



**TOWNSHIP OF MELANCTHON - ELECTRONIC MEETING
COMMITTEE OF ADJUSTMENT - THURSDAY, MAY 21, 2020 - 6:00 P.M.**

(For information on how to join the meeting, please go to the Council Meetings page on the Township Website to find the link, meeting code and password)

1. APPROVAL OF MINUTES - April 16, 2020

Motion - that the minutes of the Committee of Adjustment Meeting held on April 16, 2020 be approved as circulated.

2. BUSINESS ARISING FROM MINUTES

3. APPLICATION FOR CONSENT

4. APPLICATION FOR MINOR VARIANCE

5. APPLICATIONS ON FILE

1. B1/19 & B2/19 - Angelo Carnevale - Applications for Consent - Part of the East Part Lot 13, Concession 2 O.S. & East Part Lot 13, Concession 2 O.S.
Letter from Raymond Sawdy regarding Carnevale Applications
2. B1/20 & B2/20 - Harinder Sidhu & Atef Adly Botros and Mona Joseph Khalil - Applications for Consent - Part of Lot 8, Concession 9 SW

6. DELEGATES

7. CORRESPONDENCE

8. ADJOURNMENT

Motion - That we adjourn Committee of Adjustment at _____ p.m. to meet again on Thursday, June 18, 2020 at 6:00 p.m. or at the call of the Chair.

MEMORANDUM

To: Chairman White and Members of Committee
Copy: Ms. Denise Holmes, CAO
From: Chris Jones MCIP, RPP
Date: February 14, 2020
Re: Application for Consent B1/20 and B2/20 (Khalil/Sidhu)

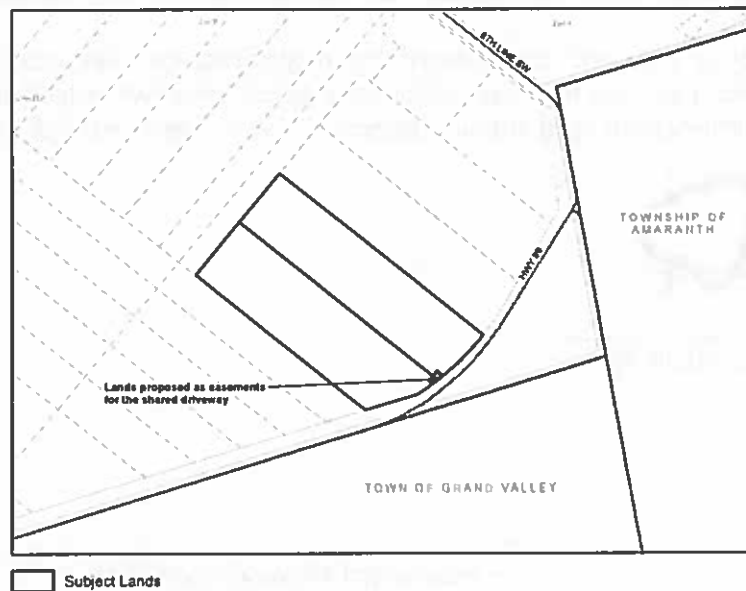
BACKGROUND

The Township is in receipt of two applications for consent to create driveway easements on lands located in Part of Lot 8, Concession 9 S.W. The purpose of the easements is to create a "shared driveway" for two existing lots of record. The shared driveway is a requirement of the MTO in an effort to minimize the number of new entrances onto Highway 89.

Application B1/20 would grant an easement over Part 2, Plan 7R-6577 (from Sidhu to Khalil), which is an existing 4 hectare vacant lot.

Application B2/20 (Khalil) would grant an easement over Part 2, Plan 7R-6435 (from Khalil to Sidhu), which is also a vacant 4 hectare lot.

Figure 1 – Lands Subject to Applications for Easements



OFFICIAL PLAN

The subject lands are located in the Rural designation.

