

## **TOWNSHIP OF MELANCTHON COMMITTEE OF ADJUSTMENT**

The Committee of Adjustment of the Township of Melancthon held a meeting on the 20<sup>th</sup> day of October, 2016 in the Council Chambers commencing at 6:00 p.m. Members D. White, J. Elliott, D. Besley, W. Hannon and J. Webster were present. Secretary-Treasurer D. Holmes and W. Atkinson were also present. Member White presided.

### **Minutes**

Moved by Besley, Seconded by Hannon that the minutes of the Committee of Adjustment meeting held on September 15, 2016 be approved as circulated. Carried.

### **Business Arising from Minutes**

None.

### **Applications for Consent**

#### **B5/16 - Allen, Laura - West Part Lot 9, Concession 2 O.S.**

A public meeting had been called to consider an application by Lauren Allen to sever approximately 1.7 acres from the West Part of Lot 9, Concession 2 O.S. The Secretary read the correspondence received as a result of the required circulation. Chris Jones, Municipal Planning Services Ltd. provided a report outlining the application and advised in the Township Official Plan the subject lands are designated Rural and also extensively covered by the Environmental Conservation designation. He noted the proposed consent application appears to be in conformity with Section 5.3.3 (d) of the Official Plan, which permits the creation of up to 3 lots from an original Township surveyed lot, provided the subject lands have not been utilized for agricultural purposes for a minimum of 10 years prior the application for consent. Section 3.4.2(b) requires the proponent of any development approval for lands located in Environmental Conservation designation to prepare an Environmental Impact Study (EIS) to assess the impact of proposed site alteration and development on natural features. Mr. Jones' recommendation was that the application be deferred pending comments from the NVCA and to allow a site visit to be undertaken. Prior to the meeting Laura Allen advised she would not be able to attend the meeting. She stated that she was willing to work with any recommendations received from the NVCA. The Nottawasaga Valley Conservation Authority reviewed the application and advised they had a pre-consult with Mrs. Allen and noted the conservation authorities preference would be to limit the lot lines to remain with the existing pine plantation (depth of 250ft/76m). The location of the proposed severance is regulated due to natural heritage (wetland) features to the east of the pine plantation with no hazards mapped in this vicinity. The NVCA advised the applicant is interested in avoiding the need for further environmental review and is willing to redefine the proposed new lot boundaries. Therefore the NVCA requested a deferral of any approval based upon the current proposal subject to the provision of an environmental impact study completed to the Township and NVCA's satisfaction. Alternatively the applicant may revise their plans to create a new lot configuration that would not extend into the wetland feature. Should this be undertaken the conservation authority would not object to the proposed severance. A permit will be required from the conservation authority for the development of this parcel should it be approved by the committee of adjustment. An e-mail was received from Marg McCartney, Bell Canada - Right of Way Associate that subsequent to review of the application Bell Canada has no concerns or objections to the application for consent. The application was deferred to allow the applicant time to reconfigure the lot which will be reviewed by Chris Jones, Planner.

## **Applications for Minor Variance**

### **A1-16 - Isaac & Ina Martin - West Part Lot 23, Concession 4 O.S.**

A public meeting had been called to consider a minor variance application by Isaac and Ina Martin to permit an on-farm business use to be co-located within an agricultural storage building, separated by an internal, common wall. Section 4.6(j) of the Township's Zoning By-law requires on-farm uses to be located in a separate building that is not associated with any other use on the lot. The applicant therefore seeks an exemption from this provision. Isaac and Ina Martin attended the meeting as well as Eli Sherk, agent for the applicants. Harvey Lyon was also in attendance. The Secretary read the comments received as a result of the required circulation. The Nottawasaga Valley Conservation Authority reviewed the application and based on their mandate and policies under the Conservation Authorities Act have no objection to its approval. An e-mail was received from Susan Sanford stating that on-farm businesses should stay within the provisions of the existing by-laws, keeping the flavor of our rural community. A memorandum was received from Chris Jones, Municipal Planning Services Ltd. advising that in considering the application, the Committee needs to be satisfied that the proposal is in keeping with the "four tests" of a minor variance as set out in the Planning Act, 1) Is the variance in keeping with the intent of the Official Plan; 2) Is the variance in keeping with the intent of the Zoning By-law; 3) Will the variance provide for the desirable development of the lot, and 4) Is the Variance Minor? Mr. Jones provided his comments pertaining to each of the "four tests" and advised should the Committee be satisfied the variance meets the four tests, they may establish any reasonable condition to the approval of the variance. Mr. Jones further commented that in his opinion the requested variance is not in keeping with the intent of the Official Plan or Zoning By-law, is not desirable for the development of the lot and is not minor. Mr. Jones stated he would not recommend the variance be approved. Discussion ensued among the Members and Member Besley stated he was in support of the application as the building was in place when the property was purchased and the applicant was in compliance with the square footage to be used with the remainder to be used for agricultural purposes. Members White, Elliott and Webster raised concerns regarding the application and agreed with the Planner that the application did not meet the four tests of a minor variance as set out in the Planning Act. They also commented that a lot of work and time had been put into developing the by-law to keep the use secondary to agriculture and to control the size. Concerns were also raised with respect to enforcement. Harvey Lyon commented that the buyer should have been aware of the by-law when the property was purchased and the real issue in the by-law is the size of the shops. Mr. Lyon also commented that long term sustainability of agricultural should be considered. Mr. Sherk commented that the applicant was aware of the by-law at the time of purchase.

Moved by Elliott, Seconded by Webster that Minor Variance Application A1-16 for Isaac and Ina Martin - West Part of Lot 23, Concession 4 OS to permit an on-farm business use to be co-located within an agricultural storage building, separated by an internal, common wall, be denied as the requested variance is not in keeping with the intent of the Official Plan or Zoning By-law, is not desirable for the development of the lot and is not considered minor in nature.

**Member Elliott called for a recorded vote:**

**Member Elliott - Yea**

**Member Besley - Nay**

**Member Webster - Yea**

**Member Hannon - Yea**

**Chair - White - Yea**

Carried.

## **Applications on File**

### **B12/14 - McDowell, Julian**

The Secretary advised the Committee that a permit had been submitted to the NEC to determine if there is a building lot and as of this date she has not received a response. The Secretary was instructed to call the NEC and copy Janet Horner. Deferred.

### **B1/16 - Wayne Nicholson - Applicant/Bonnefield Canadian Farmland LP-Owner**

Wayne Nicholson was in attendance and asked for clarification as to the 6 month expiry date. He was advised the motion was put on the floor May 19, 2016 so the expiry date would be November 19, 2016. Mr. Nicholson advised that the Planner he had hired had not worked out and he is looking for a new Planner. He stated that previously there had been a house on the subject property so would he not be permitted to build on the lot this house existed on? Mr. Nicholson was advised that the previous house was located on the original 100 acres. Mr. Nicholson requested that the application be deferred until the next meeting on November 17, 2016 and the Committee granted his request.

## **Correspondence**

None

## **Adjournment - 6:55 p.m.**

Moved by Elliott, Seconded by Webster that we adjourn Committee of Adjustment to meet again on Thursday, November 17, 2016 at 6:00 p.m. or at the call of the Chair. Carried.

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CHAIR

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SECRETARY