TOWNSHIP OF

TOWNSHIP OF MELANCTHON

COMMITTEE OF ADJUSTMENT

THURSDAY, SEPTEMBER 15, 2016 - 6:00 P.M.

- 1. APPROVAL OF MINUTES August 11, 2016
- 2. BUSINESS ARISING FROM MINUTES
- 3. <u>APPLICATION FOR CONSENT</u>
 - 1. B4/16 Derek Martin Part Lots 277 & 278, Concession 2 N.E. Parts 2,3,4, & 5, Plan 7R339
 - 1. Memorandum from Chris D. Jones, MCIP, RPP with respect to Application for Consent B4-16 (Derek Martin)
- 4. APPLICATION FOR MINOR VARIANCE
- 5. APPLICATIONS ON FILE
 - 1. B12/14 Julian McDowell West Part Lot 13, Concession 1 O.S.
 - 2. B1/16 Wayne Nicholson Applicant / Bonnefield Canadian Farmland LP III Owner East Part Lot 18, Concession 3 O.S.
- 6. <u>DELEGATES</u>
- 7. <u>CORRESPONDENCE</u>
- 8. <u>ADJOURNMENT</u>

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. **B4/16**

Date of Meeting: Thursday, September 15, 2016

Time: 6:00 p.m.

Name of Owner/Applicant: Derek Martin

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

PROPOSED SEVERANCE: Part Lots 277 & 278, Concession 2 N.E. Parts 2,3,4 & 5, Plan 7R5339

Existing Use: Agricultural Proposed Use: Agricultural

Road Frontage: Parts 2 & 5, Plan 7R5339 Depth: Irregular

Area: 90,000 metres squared (9.0 ha)

RETAINED PORTION: Part Lot 277, Concession 2 N.E. Parts 3 & 4, Plan 7R5339

Existing Use: Agricultural Proposed Use: Agricultural

Road Frontage: Parts 3 & 4, Plan 7R5339 Depth: Irregular

Area: 35 acres & 148 acres in adjacent parcel

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,

l.	Registered Owner's Name:	Derek Martin
	Address:	8616 Wellington Road 14, Arthur, ON
	E-mail Address:	
	Telephone Number: (Home)	(Work) <u>519-698-1198</u> (Fax)
	totophione i mindott (mono)	
	Applicant's Name:	
	F-mail Address:	
	Talanhana Number (Hama)	(Work)(Fax)
	relephone Number. (Frome)	(WOIK) (Fax)
	Agent's Name:	Nathan Martin
	•	
	Address:	PO Box 128, 265 Bridge Street, Fergus, ON N1M 2W7
	E-mail Address:	_nmartin@smithvaleriote.com (Work) 519-843-1960(Fax) 519-843-6888
	Telephone Number: (Home)	(Work) 519-843-1960(Fax) 519-843-6888
	Send Correspondence to?	Owner () Applicant () Agent (χ)
		•
2.	Date of Application:	August 18, 2016
3.	Type of Transaction: (e.g. a	transfer for the creation of a new lot, a lot addition, an easement, a charge,
		se or a correction of title)
		· · · · · · · · · · · · · · · · · · ·
	Application for a lot I	ine adiustment
	1 1	
1	Name of person(s) to whom	the land or interest in land is to be transferred, charged or leased:
т.	Marito of berson(s) to whom	and ratio of interest in ratio is to be transferred, charges of reased.

Intent is for severed parcel to be transferred to adjoining land owner, Nevin Martin

