



**TOWNSHIP OF MELANCTHON
COMMITTEE OF ADJUSTMENT HYBRID MEETING
THURSDAY, FEBRUARY 15TH, 2024 - 6:00 P.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.

Join Zoom Meeting
<https://us02web.zoom.us/j/83922789531?pwd=anY4V3BKQ0ZIYXQ0WFNscFp6blNNZz09>
Meeting ID: 839 2278 9531
Passcode: 594890
One tap mobile
+12042727920,,83922789531#,,,,*594890# Canada
+14388097799,,83922789531#,,,,*594890# Canada
Dial by your location
• +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
• +1 778 907 2071 Canada
• +1 780 666 0144 Canada
Meeting ID: 839 2278 9531
Passcode: 594890

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 – January 11th, 2024**
- 5. Business Arising from Minutes**
- 6. Application For Consent**
 1. B4/23 – Alan Lundy and Bonnie Tang, Pt Lot 23, Con 2 OS
 1. Planning Report on B4/24
 2. Presentation from Bonnie Tang, Agent
- 7. Application For Minor Variance**
 1. A2/23 – John Esteves, Pt Lot 11, Con 4 OS, RP 7R5229 Part 1
 1. Planning Report on A2/23
- 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**
- 13. Adjournment**



Subject: Planning Report – B4/23 – 518156 County Road 124

Department: Planning

Meeting Date: 2024-02-15

Recommendations

That Planning Report – B4/23 – 518156 County Road 124 be received;

And that Consent Application B4/23, be APPROVED, subject to the following conditions:

- That an application for a Zoning By-law Amendment be submitted to address zoning regulations not conformed with as a result of the consent application.
- That a Draft Zoning Schedule and By-law be circulated for review prior to the approval of the Zoning By-law amendment.
- That a Minimum Distance Separation (MDS) Report be prepared by the applicant and circulated to Township staff prior to the approval of the Zoning By-law amendment.

Introduction

Legal Description: MELANCTHON CON 2 OS PT LOT;23

Municipal Address: 518156 County Road 124

Applicant(s): Alan Lundy and Bonnie Tang

Official Plan Designation: Agricultural and Environmental Protection

Zoning (By-law 12-1979): General Agriculture (A1)

Purpose: The applicant is applying for a consent to sever a parcel of land containing an existing residential unit from the existing farm operations as a surplus dwelling unit.

Background

The applicant(s), Alan Lundy and Bonnie Tang have submitted an application to sever a parcel of land, which has an approximate area of 60.45 hectares (149.4 acres). The

subject lands are designated as largely *Agricultural* with a small portion at the west end of the subject lands being designated as *Environmental Protection*. Under the Township of Melancthon Zoning By-law 12-1979, the subject lands are zoned as *General Agriculture*. The subject lands are adjacent to County Road 124 and currently consist of an existing residential dwelling, agricultural fields, and agriculture-related buildings (see *Appendix A*).

The intent of this application is to sever the lands that currently contain the existing residential dwelling from the lands that entail the existing farm operation (see *Appendix B*). The severed lands will have an area of approximately 1.68 hectares with a frontage of approximately 100 metres abutting County Road 124. The retained lands will have an area of approximately 58.77 hectares and frontage of 201.6 metres onto County Road 124 and 543.3 metres onto 3rd Line.

Table 1: Severance Summary			
<i>Lot</i>	<i>Property Characteristics</i>	<i>Existing</i>	<i>Proposed</i>
Severed	Lot Frontage	301.6 m	100 m
	Lot Area	60.45 ha	1.68 ha
Retained	Lot Frontage	-	58.77 ha
	Lot Area	-	201.6 m (Cty Rd 124) 543.3 m (3 rd Line)

Planning Analysis

Provincial Policy Statement 2020 (PPS)

The subject lands are located in *Prime Agricultural* areas, as per the Provincial Policy Statement 2020 (PPS).

