



TOWNSHIP OF MELANCTHON

COMMITTEE OF ADJUSTMENT

THURSDAY, SEPTEMBER 19, 2019 - 6:00 P.M.

- 1. APPROVAL OF MINUTES - June 20, 2019**
- 2. BUSINESS ARISING FROM MINUTES**
- 3. APPLICATION FOR CONSENT**
 1. B10/19 - Allen and Melinda Bauman - Pt Lot 291, Lot 292, Lot 293, Pt Lot 294, Con 4 S.W.
 2. B11/19 - Owen & Ina Hoover and Levi & Selina Martin - Boundary Adjustment - Part Lot 32, Concession 3 N.E., Part Lot 32, Concession 4 N.E.
- 4. APPLICATION FOR MINOR VARIANCE**
- 5. APPLICATIONS ON FILE**
 1. B12/14 - Julian McDowell - West Part Lot 15, Concession 1 OS
- 6. DELEGATES**
- 7. CORRESPONDENCE**
- 8. ADJOURNMENT**

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. **B10/19**

Date of Meeting: **September 19, 2019** Time: **6:00 p.m.**

Name of Owner/Applicant: **Allen and Melinda Bauman**

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

PROPOSED SEVERANCE: Pt Lot 291, Lot 292, Lot 293, Pt Lot 294, Con 4 S.W.

Existing Use: **Agriculture** Proposed Use: **Agriculture**

Road Frontage: **500 m. approx.** Depth: **800 m. approx.**

Area: **40 ha. approx.**

RETAINED PORTION: Lot 293, Pt. Lot 294, Con 4 S.W.

Existing Use: **Agriculture** Proposed Use: **Agriculture**

Road Frontage: **800 m. approx.** Depth: **500 m. approx.**

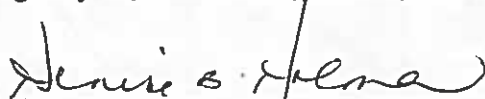
Area: **40 ha. approx.**

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.

