



TOWNSHIP OF MELANCTHON

COMMITTEE OF ADJUSTMENT

THURSDAY, MAY 19, 2016 - 6:00 P.M.

1. **APPROVAL OF MINUTES - April 21, 2016**
2. **BUSINESS ARISING FROM MINUTES**
3. **APPLICATION FOR CONSENT**
 1. B1/16 - Wayne Nicholson - Applicant / Bonnefield Canadian Farmland LP III - Owner
East Part Lot 18, Concession 3 O.S.
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**
8. **ADJOURNMENT**

Ph: (519) 925-5525
Fax: (519) 925-1110

**TOWNSHIP OF MELANCTHON
Committee of Adjustment**

157101 Highway 10
Melancthon, Ontario
L9V 2E6

**NOTICE OF PUBLIC MEETING
Application for Consent**

File No. **B1/16**

Date of Meeting: **Thursday, May 19, 2016** Time: **6:00 p.m.**

Name of Owner/Applicant: **Applicant: Wayne Nicholson** Owner: **Bonnefield Canadian Farmland LP III**

Location of Public Meeting: **Council Chambers, 157101 Highway 10, Melancthon, ON, L9V 2E6**

PROPOSED SEVERANCE: East Part Lot 18, Concession 3 O.S.

Existing Use: **Agricultural** Proposed Use: **Residential**

Road Frontage: **160 metres (approx.)** Depth: **124 metres (approx.)**

Area: **19840 metres² (4.9 acres)**

RETAINED PORTION: Part of Lots 17, 18, Concession 3 O.S. RP 7R5973, Parts 3,4,5

Existing Use: **Agricultural** Proposed Use: **Agricultural**

Road Frontage: **not provided** Depth: **not provided**

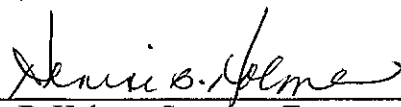
Area: **not provided**

The land is not the subject of an application under the Act for an Official Plan Amendment, Zoning By-law Amendment, or Minor Variance application.

If you require additional information on this application, it may be obtained by contacting the Secretary-Treasurer at the above address during regular office hours.

If a person or public body that files an appeal of a decision of the Melancthon Township Committee of Adjustment in respect of the proposed consent does not make a written submission to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Municipal Board may dismiss the appeal.

If you wish to be notified of the decision of the Committee of Adjustment in respect of the proposed consent, you must make a written request to the Committee of Adjustment, Township of Melancthon, 157101 Highway 10, Melancthon, Ontario, L9V 2E6.



Denise B. Holmes, Secretary-Treasurer

TOWNSHIP OF MELANCTHON - COMMITTEE OF ADJUSTMENT
APPLICATION FOR CONSENT

NOTE TO APPLICANTS

One copy of this application form must be completed and filed for each parcel to be severed together with the sketch as required by the Schedule to Ontario Regulation 547/06, with the Secretary/Treasurer and be accompanied by a fee of \$800.00 + \$1000.00 deposit. Cheques made payable to the Township of Melancthon.

Completeness of the Application

The information that must be provided by the applicant is prescribed in the Schedule to Ontario Regulation 547/06 made under the Planning Act. If the mandatory information and fee are not provided, the Committee of Adjustment will return the application or refuse to further consider the application until the information and fee have been provided.

The application form also sets out other information that will assist the Committee of Adjustment and others in their planning evaluation of the Consent Application. To ensure the quickest and most complete review, this information should be submitted at the time of the application. In the absence of this information, it may not be possible to do a complete review within the legislated time frame for making a decision. As a result, the application may be refused.

1. Registered Owner's Name : Bonnetfield Canadian Farmland LP 111
Address: 141 Adelaide St. West Suite 500, Toronto Ont. M5H 3L5
E-mail Address: mmitchelle@bonnetfield.com
Telephone Number: (Home) _____ (Work) 416-309-4477 (Fax) 416-884-8469

Applicant's Name : Wayne Nicholson
Address: 477438 3rd line Melancthon
E-mail Address: wayne@shelburne.kh.com / kwn@bell.net
Telephone Number: (Home) 519-943-3519 (Work) _____ (Fax) _____

Agent's Name: _____
Address: _____
E-mail Address: _____
Telephone Number: (Home) _____ (Work) _____ (Fax) _____

Send Correspondence to? Owner Applicant Agent

2. Date of Application: _____

3. Type of Transaction: (e.g. a transfer for the creation of a new lot, a lot addition, an easement, a charge, a lease or a correction of title)

Creation of a new lot.

4. Name of person(s) to whom the land or interest in land is to be transferred, charged or leased:

Wayne Nicholson

5. Legal Description of Property:

Municipality Melancthon

Lot (s) Part 17 / 18 Concession 3 O.S.

