

APPLICATION FOR CONSENT B 04-2013 EASEMENT DRIVEWAY

21.3.014

INFORMATION FOR PRESENTATION TO COUNCIL

- IT WAS A NATURAL ASSUMPTION AT THE TIME OF PURCHASE IN 1984 THAT THE DRIVEWAY SERVICING THE BARN AND YARD ACCESS WERE PART OF THE SEVERED PARCEL AS IT WAS THE ONLY VEHICULAR ACCESS TO THE EXISTING BARN AND BARNYARD ENTRY - REFER TO PHOTO.
- AS ACKNOWLEDGED AND PRESENTED BY PETER LUSH, ERRORS WERE MADE BY LUSH CO, AND THE SURVEYORS. THE TOWNSHIP DID NOT BECOME AWARE THAT THE ONLY ACCESS TO THE BARNYARD AND BARN WERE NOT INCLUDED IN THE SEVERED PARCEL SURVEY.
- THE DRIVEWAY HAS BEEN THE SOLE ACCESS TO THE DETACHED ACCESSORY BUILDING AND YARD FOR WELL OVER 50 YEARS AND HAS HAD CONTINUED USE AS SUCH BY THE CURRENT OWNER SINCE THE 1984 PURCHASE.
- IN ADDITION, DUE TO STRUCTURAL FAILURE OF THE EXISTING BARN I CONSULTED WITH THE BUILDING DEPARTMENT IN 1995 REGARDING AN OPTION FOR A REPLACEMENT STRUCTURE OF SIMILAR SIZE. THE BUILDING DEPARTMENT REVIEWED THE SITE CONDITIONS AND ADVISED ME AS LONG AS I KEPT THE NEW STRUCTURE IN THE SAME LOCATION AS THE EXISTING BARN, THERE WOULD BE NO PERMIT RESTRICTIONS OR ISSUES. A PERMIT WAS ISSUED WHICH DULY NOTED THAT THE STRUCTURE WAS TO BE ERECTED IN THE LOCATION AS IDENTIFIED. THIS WAS DONE. AT NO TIME DID THE TOWN FLAG THAT THERE WAS NO LEGAL ACCESS TO THE AUTHORIZED STRUCTURE AS IT APPEARS THAT THE BUILDING OFFICIAL ALSO MADE THE NATURAL ASSUMPTION THAT THE EXISTING DRIVEWAY WAS PART OF OUR PROPERTY.
- A COUPLE OF YEARS AGO WE PLANNED TO MAKE SOME LANDSCAPE IMPROVEMENTS NEAR THE DRIVE ENTRANCE AT WHICH TIME DUE TO A PROPERTY SPECIFIC SURVEY VERIFICATION IT CAME TO LIGHT THAT THE DRIVEWAY WAS NOT A PART OF OUR PROPERTY. WE SUBSEQUENTLY APPROACHED THE OWNER/SELLER TO CORRECT WHAT WAS ACKNOWLEDGED BY HIM AS AN ERROR MADE DURING THE SURVEY/SEVERENCE PROCESS AS THE DRIVEWAY SHOULD HAVE BEEN INCLUDED IN THE SEVERED PARCEL AND APPROVED BY THE TOWN AS FINAL.



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21.3.014



APPLICATION FOR CONSENT 304-2013 EASEMENT-DRIVEWAY

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Baring St

ENTRANCE
↑ Alfred St W

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