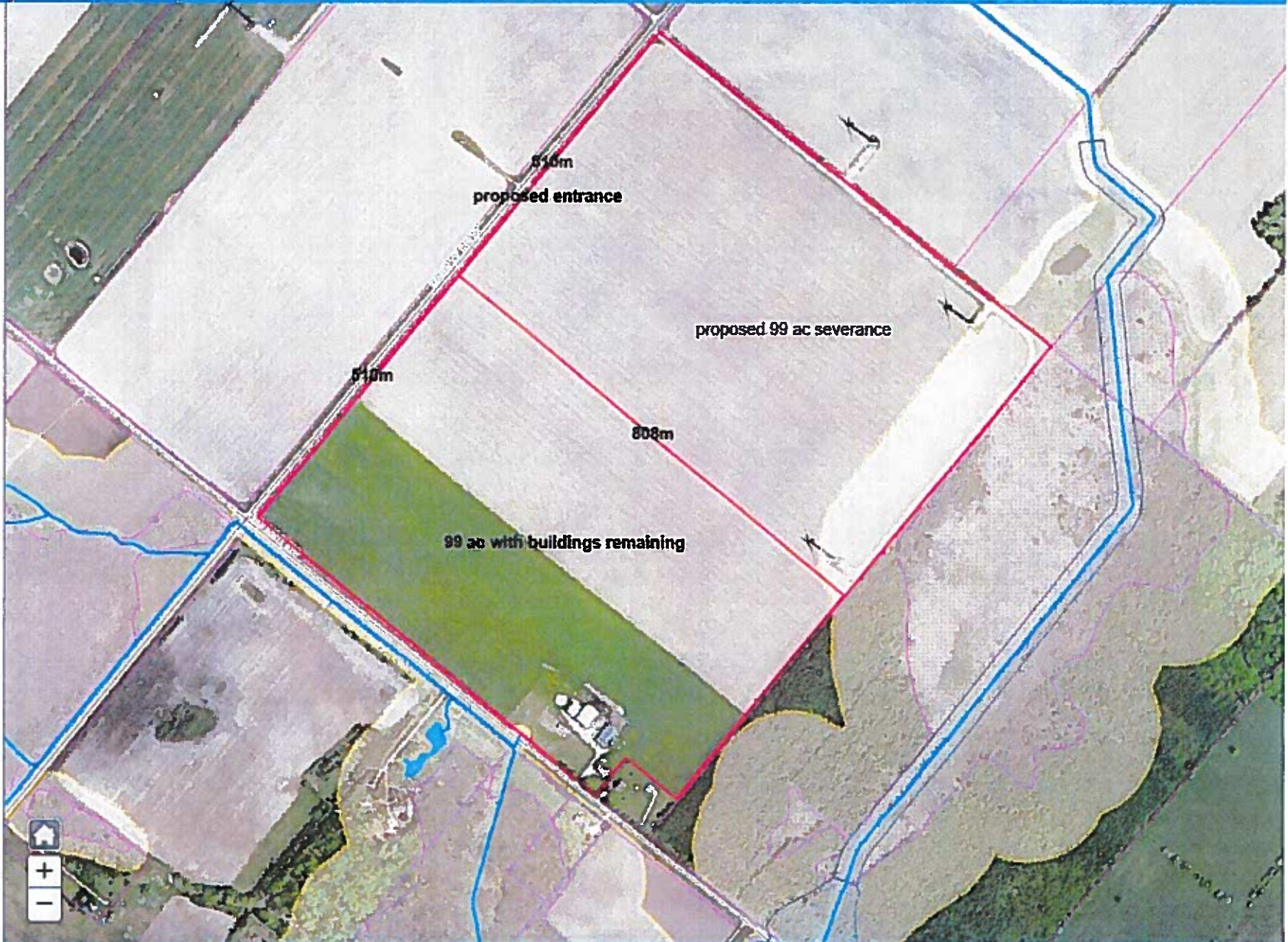
If you require additional information on this application, it may be obtained by contacting the Secretary-Treasurer at the above address during regular office hours.

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



• Municipal Planning Services Ltd. •

MEMORANDUM

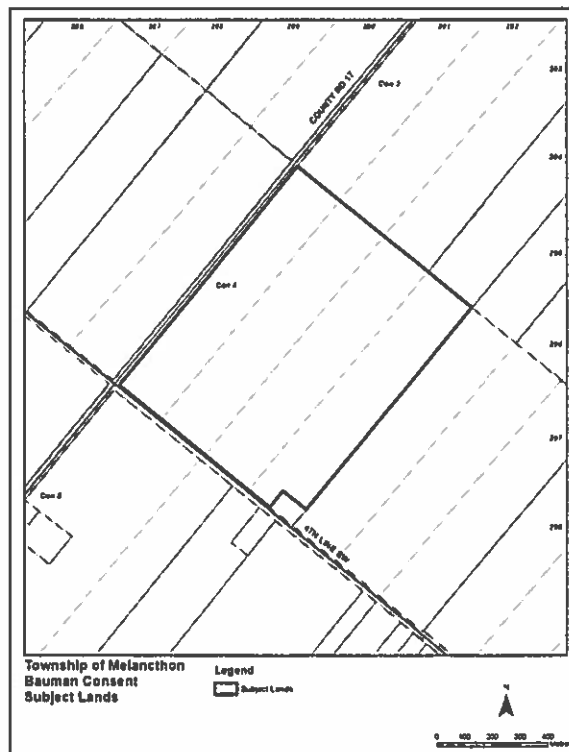
To: Chairman White and Members of Committee
Copy: Ms. Denise Holmes, CAO
From: Chris Jones MCIP, RPP
Date: September 12, 2019
Re: Application for Consent – File B10/19 (Allen and Melinda Bauman)

BACKGROUND

The Township is in receipt of an application for consent submitted by Mr. and Mrs. Bauman. The purpose of the application is to sever a new farm parcel from lands located at 096157 4th Line SW, described as Part Lots 291, 292, 293 and 294, Concession 4, S.W. The subject lands have a total lot area of approximately 80 hectares (197 acres) and are currently occupied by a detached dwelling and three agricultural buildings.