As it relates to lot creation in prime agricultural areas, though it is discouraged, section 2.3.4.1(c) permits lot creation for a residence surplus to a farming operation as a result of farm consolidation. This is only provided if the following conditions are met:

1. The new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and,
2. The planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective

The severed residential parcel is not being proposed to be increased in any manner and the applicant is proposing the removal of residential use permissions on the retained agricultural parcel through a Zoning By-law Amendment. Based on the above, the consent application conforms with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe provides guiding policies for lands defined as Agricultural. Specific policies to note include:

Section 4.2.6 (2)

Prime agricultural areas, including specialty crop areas, will be designated in accordance with mapping identified by the Province and these areas will be protected for long-term use for agriculture.

Section 4.2.6 (5)

The retention of existing lots of record for agricultural uses is encouraged, and the use of these lots for non-agricultural uses is discouraged.

The consent application is in conformance with the Growth Plan for the Greater Golden Horseshoe because of the fact that the application aims to retain the existing agricultural use.

Nottawasaga Valley Conservation Authority (NVCA)

The subject lands fall under Nottawasaga Valley Conservation Authority (NVCA) jurisdiction. There are no natural heritage features in the subject lands; however, the subject lands are adjacent to lands with designated woodland areas. In the NVCA comments provided on June 15th, 2023, during the pre-consultation process, the adjacent woodland areas were not viewed as an issue. The NVCA did recommend that restrictive zoning be placed on the areas located on the western portion of the site, which are designated as *Environmental Protection* under the Township Official Plan.

The County of Dufferin Official Plan

The subject lands are designated as *Agricultural* area under the in-effect County Official Plan and Prime Agricultural under the draft County Official Plan. Permitted uses under both designations include, agricultural uses, agricultural related-uses, on-farm diversified uses, home occupations, home industries, residential dwellings, forestry, conservation, wildlife and fisheries management, passive recreational uses, watershed management, and flood and erosion control projects.

As it relates to lot creation, the County Official Plan provides the following policies and guidelines.

Section 4.2.5(a)

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 4.2.5(c)

Where a previous or current farm acquisition has rendered a residence surplus to a farming operation, a consent may be permitted subject to the following conditions:

- i. the retained farm parcel will be zoned so as to prohibit the construction of any additional dwellings.
- ii. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services.
- iii. the surplus dwelling parcel will be subject to *Minimum Distance Separation I* setback provisions and be zoned to recognize the non-farm residential use, as required.

The consent application conforms with the permitted uses under the County Official Plan and overarching lot creation policies. The applicant is also undertaking a Zoning By-law Amendment that will address items *i.* and *iii.* of section 4.2.5(c).

Township of Melancthon Official Plan

The subject lands are designated as predominately *Agricultural* under the Township Official Plan; however, a small portion of the subject lands are designated as *Environmental Protection*. Permitted uses under the *Agricultural* designation include, agricultural uses, agriculture-related uses, on-farm diversified uses, single detached dwelling, and wayside pits.

The Township Official Plan includes the following policies with respect to consents for areas designated as *Agricultural*.

Section 5.2.5.b (i)

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 5.2.5.b (iii)

The only type of new residential lot permitted is a lot which accommodates a *residence surplus to a farming operation* as a result of farm consolidation provided there is compliance with the following policies.

- The new lot for the existing residence will be limited to the minimum size needed to accommodate the use and any required *individual onsite water service* and *individual on-site sewage service*.
- Such lots are permitted only if the approval authority ensures that a new residence is prohibited on any remnant parcel created by the land division through the application of appropriate zoning controls or other equivalent measures.
- Where these residential lots would be located in close proximity to agricultural buildings on the property that is the subject of the consent application, MDS formulae shall be met or those buildings shall be removed as a condition of the granting of the consent for the land severance.

The consent application aligns with the intent of the Township Official Plan and all consent related policies are generally addressed either through the consent application or subsequent Zoning By-law Amendment.

Township of Melancthon Zoning By-law 12-1979, as amended

The subject lands are zoned as *General Agricultural (A1)*. Permitted uses include a farm, kennel, riding stable, nursery or commercial greenhouse, animal hospital, forestry or conservation uses, wayside pit, home occupation. The retained parcel in the consent application aligns with the permitted uses; however, the severed parcel will now not align with the permitted uses. The applicant proposes to rezone the severed parcel, as per the consent application, as *Rural Residential*, which permits detached dwellings.

