.

PROPOSED SEVERANCE SKETCH

OF PART OF

**LOT 17
CONCESSION 10
IN THE GEOGRAPHIC
TOWNSHIP OF WINDHAM**

NORFOLK^{IN} COUNTY

SCALE: 1 : 300
JEWITT AND DIXON LTD.

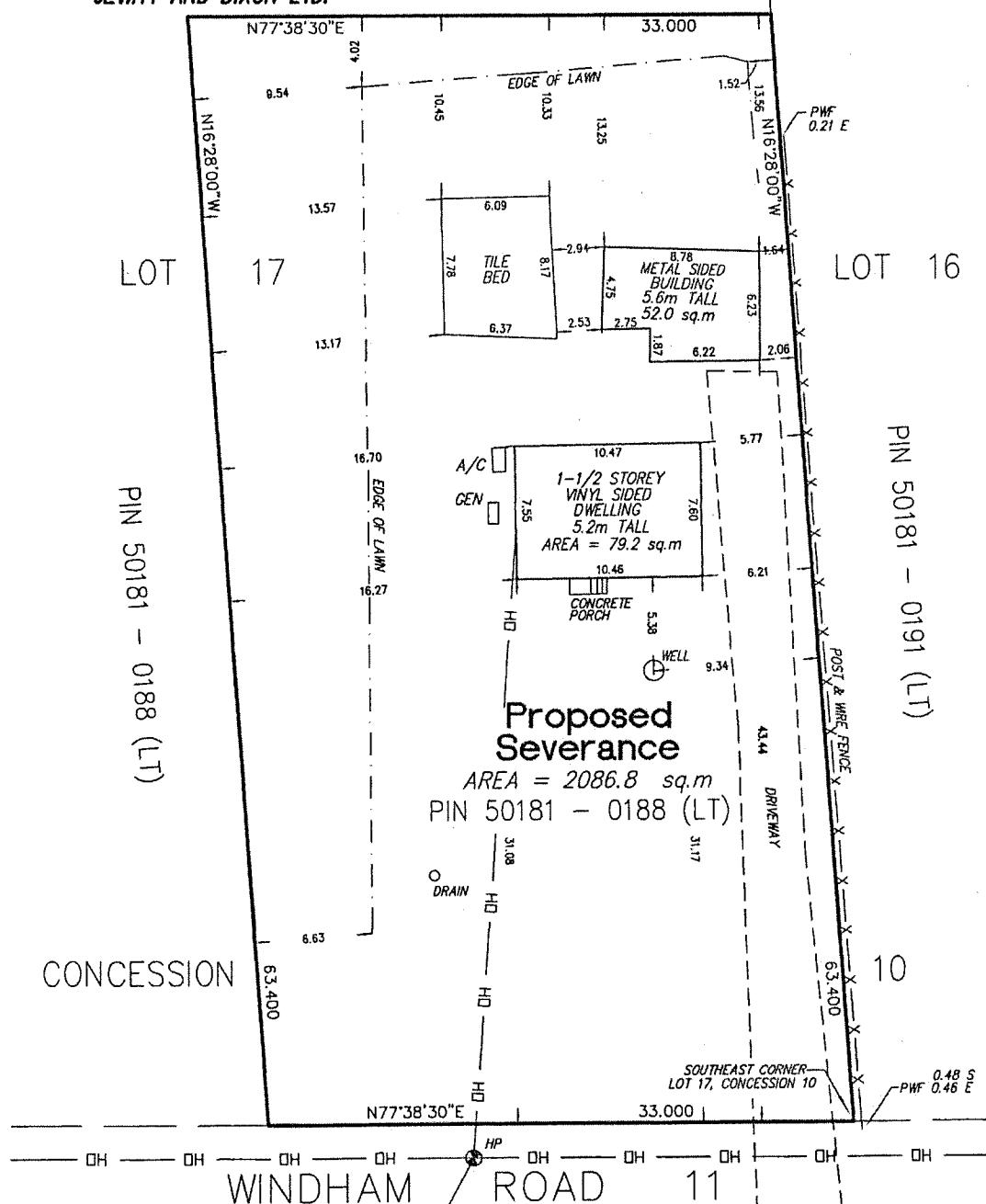
SCALE: 1 : 300

METRIC NOTE:

DISTANCES AND COORDINATES ARE METRIC AND CAN
BE CONVERTED TO IMPERIAL BY DIVIDING BY 0.3048

PIN 50181 - 0188 (LT)

SCALE: 1 : 300



NOTE

THIS COPY IS NOT VALID UNLESS
EMBOSSED WITH THE SURVEYOR'S
SEAL.

