



**TOWNSHIP OF MELANCTHON
COMMITTEE OF ADJUSTMENT HYBRID MEETING
THURSDAY, DECEMBER 14TH, 2023 - 9:30 A.M.**

Committee meetings are recorded and will be available on the Township website under Quick Links – Council Agendas and Minutes within 5 business days of the Council meeting.

AGENDA

Join Zoom Meeting
<https://us02web.zoom.us/j/82050295560?pwd=RVJMREdOOGFrK1pRSEd2dVBBb09OQT09>

Meeting ID: 820 5029 5560
Passcode: 787407

One tap mobile
+17789072071,,82050295560#,,,,*787407# Canada
+17806660144,,82050295560#,,,,*787407# Canada

Dial by your location

- +1 778 907 2071 Canada
- +1 780 666 0144 Canada
- +1 204 272 7920 Canada
- +1 438 809 7799 Canada
- +1 587 328 1099 Canada
- +1 647 374 4685 Canada
- +1 647 558 0588 Canada

Meeting ID: 820 5029 5560
Passcode: 787407

- 1. CALL TO ORDER**
- 2. ADDITIONS/DELETIONS/APPROVAL OF AGENDA**
- 3. DECLARATION OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**
- 4. APPROVAL OF MINUTES – July 13th, 2023**
- 5. BUSINESS ARISING FROM MINUTES**
- 6. APPLICATION FOR CONSENT**
 - B3/23 – Part Lot 14, Concession 5 NE (Cherie Yap and Matthew Zabbal)
 - Planning Report on B3/13
- 7. APPLICATION FOR MINOR VARIANCE**
- 8. APPLICATION FOR VALIDATION OF TITLE**
- 9. CERTIFICATE OF CANCELLATION**
- 10. APPLICATIONS ON FILE**
 - B6/22 – Belford – Lots 32-34, Plan 332
- 11. DELEGATES**
- 12. CORRESPONDENCE**
- 13. 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. **B3/23**

Date of Meeting: Thursday, December 14th, 2023 Time: 9:30 a.m.

Name of Owner/Applicant/Agent: **Leandro Pallarca, Filomena Pallarca, Reynaldo Batac, Haydee Batac, Oscar Dumo, Natividad Dumo, Matthew Zabbal and Cherie Yap/Cherie Yap and Matthew Zabbal/Beverly Nicolson – B.A Nicolson Planning Services**

Location of Public Meeting: **157101 Highway 10, Melancthon Office
(Hybrid Meeting - see note below)**

NOTE: This will be a Hybrid meeting. If you wish to attend the Meeting in Person you may come to the Township Office or if you wish to join virtually, please call, or e-mail the Township office prior to the day of the public meeting so you can be provided with a link to the meeting. If you are unable to attend the meeting, please provide written comments and a phone number where you can be reached to the Township Clerk prior to the public meeting.

PROPOSED SEVERANCE: Part Lot 14, Concession 5 NE

Existing Use: Vacant & Recreation

Proposed Use: Residential

Road Frontage: 133.8 m

Depth: 1008 m

Area: 13.48 ha.

RETAINED PORTION: Part Lot 14, Concession 5 NE

Existing Use: Vacant & Recreation

Proposed Use: Vacant & Recreation

Road Frontage: 207.8 m

Depth: 1008 m

Area: 26.42 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.

