



TOWNSHIP OF MELANCTHON

COMMITTEE OF ADJUSTMENT

THURSDAY, AUGUST 11, 2016 - 6:00 P.M.

1. **APPROVAL OF MINUTES - July 21, 2016**
2. **BUSINESS ARISING FROM MINUTES**
3. **APPLICATION FOR CONSENT**
 1. B3/16 - Harvey Lyon - Lot 23 & 24, Concession 5 N.E.
4. **APPLICATION FOR MINOR VARIANCE**
5. **APPLICATIONS ON FILE**
 1. B12/14 - Julian McDowell - West Part Lot 13, Concession 1 O.S.
Verbal Report from Chris Jones, Township Planning Consultant, regarding Survey in Horning's Mills
 2. B1/16 - Wayne Nicholson - Applicant / Bonnefield Canadian Farmland LP III - Owner
East Part Lot 18, Concession 3 O.S.
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. **B3/16**

Date of Meeting: **Thursday, August 11, 2016**

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

Name of Owner/Applicant: **Harvey James Lyon**

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

PROPOSED SEVERANCE: Lot 23, Concession 5 N.E.

Existing Use: **Agriculture**

Proposed Use: **Agriculture**

Road Frontage: **385 m (approx)**

Depth: **995 m (approx)**

Area: **40 hectares (approx)**

RETAINED PORTION: Lot 24, Concession 5 N.E.

Existing Use: **Agriculture**

Proposed Use: **Agriculture**

Road Frontage: **385 m (approx)**

Depth: **995 m (approx)**

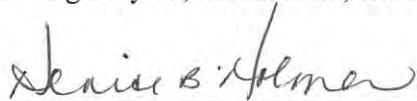
Area: **40 hectares (approx)**

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 Ontario Municipal Board may dismiss the appeal.

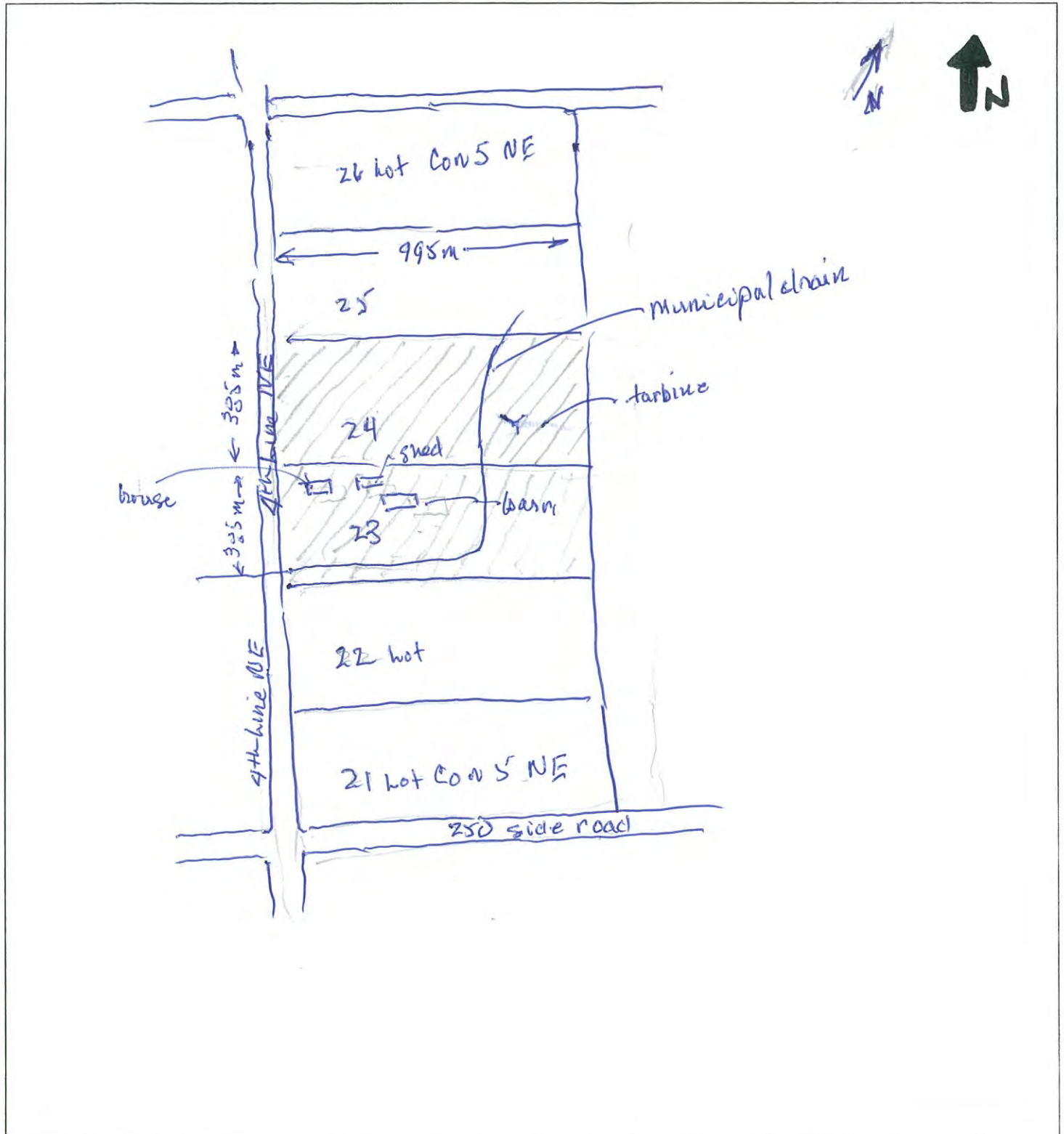
If you wish to be notified of the decision of the Committee of Adjustment in respect of the proposed consent, you must make a written request to the Committee of Adjustment, Township of Melancthon, 157101 Highway 10, Melancthon, Ontario, L9V 2E6.