CAUTION

THIS IS NOT A PLAN OF SURVEY
AND SHALL NOT BE USED FOR
PURPOSES OTHER THAN THE
PURPOSE INDICATED IN THE
TITLE BLOCK.

23-3953 LOFTUS

JEWITT AND DIXON LTD.
ONTARIO LAND SURVEYORS

650 IRELAND ROAD

SIMCOE, ONTARIO, N3Y 4K2

PHONE: (519) 426-0842

E-mail: info@jewittdixon.com



Working together to ensure a better quality of life for everyone.

Evaluation Form for Existing On-Site Sewage Systems

Date: July 2009

OFFICE USE ONLY	FILE NO.:	DATE RECEIVED:	
PROPERTY INFORMATION	Municipal Address: 615 Windham Road 11, Delhi		
Owner: William Loftus	Lot: 17	Concession: 10	
Lot Area: 2068.8 sq. m	Lot Frontage: 33.00	Assessment Roll No. 491-019-52000-0000	
PURPOSE OF EVALUATION	<input checked="" type="checkbox"/> Consent <input checked="" type="checkbox"/> Minor Variance <input type="checkbox"/> Site Plan <input type="checkbox"/> Zoning <input type="checkbox"/> Other _____		
BUILDING INFORMATION	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Agricultural		
Building Area: 900 sq. ft	No. of Bedrooms: 1	No. of Fixture Units: 10	Is the building currently occupied? [Yes] / No If No, how long?
EVALUATOR'S INFORMATION	Evaluator's Name: Ben Van Manen		Company Name: R.V.M. Trucking
Address: 793140 Hanmer Line, Norwich		Postal Code: NOJ 1P0	Phone: 226-228-5424
Email: ben@rvmtrucking.ca		BCIN #: 105032	
SITE EVALUATION	Ground Cover (trees, bushes, grass, impermeable surface): grass		Soil Type:
Site Slope: <input checked="" type="checkbox"/> Flat <input type="checkbox"/> Moderate <input type="checkbox"/> Steep		Soil Conditions: <input type="checkbox"/> Wet <input checked="" type="checkbox"/> Dry	Depth of Water Table: _____ ft.
Surface Discharge Observed: Yes No		Odour Detected: Yes No	Current Weather (at time of evaluation):
SYSTEM EVALUATION	Class of System: <input type="checkbox"/> 1 (Privy) <input type="checkbox"/> 2 (Greywater) <input type="checkbox"/> 3 (Cesspool) <input checked="" type="checkbox"/> 4 (Leaching Bed) <input type="checkbox"/> 5 (Holding Tank)		
Tank: <input checked="" type="checkbox"/> Pre-cast <input type="checkbox"/> Plastic <input type="checkbox"/> Fibre Glass <input type="checkbox"/> Wood <input type="checkbox"/> Other _____		Size: 1500 Gal.	Pump: Yes <input type="checkbox"/> No
Distribution System: Area: <input checked="" type="checkbox"/> Trench Bed <input type="checkbox"/> Filter Medium		No. of Tile Runs: 5	Total Length of Tile: 1.7
Tile Material: <input checked="" type="checkbox"/> PVC <input type="checkbox"/> Clay <input type="checkbox"/> Other		Ends: <input checked="" type="checkbox"/> Capped <input type="checkbox"/> Joined	Cover: <input type="checkbox"/> Filter Cloth <input type="checkbox"/> Sand <input checked="" type="checkbox"/> Top Soil <input type="checkbox"/> Seeded
Setbacks:		Tank	Distribution Pipe
Distance to Buildings & Structures (ft)	1.7m to house 1.8m to garage		
Distance to Bodies of Water (ft)	n/a		n/a
Distance to Nearest Well (ft)			
Distance to Proposed Property Lines	Front 39.2m Rear 21m Side 9.1m Side 23m		Front 45m Rear 9m Side 3.5m Side 17.5m

OVERALL SYSTEM RATING	<input checked="" type="checkbox"/> System Working Properly / No Work Required <input type="checkbox"/> System Functioning / Maintenance Required <input type="checkbox"/> System Not Functioning / Minor Repair Required <input type="checkbox"/> System Failure/Major Repair / Replacement Required
	Note: Any repair/replacement of an on site sewage system requires a building permit. Contact the Norfolk County Building Division at (519) 426-5870 for more information.
	Additional Comments:

VERIFICATION	
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OWNER:

The owner is responsible for having a site evaluation conducted of the above mentioned property. Neither the evaluation nor the approval thereof shall in any way exempt the owner(s) from complying with the Ontario Building Code or any other applicable law.