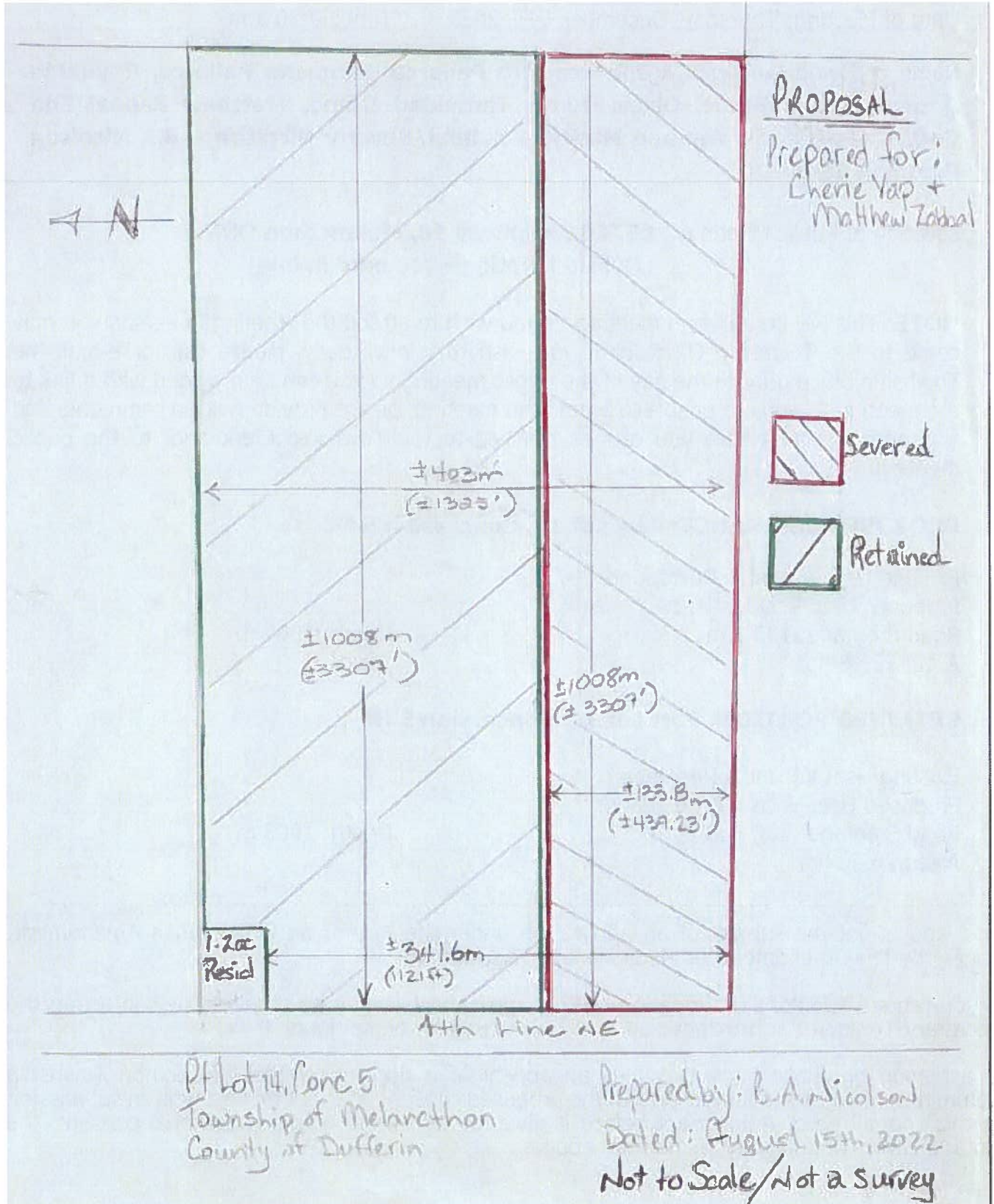
If you require additional information on this application, it may be obtained by contacting the Secretary-Treasurer at the above address during regular office hours.

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 Ontario Land 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
Denise B. Holmes, Secretary-Treasurer

November 15/23
Date





Subject: Planning Report – B3-2023

Department: Planning

Meeting Date: 2023-12-14

Recommendations

That Planning Report – B3-2023 be received;

And that Consent Application B3-2023, be DEFERRED.

Introduction

Legal Description: Concession 5 N.E., Part of Lot 14

Municipal Address: No Civic Address

Roll Number: 221900000128500

Applicant(s): Cherie Yap and Mathew Zabal

Official Plan Designation: Rural, Environmental Protection and Environmental Conservation

Zoning (By-law 12-1979): General Agricultural (A1) and Open Space Conservation (OS 2)

Purpose: The applicant is applying for consent to sever a parcel of land, creating one new residential lot, and to rezone a portion of the severed parcel for constructing a single-family dwelling and an accessory structure.

Background

The applicants submitted an application to sever a parcel of land which has an approximate area of 39.89 hectares (98.58 acres). The subject lands are currently vacant and abut the 4th Line NE. The entire area of the subject lands is regulated by the Grand River Conservation Authority (GRCA) due to the presence of the Melancthon Provincially Significant Wetland. The Provincially Significant Wetland is also identified on the adjacent lands.