The proposed consent application, therefore, complies with the Township's Zoning By-law.

General Analysis and Comments

Township staff have no concerns with the approval of the application, subject to the recommended conditions of consent. In making this determination, staff have considered the following:

- The consent application complies with the policies of the PPS 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe.
- The consent application, and subsequent Zoning By-law Amendment application, aims to maintain the agricultural purpose of the retained lands and ensures the severed parcel is appropriately zoned and compliant with overarching zoning policies and regulations.

- The retained *Agricultural* lands are greater than the minimum lot area and minimum lot frontage set out under the Township of Melancthon Zoning By-law 12-1979.
- The subject lands are within 750 metres of 518210 County Road 124 and 518258 County Road 124, both of which entail livestock. The Province of Ontario Minimum Distance Separation (MDS) document states that MDS calculations shall occur if existing livestock facilities are within a 750-metre distance from Type A land uses. A Type A land use includes “the creation of one or more lots for development on land outside of a settlement area that would NOT result in four or more lots for development in immediate proximity to one another (e.g., sharing a common contiguous boundary, across the road from one another, etc.), regardless of whether any of the lots are vacant”. **Therefore, the preparation of an MDS report is required.**

Prepared By

Liam Morgan

Development Planner, Township of Melancthon



Reviewed/Approved By

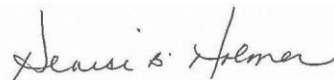
Silva Yousif

Senior Planner, Township of Melancthon



Reviewed/Approved

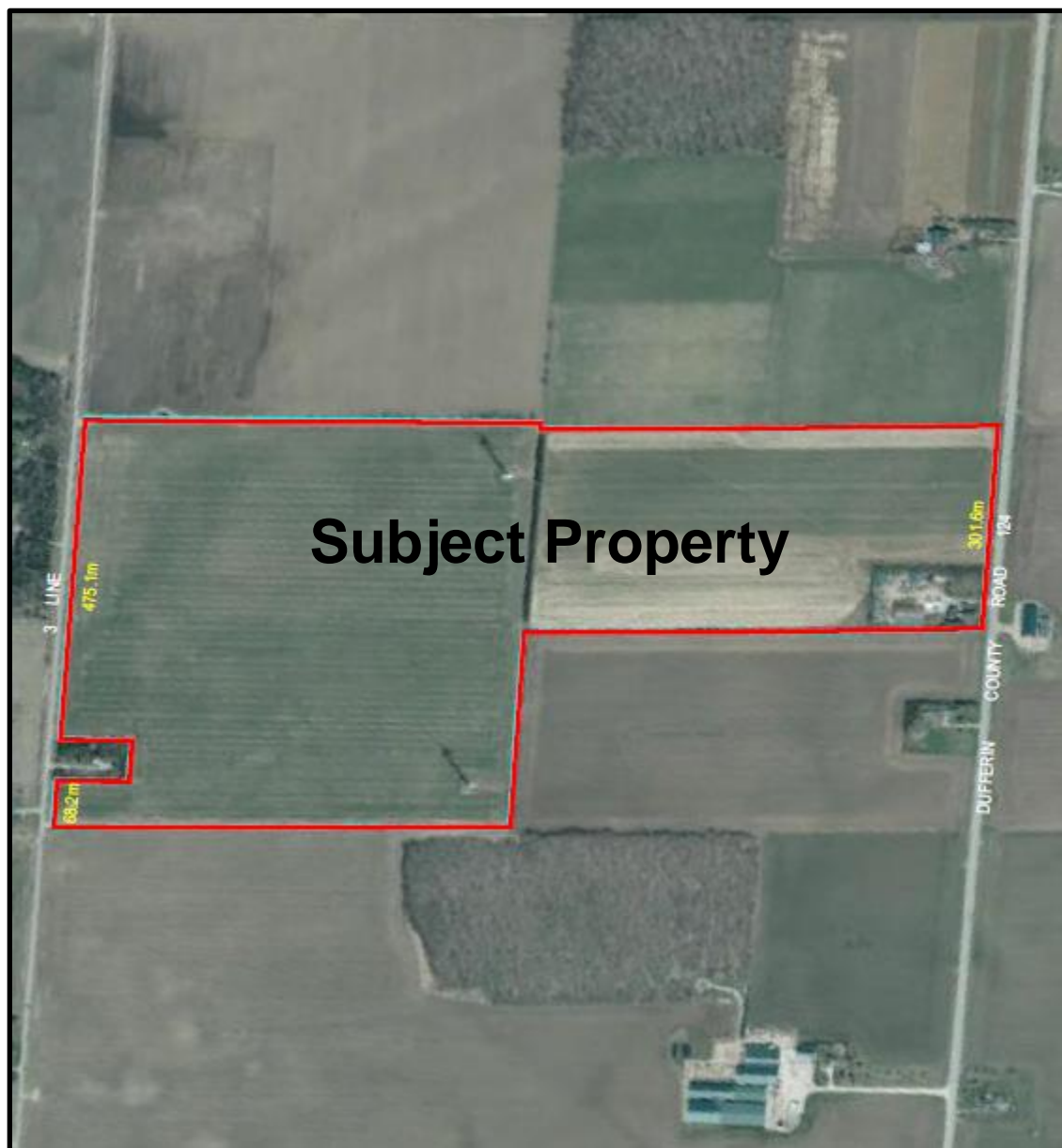
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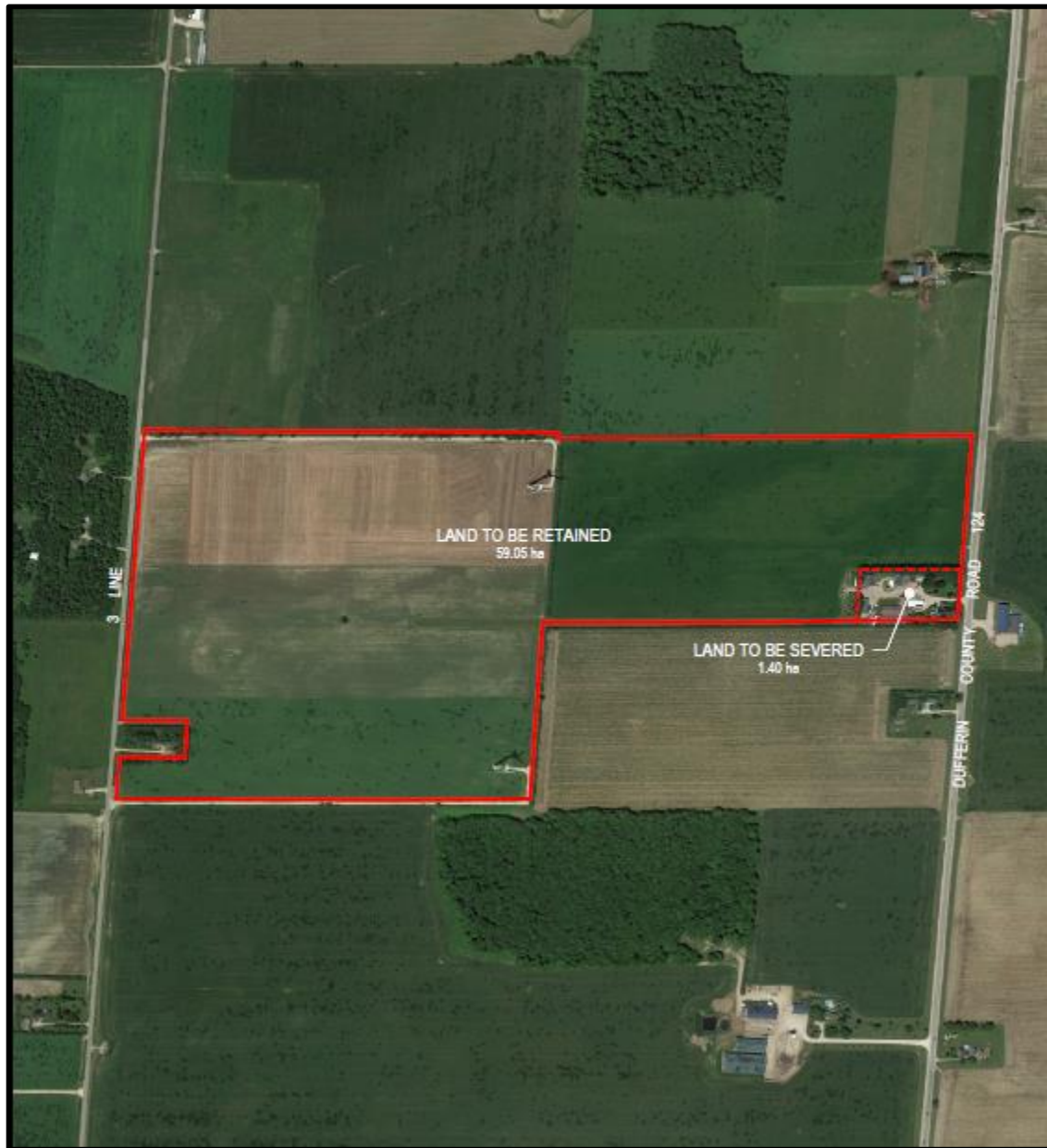
Denise Holmes