I, William Loftus (the owner of the subject property) hereby authorize the above mentioned evaluator to act on my behalf with respect to all matters pertaining to the existing on-site sewage system evaluation.


 Owner Signature

June 4, 2024
 Date

EVALUATOR:

1. I, Ben Van Manen declare that this site evaluation is accurate as of the date of inspection. No determination of future performance can be made due to unknown conditions, future water usage over the life of the system, abuse of the system and/or inadequate maintenance, all of which may adversely affect the life of the system. This evaluation does not grant or imply any guarantee or warranty of the future performance of the sewage system. The undersigned takes no responsibility for the accuracy of existing or proposed property lines, whether measured or implied.

Ben Van Manen
 Evaluator Signature

May 31, 2024
 Date

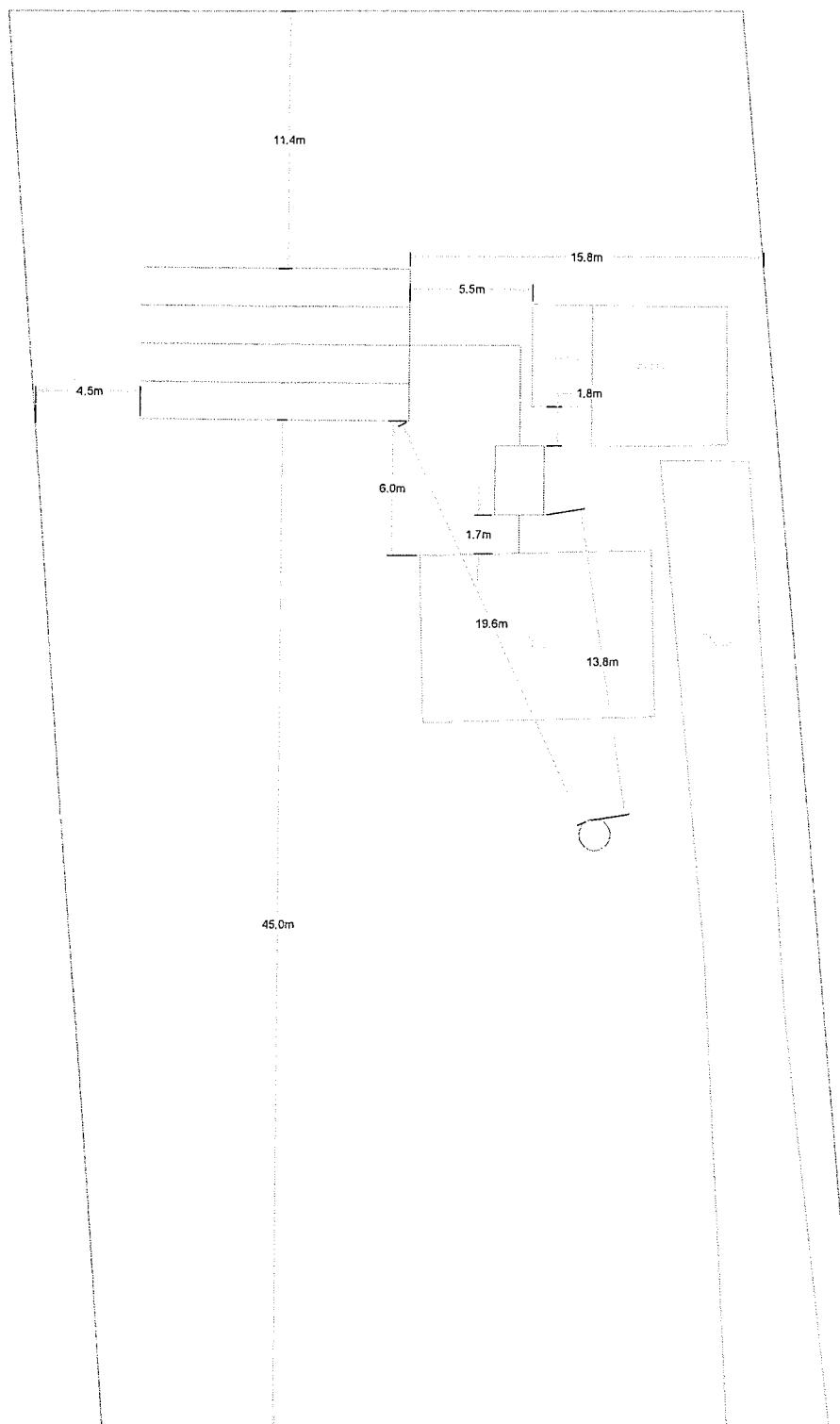
BUILDING DIVISION COMMENTS

Comments: _____

I, _____ have reviewed the information contained in this form as submitted.