Denise B. Holmes, Secretary-Treasurer

Property Owners Name : H. J. Lyon

Location of Property: 238101 4th line NE, Melancthon Acreage: _____

Please use the space for your sketch:



**TOWNSHIP OF MELANCTHON - COMMITTEE OF ADJUSTMENT
APPLICATION FOR CONSENT**

NOTE TO APPLICANTS

One copy of this application form must be completed and filed for each parcel to be severed together with the sketch as required by the Schedule to Ontario Regulation 547/06, with the Secretary/Treasurer and be accompanied by a fee of \$800.00 + \$1000.00 deposit. Cheques made payable to the Township of Melancthon.

Completeness of the Application

The information that must be provided by the applicant is prescribed in the Schedule to Ontario Regulation 547/06 made under the Planning Act. If the mandatory information and fee are not provided, the Committee of Adjustment will return the application or refuse to further consider the application until the information and fee have been provided.

The application form also sets out other information that will assist the Committee of Adjustment and others in their planning evaluation of the Consent Application. To ensure the quickest and most complete review, this information should be submitted at the time of the application. In the absence of this information, it may not be possible to do a complete review within the legislated time frame for making a decision. As a result, the application may be refused.

1. Registered Owner's Name : H. J. Lyon
Address: 238101 4th Line NE, Melancthon ON L9V 2J2
E-mail Address: harveylyon38@gmail.com
Telephone Number: (Home) 519-923-3651 (Work) _____ (Fax) _____

Applicant's Name : same
Address: _____
E-mail Address: _____
Telephone Number: (Home) _____ (Work) _____ (Fax) _____

Agent's Name: _____
Address: _____
E-mail Address: _____
Telephone Number: (Home) _____ (Work) _____ (Fax) _____

Send Correspondence to? Owner (✓) Applicant () Agent ()

2. Date of Application: July 13, 2016

3. Type of Transaction: (e.g. a transfer for the creation of a new lot, a lot addition, an easement, a charge, a lease or a correction of title)

transfer for creation of new lot.

