

**Brimage**  
LAW GROUP

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

Hand-delivered

October 11<sup>th</sup>, 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	_____	Application Fee	_____
Related File Number	_____	Conservation Authority Fee	_____
Pre-consultation Meeting	_____	Well & Septic Info Provided	_____
Application Submitted	_____	Planner	_____
Complete Application	_____	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:

N/A

## **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:

---

### 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					

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

4. **Easement/Right-of-Way:** Description of proposed right-of-way/easement in metric units:

Frontage:

Depth:

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:

\_\_\_\_\_  
\_\_\_\_\_



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 \_\_\_\_\_

**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

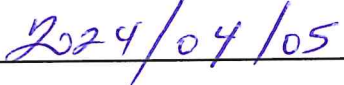
## J. Owner's Authorization

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

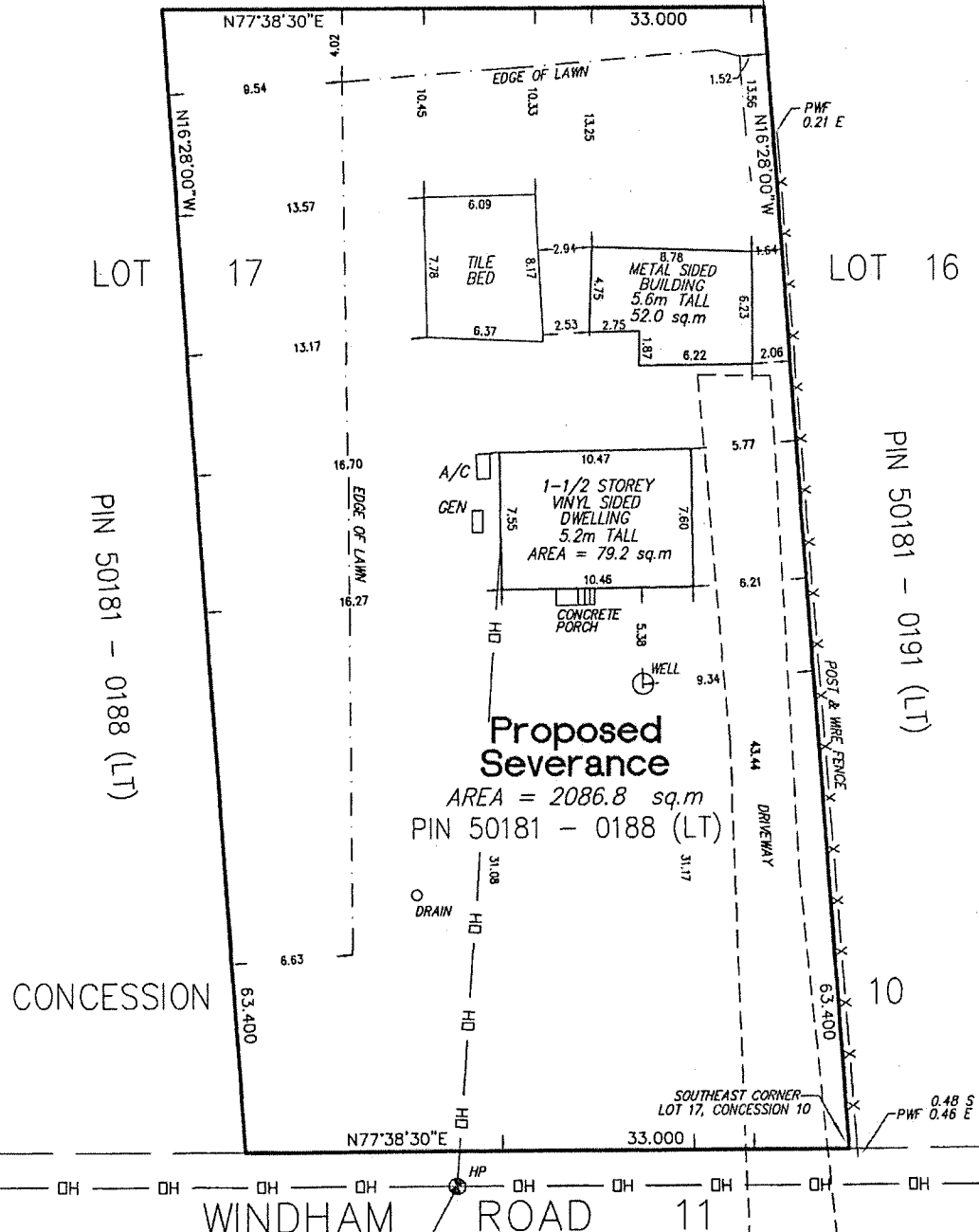
OF PART OF  
**LOT 17**  
**CONCESSION 10**  
 IN THE GEOGRAPHIC  
**TOWNSHIP OF WINDHAM**  
 IN  
**NORFOLK COUNTY**