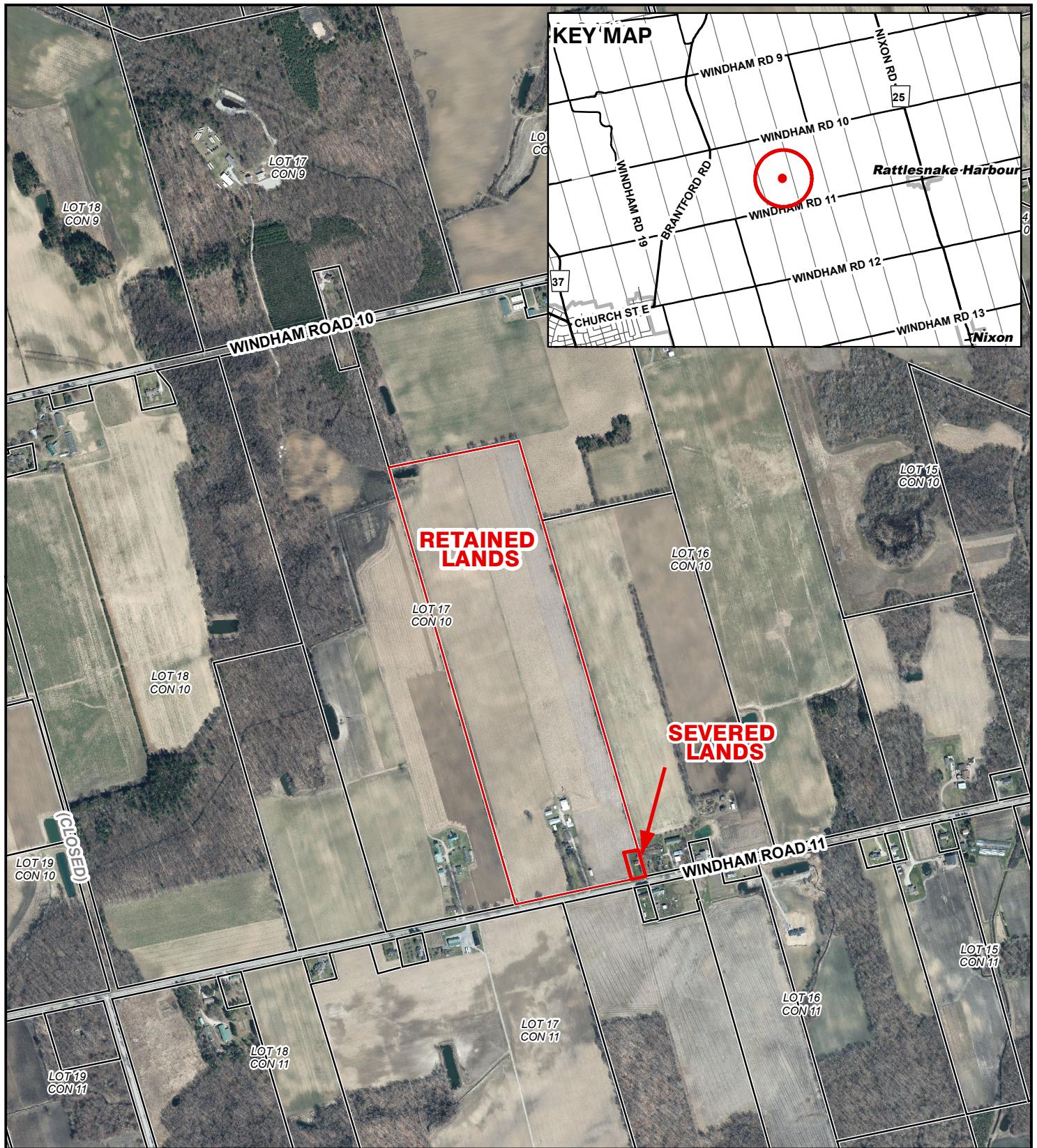
Chief Building Official or designate

 Date



CONTEXT MAP

Geographic Township of WINDHAM

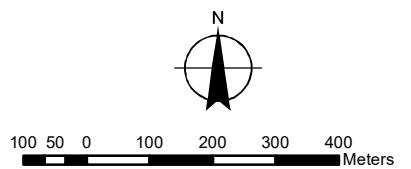


Legend

- Subject Lands