4. Name of person(s) to whom the land or interest in land is to be transferred, charged or leased:

R. D. Lyon

5. Legal Description of Property:

Municipality Melomethon

Lot (s) lots 23 and 24 Concession Con. 5 NE

Lot (s) _____ Registered Plan _____

Part (s) _____ Reference Plan _____

Street Address _____

Roll Number lot 23 2219 000 003 038 00 000
lot 24 - 2219 000 003 037 00 000 Survey Attached - Yes () No (☒)

6. Are there any easements or restrictive covenants affecting the subject property? Yes ☒ No _____

7. If the answer to Section 6 is yes, a description of each easement or covenant and its effect.

Turbine lease on lot 24

8. (a) Description of lands to be **SEVERED** or **EASEMENT/RIGHT-OF-WAY**: (in metric units)

Frontage: full lot 23 385 m Area: 40± ha

Depth: 385 m 995 m±

Existing Use: Agriculture Proposed Use: Agriculture

Existing and proposed buildings and structures on land to be severed:

Existing: house, barn, implement shed

Proposed: NA

What type of access do the lands intended to be **SEVERED** have?

Provincial Highway _____ County Road _____

Year Round Municipal Road ☒ Seasonal Municipal Road _____

Unopen Road Allowance _____ Private Right-of-way _____

Other, please specify _____

Services currently available, or to be available for the **SEVERED** parcel:

	Municipal Water	Communal Water	Private Water	Municipal Sewers	Communal Sewers	Private Sewers
Existing	()	()	(<input checked="" type="checkbox"/>)	()	()	()
Proposed	()	()	() <u>NA</u>	()	()	()

(in metric units)

Area: 40 ha ±

Existing Use: Agriculture

Proposed Use: Agriculture

Existing: None

Proposed: None

Provincial Highway _____
 Year Round Municipal Road ☒
 Unopen Road Allowance _____
 Other, please specify _____

County Road _____
Seasonal Municipal Road _____
Private Right-of-way _____

Services currently available, or to be available for the **RETAINED** parcel: *None*

	Municipal Water	Communal Water	Private Water	Municipal Sewers	Communal Sewers	Private Sewers
Existing	()	()	()	()	()	()
Proposed	()	()	()	()	()	()

9. (a) Present Official Plan designation of the land : Agriculture

(b) Present Zoning of the land: Agriculture

10. Has the subject land ever been the subject of an application for approval of a plan of subdivision under Section 53 of the Planning Act? Yes _____ No

If the answer is yes, the file number of the application and the status of the application.

11. Has any land been severed from the parcel originally acquired by the owner of the subject land? No

12. If the answer to Section 11 is "Yes", please indicate previous severance on the required sketch and supply the following information for each lot severed:

Grantee's Name: WA.

Relationship (if any) to owner:

Date of Parcel Created: _____ Use of Parcel: _____

File Number :

13. Is the subject land the subject of any other application under the Act, such as an application for an amendment to an official plan, a zoning by-law or a Minister's zoning order, an application for a minor variance or an approval of a plan of subdivision or a consent; No

If the answer is yes, the file number of the application and the status of the application: _____

14. This application must be accompanied by a sketch showing the following, with any measurements shown in **metric units**:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (*for example, buildings, railways, roads, watercourses, drainage ditches, bank of rivers or streams, wetlands, wooded areas, wells and septic tanks*) that,
 - (i) are located on the subject land and on land that is adjacent to it, and
 - (ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial); Agriculture
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- (h) if access to the subject land will be by water only, the location of the parking and boat docking facilities to be used; and
- (i) the location and nature of any easement affecting the subject land.

15. Is the application consistent with policy statements issued under subsection 3(1) of the Act? Yes

16. Is the subject land within an area of land designated under any provincial plan or plans? No
17. If the answer to question 16 is yes, briefly explain how this application either conforms with or does not conflict with any applicable provincial plan or plans: NA
18. If this application involves the creation of a non-farm lot within approximately 500 metres of livestock facilities and/or permanent manure storage facilities, a completed MDS I calculation form must be submitted with this application. If this application involves a new or expanded livestock facility and/or permanent manure storage facility, a completed MDS II calculation form must be submitted with this consent application. NA

UPON SUBMISSION OF THIS APPLICATION THE APPLICANT AGREES:

1. That the fee submitted with this application covers only routine processing costs (i.e. review by municipality). It is further understood and agreed that any additional costs or requirements with this application, including any additional information and processing requirements, or as may otherwise be required or incurred and charged to or by the municipality (i.e. planning, legal or engineering fees, OMB Hearing costs, agreements, special studies, other approvals or applications and any other related matters) will be my responsibility to provide to and/or reimburse the municipality for same. Failure to pay all associated costs may result in refusal of this application and/or collection by the municipality in like manner as municipal taxes, or any other means legally available to the municipality.
2. To pay the application fee in full prior to the processing of this application.
3. To allow the Committee of Adjustment to site inspect the property in consideration for this application.