SCALE: 1 : 300  
**JEWITT AND DIXON LTD.**

PIN 50181 - 0188 (LT)

## METRIC NOTE:

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



## 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 with our community  
to provide quality services.

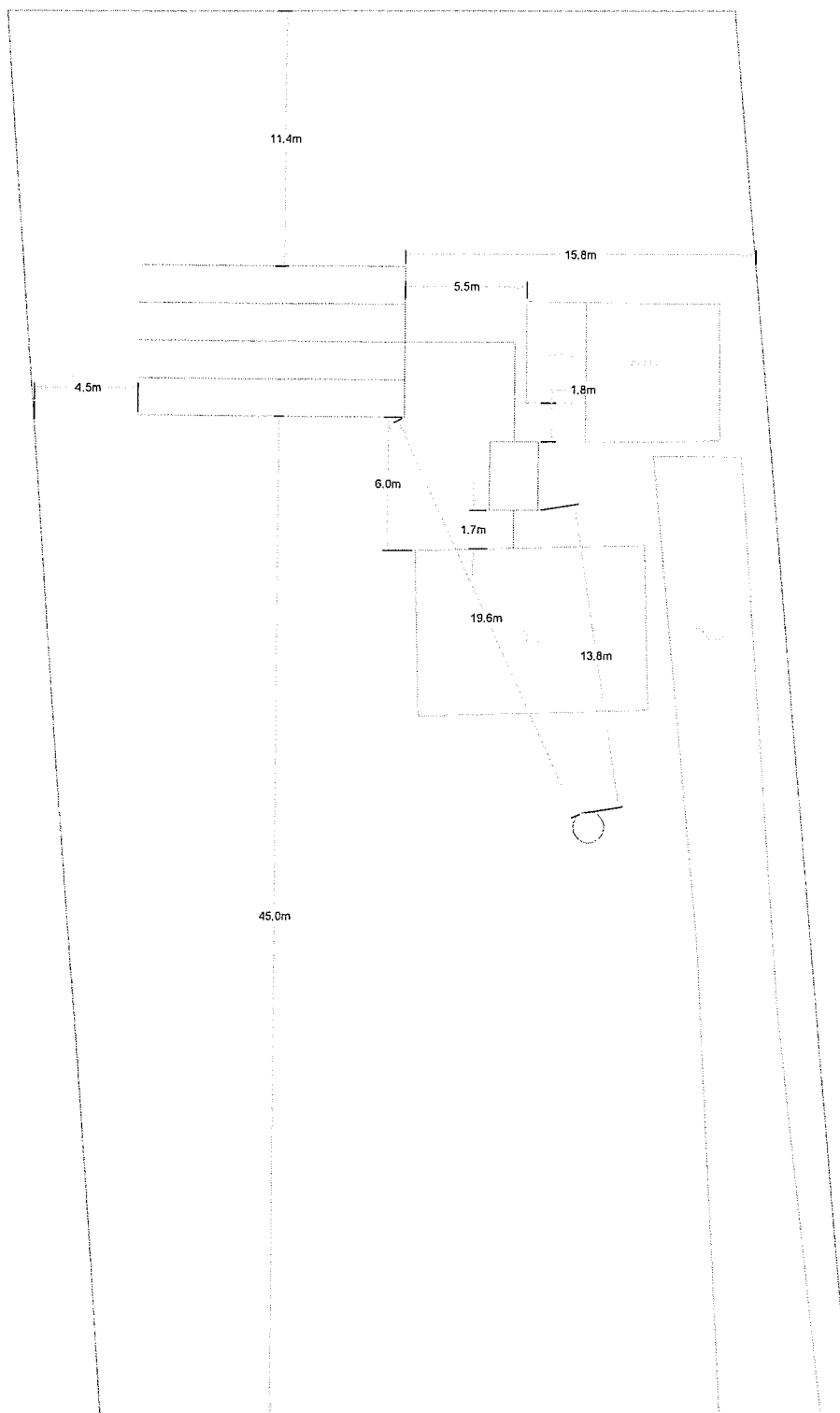
## Evaluation Form for Existing On-Site Sewage Systems

