



**TOWNSHIP OF MELANCTHON
COMMITTEE OF ADJUSTMENT ELECTRONIC MEETING
THURSDAY, FEBRUARY 16, 2023 - 6:00 P.M.**

Join Zoom Meeting

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Meeting ID: 820 9576 2772

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AGENDA

- 1. CALL TO ORDER**
- 2. ADDITIONS/DELETIONS/APPROVAL OF AGENDA**
- 3. DECLARATION OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**
- 4. APPROVAL OF MINUTES – December 15th, 2022**
- 5. BUSINESS ARISING FROM MINUTES**
- 6. APPLICATION FOR CONSENT**
- 7. APPLICATION FOR MINOR VARIANCE**
 1. A1/23 Part Lot 25, Concession 7 SW (Sadra Abrishamkar)
- 8. APPLICATION FOR VALIDATION OF TITLE**
- 9. CERTIFICATE OF CANCELLATION**
- 10. APPLICATIONS ON FILE**
 1. B6/22 – Belford – Lots 32-34, Plan 332
- 11. DELEGATES**
- 12. CORRESPONDENCE**
 1. Report from Chris Jones, Change of Conditions on Applications for Consent B5/21, B6/21, B7/21, B7/22 and B8/22.
- 13. ADJOURNMENT**



Subject: Planning Report –A1/23–078149 7th line SW-Abrishamkar
Department: Planning
Meeting Date: 2023-02-16

Recommendations

That Planning Report – A1/23 –078149 7th line SW-Abrishamkar be received;

And that Minor Variance Application A1/23 be APPROVED.

Introduction

Legal Description: Part of Lot 25, Concession 7 SW

Municipal Address: 078149 7th Line SW

Applicant(s): Sadra Abrishamkar

Official Plan Designation: Rural and Environmental Conservation

Zoning (By-law 12-1979, as amended): General Agricultural (A1), Open Space Conservation (OS2)

Purpose: The purpose and effect of the application is to permit a porch addition and a second storey addition to the existing single storey legal non-conforming dwelling.

Background

The applicant, Sadra Abrishamkar, has applied for a minor variance for the property located at 078149 7th Line SW. According to the application, the subject property has an area of 45769.95 square metres (11.31 acres) with a frontage of approximately 287.86 metres (944.42 ft.).

The subject property is occupied by a single-storey dwelling and a barn. The existing single-storey storey dwelling is legal non-conforming as it is located within the Open Space Conservation (OS2) zone with a floor area of 95.43 square metres (1027.19 square feet). The floor area of the existing barn is 111.48 square metres (1200 square feet).

The applicant proposes to add a porch of 5.57 square metres (60 square feet). The proposed floor area of the main floor is the same as the existing i.e. 95.43 square metres. The proposed floor area of the second floor is 109.78 square metres (1181.66 square feet) resulting in a gross floor area of 205.21 square metres (2208.86 square feet). The height of the dwelling is proposed to be 9.04 metres (29.65 ft.). The existing barn remains the same.

A conceptual site plan showing the proposed development is indicated in Appendix No. 1.

Planning Analysis

Four Tests of a Minor Variance

A minor variance application is evaluated against four tests prescribed under Section 45(1) of the Planning Act as follows:

1. Does it meet the general intent and purpose of the Official Plan?
2. Does it meet the general intent and purpose of the Comprehensive Zoning By-law?
3. Is it desirable for the appropriate development or use of the land, building or structure?
4. Is it minor in nature?

It is the opinion of staff that the requested variances meet the four tests. In making this determination, staff have considered the following:

- Under Section 45(2) of the Planning Act, a legal, non-conforming use may be enlarged or extended through a minor variance, subject to the following:

the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed.

- Section 7.6 (e) of the Township's Official Plan states:
Pursuant to the provisions of the Planning Act, the Committee of Adjustment may permit an extension or enlargement of a legal non-conforming use, provided such extension or enlargement does not extend beyond the limits of the land owned and used in connection with the existing use on the day the zoning by-law implementing this Plan was

passed. In evaluating an application for such an extension or enlargement, the Committee shall consider those matters listed in subsection 7.6(d)

- It is the opinion of staff that the extension of the dwelling without any changes in the footprint will not add to the incompatibility of the use with the surrounding area. Therefore, the proposed variance is considered to conform with the intent of the Official Plan.
- The minor variance complies with the intent of the Zoning By-law as the use of the land is not being changed, and the location of all buildings/ structures remains the same as existing.
- The proposed variance would permit the applicant to increase the living space by adding more floor area and not altering the existing building footprint. Therefore, the requested variance is considered desirable and appropriate for the use of the land.
- In consideration of the foregoing, the application for minor variances to Zoning By-law No. 12-1979 as Amended By 12-1982 is deemed minor in nature.