Section 7.2 (a) iv) of the Official Plan states:

"Notwithstanding the policies of subsection (iii) above, or any other policy of this Plan, consents for land conveyances, or for conveyances of an interest in land may be granted for legal or technical reason such as minor boundary adjustments, provided such consent does not result in the creation of a new building lot..."

ZONING BY-LAW

The subject lands are currently zoned General Agricultural (A1). Section 4.4 of the A1 Zone permits existing lots of record which do not comply with the minimum lot area requirement of 18 hectares to be utilized for residential purposes. Given that the existing lot will not be reconfigured as a result of approval of the consent applications, a zoning by-law amendment is not necessary.

CONSENT AGREEMENT

A consent agreement is recommended as a condition of approval for both applications so that the landowners acknowledge their responsibility for the shared driveway which includes issues such as maintenance and liability.

RECOMMENDATION

It is recommended that Consent Applications B1/20 and B2/20 be approved subject to the standard conditions of consent as well as the following condition:

1. That a consent agreement be registered on title acknowledging the shared entrance, and the responsibility of each landowner to address matters related to maintenance and liability associated with the shared driveway.



Chris Jones MCIP, RPP

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. **B1/20**

Date of Meeting: **Thursday, February, 20, 2020** Time: **6:00 p.m.**

Name of Owner/Applicant: **Harinder Sidhu**

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

PROPOSED SEVERANCE: Part of Lot 8, Concession 9 S.W.

Existing Use: **Rural** Proposed Use: **Shared Driveway Access**

Road Frontage: **10.326 m** Depth: **10.043 m**

Area: **87.8 m²**

RETAINED PORTION: Part of Lot 8, Concession 9 S.W.

Existing Use: **Rural** Proposed Use: **Rural**

Road Frontage: **114.063 m** Depth: **365.6 m**

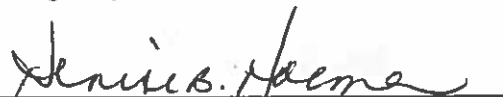
Area: **40,434 m²**

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 Local Planning Appeal Tribunal 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.



