



**TOWNSHIP OF MELANCTHON**

**COMMITTEE OF ADJUSTMENT**

**THURSDAY, JULY 21, 2016 - 6:00 P.M.**

1. **APPROVAL OF MINUTES - June 16, 2016**
2. **BUSINESS ARISING FROM MINUTES**
3. **APPLICATION FOR CONSENT**
  1. B2/16 - 2312439 Ontario Inc. (D. Martin) - Part Lot 16, Concession 7 S.W.
4. **APPLICATION FOR MINOR VARIANCE**
5. **APPLICATIONS ON FILE**
  1. B12/14 - Julian McDowell - West Part Lot 13, Concession 1 O.S. -
  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. **B2/16**

Date of Meeting: **Thursday, July 21, 2016** Time: **6:00 p.m.**

Name of Owner/Applicant: **2312439 Ontario Inc. (Dennis Martin)**

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

**PROPOSED SEVERANCE: Part of Lot 16, Concession 7 S.W.**

Existing Use: **Residential**

Proposed Use: **Residential**

Road Frontage: **118 m.**

Depth: **117 m.**

Area: **1.24 hectares**

**RETAINED PORTION: Part of Lot 16, Concession 7 S.W.**

Existing Use: **Agricultural**

Proposed Use: **Agricultural**

Road Frontage: **275 m.**

Depth: **505.14 m.**

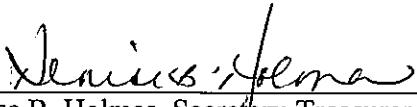
Area: **19 hectares**

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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



**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 : 2312439 ONTARIO INC.  
Address: 8309 WELLINGTON RD 7, MOOREFIELD, ON N0G2K0  
E-mail Address: info@dencosheds.ca  
Telephone Number: (Home) 519-638-5550 (Work) \_\_\_\_\_ (Fax) 519-638-5271

Applicant's Name : Dennis Martin  
Address: as above  
E-mail Address: \_\_\_\_\_  
Telephone Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Fax) \_\_\_\_\_

Agent's Name: WOODS, CLEMENS, FLETCHER + CROBIN.  
Address: 9 MEMORIAL AVE. ELMIRA, ON N3B2Z6  
E-mail Address: m.fletcher@woodsclemens.ca  
Telephone Number: (Home) \_\_\_\_\_ (Work) 519-669-5101 (Fax) 519-669-5618

Send Correspondence to? Owner ☒ Applicant ( ) Agent ☒

2. Date of Application: JUNE 23, 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)

SURPLUS DWELLING SEVERANCE

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

UNKNOWN - TO BE SOLD.

5. Legal Description of Property:

Municipality MELANCTHON

Lot (s) 16 Concession 7

Lot (s) \_\_\_\_\_ Registered Plan \_\_\_\_\_

Part (s) \_\_\_\_\_ Reference Plan \_\_\_\_\_

Street Address 077384 7<sup>th</sup> LINE SW, RR #5 DUNDALK.

Roll Number 22-P1-000-054-10600-0000 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.

Site Plan Agreement Top of Melancthon DC79459.

Re Lease With Canadian Hydro Developers Inc. DC126392

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

Frontage: 118m. Area: 1.24 Hectares

Depth: 117m

Existing Use: Residential Proposed Use: Residential

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

Existing: 1 Storey House, Shed, Garage, Horse Barn

Proposed: N/A. - None

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	( )	( )	(✓)	( )	( )	(✓)
Proposed	( )	( )	(✓)	( )	( )	(✓)

(in metric units)

Area: 19 HECTARES

Depth: 505.14 m

Proposed Use: AGRICULTURAL

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

Existing: NONE

Proposed: NONE

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

County Road \_\_\_\_\_

Seasonal Municipal Road \_\_\_\_\_

Private Right-of-way \_\_\_\_\_

Other, please specify \_\_\_\_\_

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

	Municipal Water	Communal Water	Private Water	Municipal Sewers	Communal Sewers	Private Sewers
Existing	( )	( )	( )	( )	( )	( ) N/A.
Proposed	( )	( )	( )	( )	( )	( ) N/A.

9. (a) Present Official Plan designation of the land: Agricultural  
RURAL + ENVIRONMENTAL PROTECTION AREA

(b) Present Zoning of the land: GENERAL AGRICULTURAL - A1

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: \_\_\_\_\_

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: \_\_\_\_\_

APPLICANT WILL APPLY TO REZONE AGRICULTURAL LAND TO PROHIBIT RESIDENTIAL DWELLING IF SEVERANCE IS GRANTED.