ō. Lo	egal Description	of Property:					
	Municipality	Township of M	1elancthon		*******************************		
	Lot (s)	Part Lots 277 &	278 Conce	ession <u>2</u>	NETS		
	Lot (s)		Regis	tered Plan			
	Part (s)	2, 3, 4, 5	Refer	ence Plan <u>7R</u>	5339		
	Street Address	197255 2nd Lin	e NE, Towns	ship of Melan	cthon		
	Roll Number			_ Survey Attac	hed - Yes (X)	No ()	
6. A	re there any ease	ments or restrictive o	covenants affe	cting the subjec	ct property? Ye	s NoX	
7. If	the answer to Se	ection 6 is yes, a des	cription of eac	th easement or	covenant and its	s effect.	
8. (a) Description of	lands to be SEVER	ED or EASE	MENT/RIGHT	Γ-OF-WAY:	(in metric units)	
	Frontage: Par	ts 2 & 5, Plan 7R	5339	Area:	90,000 mete	ers squared (9.0 ha)	
	Depth:	*irregul	ar shape				
	Existing Use: _	Agricultural		Proposed V	Use: Agricultu	ıre	
	Existing and pr	oposed buildings an	d structures or	n land to be sev	vered:		
	Existing:n/	a					
	Proposed: n/a	l					
	What type of ac	ccess do the lands in	tended to be S	EVERED hav	e?		
	Provincial High	iway		County I	Road		
	Provincial Highway Year Round Municipal Road Unopen Road Allowance			County Road Seasonal Municipal Road Private Right-of-way			
	Other, please sp	pecify			Kigui-oi-way		
		·					
	Services curren	tly available, or to b	e available for	r the SEVERE	D parcel:		
	Municip Water	oal Communal Water	Private Water	Municipal Sewers	Commun Sewers	al Private Sewers	
Existi	ing ()	()	()	()	()	()	

(b) Description of lands to be RETAINED:		ED:	(in metric units))		
Fronta	Parts 3 & 4, Plan 7R 5339 Frontage:		5339	35 a	cres & 148 acre	s in adjacent parce
		*Irregular shape				
		ricultural		Proposed Use	: Agricultural	
Existi	ng and propos	sed buildings an	id structures o	n land to be retaine	ed:	
Existi	ng: No bu	uildings or stru	ictures on la	ind		
Ргоро	sed: No bu	uildings or stru	uctures on la	ind		
What t	type of access	do the lands int	tended to be R	ETAINED have?		
Year I Unope	Round Munic en Road Allov	pal Road wance	X		ht-of-way	
Servic	ces currently a	vailable, or to b	e available fo	r the RETAINED	parcel:	
	Municipal Water		Private Water	•		Private Sewers
Existing Proposed	()	()	()	()	()	()
0 (a) Presen	nt Official Plan	n designation of	the land . Ag	riculture		
		e land: Gener				
					1 - F - 1 F - 1 - 4 :-	
	Planning Act	•	ect or an appu		No X	vision under Section
If the ans	swer is yes, th	ie file number o	f the applicati	on and the status o	of the application.	
l 1. Has any l	land been seve	ered from the pa	rcel originally	y acquired by the o	wner of the subject See Schedule	
		n 11 is "Yes", p for each lot sev		previous severanc		ketch and supply the
Grantee's	s Name:	Ben	& Deb Scar	rpelli		
Relations	ship (if any) to	o owner:Lanc	llord - Tenar	nt Relationship		
		: <u>May 12, 20</u>			rcel: Residential	
File Nun	nber :	B6/15				

,					
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: No				
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;				
tani					
	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? Yes				