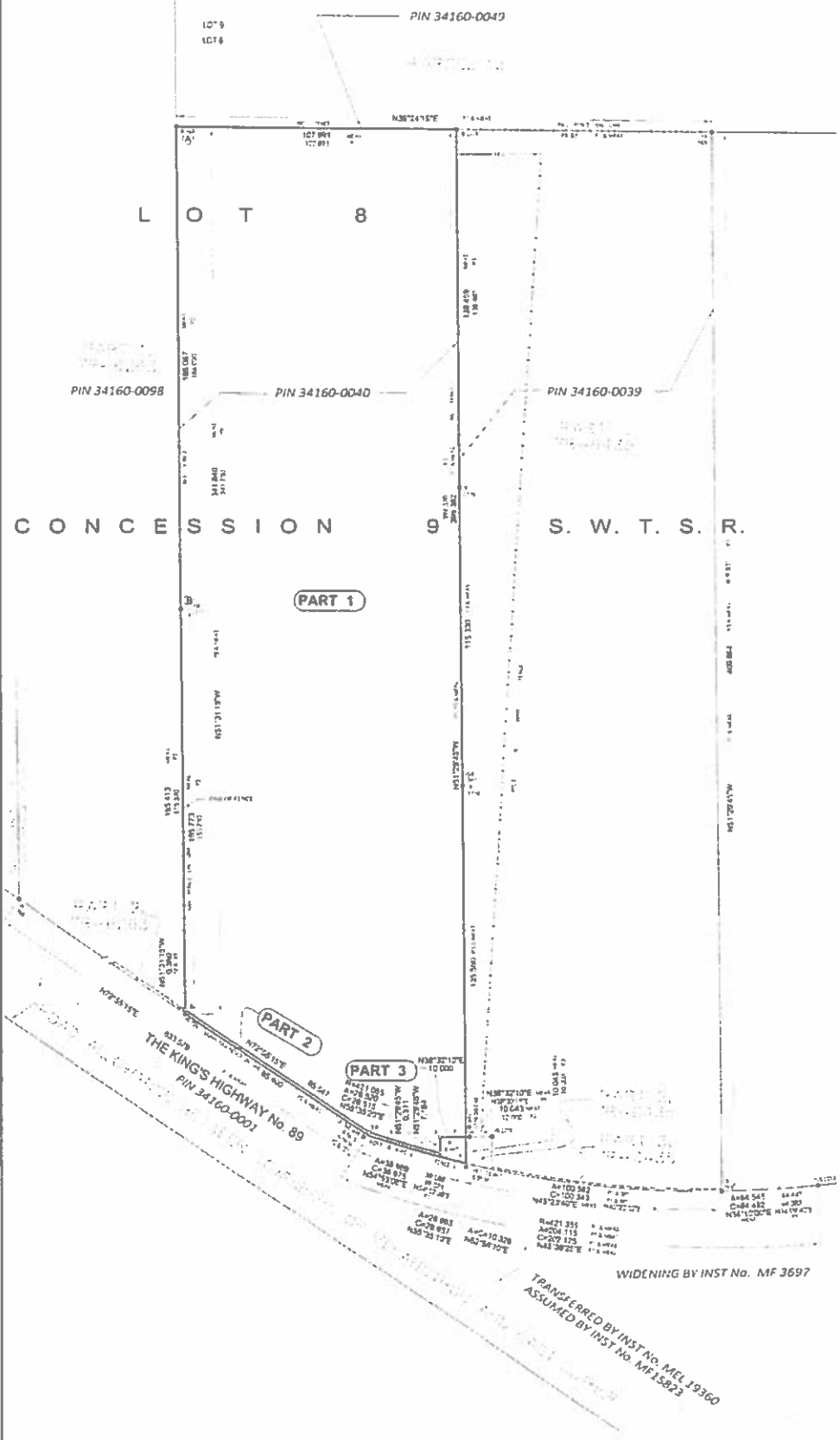
Denise B. Holmes, Secretary-Treasurer

REV	DATE	BY	DESCRIPTION
1	2017.08.15	ML	ISSUED FOR PERMIT
2	2017.08.15	ML	ISSUED FOR PERMIT
3	2017.08.15	ML	ISSUED FOR PERMIT

PLAN 7R-1577
 RECEIVED AND APPROVED
 21, 2017
 L.L. Wilson
 SURVEYOR
 1000 BAYVIEW AVE. SUITE 100
 SCARBOROUGH, ONTARIO M1S 1B7

**PLAN OF SURVEY OF
 PART OF LOT 8
 CONCESSION 9
 SOUTH WEST OF THE TORONTO AND
 SYDENHAM ROAD
 TOWNSHIP OF MELANCTHON
 COUNTY OF DUFFERIN**

SCALE: 1:100
 VAN HARTEN SURVEYING INC.



LEGEND

- 1. BOUNDARY LINE
- 2. CENTERLINE
- 3. RIGHT-OF-WAY LINE
- 4. EASEMENT
- 5. ADJACENT PROPERTY
- 6. ROAD
- 7. FENCE
- 8. UTILITY
- 9. CONCRETE
- 10. BRICK
- 11. IRON
- 12. WOOD
- 13. METAL
- 14. GLASS
- 15. PLASTER
- 16. STONE
- 17. SAND
- 18. GRAVEL
- 19. SOIL

SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly qualified and licensed Surveyor, do hereby certify that the foregoing is a true and correct copy of the original plan as shown to me by the owner of the land shown thereon, and that the same is a true and correct copy of the original plan as shown to me by the owner of the land shown thereon.

DATE: 2017.08.15
 L.L. Wilson
 SURVEYOR

BEARING AND COORDINATE NOTE

1. BEARINGS AND DISTANCES ARE GIVEN IN DECIMAL DEGREES AND DECIMAL MINUTES AND DECIMAL SECONDS.
2. DISTANCES ARE GIVEN IN METERS AND DECIMAL METERS.
3. COORDINATES ARE GIVEN IN METERS AND DECIMAL METERS.