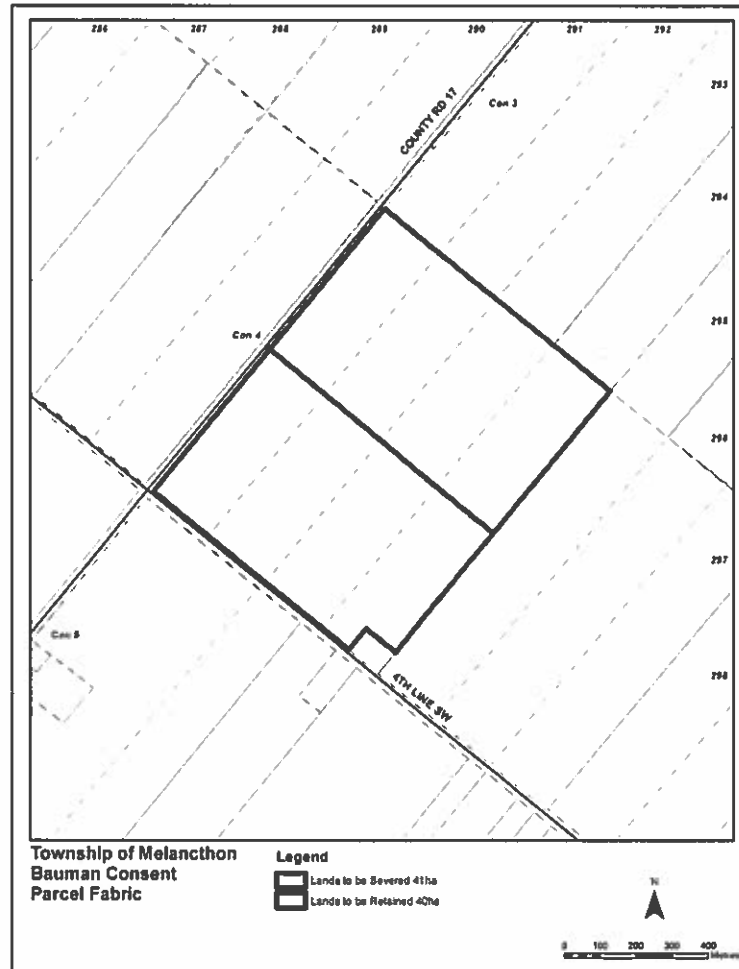
The location of the subject lands is shown in Figure 1.

Figure 1 – Subject Lands



The purpose of the application is to sever the subject lands in the manner illustrated in Figure 2 to create two farm parcels, each with an area of approximately 40 hectares (99 acres).

Figure 2 – Severed and Retained Lands



OFFICIAL PLAN

The lands subject to the proposed severance are currently designated Agricultural. Section 5.2.5 (b) i) is the salient consent policy applicable to the application, it states:

Lots may be created for agricultural uses, provided such lots are of a size appropriate for the type of agricultural uses that are common in this area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. Compliance with the policies of subsection 5.2.2 (h) is particularly important in this regard. The applicable minimum agricultural lot size

provisions shall be addressed in the implementing Zoning By-law and new lots for agricultural uses shall be approximately 40 hectares or the original survey lot size, whichever is lesser.

Section 5.2.2 (h), referenced in the above-mentioned policy states:

Farm parcel size shall be sufficiently large to facilitate strong and flexible farm operations on a long-term basis. The fragmentation of agricultural land holdings into parcels inappropriate for typical local agricultural operations shall not be permitted. All new lots must remain sufficiently large to maintain flexibility for future changes in the type of size of agricultural operations. The implementing zoning by-law shall set minimum agricultural lot sizes.