The purpose of the application is to sever the subject lands in the manner illustrated in Figure 1. The proposed severed parcel comprises approximately 13.48 hectares (33.31 acres) with a lot frontage of approximately 133.8 meters on 4th Line NE. The retained parcel of land has a frontage on 4th Line NE of 207.8 metres and an approximate area of 26.42 hectares (65.28 acres). The applicants also propose to rezone the severed parcel from General Agricultural (A1) to Rural Residential (RR), subject to appropriate zone provisions, on a portion of the property to permit a single-family dwelling and an accessory structure, the remainder of the property would retain the Open Space Conservation (OS2) zone. The retained parcel is proposed to remain vacant. Proposed building envelope is included as Attachment No. 1.

The pre-consultation memo including the required studies and comments from agencies was circulated to the applicant in January 2023.

Table 1: Lot Creation Details

Property Characteristics	Retained Lot	Severed Lot
Lot Area	26.42 ha	13.48 ha
Frontage	207.8 m	133.8 m

Please note lot area and frontage amount are approximate.

Figure 1: Severed and Retained Lands



Planning Analysis

Provincial Policy Statement 2020 (PPS)

The Township in making planning decisions must be consistent with the PPS. The key relevant policies are:

Policy 1.1.5, Rural Lands in Municipalities – These policies permit “residential development, including lot creation, that is locally appropriate”. In addition, “development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.”

Section 2.1, Natural Heritage – Section 2.1 requires the protection of natural features and areas. Further, development and site alteration are not permitted in significant features unless it can be demonstrated there will be no negative impacts on the natural features or their ecological functions.

The application is considered to be consistent with the policies identified in the Provincial Policy Statement should it be successfully demonstrated to the satisfaction of the GRCA that there will be no negative impacts on the natural features.

Growth Plan

The policies of the Growth Plan provide direction with respect to Rural Areas in Section 2.2.9, but do not specifically address consents. However, they do permit development of uses not appropriate in settlement areas provided they are compatible with the rural landscape and surrounding local land uses, will be sustained by rural service levels and will not adversely affect the protection of agricultural uses and other resource-based uses (Section 2.2.9.3).

With respect to the natural heritage features and areas, Sections 4.2.2, 4.2.3 and 4.2.4 of the Growth Plan provide policies with respect to growth and development in and adjacent to such features. Policy 4.2.2.3 requires the new development or site alteration to demonstrate that there are no negative impacts on key natural heritage features or key hydrologic features or their functions.

Should the GRCA successfully verify both the development envelope and wetland setback, the application will be considered to be consistent with the policies outlined in the Provincial Policy Statement.

The County Official Plan

The subject lands are designated as “Countryside Area”, “Rural Lands”, “Agricultural Lands” and Provincially Significant Wetlands. The County Official Plan also identifies woodlands and unevaluated wetlands adjacent to the property.

Section 4.2.5 (a) states:

Lot creation in the Agricultural Area will generally be discouraged and only permitted in accordance with provincial policy and the policies of the local municipal official plan. The minimum lot area of both the retained and severed lots will be established in the local municipal official plans in accordance with the lot creation policies for the uses set out below.

Section 4.3.3 (m) states:

Lot creation in the rural lands will only be permitted in accordance with the policies of this Plan and the local municipal official plan.

Section 5.3.1 (b) states:

No development or site alteration will be permitted within Provincially Significant Wetlands.

Section 5.3.1 (c) states:

An Environmental Impact Study (EIS) will be required for all development proposals within 120 metres of a Provincially Significant Wetland. Prior to considering development and/or site alteration, the County and/or local municipality, in consultation with the applicable Conservation Authority, will be satisfied that the EIS demonstrates that there will be no negative impacts on the Provincially Significant Wetland and the sustaining ecological and/or hydrologic functions.

Section 5.3.4 states:

Development and site alteration will not be permitted within or adjacent to significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions through the preparation of an EIS.