BEARING COMPARISONS

LINE NO.	BEARING	DIFFERENCE
1	N 10° 00' 00" E	0° 00' 00"
2	N 10° 00' 00" E	0° 00' 00"
3	N 10° 00' 00" E	0° 00' 00"

METRIC

ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.

Van Harten SURVEYING INC.
 1000 BAYVIEW AVE. SUITE 100
 SCARBOROUGH, ONTARIO M1S 1B7
 TEL: (416) 291-1177
 FAX: (416) 291-1178
 WWW.VANHARTENSURVEYING.COM



**Corporation of the Township of Melancthon
COMMITTEE OF ADJUSTMENT**

Moved by

Seconded by

Date, 2020

Be it resolved that:

Application B1/20 to sever approximately 87.8 square metres from Part of Lot 8, Concession 9 S.W. for shared driveway access be approved subject to the following conditions:

1. A legal registered plan of survey is required.
2. Rezoning is required to recognize the loss of reduction of the lot frontages as a result of the taking of reserve blocks by the Ministry of Transportation.
3. That the parties enter into a Mutual Access Easement Agreement with the Township whereby they agree firstly to build and maintain the required driveway within the proposed right of way to a standard that will enable municipal, public service and emergency service vehicles to access the subject properties and secondly to indemnify the Township again any actions arising from access problem resulting from the condition of that driveway. This Agreement to be finalized before the deed is stamped by the Secretary.
4. The Township's Solicitor to review the Mutual Access Easement Agreement between the applicant and other parties and provide confirmation that it is satisfactory in so far as it relates to matters of municipal interest before the deed is stamped by the Secretary.
5. That an entrance to the parcel be approved by the Ministry of Transportation and the entrance installed before the deed is submitted for endorsement.
6. That the applicant provides the Township with an Acknowledgment and Direction endorsed by the MTO confirming the MTO is satisfied with the legal documents and transfer related to the 0.3 metre reserve and the mutual easement.
7. That a County Rural Civic Address be assigned to the entrance by the County of Dufferin and the sign be installed before the Deed is submitted for endorsement.
8. Taxes and all charges incurred as a result of this application must be paid to date when the deed is submitted for endorsement.
9. Conditions must be fulfilled and deeds stamped by the Secretary on or before one year from the mailing date stamp of this Notice, as signed by the Secretary.

This application conforms to the Official Plan of the Township of Melancthon.

<u>Recorded Vote</u>	<u>Yea</u>	<u>Nay</u>
Chair Darren White		
Member David Besley		
Member Wayne Hannon		
Member Margaret Mercer		
Member David Thwaites		

Carried/Lost: _____

CHAIR

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. **B2/20**

Date of Meeting: **Thursday, February, 20, 2020** Time: **6:00 p.m.**

Name of Owner/Applicant: **Atef Adly Botros and Mona Joseph Khalil**

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

PROPOSED SEVERANCE: Part of Lot 8, Concession 9 S.W.

Existing Use: **Rural** Proposed Use: **Shared Driveway Access**

Road Frontage: **10.26 m** Depth: **10.00 m**

Area: **80.94 m²**

RETAINED PORTION: Part of Lot 8, Concession 9 S.W.

Existing Use: **Rural** Proposed Use: **Rural**

Road Frontage: **100.55 m** Depth: **404.6 m**

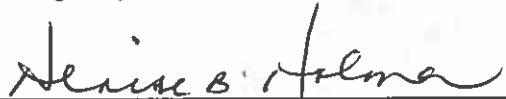
Area: **40,375.48 m²**

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 Local Planning Appeal Tribunal 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

PLAN OF SURVEY OF
**PART OF LOT 8
 CONCESSION 9**
 SOUTH WEST OF THE TORONTO AND SYDENHAM ROAD
 TOWNSHIP OF MELANCTHON
 COUNTY OF DUFFERIN