- Lands Owned

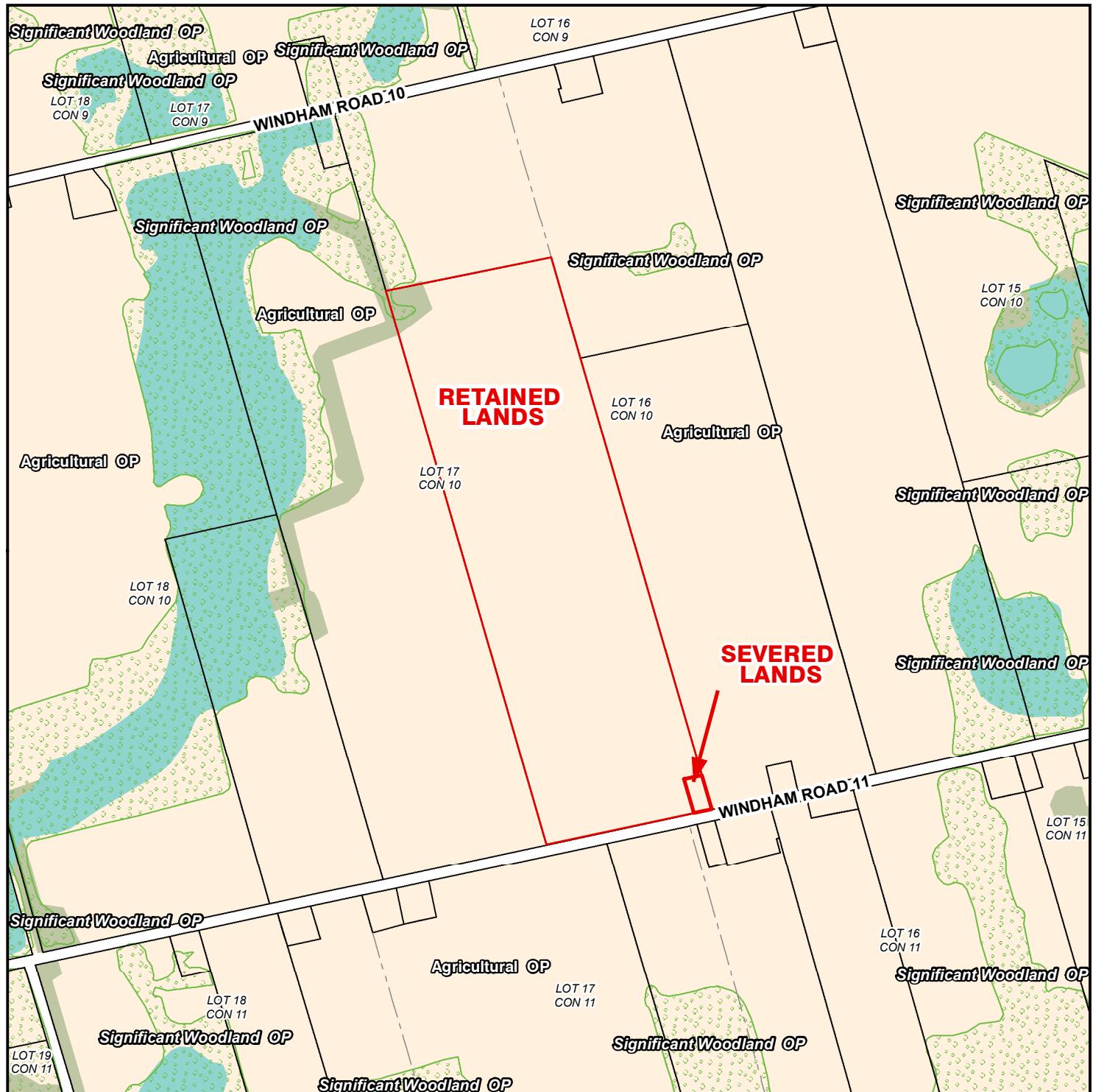
2020 Air Photo

1/8/2025



OFFICIAL PLAN MAP

Geographic Township of WINDHAM



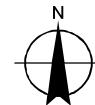
Legend

