



TOWNSHIP OF MELANCTHON

COMMITTEE OF ADJUSTMENT

THURSDAY, JANUARY 14, 2016 - 6:00 P.M.

1. **APPROVAL OF MINUTES - December 17, 2015**
2. **BUSINESS ARISING FROM MINUTES**
3. **APPLICATION FOR CONSENT**
4. **APPLICATION FOR MINOR VARIANCE**
5. **APPLICATIONS ON FILE**
 1. B12/14 - Julian McDowell - West Part Lot 13, Concession 1 O.S.
6. **DELEGATES**
7. **CORRESPONDENCE**
 1. Letter from Nathan Martin, Smith Valeriote Law Firm, re: Consent Application for Derek Martin, File No. B6/15
8. **ADJOURNMENT**

January 8, 2016

By Email: dholmes@melancthontownship.ca

Township of Melancthon
157101 Highway 10
Melancthon, Ontario
L9V 2E6
Attn: Ms. D. Holmes

Re: Consent Application for Derek Martin
Property: 197255 2nd Line NE, Township of Melancthon
File: No. B6/15
Hearing Date: December 17, 2015
Our File: 67580-001

As you may recall, our office represents Derek Martin.

On Mr. Martin's behalf we submitted a consent application for a surplus farm dwelling severance on the above noted parcel. The application was submitted on November 19, 2015 and stated that the Township was to send correspondence to our office as the Agent for Derek Martin.

On December 23, 2015 our office contacted the Township to inquire as to the status of the application. Unbeknownst to us, the application had been heard and approved at the December 17, 2015 Committee of Adjustment meeting. We are pleased that the application was accepted, but write this letter to address one of the conditions of approval. Condition 3 of the approval requires that the retained agricultural parcel be merged in title with the other agricultural lands owned by the applicant. Unfortunately, circumstances exist which prevent us from satisfying this condition. However, we hope this letter provides the appropriate details to support our position that the condition to merge the abutting parcels is not necessarily required for our application.

Prior to submitting the consent application our office undertook a preconsultation with Mr. Chris Jones. Mr. Martin's original plan, which we discussed with Mr. Jones, proposed a surplus farm dwelling severance as well as a significant lot line adjustment. Upon consulting with Mr. Jones and reading his memo dated October 29, 2015, it was apparent that completing the surplus farm dwelling severance in conjunction with a lot line adjustment would result in an undersized agricultural parcel. We discussed with Mr. Jones that our client did own an abutting parcel and one way around the undersize issue would be to merge these parcels.

However, further discussions with our client revealed that he was a joint owner of the abutting property with his father. Merging the two parcels would require the consent of his father, which

Reply to:

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Reply to:

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P.O. Box 128, Fergus, ON N1H 2W7

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we were informed would not be forthcoming.

Based on the preconsultation and subsequent discussion with our client, a consent application was submitted applying for a surplus farm dwelling severance. The application did not contain the lot line adjustment that had been part of our original plan. Approval of the current application would create an agricultural parcel of 43.5 acres and a residential parcel of 1.6 acres. It is our belief that parcels of this size satisfy the intent and purpose of the Official Plan and the Zoning By-law and should be approved without requiring the merger of the abutting parcel. We further submit that approval of the application without the condition to merge adheres to sound planning principles

I would suggest that the condition to merge the agricultural parcel with the abutting parcel was a result of Mr. Jones' recommendation. However, as discussed above, it is clear that Mr. Jones' recommendation applied to the application that included the lot line adjustment. If our application had included the lot line adjustment it would have reduced the agricultural lot size to 34 acres.

We would therefore like to respectfully submit that the application in its current form is acceptable and that the condition to merge with the abutting parcel should be removed.

If you are unable to remove the condition on the approved application, I would request that this application be reheard by the Committee of Adjustments, with notice of the date and time of the hearing provided to our office to ensure our attendance.

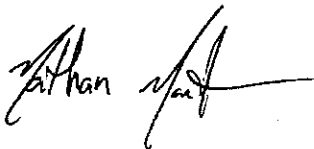
We thank you for taking the time to review this matter and appreciate your efforts.

Please do not hesitate to contact me if you have any questions, comments or concerns.

YOURS VERY TRULY

SMITHVALERIOTE LAW FIRM LLP

Per:

A handwritten signature in black ink, appearing to read "Nathan D. Martin". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Nathan D. Martin, B.A., J.D.

direct line: 519-821-2159
email: nmartin@smithvaleriote.com