CULLEN & ASSOCIATES 2016

SCALE 1:1000

METRIC
 DISTANCES SHOWN ON THIS
 PLAN ARE IN METRES AND
 CAN BE CONVERTED TO FEET
 BY DIVIDING BY 0.3048

I REQUIRE THIS PLAN
 TO BE DEPOSITED UNDER
 THE LAND TITLES ACT

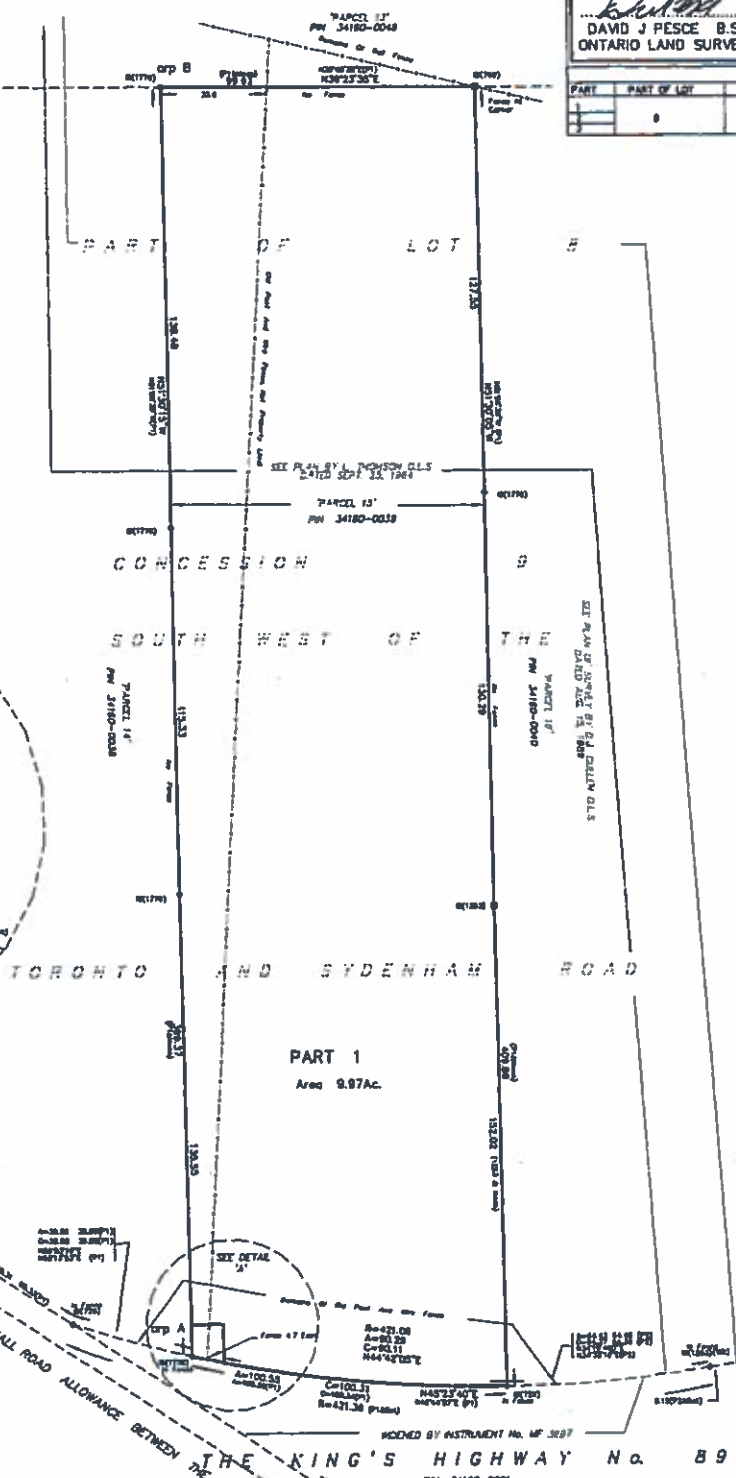
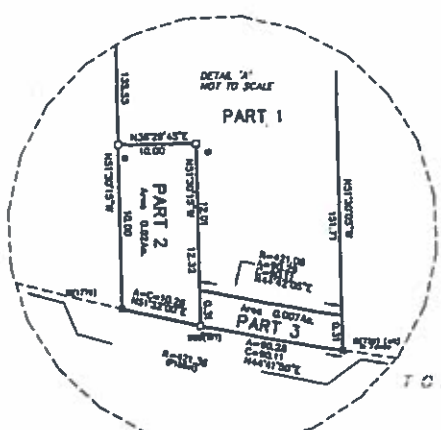
DATE *Sept 2, 2016*
 DAVID J PESCE B.Sc.
 ONTARIO LAND SURVEYOR

