

**TOWNSHIP OF MELANCTHON  
COMMITTEE OF ADJUSTMENT**

The Committee of Adjustment of the Township of Melancthon held a meeting on the 21<sup>st</sup> day of July, 2016 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 Chris Jones, Township Planning Consultant were also present. Member White presided.

**Minutes**

Moved by Hannon, Seconded by Besley that the minutes of the Committee of Adjustment meeting held on June 16, 2016. Carried.

**Business Arising from Minutes**

None.

**Applications for Consent**

**B2/16 - 2312439 Ontario Inc. (D. Martin) - Part of Lot 16, Concession 7 SW**

A public meeting had been called to consider an application by 2312439 Ontario Inc. - Dennis Martin to sever approximately 1.24 hectares from Part Lot 16, Concession 7 SW. The purpose of the application is to sever the surplus farm dwelling from the lands. The retained agricultural holding would have an area of 19 hectares. Chris Jones, Township Planning Consultant was in attendance and spoke to the Planning Report he prepared, dated July 13, 2016. Mr. Jones advised that he is supportive of the application and would like to see the property merged with another property owned by the applicant. Mr. Jones also spoke to the structure labeled as a "barn" on the survey sketch. In previous years, the Committee has always made the applicant take down the barn so that it would not be used to house livestock in the future and he is recommending this in his report. Discussion ensued and concerns were raised that it is a shame to take down a perfectly good barn. There were other concerns that the Township has already set precedent by making other applicants remove the barns, as well as the issues the Township has faced over the years with livestock being kept on residential lots. Mr. Martin asked if there was any special zoning for hobby farms but Mr. Jones did not recommend a special agricultural provision due to the various uses permitted. He did advise that a Rural Residential Exception zone could be placed that would allow the keeping of two horses but concerns were raised about who polices this and the fact that the Township has sent letters to other owners of residential lots advising that horses were not permitted. After discussion, the consensus of all of Council was that they did not want to have livestock on this residential lot. It should be noted that the Grand River Conservation Authority responded to the notice of public meeting and they have no objections to the above noted consent application.

The following motion was put on the floor for further discussion:

Moved by Elliott, Seconded by Webster that Application B2/16 (2312439 Ontario Inc. - Dennis Martin) to sever approximately 1.24 ha. from Part of Lot 16, Concession 7 SW be approved subject to the following conditions:

1. A reference plan of survey is required. Draft survey to be provided to the Township for review prior to registration. A severance sketch to be provided showing all buildings and distances from lot lines.
2. That the severed parcel be zoned to the Rural Residential (RR) Zone.
3. That the retained lands be legally merged in title with Lot 15, Concession 7 SW and that the Applicant's Solicitor provide a written Undertaking that the merger will be immediately registered upon registration of the new lot.
4. That the draft transfer for the new lot and the merger of the retained lands with Lot 15, Concession 7 SW be provided to the Township for review.
5. That the existing structure labeled as a "barn" on the Applicant's survey sketch

- 6. be demolished and cleaned up before the deed is submitted for endorsement.
- 6. Written approval for the septic system including confirmation the filter bed is located in its entirety on the lot to be severed must be received from the County of Dufferin Building Department before the deed is submitted for endorsement.
- 7. Taxes and special charges must be paid to date when the deed is submitted for endorsement.
- 8. Conditions must be fulfilled and deeds stamped by the Secretary on or before one year from the mailing date of the Notice of Decision, as signed by the Secretary.

This application conforms with the Official Plan of the Township of Melancthon and is consistent with the Provincial Policy Statement.

Further discussion ensued and Member Besley asked if he could make a friendly amendment to the motion. He was advised that he could.

In the meantime, a motion by the mover and seconder was put forth to table the motion so that the Committee could hear additional comments from the Planner regarding another option: Moved by Elliott, Seconded by Webster that we table the motion (original w/amendment) to hear comments from the Planner and then reconsider the motion. Carried.

Mr. Jones advised that under Section 53 of the Planning Act, this gives the municipality the authority to enter into a Consent Agreement which is registered on title. The Consent Agreement could state that the Rural Residential Zone prohibits the keeping of livestock. Anyone searching the title of the property would pick up the Agreement.

Member Besley's friendly amendment motion was then introduced as follows:

Moved by Besley, Seconded by Hannon that the Municipality of the Township of Melancthon approve the application for severance applied for by Mr. D. Martin with the exception of Clause # 5 and a clause be added that a Consent Agreement be registered on title by the Township prohibiting the keeping of livestock at the applicant's expense.

**Member Elliott called for a recorded vote:**

**Member Elliott - Nay**

**Member Webster - Yea**

**Member Hannon - Yea**

**Member Besley - Yea**

**Chair - White - Nay**

Carried.

Chair White made the changes to the original motion as a result of the motion passed above.

Moved by Elliott, Seconded by Webster that Application B2/16 (2312439 Ontario Inc. - Dennis Martin) to sever approximately 1.24 ha. from Part of Lot 16, Concession 7 SW be approved subject to the following conditions:

- 1. A reference plan of survey is required. Draft survey to be provided to the Township for review prior to registration. A severance sketch to be provided showing all buildings and distances from lot lines.
- 2. That the severed parcel be zoned to the Rural Residential (RR) Zone.
- 3. That the retained lands be legally merged in title with Lot 15, Concession 7 SW and that the Applicant's Solicitor provide a written Undertaking that the merger will be immediately registered upon registration of the new lot.
- 4. That the draft transfer for the new lot and the merger of the retained lands with Lot 15, Concession 7 SW be provided to the Township for review.
- 5. ~~That the existing structure labeled as a "barn" on the Applicant's survey sketch be demolished and cleaned up before the deed is submitted for endorsement.~~
- 6. Written approval for the septic system including confirmation the filter bed is located in its entirety on the lot to be severed must be received from the

County of Dufferin Building Department before the deed is submitted for endorsement.

7. Taxes and special charges must be paid to date when the deed is submitted for endorsement.
8. Conditions must be fulfilled and deeds stamped by the Secretary on or before one year from the mailing date of the Notice of Decision, as signed by the Secretary.
9. **That a consent agreement be added which stipulates no livestock, be registered on title by the Township at the owners expense.**

This application conforms with the Official Plan of the Township of Melancthon and is consistent with the Provincial Policy Statement.

**Member Elliott called for a recorded vote:**

**Member Elliott - Nay**

**Member Webster - Yea**

**Member Hannon - Yea**

**Member Besley - Yea**

**Chair White - Nay**

Carried.

The decision will be circulated and there will be a 20-day appeal period.

### **Applications on File**

#### **B12/14 - McDowell, Julian**

The Secretary advised that a Report would be forthcoming at the next meeting regarding the Survey from Chris Jones, as there were a couple of issues that needed to be dealt with.

#### **B1/16 - Wayne Nicholson - Applicant / Bonnefield Canadian Farmland LP III-Owner**

Deferred.

### **Correspondence**

None

### **Adjournment - 6:50 p.m.**

Moved by Elliott, Seconded by Webster that we adjourn Committee of Adjustment to meet again on Thursday, August 11, 2016 at 6:00 p.m. or at the call of the Chair.  
Carried.

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CHAIR

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SECRETARY