



**TOWNSHIP OF MELANCTHON
COMMITTEE OF ADJUSTMENT HYBRID MEETING
THURSDAY, JULY 18TH, 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/82162365235?pwd=cHaFbBQarGYqIe4JLBq0XVBsxrV2el.1>

Meeting ID: 821 6236 5235

Passcode: 956811

One tap mobile

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+15873281099,,82162365235#,,,,*956811# Canada

Dial by your location

- +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
- +1 204 272 7920 Canada

Meeting ID: 821 6236 5235

Passcode: 956811

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 9th, 2021 (Revised) and May 16th, 2024**
- 5. Business Arising from Minutes**
- 6. Application For Consent**
- 7. Application For Minor Variance**
 1. A1/24 – Bernice Coe and Leann Acheson – Lot 48, Plan 34A – 17 Mill Street
 1. Minor Variance Application – 17 Mill Street
 2. Notice of Public Meeting – 17 Mill Street
 3. Planning Report – A1/24 – 17 Mill Street Prepared by Liam Morgan, Development Planner
 4. Nottawasaga Valley Conservation Authority Comments
- 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**



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. A1/24

Re An Application by: Bernice Coe & Leann Acheson

Address: 17 Mill Street, Melancthon Ontario

Description of Property: Lot 48, Plan 34A

Purpose of Application: Relief from By-law 12-1979, as amended by By-law 12-1982, to reduce the minimum side yard setback from 1.5 metres (4.92 feet) to .91 metres (3 feet) for an existing shed.

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 July 18th, 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 4th day of July, 2024.

Denise B. Holmes, AMCT
Secretary-Treasurer



Subject: Planning Report – A1/24 – 17 Mill Street

Department: Planning

Meeting Date: 2024-07-18

Recommendations

That Planning Report – A1/24 – 17 Mill Street be received;

And that Minor Variance Application A1/24, be **APPROVED**.

Introduction

Legal Description: Lot 48, Plan 34A

Municipal Address: 585121 County Road 17

Applicant(s): Bernice Coe and Leann Acheson

Official Plan Designation: Community

Zoning (By-law 12-1979): Hamlet Residential (R1) and Open Space Conservation (OS2)

Purpose: The applicant is applying for a minor variance to reduce the minimum side yard setback from 1.5 metres (4.92 feet) to 0.91 metres (3 feet).

Background

The applicants, Bernice Coe and Leann Acheson, have submitted a minor variance application that intends to reduce the minimum side yard setback from 1.5 metres (4.92 feet) to 0.91 metres (3 feet). The subject land abuts Mill Street and consists of a low rise single detached residential home (see *Appendix A*).

The intent of this application is to provide side yard relief to bring an existing accessory building (shed) into conformance with the zoning for the subject lands. The constructed accessory building is utilized as a shed and is 160 ft² in area.

Table 1: Variance Summary

No.	Sections	Description	Permitted	Proposed	Proposal
1	19.3(b)	Interior Side Yard	1.5 m	0.91 m	Conformity to Zoning.

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 *Community*. It is the intent of lands under this designation to recognize the Townships three small settlement areas, to provide a range of appropriate land uses, and to establish a planning policy framework for development within the designated areas. In terms of permitted uses, the *Community* designation permits detached dwelling units, as well as second dwelling units. Though the existing accessory building is not designed as a means for habitation, it is viewed as a secondary dwelling that accompanies the existing detached dwelling. The existing accessory building, as well as currently proposed application, seeks to uphold the residential nature of the subject lands and, as such, does not contradict the intent of the *Community* designation.
- Though two (2) types of zoning are present on the subject lands, the area where the existing accessory building is constructed resides in the *Hamlet Residential (R1)* zone and, as such, the policies of the *R1* zone will apply. 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 existing accessory building (shed) is a permitted use under the *R1* zone, as it is an accessory use to the existing single family detached dwelling. In addition, the existing accessory building complies with all zoning regulations under the *R1* zone, outside of the regulation subject to the minor variance application. 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 single family residential dwelling to the west and vacant, vegetated parcel to the east. The existing accessory building is on the west side of the property and is directly adjacent to the existing single family residential dwelling parcel. However, there is a significant vegetative area between the property boundary and adjacent single-family dwelling. As such, the surrounding uses would not be impacted (i.e., obstructed views, additional noise) by the presence of the existing accessory building. The character of the surrounding area is one that is representative of a longstanding rural community/settlement area. The surrounding area entails predominately single-family detached homes and some parcels with dense vegetation. 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 0.60 metres at the lots interior side yard. While adjacent to a parcel where an existing single family residential dwelling is present, there is a notable vegetative buffer between the existing accessory building and single-family dwelling.

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





Nottawasaga Valley
Conservation Authority

July 8, 2024

SENT BY EMAIL

Attn: Kaitlin Dinnick
Administrative and Finance Assistant
kdinnick@melancthontownship.ca

RE: NVCA Comments for a Minor Variance
17 Mill Street
Township of Melancthon
Town File No. A1/24
NVCA ID #58312

Nottawasaga Valley Conservation Authority [NVCA] staff is in receipt of an application for a minor variance at 17 Mill Street, Township of Melancthon.

Staff has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 41/24. The application has also been reviewed through our role as a public body under the Planning Act as per our CA Board approved policies. Finally, NVCA has provided comments as per our Municipal Partnership and Service Agreement with the Township of Springwater and with advisory comments related to policy applicability.

Ontario Regulation 41/24

1. The NVCA mapping for the property illustrates a flooding and erosion hazard associated with the Horning's Mills Creek.
2. Section 5(iv) of the Regulation outlines an exception of non-habitable accessory building or structures that:
 - a. is incidental or subordinate to the principal building or structure,
 - b. is 15 square metres or less, and
 - c. is not located within a wetland or watercourse

Provincial Policy Statement PPS (2020)

3. The PPS defines **development** to be the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act.
4. This application does constitute as development as it is construction of a building.

Natural Hazards - Regulatory Comments

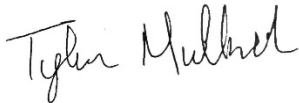
5. Based on the above-mentioned exception, the applicant is to self evaluate if their shed meets the exception. Please note if fill a material was imported, or the shed does not meet the exception, a permit will be required.

6. If the shed does not meet the exception, the shed will need to be proven to be wet flood proofed to NVCA standards and further studies would be required to deal with the slope erosion.
7. As the shed is already built without an NVCA permit – this would make it non-compliant with and a violation of the Conservation Authorities Act. As such, if a permit is required, our Unauthorized Works Fee of 2x the permit review fee will need to be remitted at the time of an application.

Conclusion

The Nottawasaga Valley Conservation Authority (NVCA) has reviewed the consent and based upon our mandate and policies under the Conservation Authorities Act. Given the comments above, the NVCA has no objections to the approval of the application, subject to the applicant obtaining a permit if applicable. Please feel free to contact the undersigned at extension 245 or tmulhall@nvca.on.ca should you require any further information or clarification on any matters contained herein.

Sincerely,



Tyler Mulhall, C. Tech
Provincial Offences Officer
Planner