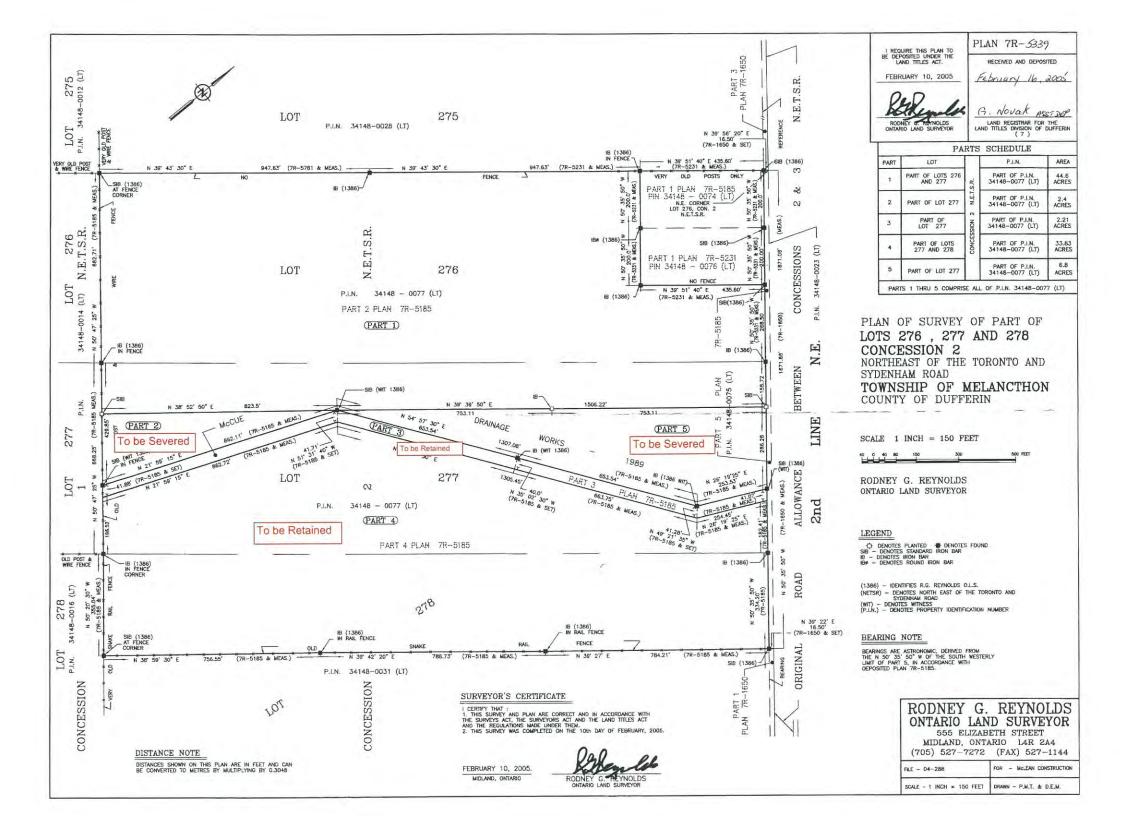
16.	Is the subject land within an area of	and designated under any provincial	plan or plans? No
17.	If the answer to question 16 is yes, be conflict with any applicable provinci		ither conforms with or does not
	If this application involves the creation and/or permanent manure storage facthis application. If this application ir storage facility, a completed MDS II	ilities, a completed MDS I calculation of the completed MDS I calculated a complete of the com	on form must be submitted with facility and/or permanent manure
UPC	ON SUBMISSION OF THIS APPLI	CATION THE APPLICANT AG	REES:
2. 3.	application, including any addition required or incurred and charged to Hearing costs, agreements, special will be my responsibility to provious associated costs may result in refusa as municipal taxes, or any other me To pay the application fee in full property of the second secon	s application covers only routine stood and agreed that any additional information and processing required or by the municipality (i.e. planning studies, other approvals or application de to and/or reimburse the municipal of this application and/or collection eans legally available to the municipation to the processing of this application and to site inspect the property in content to site inspect the property in content and the site inspect and the site inspec	al costs or requirements with this airements, or as may otherwise be ag, legal or engineering fees, OMB ons and any other related matters) ality for same. Failure to pay all a by the municipality in like manner ality.
Affi	davit or Sworn Declaration		
I, _	Nathan Martin	of the Town	of_Fergus
cont	e County of ained in this application and all the cientiously believing it to be true, and artue of the CANADA EVIDENCE A	information provided is true, and knowing that it is of the same force a	
Decl	ared before me	Date: August 18, 20	016
at th	Town of Fergus		11
in th	e Province of Ontario	Signature of Applicant:	
this .	18 day of August	(•
20	16. ODN A Local Parista Donaldison, a Commis		
A Co	Ommissioner, Progress of Ontario, for Smith Valeriote Law Firm LLP, Expense March 20, 2018.	5	