Chief Administrative Officer /Clerk, Township of Melancthon

Appendix A – Aerial Photo



Appendix B – Consent Application Proposal



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. **B4/23**

Date of Meeting: **Thursday, February 15th, 2024**

Time: **6:00 p.m.**

Name of Owner/Applicant: **Lundy Land Co. c/o Alan Lundy/Bonnie Tang, Thorstone Consulting Services Inc.**

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 23, Concession 2 OS
(Sever a Surplus Dwelling)**

Existing Use: Rural Residential

Proposed Use: Rural Residential

Road Frontage: 100 m (328.1 ft)

Depth: 172.37 m (565.5 ft)

Area: 1.68 ha (4.15 ac)

RETAINED PORTION: Part Lot 23, Concession 2 OS

Existing Use: Agricultural

Proposed Use: Agricultural

Road Frontage: 201.6 m (661.4 ft) (County Rd 124) & 543.3 m (1782.4 ft) (3rd Line OS)

Depth: 1352 m (4435.7 ft)

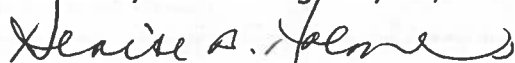
Area: 58.77 ha (145.2 ac)

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, Secretary-Treasurer

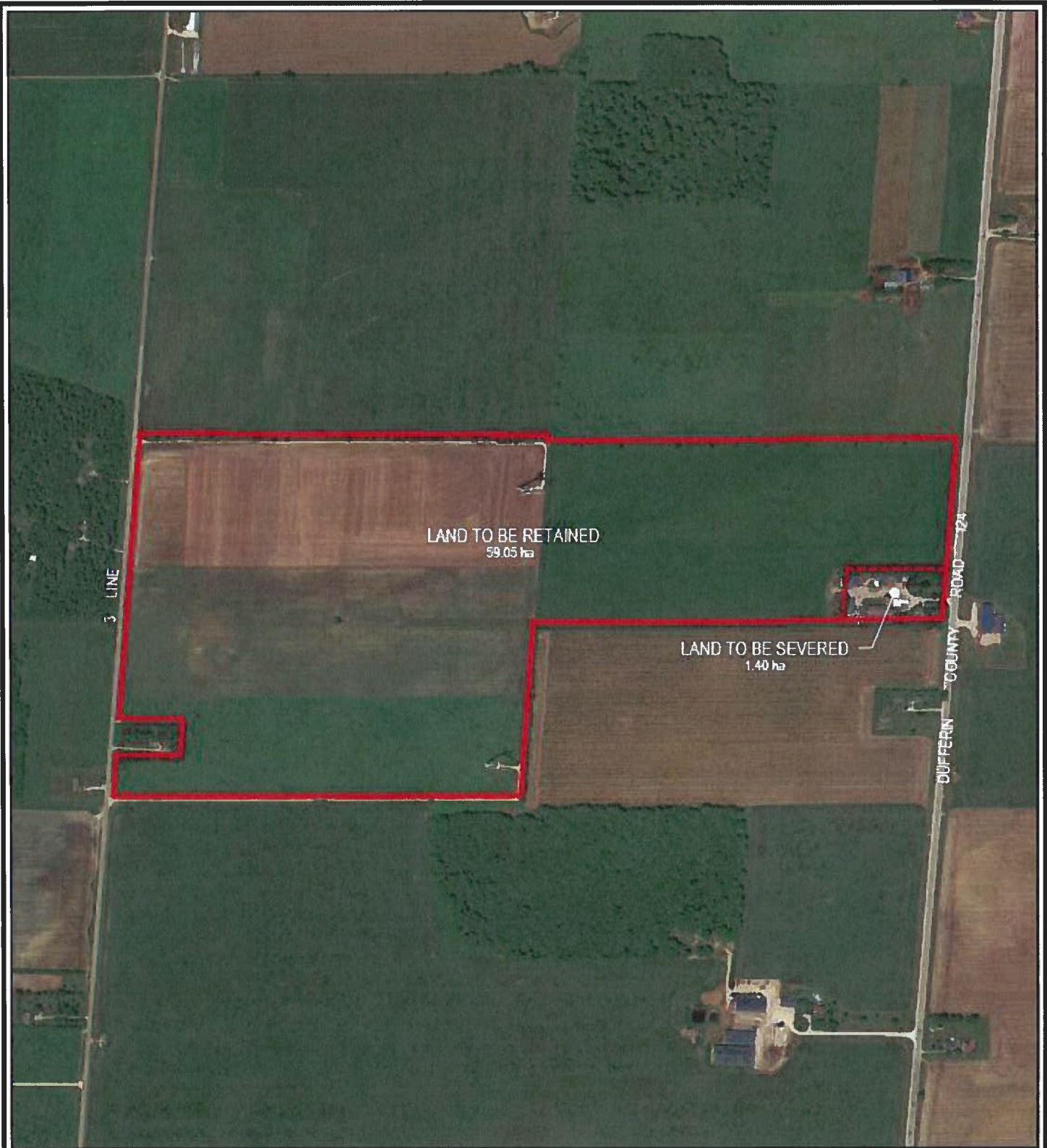




FIGURE 6
SEVERANCE PLAN

518156 Dufferin County Road 124
Township of Melancthon
County of Dufferin

 Subject Lands - 60.45 ha

