

TOWNSHIP OF MELANCTHON COMMITTEE OF ADJUSTMENT

The Committee of Adjustment of the Township of Melancthon held a meeting on the 19th day of February, 2015 in the Council Chambers commencing at 6:00 p.m. Members D. White, J. Elliott, D. Besley, W. Hannon and J. Webster were present. Secretary-Treasurer D. Holmes and W. Atkinson were also present. Chairperson D.White presided.

Minutes

The minutes of the January 15, 2015 meeting were circulated. Moved by Elliott, Seconded by Webster that the minutes of the Committee of Adjustment meeting held on January 15, 2015 be approved as circulated.

Business Arising from Minutes

None

Applications for Consent

B1/15 - Bonnefield LP III Inc. (Barton)

A public meeting had been called for 6:00 p.m. to consider an application by Bonnefield LP III Inc. to sever approximately 7.9 acres from the East Part of Lot 17, Concession 3 O.S. RP 7R-5543 Part 1. Kristine Loft, Loft Planning, was in attendance. The Secretary read the correspondence received as a result of the required circulation. The Nottawasaga Valley Conservation Authority reviewed the application and based on their mandate and policies under the Conservation Authorities Act, have no objection to the approval of the application. A report was received from Jerry Jorden, RPP, advising this is an application for a technical consent to enable the conveyance of a property that was reconfigured as a result of a 2005 decision approving a lot enlargement severance. The ownership of the reconfigured property was subsequently consolidated with that of the abutting agricultural land holding and as a result the current consent application is required under the provisions of the Planning Act to enable the conveyance of the subject lot. The existing and proposed uses of the subject lands conform with the applicable policies. In view of its compliance with the applicable planning policies and regulations it is recommended that the application be approved with no planning related approval conditions.

Moved by Elliott, Seconded by Webster that Application B1/15 to sever approximately 7.9 hectares from the East Part of Lot 17, Concession 3 O.S. be approved subject to the following conditions:

1. Taxes and special charges must be paid to date on the subject properties when the deed is submitted for endorsement.
2. Conditions must be fulfilled and deeds stamped by the Secretary on or before one year from the last date of appeal.

Reason for Decision - This application conforms to the Official Plan of the Township of Melancthon. Carried.

B2/15 - Bonnefield LP III Inc. (P. Downey)

A public meeting had been called for 6:00 p.m. to consider an application by Bonnefield LP III Inc. to sever approximately 40.06 hectares from the East Part of Lot 16, Concession 3 O.S. Kristine Loft, Loft Planning, was in attendance. The Secretary read the correspondence received as a result of the required circulation.

The Nottawasaga Valley Conservation Authority reviewed the application and based on their mandate and policies under the Conservation Authorities Act, have no objection to the approval of the application. A report was received from Jerry Jorden, RPP, outlining the application as required to recognize and re-establish separate ownership for an existing lot that is presently in the same ownership as abutting lands. Under the provisions of the Planning Act it cannot be owned separately from those abutting lands without Committee of Adjustment approval. The lot configuration and land use of both the proposed retained and severed lands would comply with the applicable Zoning By-law provisions. In view of its compliance with the application planning policies and regulations, it is recommended the application be approved with no planning related approval conditions.

Moved by Besley, Seconded by Hannon that Application B2/15 to sever approximately 40.06 hectares from the East Part of Lot 16, Concession 3 O.S. be approved subject to the following conditions:

1. Taxes and special charges must be paid to date on the subject properties when the deed is submitted for endorsement.
2. Conditions must be fulfilled and deeds stamped by the Secretary on or before one year from the last date of appeal.

Reason for Decision - This application conforms to the Official Plan of the Township of Melancthon. Carried.

Applications on File

B12/14 - McDowell, Julian

This application was deferred at the January 15, 2015 meeting. Julian McDowell was in attendance and advised the Committee he was interested in purchasing the land that was formerly occupied by a deviation road. He also advised he is surveying his land and asked if he had to survey the Township land as well? The Committee advised that they would have to conduct their own survey and Mr. McDowell then asked if his survey could also be done by our surveyor. Discussion ensued relating to By-law 24-1995 (Real Property Disposition By-law) and whether the right of way is registered on title. It was suggested that a legal opinion be obtained on how to proceed and the interpretation of the by-law. The Secretary was directed to invite the Solicitor to the next meeting. Mr. Dowell was asked if he was willing to pay and further direction was given to find out the cost of a legal opinion and to try and clarify who does own the land, possibly conducting a title search. Mr. McDowell also inquired as to whether the lot could be divided into 3 lots and was advised it would have to conform to all policies and regulations. Deferred to next meeting.

Correspondence

With reference to Consent Applications B1/14 and B2/14, the Secretary advised the Committee that the County of Dufferin Public Works had requested a change to the approval conditions. A report was received from Jerry Jorden, RPP, regarding this request and summarizing the Planning Act provision concerning any change to consent approval conditions. Mr. Jorden also advised that if, in the Committee's opinion, the requested change to conditions is minor it is not required to give written notice. Mr. Jorden further advised that since it is a minor change in approval conditions relating strictly to matters which the County has sole regulatory authority, there is a reasonable basis to approve the requested change in approval condition 6 for consent applications B1/14 and B2/14. The replacement approval condition is worded as follows: "Any modification, improvement or reclassification of an existing entrance or application for a new entrance connecting to Dufferin Road 124 will be reviewed at the time of site plan application to the Town and or through application for an entrance permit to the County of Dufferin".

Moved by Besley, Seconded by Hannon that the change to the approval condition 6 for Consent Applications B1/14 and B2/14 as requested by the County of Dufferin be deemed minor. Carried.

Moved by Webster, Seconded by Elliott that the change to the approval condition 6 for Consent Applications B1/14 and B2/14 as requested by the County of Dufferin be approved. Carried.

Adjournment - 6:30 p.m

Moved by Besley, Seconded by Hannon that we adjourn Committee of Adjustment to meet again on Thursday, March 19, 2015 at 6:00 p.m. or at the call of the Chair. Carried.

CHAIR

SECRETARY