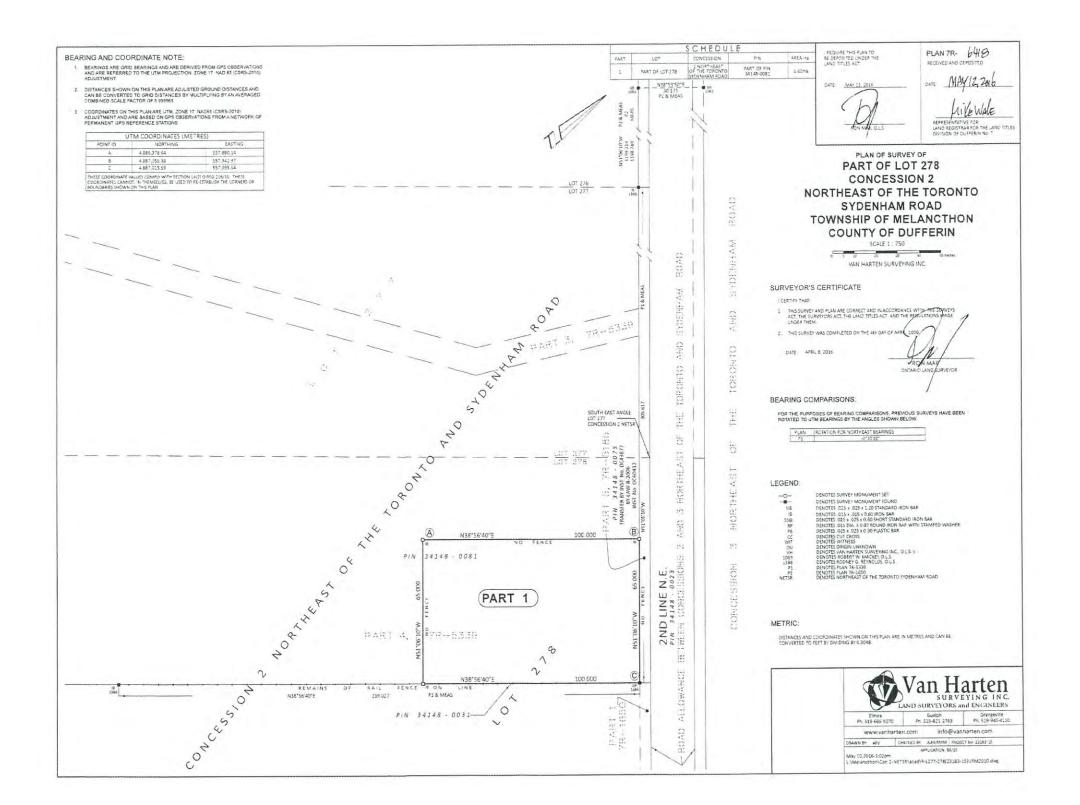
Authorizations:

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 or the authorization set out below must be completed.

Authorization of Owner for Agent to Make Applica	tion and for Agent to Provide Personal Information
I, Derek Jarth application for consent and I authorize Mathan Japurpose of this application and for the purposes of the Fr I authorize my agent to provide any of my personal inform during the processing of this application.	
Any not 15, 2016	Signature of Owner
V Date	Dignature of Owner
Consent of the Owner to the Use and	Disclosure of Personal Information
I. Derek North	, am the owner of the land that is the subject of this
consent application and for the purposes of the Freedauthorize and consent to the use by or the disclosure to are is collected under the authority of the Planning Act for the	om of Information and Protection of Privacy Act, I by person or public body of any personal information that
Angust 15, 2016 Date	Derling
Q Date	Signature of Owner

Property Owners Name :	Derek Martin			
Location of Property:	197255 2nd Line NE, Melancthon, ON	Acreage:	45 Acres &	
Please use the space for your	sketch:		148 Acres	
	ee attached Schedule "A" for lot line adjustme ee attached Schedule "B" for surplus farm dv arcel.			
	•			