Date: July 2009

<b>OFFICE USE ONLY</b>		<b>FILE No.:</b>		<b>DATE RECEIVED:</b>	
<b>PROPERTY INFORMATION</b>		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	
<b>PURPOSE OF EVALUATION</b>		<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Minor Variance <input type="checkbox"/> Site Plan <input type="checkbox"/> Zoning <input type="checkbox"/> Other _____			
<b>BUILDING INFORMATION</b>		<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? <input checked="" type="checkbox"/> Yes / No If No, how long?			
<b>EVALUATOR'S INFORMATION</b>		Evaluator's Name: Ben Van Manen		Company Name: R.V.M. Trucking	
Address: 793140 Hanmer Line, Norwich		Postal Code: N0J 1P0		Phone: 226-228-5424	
Email: ben@rvmtrucking.ca		BCIN # 105032			
<b>SITE EVALUATION</b>		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):	
<b>SYSTEM EVALUATION</b>		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 <input checked="" type="checkbox"/>	
Distribution System: Area: <input checked="" type="checkbox"/> Trench Bed <input type="checkbox"/> Filter Medium		No. of Tile Runs: 5		Total Length of Tile: Distance Between Tile Runs: 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	
<b>Setbacks:</b>		<b>Tank</b>		<b>Distribution Pipe</b>	
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	