SOURCE OF AIR PHOTOGRAPHY: GOOGLE EARTH 2016

 <p>Thea Consultants Services Land Use Planning and Development P.O. Box 118, Sturton, Ontario</p>	PREPARED FOR
	ALBERT HILGRENSEN
	DATE
	NOV 29, 2016
	PROJECT
SCALE: (m)	
	



Subject: Planning Report – A2/23 – 585121 County Road 17

Department: Planning

Meeting Date: 2024-02-15

Recommendations

That Planning Report – A2/23 – 585121 County Road 17 be received;

And that Minor Variance Application A2/23, be APPROVED.

Introduction

Legal Description: Part of Lot 11, Concession 4 OS, RP 7R5229 Part 1

Municipal Address: 585121 County Road 17

Applicant(s): John Esteves

Official Plan Designation: Agricultural

Zoning (By-law 12-1979): Rural Residential (RR) Zone

Purpose: The applicant is applying for a minor variance to reduce the minimum rear yard setback from 6 metres (20 feet) to 3.19 metres (10.47 feet).

Background

The applicant, John Esteves, has submitted a minor variance application that intends to reduce the minimum rear yard setback from 6 metres (20 feet) to 3.19 metres (10.47 feet). The subject land abuts County Road 17 and consists of a low rise single detached residential home (see *Appendix A*).