· Municipal Planning Services Ltd. ·

MEMORANDUM

To:

Mayor White and Members of Council

Copy:

Ms. Denise Holmes, CAO

From:

Chris D. Jones MCIP, RPP

Date:

September 8, 2016

Re:

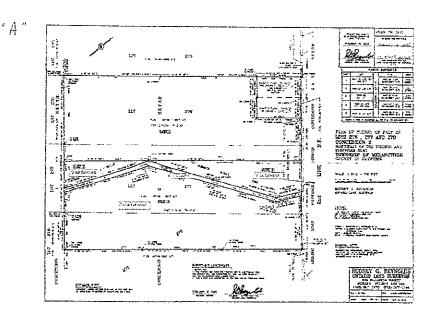
Application for Consent B4-16 (Derek Martin)

BACKGROUND

On December 17, 2015, Council approved consent application B6/15 for lands located in Part Lots 277 and 278, Concession 2, N.E. The approval allowed the severance of a surplus farm dwelling on a lot of 0.6 hectares (1.6 acres) leaving a retained agricultural parcel of approximately 17.4 hectares (43 acres).

The purpose of application B4/16 is to further sever the retained agricultural parcel along the boundary of a current drainage easement known as the McCue Drainage Works 1989. The severed portion north of the drainage easement would be conveyed to the abutting farmer to the north and the retained lot, with a resultant lot area of approximately 74 hectares (183 acres), would continue to be utilized for agricultural purposes.

The following sketch illustrates the proposed severance/boundary adjustment.



51 Churchill Drive, Unit 1 Barrie, Ontario (705) 725-8133 In summary, if the consent is approved:

- approximately 9.2 hectares (22.7 acres) of land legally described as Parts 2 and 5, Plan 7R-5339, located in Part Lots 277 and 278, Concession 2 N.E, would be merged in title with the abutting farm parcel to the north legally described as Part 1, Plan 7R-5339, located in Part Lots 276 and 277, Concession 2, N.E.
- the farm parcel giving up land would have a resultant lot area of approximately
 74 hectares (183 acres); and,
- the farm parcel receiving land would have a resultant lot area of 27.2 hectares (67.3 acres).

OFFICIAL PLAN

The lands subject to the proposed severance are located primarily in the Agricultural designation of the Official Plan. Generally speaking, both the Provincial Policy Statement (2014) and the Township's Official Plan discourage lot creation and fragmentation within prime agricultural areas.

There are several operative Official Plan policies that relate to this proposal that require consideration, these policies are paraphrased below:

- Section 5.2.2 (g) requires farm parcels to be sufficiently large and does not permit the fragmentation of agricultural land holdings into parcels inappropriate for typical local agricultural operations.
- 2. Section 5.2.5 (b) (v) permits the granting of consents for "legal or technical reasons" provided the consent does not permit the creation of new building lot.

ZONING BY-LAW

The minimum lot area for an agricultural lot in the General Agricultural (A1) Zone in 18 hectares. The severed and retained holdings would be compliant with this minimum lot area requirement.

ANALYSIS

In our opinion, the proposed severance is in-line with Section 5.2.5 (b) (v) of the Official Plan, which allows the granting of consents for technical reasons that do not result in the creation of a new lot.

CONDITIONS

Should Committee support the approval of the consent the following conditions are recommended in addition to any standard conditions of approval:

- a) That any future transfer/conveyance of the lands to be merged shall stipulate that Section 50 (3) of the Planning Act shall apply and if necessary, a minimum 1 square foot parcel of land from Part 1, Plan 7R-5339 be conveyed to the Township, free and clear of all and any encumbrances from the original lot to enact a legal merger with the lands to be severed by this consent; and;
- b) That the Secretary be provided with confirmation of the legal merger of Part Lot 278, Concession 1, N.E. with Parts 3 and 4, Plan 7R-5339, located in Part Lots 277 and 278, Concession 2 N.E. as required by the prior approval of Application B6-15.

Respectfully,

Chris D. Jones MCIP, RPP