GENERAL ANALYSIS AND COMMENTS:

It is the opinion of staff that the requested variance meets the four tests. Please note that the existing dwelling will still be recognized as a legal nonconforming use. Any future development will be required to comply with all provisions of the Township's Zoning By-law.

Prepared By

Diksha Marwaha
Planning Coordinator, Township of Melancthon



Reviewed By

Silva Yousif
Sr. Planner, Township of Melancthon



Approved By

Denise B. Holmes, AMCT |
Chief Administrative Officer/Clerk, Township of Melancthon



Attachment(s):

1. Site Plan
2. Floor Plans
3. Elevations and Sections



The Corporation of

THE TOWNSHIP OF MELANCTHON

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TOWNSHIP OF MELANCTHON - COMMITTEE OF ADJUSTMENT

NOTICE OF PUBLIC HEARING REGARDING AN APPLICATION FOR

X Minor Variance - s.45(1)

_____ Permission - s.45(2)

File No. A1/23

Re An Application by: Sadra Abrishamkar

Address: 078149 7th Line SW, Melancthon, ON L9V 2B7

Description of Property: Part Lot 25, Con 7 SW

Purpose of Application: to permit a porch addition and a second storey addition to the existing single storey legal non-conforming dwelling.

Take Notice That an application under the above file number will be heard by the Committee of Adjustment on the date, and at the time and place shown below, under the authority of Section 45 of the Planning Act.

Date: February 16, 2023

Time: 6:00 p.m.

Place: Virtual Meeting - This will be a virtual meeting. If you wish to attend the virtual meeting, please call or email the Township office prior to the day of the public meeting so you can be provided with the link to the meeting. If you do not have the capability to attend a virtual meeting, please provide written comments and a phone number where you can be reached, to the Township Clerk prior to the public meeting.

Public Hearing - You are entitled to attend at this public hearing or you may be represented by counsel or an agent to give evidence about this application. Signed, written submissions that relate to an application shall be accepted by the Secretary-Treasurer before or during the hearing of the application at the address above and shall be available to any interested person for inspection at the hearing.

Failure to attend hearing - If you do not attend at this public hearing, it may proceed in your absence and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceeding.

Notice of Decision - A certified copy of the decision, together with a notice of the last day for appealing to the Ontario Land Tribunal shall be sent, not later than 10 days from the making of the decision, to the applicant, and to each person who appeared in person or by counsel at the hearing and who filed with the Secretary-Treasurer a written request for Notice of the Decision.

Dated this 23rd day of January, 2023.

Denise B. Holmes, AMCT
Secretary-Treasurer

Denise Holmes

From: Chris Jones <chris_mplanningservices@rogers.com>
Sent: Monday, February 6, 2023 5:35 PM
To: Denise Holmes
Cc: Silva Yousif
Subject: Change of Condition Memo - Ghotra
Attachments: Change Condition_memo.pdf

Hi Denise - memo is attached for the proposed change to Condition 7 of the Ghotra consents.

If you have any questions let me know.

Regards,

Chris

MEMORANDUM

To: Mayor White and Members of Council
Copy: Ms. Denise Holmes, CAO
From: Chris Jones MCIP, RPP
Date: February 6, 2023
Re: Change of Conditions - Consent Applications B5, B6, B7/21 and B7, B8/22

BACKGROUND

On November 8, 2021 and April 21, 2022, the Township approved five applications for consent for lands located in the West Part of Lots 7 and 8, Concession 2 O.S. The applications had the effect of re-creating lots which had previously been merged in title.

All of the provisional consents included the following condition:

That the applicant enter into a Consent Agreement with the Township to implement applicable recommendations of the Environmental Impact Study.

PROPOSED CHANGE TO CONDITION

Section 53 (23) of the Planning Act provides the approval authority with the authority to change conditions of a provisional consent.

Upon review of the EIS it became apparent that the primary recommendations with respect to protection and mitigation of features and habitat were focused on the larger retained lot rather than the 5 re-created lots.

On this basis, it is recommended that the above condition be modified in the manner shown below:

*That the applicant enter into a Consent Agreement with the Township to implement applicable recommendations of the Environmental Impact Study **for the retained lot.***

The requisite agreement has been prepared and the Township is in receipt of an executed copy that can be finalized and registered.

RECOMMENDATION

If Council concurs with the findings of this report it is recommended that Condition 7 to Provisional Consents B5/21, B6/21, B7/21, B7/22 and B8/22 be modified by adding the words "*for the retained lot*" to the end of the sentence and furthermore it is recommended that Council resolve that no further notice is required for this change as it is minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'CJ', enclosed within a hand-drawn oval.

Chris Jones MCIP, RPP