



TOWNSHIP OF MELANCTHON

COMMITTEE OF ADJUSTMENT

THURSDAY, MAY 17, 2018 - 6:00 P.M.

1. **APPROVAL OF MINUTES - November 16, 2017**

2. **BUSINESS ARISING FROM MINUTES**

3. **APPLICATION FOR CONSENT**
 1. B1/18 - Jim and Gwen Funston - East Part Lot 16, Concession 2 O.S.
 2. B2/18 - James and Susan Bone - Part Lot 22, Concession 6 S.W. (Lot enlargement to Lot 17, Plan 54)
 3. B3/18 - John Playfair - East Part Lot 31, Concession 1 O.S. RP 7R2359 Part 1

4. **APPLICATION FOR MINOR VARIANCE**

5. **APPLICATIONS ON FILE**
 1. B12/14 - Julian McDowell - West Part Lot 13, Concession 1 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. **B1/18**

Date of Meeting: **May 17, 2018** Time: **6:00 p.m.**

Name of Owner/Applicant: **Jim and Gwendolyn Funston**

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

PROPOSED SEVERANCE: East Part of Lot 16, Concession 2 O.S.

Existing Use: **Vacant** Proposed Use: **Residential**

Road Frontage: **113.75 m.** Depth: **100 m. (approx.)**

Area: **1.01 ha. (approx. 2.5 acres)**

RETAINED PORTION: East Part of Lot 16, Concession 2 O.S.

Existing Use: **Vacant** Proposed Use: **Residential**

Road Frontage: **215.70 m.** Depth: **100 m. (approx.)**

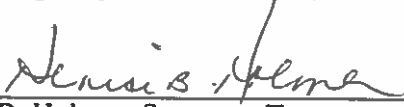
Area: **2.02 ha. (approx. 5.0 acres)**

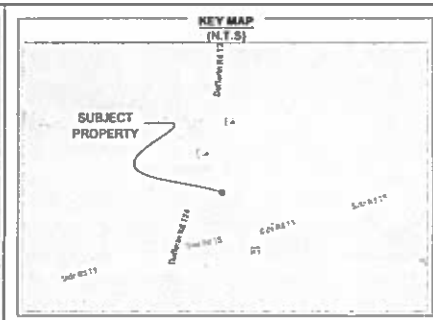
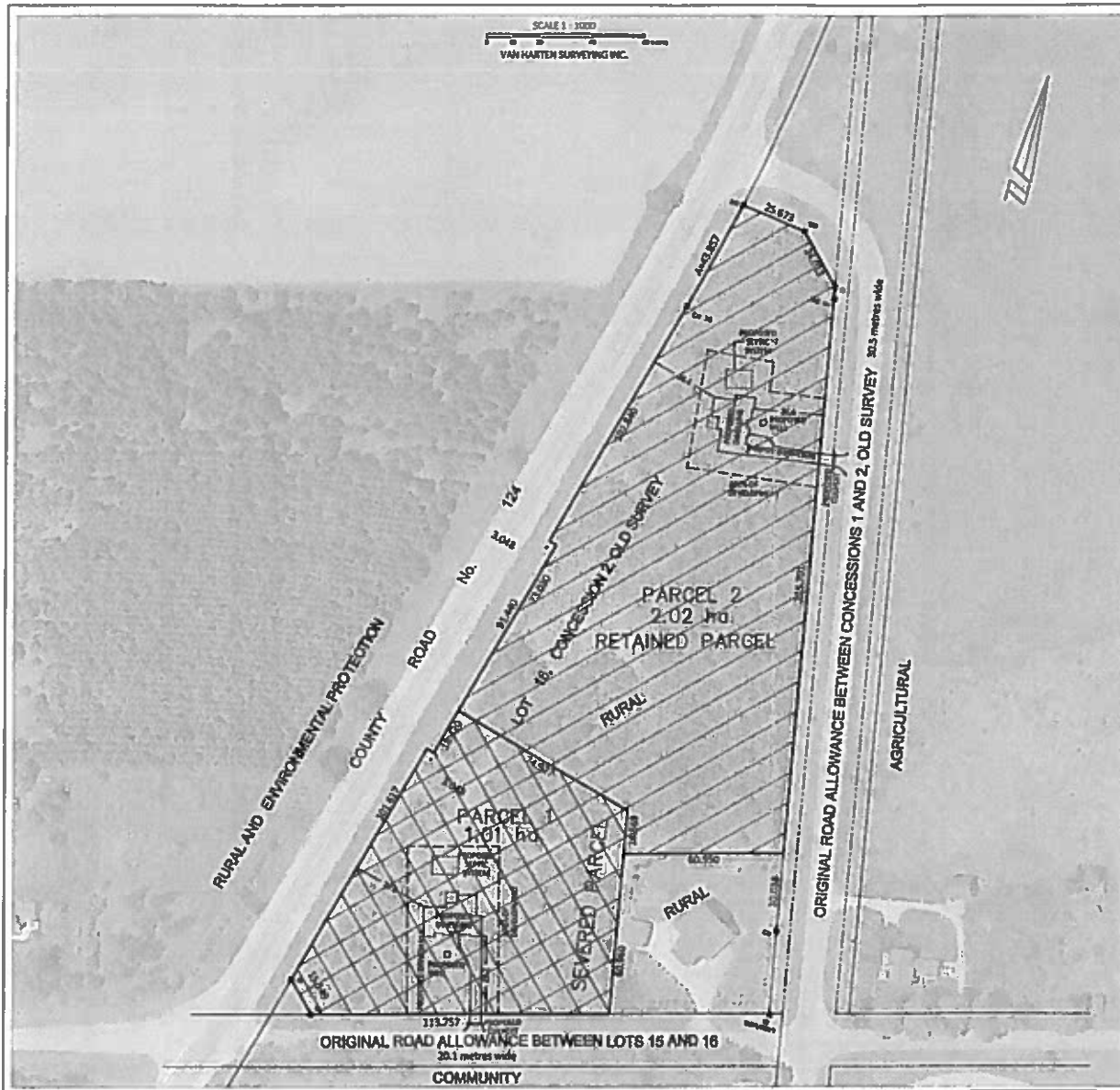
The land is not the subject of an application under the Act for an Official Plan Amendment, Zoning By-law Amendment, or Minor Variance application.