ANALYSIS

The severed and retained lands are approximately 40 hectares in lot area and are sufficiently large enough to facilitate strong and flexible farm operations on a long-term basis. Therefore it is my opinion that this application conforms with the salient consent policies in the Township's Official Plan regarding lot creation in the Agricultural designation.

RECOMMENDATION

If Committee is in agreement with this report, it is recommended that application B10/19 be approved subject to the standard conditions of approval.

Respectfully,



Chris D. 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. B11/19

Date of Meeting: **September 19, 2019** Time: **6:00 p.m.**

Name of Owner/Applicant: **Owen & Ina Hoover and Levi & Selina Martin**

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

PROPOSED SEVERANCE: Boundary Adjustment -Part Lot 32, Concession 3 NE, Part Lot 32, Concession 4 NE

Existing Use: **Rural Residential** Proposed Use: **Agricultural**

Road Frontage: **904 m** Depth: **400 m**

Area: **36.2 ha**

RETAINED PORTION: Part Lot 32, Concession 4 NE

Existing Use: **Agricultural** Proposed Use: **Agricultural**

Road Frontage: **1,010 m** Depth: **400 m**

Area: **40.2 ha**

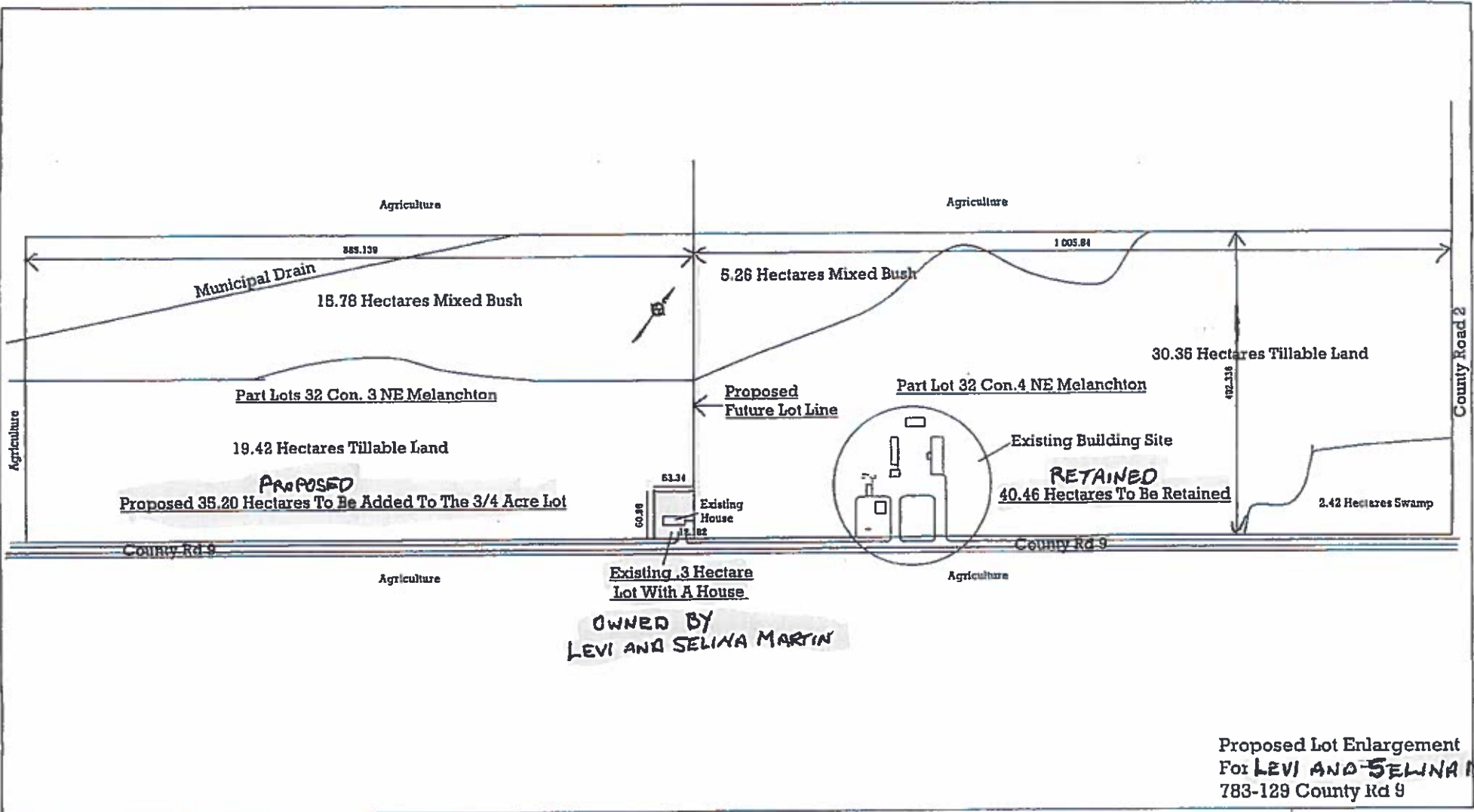
The land is not the subject of an application under the Act for an Official Plan Amendment, Zoning By-law Amendment, or Minor Variance application.