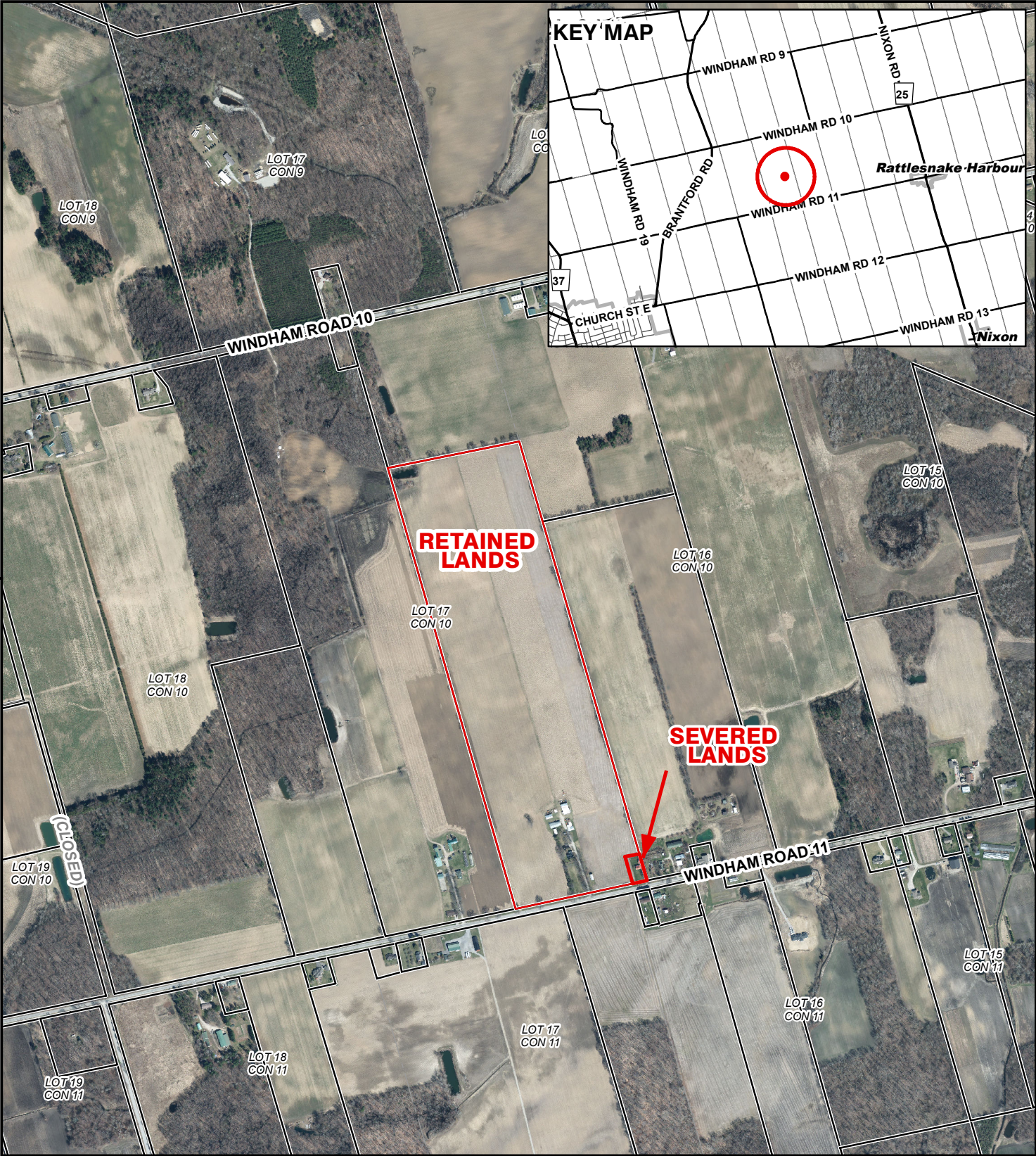






REVISED	REVISIONS	<b>R.V.M.</b> Trucking Inc. <small>10000 10th Avenue, Suite 100 Delhi, Ontario N4C 5B7 Canada</small>	Project Name <b>615 WINDHAM ROAD 11, DELHI</b> Drawing Title <b>ON-SITE SEWAGE SYSTEM EVALUATION</b>	Drawing Scale <b>1:1</b>	Drawing Date <b>May 31, 2024</b> Drawing No. <b>1 of 1</b>
---------	-----------	---	---	-----------------------------	---