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



LEGEND:

- 1995.702 - PROPOSED ELEVATION
- 1994.82 - EXISTING ELEVATION
- ▬ SLOPE
- ▬ DIRECTION OF FLOW
- ▬ PERFORATED PIPE
- ⊠ TEST PIT
- WELL
- TREE
- ▬ TREELINE

CALL BEFORE YOU DIG

THE LOCATION OF SERVICES ON THIS DRAWING ARE ONLY APPROXIMATE AND BASED ON SURFACE FEATURES LOCATED AT THE TIME OF THE TOPOGRAPHIC SURVEY. PRIOR TO ANY CONSTRUCTION IT IS THE RESPONSIBILITY OF THE CONTRACTOR/BUILDER TO ENSURE THE EXACT LOCATION OF ALL UTILITIES.

**LOT DEVELOPMENT PLAN FOR:
PART OF LOT 16,
CONCESSION 2 OLD SURVEY,
TOWNSHIP OF MELANCTHON,
COUNTY OF DUFFERIN**

- ▨ DENOTES SEVERED PARCEL 1 (1.01 ha)
- ▨ DENOTES RETAINED PARCEL 2 (2.02 ha)

NO	REVISION	BY	DATE
2	REVISED TO SHOW HOUSES	AM	OCT 18, 2017
1	FIRST SUBMISSION TO REC.	AV	SEPT 18, 2017

DRAWING REVISION SCHEDULE
PREPARED FOR: JIM FUNSTON
PROJECT No. 23541-18
DRAWING SCALE 1 : 1000

CAUTION:
 THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.
 IT IS THE SURVEYOR'S RESPONSIBILITY TO ENSURE THE PROPOSED FOOTING ELEVATION AND PLUMBING ALLOWED GRAVITY CONNECTION TO THE SEWERAGE SYSTEM.
 THE LOT MUST CONTAIN STRUCTURAL OR NON-STRUCTURAL FILL PLACED DURING SUBDIVISION (SANDS OPERATIONS) SO BEARING CAPACITY INCLUDES BEING MET AT THE TIME OF CONSTRUCTION.
 THE SURVEYOR MUST ENSURE A MINIMUM OF 8.25m OF EAP™ COVER OVER THE FOOTINGS FOR FROST PROTECTION. THIS COVER IS PROTECTED BY CONCRETE.