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



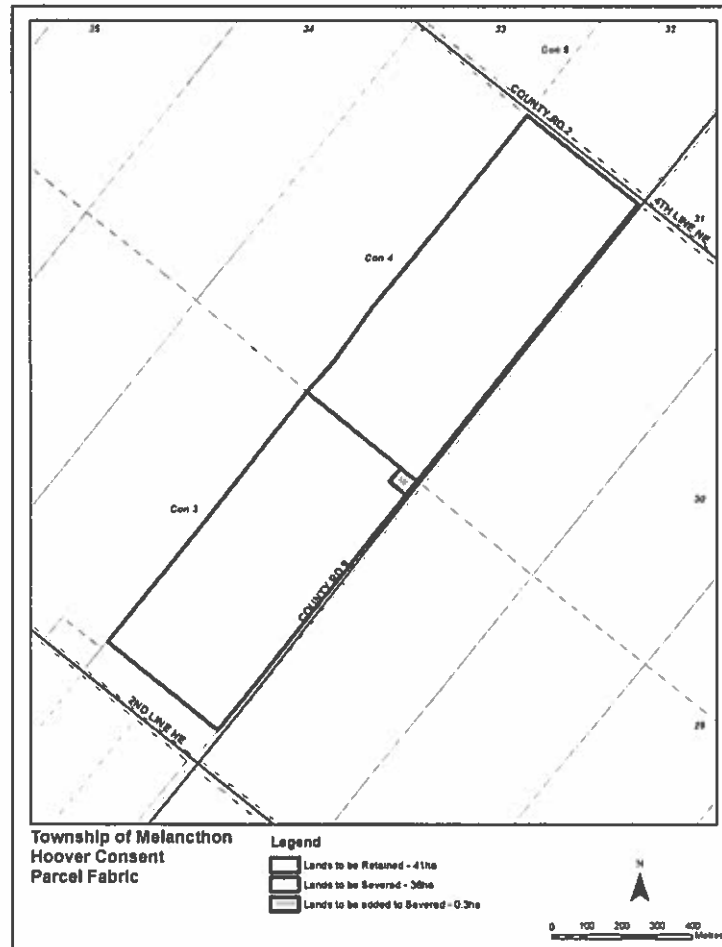
OWNED BY
LEVI AND SELINA MARTIN

Proposed Lot Enlargement
For LEVI AND SELINA MARTIN
783-129 County Rd 9

The consent application would facilitate a boundary adjustment that would ultimately result in the creation of two larger farm parcels but would also facilitate the consolidation of an existing residential parcel with one of the proposed farm parcels. The following is a summary of the operative steps involved with this application:

- Hoover severs and consolidates the west 36 ha of his current farm (shown in Figure 2 in red) with the existing small parcel owned by Levi Martin (shown in Figure 2 in grey).
- As a condition of consent, Hoover would acquire the Martin lot, making Hoover the owner of both the newly consolidated lot and the retained lot.
- Hoover would transfer the newly consolidated lot to his son.