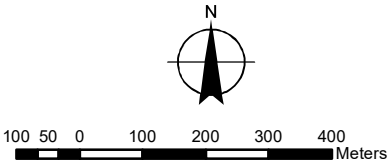


Legend

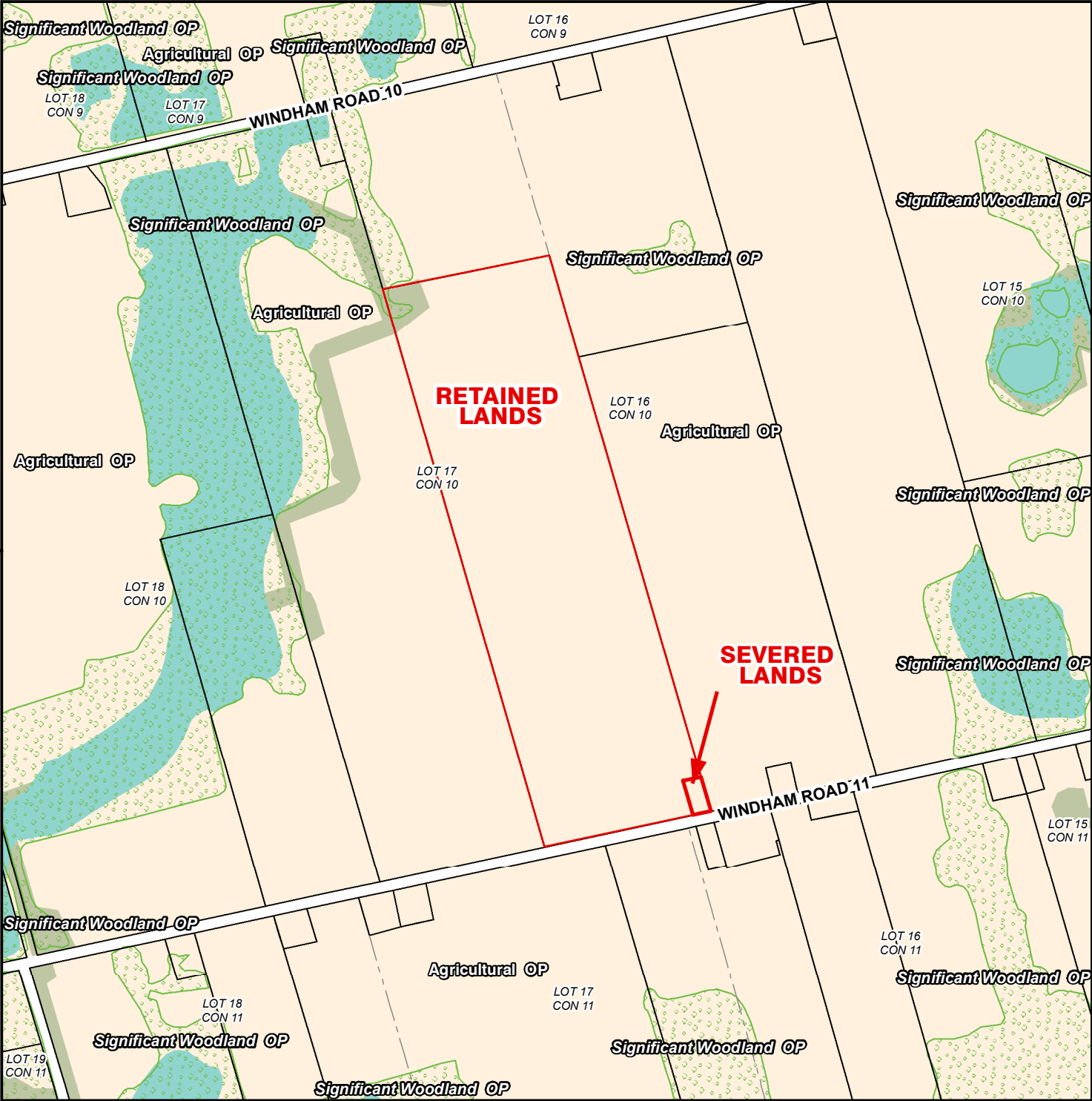
- Subject Lands
- Lands Owned

2020 Air Photo

1/8/2025







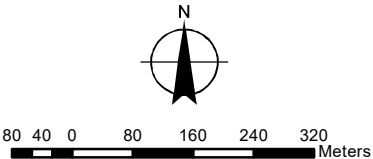
Legend

- Subject Lands
- Lands Owned

Official Plan Designations

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

1/8/2025

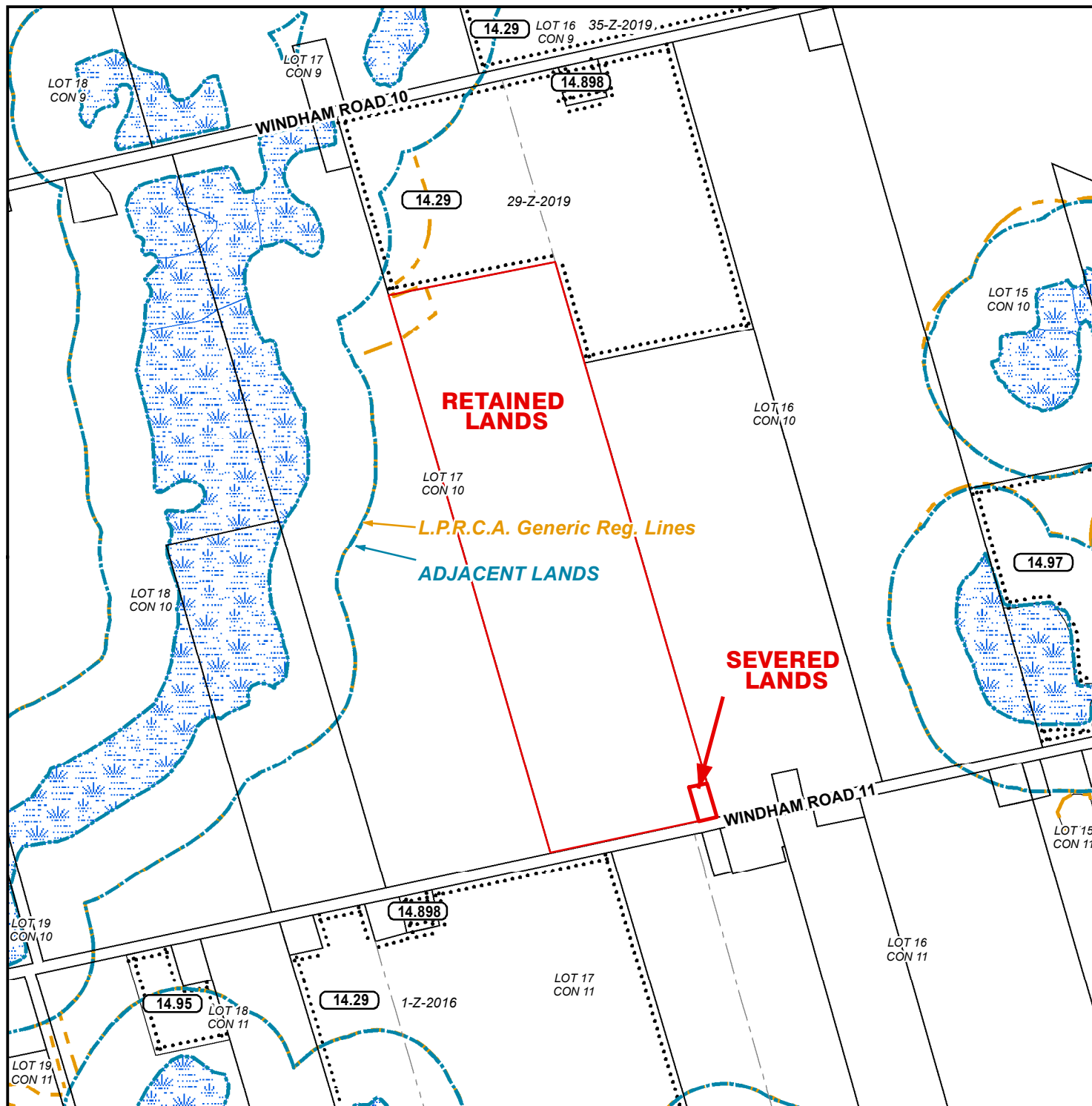


# MAP C

## ZONING BY-LAW MAP

Geographic Township of WINDHAM

BNPL2024376



### LEGEND

- Subject Lands
- Lands Owned
- Adjacent Lands
- Wetland
- LPRCA Generic RegLines

ZONING BY-LAW 1-Z-2014

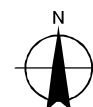
(H) - Holding

A - Agricultural Zone

HL - Hazard Land Zone

PSW - Provincially Significant Wetland Zone

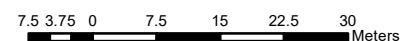
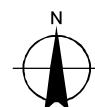
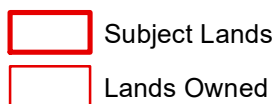
1/8/2025