The intent of this application is to provide rear yard relief to an existing accessory building on the subject lands. The proposed accessory building will be utilized as a pool cabana and will be 1-storey in height and will be 45 m² in area (see *Appendix B*).

Table 1: Variance Summary

No.	Sections	Description	Permitted	Proposed	Proposal
1	8.3(k)	Rear Yard	6 m	3.19 m	Existing Pool Cabana.

Planning Analysis

Four Tests of a Minor Variance

A minor variance application is evaluated against the four (4) tests prescribed under Section 45(1) of the Planning Act. The four (4) tests are 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 Zoning By-law?
3. Is it desirable for the appropriate development or use of land, building, or structure?
4. Is it minor in nature?

After reviewing the application, in accordance with the four (4) tests of a minor variance, it is the opinion of staff that the application meets the four (4) tests of a minor variance. In making this determination, staff have considered the following:

- The subject lands are designated as *Agricultural*, which permits single detached dwelling units, as well as accessory uses. The proposed development does not infringe upon or have a negative impact on any prime agricultural lands. This means that the principal planning objective of this designation, which is to protect prime agricultural areas, is upheld.
- The intent of the Zoning By-law, as it relates to building setbacks and lot coverage is to provide a compatibility measure between neighbouring land uses and contribute to the maintenance of rural character. The proposed development is a permitted use under the *Rural Residential (RR) Zone* and, ultimately, complies with all other zoning regulations under the RR zone. Based on the above, the proposed development meets the general intent and purpose of the Zoning By-law.
- The subject lands are adjacent to an existing agricultural field to the north and east and single-family residential dwelling unit west. As such, the surrounding uses would not be impacted (i.e., obstructed views, additional noise) by the presence of the proposed development. The character of the surrounding area is also predominately rural and entails single-family detached homes, agricultural lands, and farm residences. Being that the proposed development is an accessory use to the existing single-detached home, it would maintain the character of the surrounding neighbourhood.
- The minor variance application seeks to only alter one zoning regulation under the zoning by-law. In addition to that, the variance is of only approximately 3 metres at the rear of the lot, which is adjacent to a large agricultural field.

General Analysis and Comments

Township staff have no concerns with the approval of the application, as it has achieved all four (4) tests of a minor variance.