Township Official Plan

The lands subject to the proposed severance are currently designated Rural, Environmental Protection, and Environmental Conservation. The Official Plan schedules also identify Provincially Significant Wetlands and Locally Significant and Unevaluated Wetlands, Significant Woodlands (Primarily 20+ Hectares) and High Vulnerability Aquifer on the subject lands. The following policy excerpts from the Official Plan are especially relevant to this application:

Section 3.4.1 (b) states:

In accordance with the policies of section 5.4 and the Provincial Policy Statement, there shall be no development or site alteration in provincially significant wetlands.

Section 3.4.2 (i) states:

Either a full or a scoped Environmental Impact Study will be required for developments or site alterations involving sites in and most sites adjacent to the Environmental Protection or Environmental Conservation overlay designation, for new subdivisions in a community designation, and for most developments in wellhead protection areas, in the vicinity of watercourses or in or near areas of high aquifer vulnerability as shown on Schedule E.

Section 5.2.5 (d) states:

In non-agricultural areas, the creation of a maximum of three residential lots, not including the retained lands, may be permitted on either a 40 hectare or larger lot on the original Township surveys or on a property combining abutting original Township survey lots containing a total of at least 40 hectares. The total permitted residential lot severances shall include all such lots created by the land severance process on the subject original Township survey lot or lots prior to the approval of this Plan.

Section 5.4.2 (c) states:

An Environmental Impact Study shall be required for any development or site alteration in any area designated Environmental Protection.

Section 5.4.2 (h) states:

New lots shall generally not be permitted within the Environmental Protection designation except through acquisition by a public body. Severances may be permitted only for the purpose of correcting title or enlarging existing lots.

Section 5.5.2 (o) states:

The policies of section 3.4.2 with regard to assessing environmental impact shall apply to any development or site alteration within significant woodlands. Environmental impact documentation may also be required for any development on adjacent lands to significant woodlands. The construction of a dwelling or accessory buildings to a dwelling on such adjacent lands may not require an assessment of environmental impact.

Section 7.2 (a) (xiv) states:

Lot creation is prohibited in provincially significant wetlands or the habitat of endangered species and threatened species. Lot creation in other natural heritage features and areas shall comply with the provisions of section 3.4.2 concerning the assessment of environmental impact to confirm that there will be no negative impacts on those features or areas.

Section 7.2 (a) (xii) states:

The creation of lots for non-farm purposes or for purposes that are not farm related in locations adjacent to agricultural uses is only permitted where the proposed use complies with the policies of the applicable land use designation and any other related policy of this Plan. All lots created through the consent process shall comply with all applicable policies and regulations relating to the protection of agricultural uses, including the applicable Minimum Distance Separation Formulae.

For the proposed consent application (B3-2023) to confirm with the lot creation policies of County Official Plan and Township's Official Plan, the wetland limit must be delineated to the satisfaction of the GRCA.

Township Zoning By-law 12-1979, as amended

The property is zoned General Agricultural (A1) and Open Space Conservation (OS2) as per By-law 12-1979, as amended. The retained lot, as proposed, meets the zoning requirements for lot frontage and area of the A1 Zone. However, the severed lot is proposed to be rezoned to Rural Residential Zone, and the zoning by-law requirements for the proposed zoning will be reviewed at the time of the zoning by-law amendment application.

Comments Received:

The application was circulated to the agencies, and the following comments were received from the Grand River Conservation Authority (GRCA):

The GRCA recommends that this application be deferred until the GRCA has had an opportunity to verify the wetland limit on the subject property during an appropriate time of year, as requested in Pre-Consultation comments dated November 9, 2022 (appended to this letter).

The GRCA comments are included as Attachment No. 2.

CONCLUSION AND RECOMMENDATION

The proposed severance is through the natural heritage features (provincially significant wetland).

It is therefore recommended:

That the Consent Application B3-23 be deferred until the GRCA has had an opportunity to verify the wetland limit on the subject property during an appropriate time of year.

Prepared By

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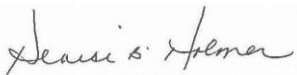
Diksha Marwaha
Planning Coordinator, Township of Melancthon

Reviewed By

A handwritten signature in blue ink that appears to be "SY" in a stylized, cursive font.

Silva Yousif
Senior Planner, Township of Melancthon

Approved By

A handwritten signature in black ink that reads "Denise B. Holmes" in a cursive font.

Denise B. Holmes, AMCT
CAO/Clerk, Township of Melancthon