PLAN 7R-6435

RECEIVED AND DEPOSITED
 DATE *Sept 2, 2016*

John Babro
 REPRESENTATIVE FOR THE
 LAND TITLES DIVISION OF
 DUFFERIN (No. 7)

PART	PART OF LOT	SCHEDULE	CONCESSION	ALL OF PIV	AREA
0		0		34180-0038	



BEARING NOTE
 BEARINGS ARE UTM GRID BEARINGS, DERIVED FROM GPS OBSERVATIONS
 AND ARE REFERRED TO THE UTM PROJECTION, ZONE 17, NAD83 (CGRS 1987) ADJUSTMENT
 DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND DISTANCES AND CAN BE
 CONVERTED TO UTM GRID DISTANCES BY MULTIPLYING BY A CORRECTION SCALE
 FACTOR OF 0.9998519

UTM COORDINATES		
POINT	NORTHING	EASTING
PT 4	4974110.00	821110.00
PT 5	4974110.00	821110.00

NOTE: COORDINATE VALUES SHOWN IN UTM GRID COORDINATE SYSTEM
 ARE BASED ON THE DATUM OF 1983, SAME AS THE PLAN

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
 1.) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE
 SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT,
 AND THE REGULATIONS MADE UNDER THEM.
 2.) THIS SURVEY WAS COMPLETED ON THE 20th DAY OF JULY 2016
David Pesce
 DATE DAVID J PESCE B.Sc.
 ONTARIO LAND SURVEYOR

NOTE
 P1 DENOTES PLAN BY L. THOMSON O.L.S. DATED SEPT 24, 1967
 P2 DENOTES PLAN BY G.J. CULLEN O.L.S. DATED AUG 15, 1969

CULLEN & ASSOCIATES
 PROFESSIONAL LAND SURVEYOR
 56 THIRD STREET, ORANGEVILLE, ONT. L9V 2B3
 PHONE (518) 941-3881, FAX (705) 434-0158
 email: ccul@telusnet.on.ca

EXAMINED BY DJP OLS	DRAWN BY CALC'D BY
PROJECT 13-024(RP)	



**Corporation of the Township of Melancthon
COMMITTEE OF ADJUSTMENT**

Moved by

Seconded by

Date, 2020

Be it resolved that:

Application B2/20 to sever approximately 80.94 square metres from Part of Lot 8, Concession 9 S.W. for shared driveway access be approved subject to the following conditions:

1. A legal registered plan of survey is required.
2. Rezoning is required to recognize the loss of reduction of the lot frontages as a result of the taking of reserve blocks by the Ministry of Transportation.
3. That the parties enter into a Mutual Access Easement Agreement with the Township whereby they agree firstly to build and maintain the required driveway within the proposed right of way to a standard that will enable municipal, public service and emergency service vehicles to access the subject properties and secondly to indemnify the Township again any actions arising from access problem resulting from the condition of that driveway. This Agreement to be finalized before the deed is stamped by the Secretary.
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9. Conditions must be fulfilled and deeds stamped by the Secretary on or before one year from the mailing date stamp of this Notice, as signed by the Secretary.

This application conforms to the Official Plan of the Township of Melancthon.

<u>Recorded Vote</u>	<u>Yea</u>	<u>Nay</u>
Chair Darren White		
Member David Besley		
Member Wayne Hannon		
Member Margaret Mercer		
Member David Thwaites		

Carried/Lost: _____

CHAIR