Lot (s) _____ Registered Plan 7R5973

Part (s) 3, 4, 5 Reference Plan _____

Street Address 3rd line Melancthon

Roll Number _____ Survey Attached - Yes () No ()

6. Are there any easements or restrictive covenants affecting the subject property? Yes _____ No _____

7. If the answer to Section 6 is yes, a description of each easement or covenant and its effect.

8. (a) Description of lands to be SEVERED or EASEMENT/RIGHT-OF-WAY: (in metric units)

Frontage: Approx 160 metres

Area: 19840 metres² = 4.9 acres.

Depth: Approx 124 metres.

Existing Use: Agricultural

Proposed Use: Residential

Existing and proposed buildings and structures on land to be severed:

Existing: —

Proposed: _____

What type of access do the lands intended to be SEVERED have?

Provincial Highway _____

County Road _____

Year Round Municipal Road

Seasonal Municipal Road _____

Unopen Road Allowance _____

Private Right-of-way _____

Other, please specify 3rd line, 15 sideroad, 20 sideroad Melancthon.

Services currently available, or to be available for the SEVERED parcel:

	Municipal Water	Communal Water	Private Water	Municipal Sewers	Communal Sewers	Private Sewers
Existing	()	()	<input checked="" type="checkbox"/>	()	()	<input checked="" type="checkbox"/>
Proposed	()	()	<input checked="" type="checkbox"/>	()	()	<input checked="" type="checkbox"/>

(b) Description of lands to be **RETAINED**: (in metric units)

Frontage: _____ Area: _____

Depth: _____

Existing Use: Agricultural Proposed Use: Farming

Existing and proposed buildings and structures on land to be retained:

Existing: —

Proposed: —

What type of access do the lands intended to be **RETAINED** have?

Provincial Highway _____ County Road _____

Year Round Municipal Road Seasonal Municipal Road _____

Unopen Road Allowance _____ Private Right-of-way _____

Other, please specify _____

Services currently available, or to be available for the **RETAINED** parcel:

	Municipal Water	Communal Water	Private Water	Municipal Sewers	Communal Sewers	Private Sewers
Existing	()	()	()	()	()	()
Proposed	()	()	()	()	()	()

9. (a) Present Official Plan designation of the land : Agricultural

(b) Present Zoning of the land: General Agricultural

10. Has the subject land ever been the subject of an application for approval of a plan of subdivision under Section 53 of the Planning Act? Yes _____ No _____

If the answer is yes, the file number of the application and the status of the application.

11. Has any land been severed from the parcel originally acquired by the owner of the subject land? _____

12. If the answer to Section 11 is "Yes", please indicate previous severance on the required sketch and supply the following information for each lot severed:

Grantee's Name: _____

Relationship (if any) to owner: _____

Date of Parcel Created: _____ Use of Parcel: _____

File Number : _____

13. Is the subject land the subject of any other application under the Act, such as an application for an amendment to an official plan, a zoning by-law or a Minister's zoning order, an application for a minor variance or an approval of a plan of subdivision or a consent;

If the answer is yes, the file number of the application and the status of the application: _____

14. This application must be accompanied by a sketch showing the following, with any measurements shown in **metric units**:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (*for example, buildings, railways, roads, watercourses, drainage ditches, bank of rivers or streams, wetlands, wooded areas, wells and septic tanks*) that,
 - (i) are located on the subject land and on land that is adjacent to it, and
 - (ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- (h) if access to the subject land will be by water only, the location of the parking and boat docking facilities to be used; and
- (i) the location and nature of any easement affecting the subject land.

15. Is the application consistent with policy statements issued under subsection 3(1) of the Act? _____

16. Is the subject land within an area of land designated under any provincial plan or plans? _____

17. If the answer to question 16 is yes, briefly explain how this application either conforms with or does not conflict with any applicable provincial plan or plans:

18. If this application involves the creation of a non-farm lot within approximately 500 metres of livestock facilities and/or permanent manure storage facilities, a completed MDS I calculation form must be submitted with this application. If this application involves a new or expanded livestock facility and/or permanent manure storage facility, a completed MDS II calculation form must be submitted with this consent application.

UPON SUBMISSION OF THIS APPLICATION THE APPLICANT AGREES:

1. That the fee submitted with this application covers only routine processing costs (i.e. review by municipality). It is further understood and agreed that any additional costs or requirements with this application, including any additional information and processing requirements, or as may otherwise be required or incurred and charged to or by the municipality (i.e. planning, legal or engineering fees, OMB Hearing costs, agreements, special studies, other approvals or applications and any other related matters) will be my responsibility to provide to and/or reimburse the municipality for same. Failure to pay all associated costs may result in refusal of this application and/or collection by the municipality in like manner as municipal taxes, or any other means legally available to the municipality.
2. To pay the application fee in full prior to the processing of this application.
3. To allow the Committee of Adjustment to site inspect the property in consideration for this application.