Van Harten SURVEYING INC.
LAND SURVEYORS and ENGINEERS

Etter	Gerrish	Changvut
Ph: 519 669 5070	Ph: 519 821 2763	Ph: 519 949 4140
www.vanharten.com		info@vanharten.com
Drawn by: AVY	Checked by:	Checked by:

MAP 28, 2018 1:0.75m
 C:\Users\vanhart\OneDrive\Work\2018\23541-18.dwg

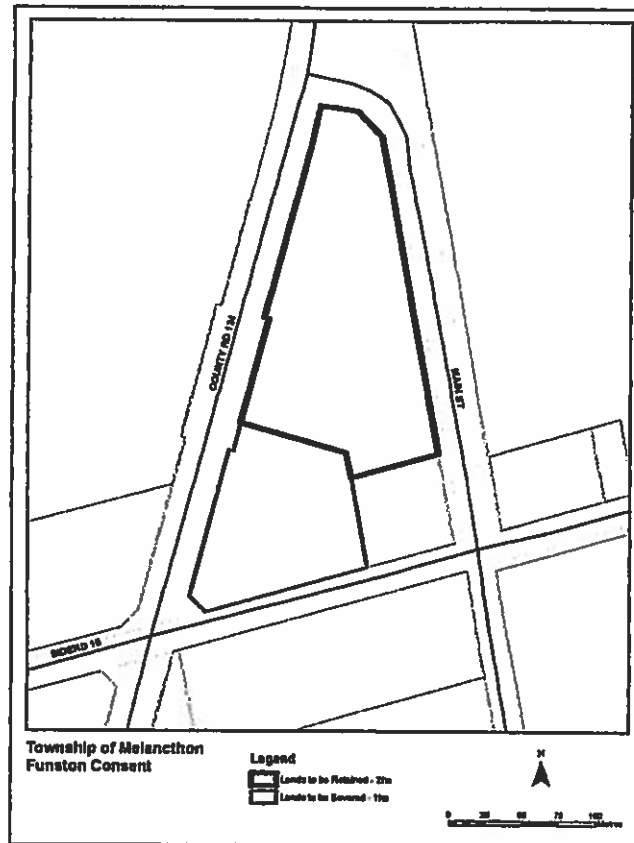
MEMORANDUM

To: Mayor White and Members of Council
Copy: Ms. Denise Holmes, CAO
From: Chris D. Jones MCIP, RPP
Date: May 9, 2018
Re: Application for Consent B1/18 (Funston)

BACKGROUND

The Township is in receipt of an application for consent to create a new residential infill lot from lands north of Hornings Mills, located in the West Part of Lot 16, Concession 2 O.S on lands bounded by County Road 124, Sideroad 15 and Main Street. An illustration of the severed and retained lands is shown in Figure 1.

Figure 1 – Subject Lands (Severed and Retained)



The proposed severance would result in the creation of a new severed lot having a lot area of approximately 1 hectare (2.5 acres), while the retained lot would have a lot area of approximately 2.0 hectares (5 acres).

OFFICIAL PLAN

The subject lands are designated Rural in the Township's Official Plan.

The lot creation policies for the Rural designation are restrictive, but do provide for "residential infilling", as per Section 5.3.3.9 (e):

Severance for residential infilling may be permitted provided there is compliance with the provisions of the definition of that term as contained in Section 9. In general, this is the preferred form of residential lot creation by land severance.

Section 9 of the Plan (Definitions) defines "Residential infilling" in the following manner:

...When used in reference to areas outside Community designations, residential infilling means:

- i. new housing or residential lot creation between two existing residential lots, whether developed or vacant, which are of a similar size to the proposed lot, are on the same side of the road and are not more than 200 metres apart;*
- ii. new residential lot creation where there is a maximum distance separation of 200 metres between a developed or vacant residential lot having a similar size to the proposed lot(s) and an intersection of two open public road allowances; and,*
- iii. the creation of a new residential lot from parts of one or more similarly sized abutting residential lots containing dwellings that are a maximum of 200 metres apart and there is sufficient lot area for the severed and retained lots.*

The subject application appears to conform with criteria two (ii) from the above definition on the basis that the lot to be severed along Main Street is located within 200 metres of a developed rural lot and the intersection of two public road allowances.

NIAGARA ESCARPMENT COMMISSION (NEC)

The subject lands are under the jurisdiction of the NEC. As such the NEC has issued two Development Permits for the severed and retained lands. These permits authorize the construction of new dwellings on the lot proposed to be severed as well as the lot to be retained.

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51 Churchill Drive
Barrie, Ontario
(705) 725-8133

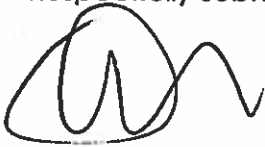
ANALYSIS

In my opinion the proposed application for consent conforms with the Township's Rural consent policies.

RECOMMENDATION

It is recommended that the proposed consent be approved subject to the requirement that the applicant prepare a reference plan and allow staff to review the draft reference plan and legal transfer prior to registration.