Official Plan Designations

1/8/2025

- Subject Lands
- Lands Owned

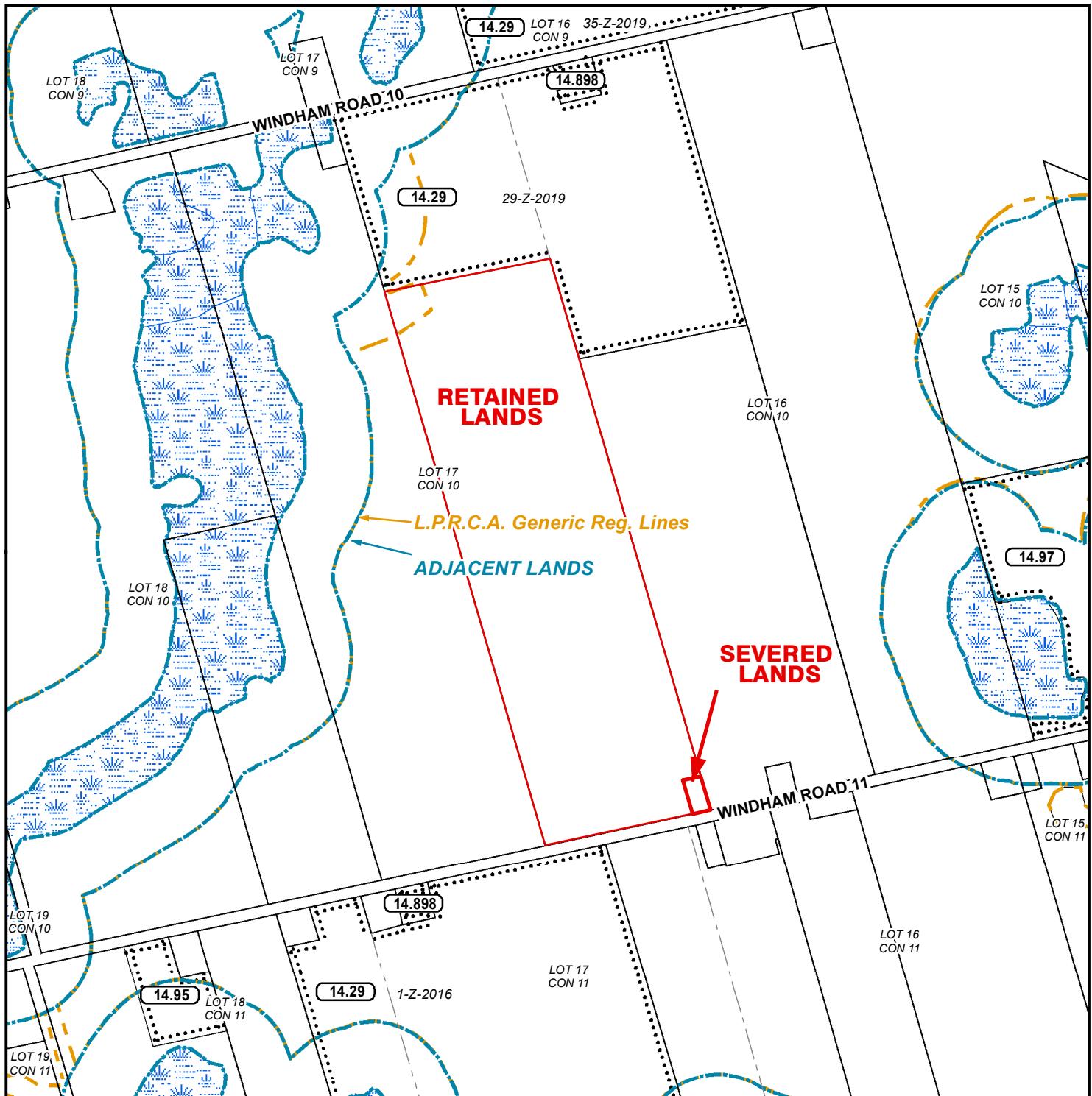
- Agricultural
- Hazard Lands
- Provincially Significant Wetland
- Significant Woodland