80 40 0 80 160 240 320 Meters

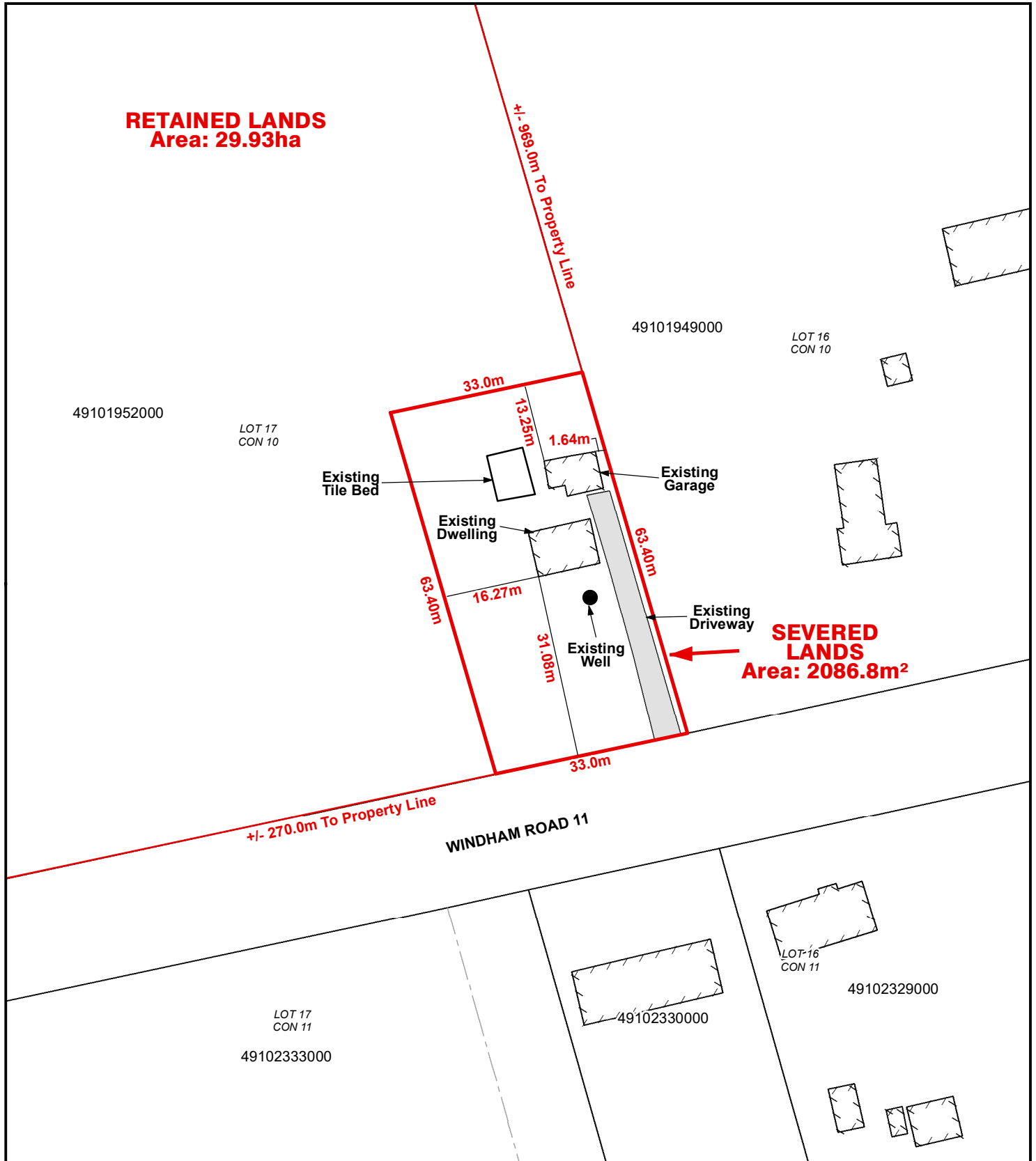
## Geographic Township of WINDHAM

**1/8/2025**



## CONCEPTUAL PLAN

Geographic Township of WINDHAM



### Legend

- Subject Lands
- Lands Owned

1/8/2025