Affidavit or Sworn Declaration

I, Wayne Nicholson of the Township of Melancthon

in the County of Dufferin solemnly declare that all the statements contained in this application and all the information provided is 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

Date: March 24/16

at the Township of Melancthon

in the County of Dufferin

Signature of Applicant: [Signature]

this 23rd day of March

2016

[Signature]
A Commissioner, etc

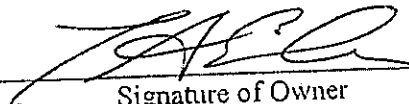
itions:

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner that the applicant is authorized to make the application on his/her behalf, must be included with this form. The authorization set out below must be completed.

Authorization of Owner for Agent to Make Application and for Agent to Provide Personal Information

I, BONNEFIELD CANADIAN FARMLAND LP III, am the owner of the land that is the subject of this application for consent and I authorize WAYNE NICHOLSON to act as my agent for the purpose of this application and for the purposes of the Freedom of Information and Protection of Privacy Act, I authorize my agent to provide any of my personal information that will be included in this application or collected during the processing of this application.

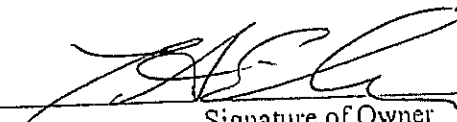
FEB 2, 2016
Date


Signature of Owner

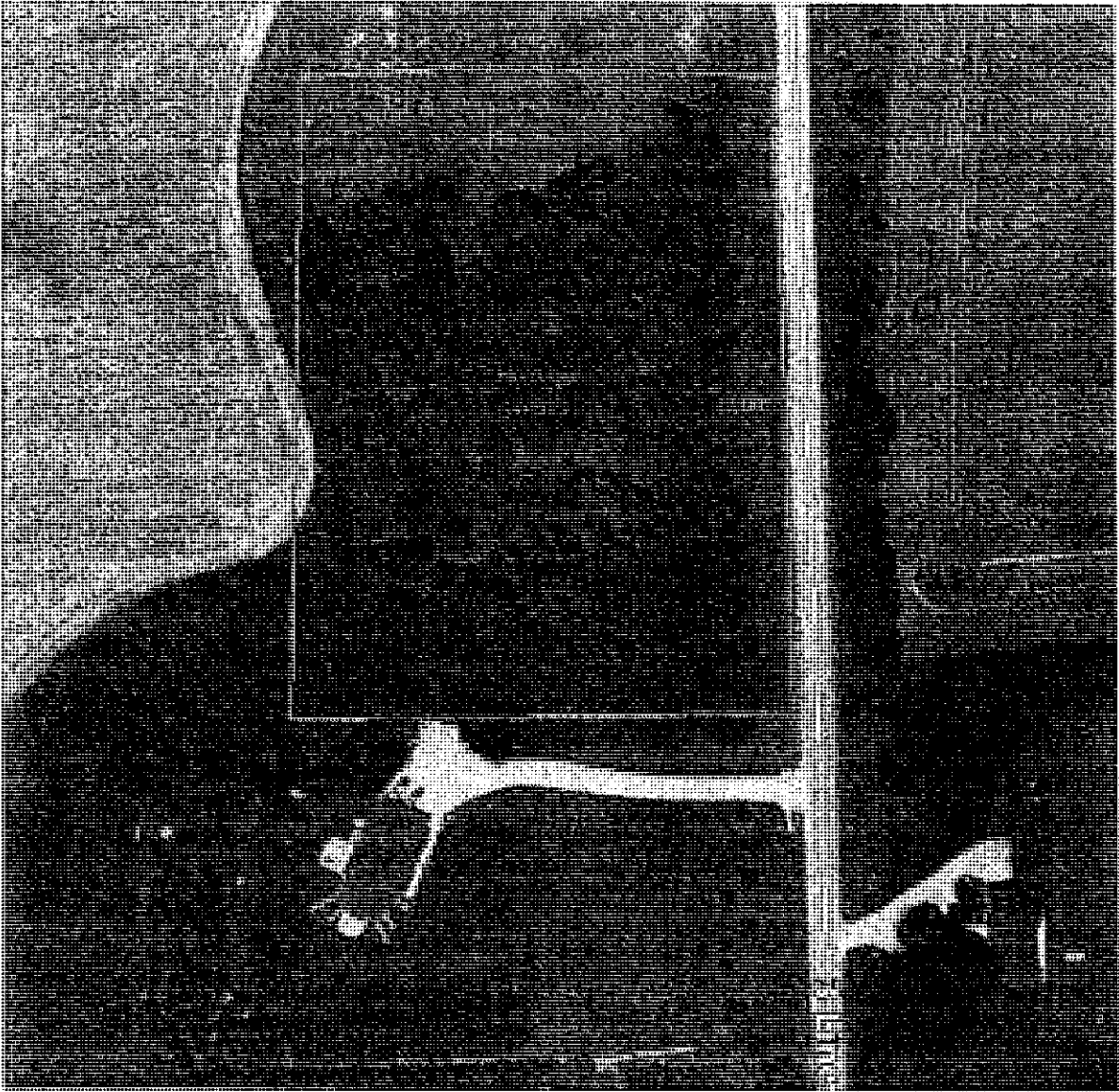
Consent of the Owner to the Use and Disclosure of Personal Information