80 40 0 80 160 240 320 Meters

ZONING BY-LAW MAP

Geographic Township of WINDHAM



LEGEND

ZONING BY-LAW 1-Z-2014

1/8/2025

(H) - Holding

A - Agricultural Zone

HL - Hazard Land Zone

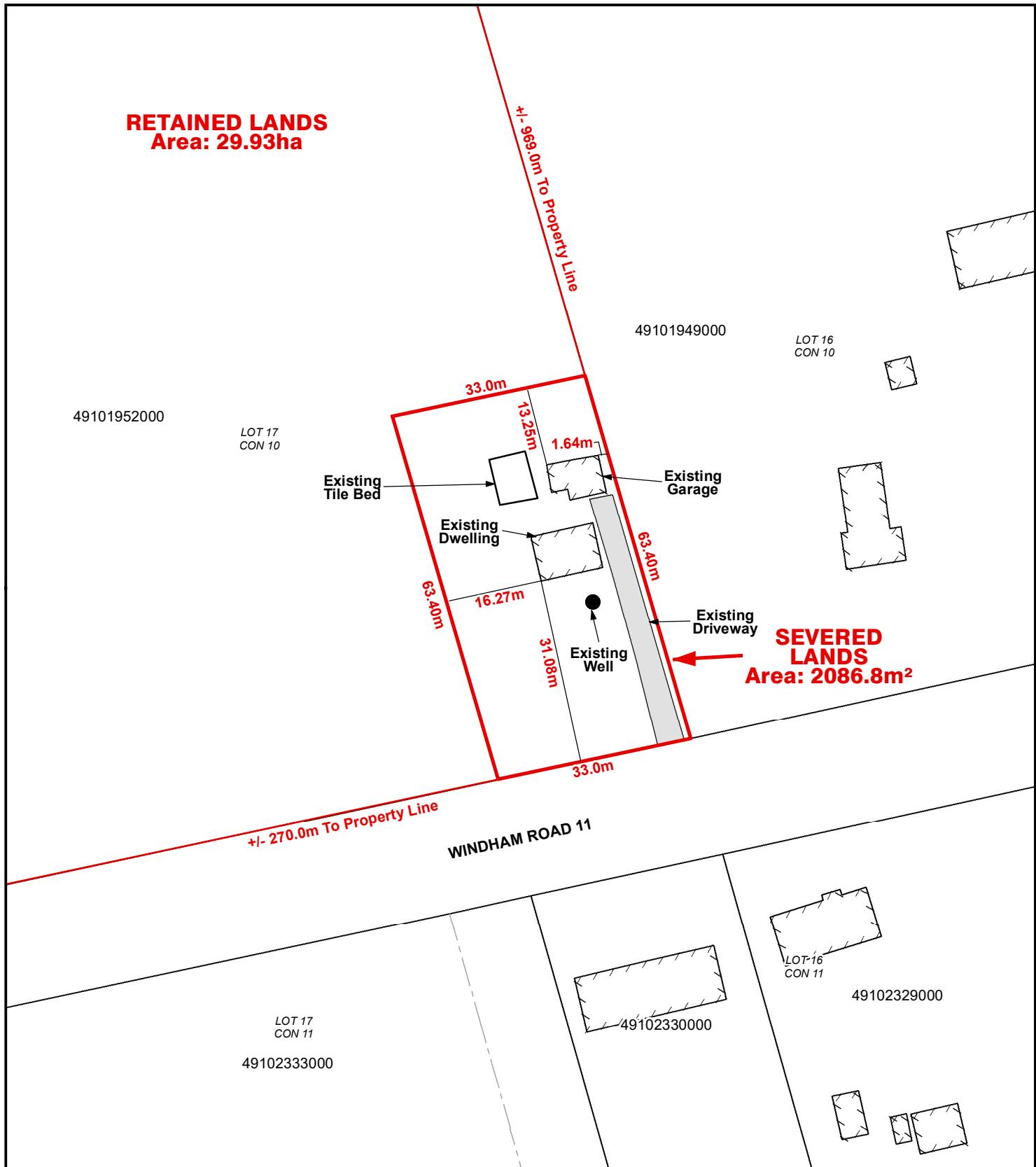
PSW - Provincially Significant Wetland Zone



- Subject Lands
- Lands Owned
- Adjacent Lands
- Wetland
- L.P.R.C.A. Generic Reg. Lines