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);
- (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? YES.

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:

POLICY 2.3.4.1 (c) Lot creation in Prime Agricultural areas may be permitted for a residence surplus to a farming operation as a result of farm consolidation provided that there is a restriction against new residential dwellings on any vacant farmland parcel created by severance. Farm consolidation is defined as the acquisition of additional farm parcels to be operated as one farm operation.

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.

- One Barn 220M away (shown on sketch) - falling down + vacant.  
- not capable of handling live stock - MDS can be sent if

UPON SUBMISSION OF THIS APPLICATION THE APPLICANT AGREES: Required

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, DENNIS MARTIN of the TOWNSHIP of MAPLETON.

in the COUNTY of WELLINGTON 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: JUNE 22, 2016

at the Township of Mapleton

in the County of Wellington

this 22<sup>nd</sup> day of JUNE

Signature of Applicant: Dennis Martin

2016  
[Signature]  
A Commissioner, etc.


**Authorizations:**

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner that the applicant is authorized to make the application on his/her behalf, must be included with this form or the authorization set out below must be completed.

**Authorization of Owner for Agent to Make Application and for Agent to Provide Personal Information**

I, Dennis Martin, President of 2312439 Ontario, am the owner of the land that is the subject of this application for consent and I authorize myself, Dennis Martin to act as my agent for the purpose of this application and for the purposes of the **Freedom of Information and Protection of Privacy Act**, I authorize my agent to provide any of my personal information that will be included in this application or collected during the processing of this application.

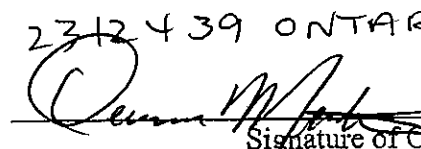
June 22, 2016.  
Date

  
Signature of Owner

**Consent of the Owner to the Use and Disclosure of Personal Information**

I, Dennis Martin, President., am the owner of the land that is the subject of this consent application and for the purposes of the **Freedom of Information and Protection of Privacy Act**, I authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the **Planning Act** for the purposes of processing this application.

June 22, 2016  
Date

2312439 ONTARIO INC.  
  
Signature of Owner  
Dennis Martin. Pres.

**2312439 ONTARIO INC. – (DENNIS & COLLEEN MARTIN)**

**DUFFERIN:**

**34160-0026**

LOT 15, CONCESSION 7 AND CONCESSION 8 ; TOWNSHIP OF MELANCTHON – 200 ACRES

**34160-0040**

LOT 16, CONCESSION 6, TOWNSHIP OF MELANCTHON – 100 ACRES

**34160-0030**

LOT 17 AND LOT 18, CONCESSION 6, TOWNSHIP OF MELANCTHON – 200 ACRES

**34160-0027**

LOT 16, CONCESSION 7, TOWNSHIP OF MELANCTHON – 50 ACRE

# • Municipal Planning Services Ltd. •

## MEMORANDUM

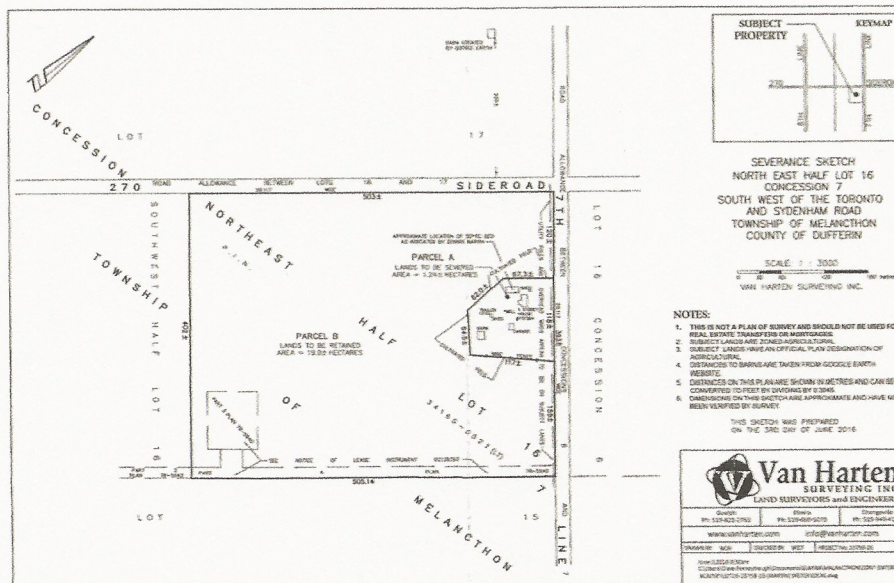
**To:** Ms. Denise Holmes, CAO  
**From:** Chris D. Jones MCIP, RPP  
**Date:** July 13, 2016  
**Re:** Proposed Application for Consent – File B2/16 (Dennis Martin)