Prepared By

Liam Morgan
Development Planner, Township of Melancthon

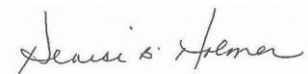


Reviewed/Approved By

Silva Yousif
Senior Planner, Township of Melancthon



Reviewed/Approved By

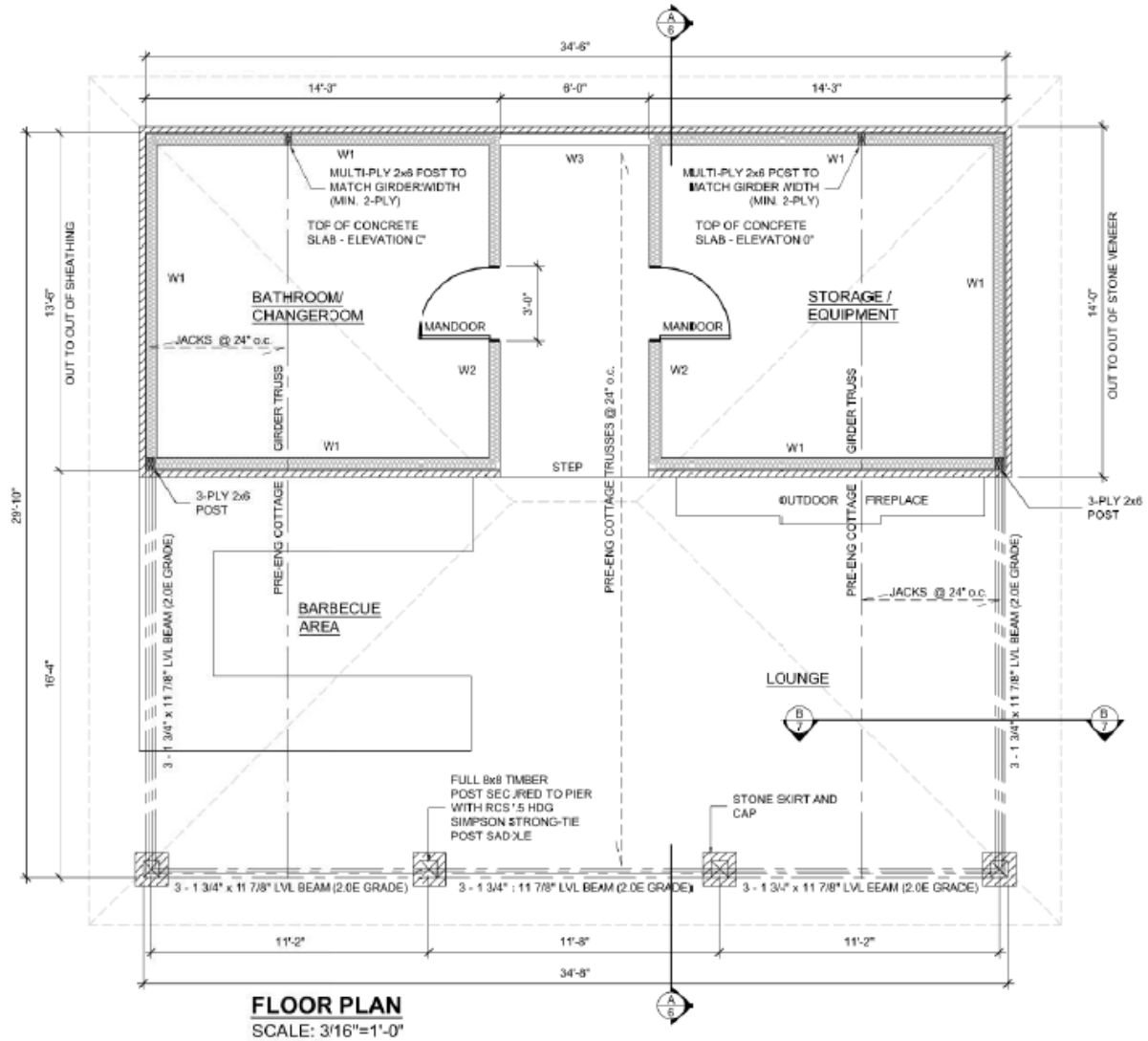


Denise Holmes
Chief Administrative Officer/Clerk, Township of Melancthon

Appendix A – Aerial Photo



Appendix B – Proposed Development Floor Plan





The Corporation of

THE TOWNSHIP OF MELANCTHON

157101 Highway 10, Melancthon, Ontario, L9V 2E6

Telephone - (519) 925-5525
Fax No. - (519) 925-1110

Website: www.melancthontownship.ca
Email: info@melancthontownship.ca

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. A2/23

Re An Application by: John Esteves

Address: 585121 County Road 17, Melancthon Ontario L9V 3L8

Description of Property: Pt Lot 11, Con 4 OS RP 7R5229 Part 1

Purpose of Application: Relief from By-law 12-1979, as amended, by By-law 12-1982, to reduce the minimum rear yard setback from 6 metres (20 feet) to 3.19 metres (10.47 feet).

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: Thursday, February 15th, 2024

Time: 6:00 p.m.

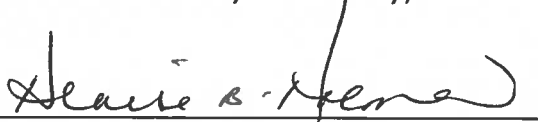
Place: Hybrid Meeting - This will be a Hybrid meeting. If you wish to attend the Meeting in Person you may come to the Township Office or if you wish to join virtually, please call, or e-mail the Township office prior to the day of the public meeting so you can be provided with a link to the meeting. 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.

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 24th day of January, 2024.


Denise B. Holmes, AMCT
Secretary-Treasurer