Affidavit or Sworn Declaration

I, Harvey J. Lyon of the 238101 4th line NE of _____
in the Two of Melancthon solemnly declare that all the statements contained in this application and all the information provided is true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the CANADA EVIDENCE ACT.

Declared before me

Date:

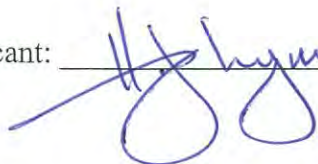
July 12, 2016

at the Township of Melancthon

in the County of Dufferin

Signature of Applicant:

this 12th day of July



2016.

Seneca B. Folmer
A Commissioner, etc.

• Municipal Planning Services Ltd. •

MEMORANDUM

To: Mayor White and Members of Council
Copy: Ms. Denise Holmes, CAO
From: Chris D. Jones MCIP, RPP
Date: August 2, 2016
Re: Consent Application B3/16 – Lot 23/24, Concession 5 N.E.

BACKGROUND

Mr. Harvey Lyon has applied for a consent to sever a lot for agricultural purposes.

The lands proposed to be severed are located at 238101 4th Line N.E. and are located in Lot 23, Concession 5 N.E. The lot is occupied by the applicant's home and two agricultural buildings and has a total lot area of approximately 40 hectares (100 acres)

The lot proposed to be retained is located in Lot 24, Concession 5 N.E. and also has a lot area of approximately 40 hectares (100 acres). The lot is vacant with the exception of a wind turbine.

The subject lands are also traversed by a municipal drain.

It is understood the subject lands were acquired at different points in time and were inadvertently registered to merge in title as a single lot.

OFFICIAL PLAN

The subject lands are located in the Agricultural designation in the Township's Official Plan.

Section 5.2.5 establishes the following policies with respect to the creation of new lots in the Agricultural designation:

- a) *The planning objectives of the consent and lot creation policies for the Agricultural designation are to preserve prime agricultural land for agricultural uses, minimize the fragmentation of such land, protect agricultural operations and minimize the intrusion of incompatible uses into prime agricultural areas.*
- b) *In addition to the general consent policies of Section 7.2 and all other applicable policies of this Plan, the following consent related policies apply specifically to lands in the Agricultural designation. In such areas lot creation is discouraged and*

only the types of lot creation or lot line adjustments identified in the following policies may be permitted through the granting of consents:

- i. Lots may be created for agricultural uses, provided such lots are of a size appropriate for the type agricultural uses that are common in this area and 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 lot for agricultural uses shall be approximately 40 hectares or the original survey lot size, whichever is the lesser.
- ii. Lots may be created for agricultural related uses provided any such lot is limited to the minimum size needed to accommodate the use and appropriate on-site sewage and water services, and the lot is sited to avoid agricultural lands wherever possible.
- iii. The only type of new residential lot permitted is a lot which accommodates a residence surplus to a farm operation as a result of farm consolidation...

ANALYSIS

The applicant proposes to divide a 200-acre farm into two 100 acre farm parcels.

The primary policies guiding lot creation in the Agricultural designation are found in Section 5.2.5 (b) of the Township's Official Plan. These policies are derived from Section 2.3.4.1 of the Provincial Policy Statement (PPS 2014).

The proposed consent conforms with these policies on the basis that both the lot to be severed and the lot to be retained are 100 acres in area and represent lots laid out as per the original Township survey.

RECOMMENDATION

The following recommendation is provided for Council's consideration:

- a) That this report be received; and,
- b) That Application B3/16 be approved subject to the Township's standard conditions of consent.



Chris Jones MCIP, RPP

• Municipal Planning Services •

Chris D. Jones BES, MCIP, RPP
51 Churchill Drive
Barrie, Ontario
(705) 725-8133