## BACKGROUND

The Township is in receipt of an application for consent submitted by an agent on behalf of 2312439 Ontario Inc, a company owned by Mr. Dennis Martin. The purpose of the application is to sever a surplus farm dwelling from lands located in Part Lot 16, Concession 7, S.W. The subject lands have a total lot area of approximately 20.24 hectares (50 acres) and are currently occupied by a detached dwelling, three accessory buildings and one trailer.

The application seeks to sever a surplus farm dwelling having an area of 1.24 hectares (3.1 acres). The retained agricultural holding would have an area of approximately 19 hectares. Figure 1 illustrates the proposed severance.

**Figure 1 – Proposed Severance**



• Municipal Planning Services Ltd. •

Chris D. Jones BES, MCIP, RPP  
51 Churchill Drive, Unit 1  
Barrie, Ontario  
(705) 725-8133

## OFFICIAL PLAN

The lands subject to the proposed severances are located in the Agricultural designation of the Official Plan. Generally speaking, both the Provincial Policy Statement (2014) and the Township's Official Plan discourage lot creation and fragmentation within prime agricultural areas.

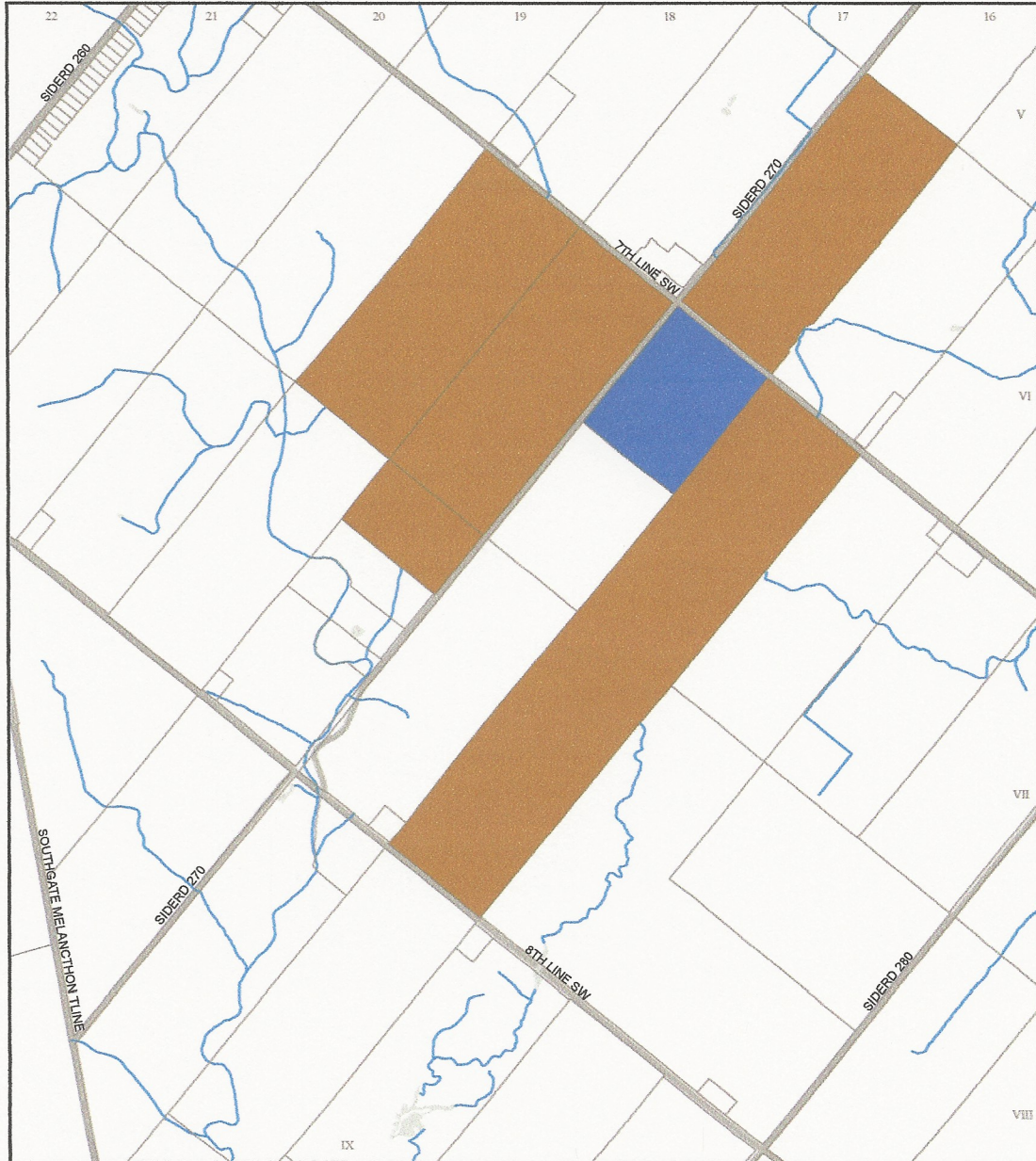
There are several operative Official Plan policies that relate to this proposal that require consideration, these policies are paraphrased below:

1. Section 5.2.2 (g) requires farm parcels to be sufficiently large and does not permit the fragmentation of agricultural land holdings into parcels inappropriate for typical local agricultural operations.
2. Section 5.2.5 (b) (i) of the Official Plan permits the creation of new lots for "agricultural uses". The policy requires that new parcels are "sufficiently large to maintain flexibility for future changes in the type and size of agricultural operations". The policy also states that new lots for agricultural uses shall be approximately 40 hectares in area.
3. Section 5.2.5 (b) (iii) of the Official Plan permits the creation of a residential lot for the sole purpose of severing a surplus dwelling from an existing farm consolidated with an existing farm business. In doing so, the resultant farm parcel is to be zoned in a manner that restricts future construction of a dwelling and furthermore, the owner seeking the severance is required to own land within the Township or within 1 kilometre of the municipal boundary.

## ANALYSIS

Section 5.2.5 (b) (iii) of the Official Plan, the consent policy which allows the severing of surplus farm dwellings, requires an applicant to own other farm lands in the Township or within 1 kilometre of the Township's boundary. In this case the applicant appears to comply with this policy requirement as Figure 2 identifies the location of other lands owned by the applicant.

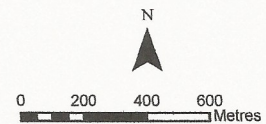
**Figure 2 – Other Lands Owned by the Applicant**



**Melancthon Consent  
Martin**

**Legend**

- Area subject to consent application
- Other parcels owned by the applicant



In our opinion, the severance of a surplus farm dwelling from the subject lands creating a 19-hectare (47 acre), vacant farm parcel would result in the creation of a small agricultural parcel by Township standards.

In reviewing the Provincial Policy Statement and local Official Plan policies with respect to lot creation in prime agricultural areas we believe the underlying tenet of these policies is to minimize fragmentation of agricultural lands.

Given that the applicant is the owner of several surrounding farm parcels to the lot subject to this proposal, if the proposed consent application is approved by Council, it would be recommended that the resultant farm parcel be consolidated or merged in title with Lot 15, Concession 7 S.W. In our opinion this would fulfill all of the primary policy objectives of the Official Plan, by allowing the severance of a surplus dwelling, and at the same time consolidating the residual farm parcel with another farm parcel to ensure the resultant agricultural parcel is large enough to accommodate a full range of future agricultural uses.

### **RECOMMENDATION**

If Council is agreement with the analysis of this report, it is recommended that application B2/16 be approved subject to the following conditions:

1. That the severed lot be rezoned to a Rural Residential (RR) Zone;
2. That the existing structure labeled as a "barn" on the applicant's survey sketch be removed;
3. That a draft reference plan be provided to the Clerk for review prior to registration;
4. That the draft transfer for the new lot and the merger of the retained lands with Lot 15, Concession 17 be provided to the Clerk for review; and,
5. That the retained lands be legally merged in title with Lot 15, Concession 7 and that the applicant's solicitor provide a written undertaking that the merger will be immediately registered upon registration of the new lot.

Respectfully,



Chris D. Jones MCIP, RPP

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• Municipal Planning Services Ltd. •

Chris D. Jones BES, MCIP, RPP  
51 Churchill Drive, Unit 1  
Barrie, Ontario  
(705) 725-8133