I, BONNEFIELD CANADIAN FARMLAND LP III, am the owner of the land that is the subject of this consent application and for the purposes of the 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 of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application.

FEB 2, 2016
Date


Signature of Owner

SCHEDULE "B"
THE REAL PROPERTY



(Handwritten signature) *(Handwritten mark)*

MEMORANDUM

To: Mayor White and Members of Council
Copy: Ms. Denise Holmes, CAO
From: Chris D. Jones MCIP, RPP
Date: May 11, 2016
Re: Consent Application B1/16 – Part Lot 18, Concession 3 O.S.

BACKGROUND

Mr. Wayne Nicholson has been authorized by Bonnefield Canadian Farmland to apply for a consent to sever a new lot for residential purposes.

The lands proposed to be severed are located in Part of Lot 18, Concession 3 O.S and have a total lot area of 40 hectares (100 acres). The new lot to be severed would have a lot area of approximately 2 hectares (5 acres), with a road frontage along the 3rd Line of approximately 160 metres (524 feet).

The lot proposed to be severed is vacant and would be utilized for rural residential purposes and the lot to be retained is currently utilized for agricultural purposes.

OFFICIAL PLAN

The subject lands are located in the Agricultural designation in the Township's Official Plan.

Section 2.2.4 (e) is an objective of the Official Plan, which states:

To limit residential lot creation in prime agricultural areas to lots for a residence surplus to a farm operation.

Section 5.2 of the Agricultural policies states:

The principle planning objective of the Agricultural designation is to protect prime agricultural areas for long term use for agriculture.

Section 5.2.5 establishes the following policies with respect to the creation of new lots in the Agricultural designation:

- a) *The planning objectives of the consent and lot creation policies for the Agricultural designation are to preserve prime agricultural land for agricultural*

uses, minimize the fragmentation of such land, protect agricultural operations and minimize the intrusion of incompatible uses into prime agricultural areas.

- b) In addition to the general consent policies of Section 7.2 and all other applicable policies of this Plan, the following consent related policies apply specifically to lands in the Agricultural designation. In such areas lot creation is discouraged and only the types of lot creation or lot line adjustments identified in the following policies may be permitted through the granting of consents:
- i. Lots may be created for agricultural uses, provided such lots are of a size appropriate for the type agricultural uses that are common in this area and sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations....
 - ii. Lots may be created for agricultural related uses provided any such lot is limited to the minimum size needed to accommodate the use and appropriate on-site sewage and water services, and the lot is sited to avoid agricultural lands wherever possible.
 - iii. The only type of new residential lot permitted is a lot which accommodates a residence surplus to a farm operation as a result of farm consolidation...

ANALYSIS

The applicant proposes to create a new vacant lot from a 100 acre parcel currently utilized for agricultural purposes and designated Agricultural in the Township's Official Plan.

The primary policies guiding lot creation in the Agricultural designation are found in Section 5.2.5 (b). These policies are derived from Section 2.3.4.1 of the Provincial Policy Statement (PPS 2014).

It is noted that the lands proposed to be severed appear to be tree covered and may not be utilized for agricultural purposes, however, the Provincial definition of "prime agricultural areas" is shown below:

Prime agricultural area means areas where prime agricultural lands predominate. This includes areas of prime agricultural land and associated CL1 Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture...

In my opinion, the Township's Official Plan has identified the subject lands as being part of a "prime agricultural area". On this basis the proposed severance is not consistent with Section 2.3.4.1 of the Provincial Policy Statement or Section 5.2.5 (b) of the Township's Official Plan.

• Municipal Planning Services •

Chris D. Jones BES, MCIP, RPP
51 Churchill Drive
Barrie, Ontario
(705) 725-8133

RECOMMENDATION

The following recommendation is provided for Council's consideration:

- a) That this report be received; and,
- b) That Application B1/16 be refused on the basis that it is inconsistent with the Provincial Policy Statement and does not conform with the Township's Official Plan.



Chris Jones MCIP, RPP