80 40 0 80 160 240 320 Meters

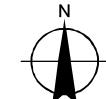
CONCEPTUAL PLAN
Geographic Township of WINDHAM



Legend

- Subject Lands
- Lands Owned

1/8/2025

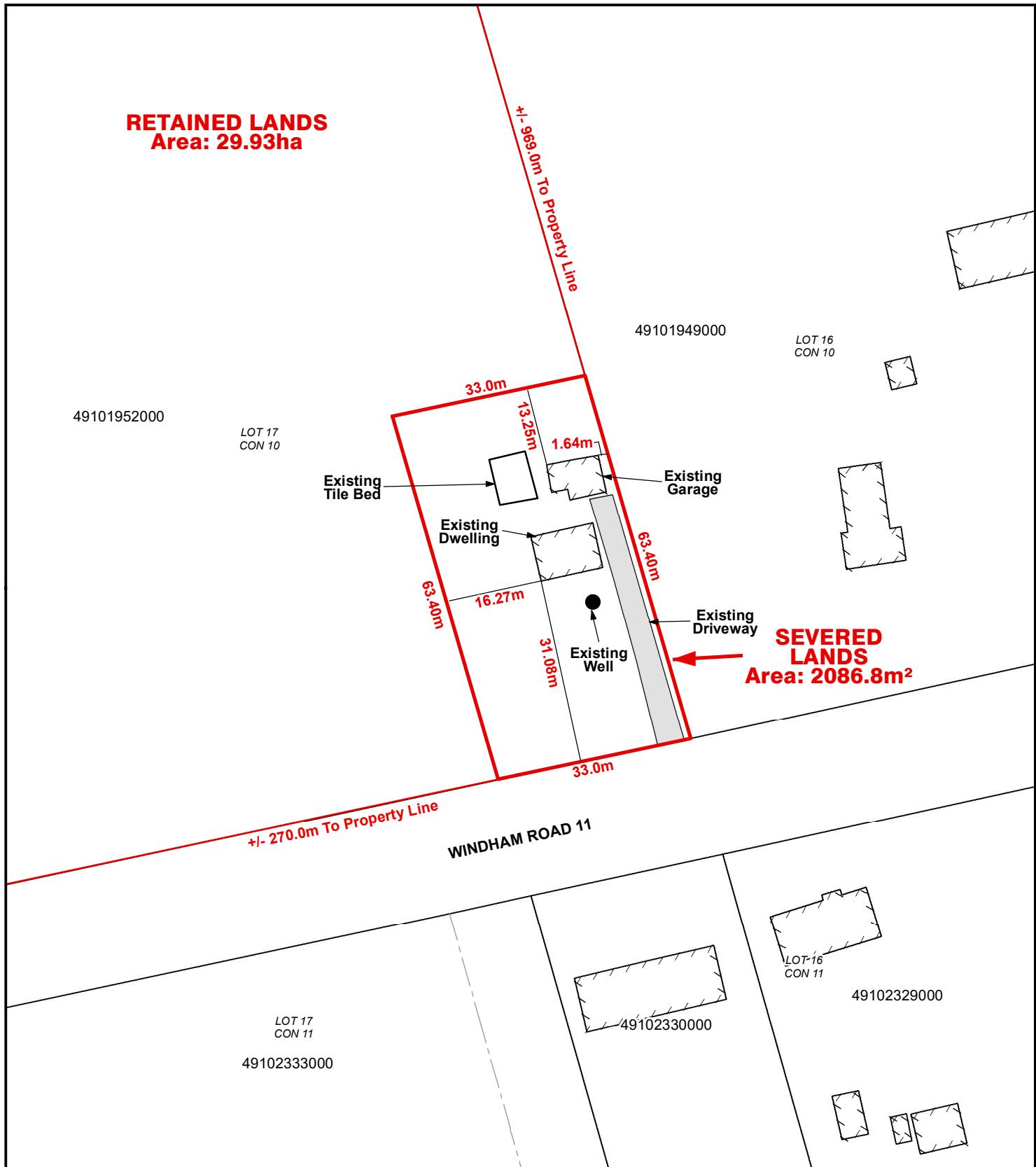


7.5 3.75 0 7.5 15 22.5 30 Meters

LOCATION OF LANDS AFFECTED

BNPL2024376

CONCEPTUAL PLAN Geographic Township of WINDHAM



Legend

- Subject Lands
- Lands Owned

1/8/2025



7.5 3.75 0 7.5 15 22.5 30 Meters