Figure 2 – Severed and Retained Lands



OFFICIAL PLAN

The lands subject to the proposed severance are designated Agricultural. Section 5.2.5 (b) i) is the salient consent policy applicable to the application, it states:

Lots may be created for agricultural uses, provided such lots are of a size appropriate for the type of agricultural uses that are common in this area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. Compliance with the policies of subsection 5.2.2.(h) is particularly important in this regard. The applicable minimum agricultural lot size provisions shall be addressed in the implementing Zoning By-law and new lots for agricultural uses shall be approximately 40 hectares or the original survey lot size, whichever is lesser.

Section 5.2.2 (h), referenced in the above-mentioned policy states:

Farm parcel size shall be sufficiently large to facilitate strong and flexible farm operations on a long-term basis. The fragmentation of agricultural land holdings into parcels inappropriate for typical local agricultural operations shall not be permitted. All new lots must remain sufficiently large to maintain flexibility for future changes in the type of size of agricultural operations. The implementing zoning by-law shall set minimum agricultural lot sizes.

Section 5.2.5 (b) v), is a policy that addresses lot line adjustments in the Agricultural designation, it states:

In accordance with the policies of Section 7.2, consents may be granted for lot line adjustments for legal and technical reasons provided the consent does not result in the creation of a new building lot.

Section 9 (q) of the Plan (definitions), defines "legal and technical reasons" in the following manner:

Means severances for purposes such as easements, deed corrections, quit claims and minor boundary adjustments that do not result in the creation of a new lot.

PREVIOUS APPLICATIONS

It is noted the applicant has submitted two prior consent applications for the same parcel.

In 2013, Committee approved an application similar to the current application i.e. an application that would facilitate a boundary adjustment/farm split and that would not create a "new" lot. However the applicant never finalized the conditions of approval and the consent lapsed.

In 2015, the applicant submitted an application to sever the farm into a 36 ha and 40 ha parcel. This application did not propose a merger with the smaller lot and therefore would result in the creation of a new, stand-alone farm parcel. This application was denied on the basis the severed lot was considered to be insufficient in size.

ANALYSIS

The Township's Official Plan permits lot line adjustments as well as the creation of new farm parcels in the Agricultural designation. Although the resultant lot, with an lot area of approximately 36 ha is less than the policy requirement of 40 ha for a farm parcel, I find merit in the fact that the proposal would result in the merger of a non-farm lot with a larger farm holding. I believe this addresses one of the underlying objectives of the Agricultural designation which is to protect farm operations from being hindered by conflicting development.

This application is the same as the application that was approved by the Committee in 2013.

RECOMMENDATION

If Council is agreement with the analysis of this report, it is recommended that application B11/19 be approved subject to the standard conditions of approval in addition to the following conditions:

1. That the benefitting parcel, owned by Levi and Selina Martin be transferred to the owner of the abutting lands (owned by Owen Hoover) in such a manner that the lands merge in title to become a single lot and confirmation of the merger be provided to the Clerk. If necessary, the owner may convey a 1 foot by 1 foot part from the benefitting parcel to the Township to facilitate a merger;
2. That the applicant provide the Township Clerk with a draft reference plan identifying the part created as a result of the lot line adjustment, with the new lot line extending north from the east lot line of the benefitting parcel and that the survey identify the location of all buildings and structures on the resultant parcel;
3. That the applicant enter into a consent agreement with the Township to formalize the legal merger of the Martin parcel with the severed lands and to formalize that the existing building cluster will remain in its current location.

Respectfully,



Chris D. Jones MCIP, RPP