Respectfully Submitted,



Chris Jones MCIP, RPP

• *Municipal Planning Services Ltd.* •

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

Ph: (519) 925-5525
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**TOWNSHIP OF MELANCTHON
Committee of Adjustment**

157101 Highway 10
Melancthon, Ontario
L9V 2E6

**NOTICE OF PUBLIC MEETING
Application for Consent**

File No. **B2/18**

Date of Meeting: **May 17, 2018** Time: **6:00 p.m.**

Name of Owner/Applicant: **James and Susan Bone**

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

PROPOSED SEVERANCE: Part Lot 22, Concession 6 S.W. (Lot enlargement to Lot 17 Plan 54)

Existing Use: **Vacant** Proposed Use: **Residential**

Road Frontage: **n/a** Depth: **50.3 m. (165 ft approx.)**

Area: **.404686 ha. (267'x165'= 1 acre to be added to Lot 17, Plan 54)**

RETAINED PORTION: Part Lot 22, Concession 6 S.W.

Existing Use: **Vacant** Proposed Use: **Residential**

Road Frontage: **574.24 m.** Depth: **402.33 m.**

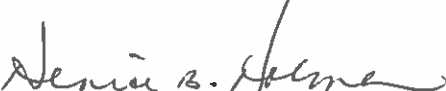
Area: **33.75 ha.**

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.

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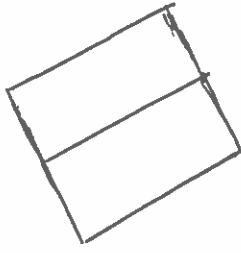
If you wish to be notified of the decision of the Committee of Adjustment in respect of the proposed consent, you must make a written request to the Committee of Adjustment, Township of Melancthon, 157101 Highway 10, Melancthon, Ontario, L9V 2E6.


Denise B. Holmes, Secretary-Treasurer

Lot 22 6 SW

324'

107.25'



165'

53,460 ft²

158'

165'

School

66'

HOUSE

57.7'

9,520 ft²

165'

WREATH

330'

57'

50' Red Allowance

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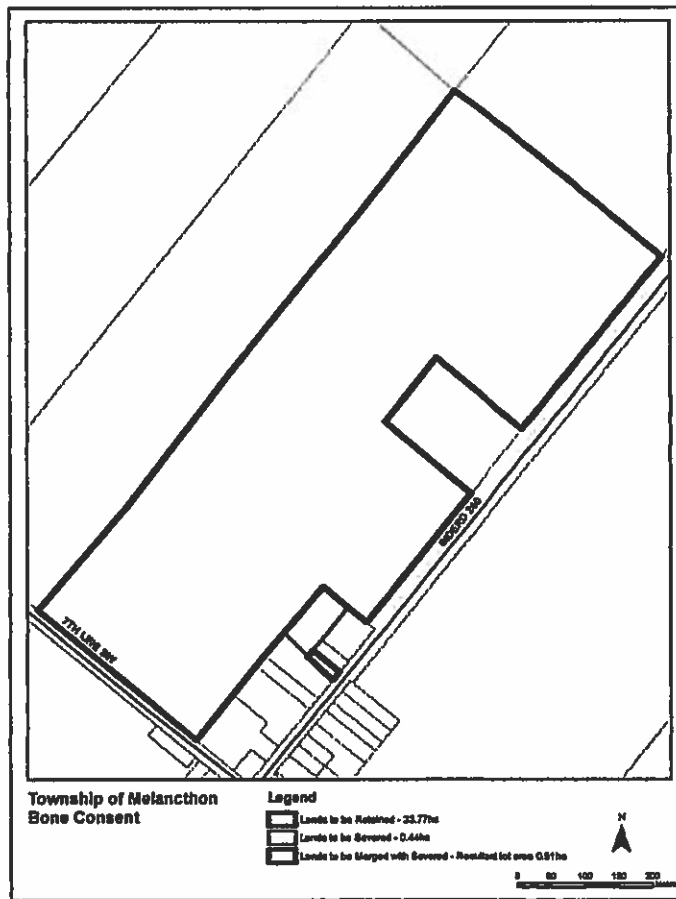
MEMORANDUM

To: Mayor White and Members of Council
Copy: Ms. Denise Holmes, CAO
From: Chris D. Jones MCIP, RPP
Date: May 11, 2018
Re: Application for Consent B2/18 (Bone)

BACKGROUND

The Township is in receipt of an application for consent to sever and merge lands to create a larger residential lot in the settlement of Riverview. An illustration of the severed and retained lands is shown in Figure 1.

Figure 1 – Subject Lands (Severed and Retained)



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(705) 725-8133

The applicant owns the following two parcels of land:

- Part of Lot 22, Concession 6 SWTSR (lot area 84 acres); and,
- Lot 17, Plan 54 (lot area 9,000 ft²).

The applicant wishes to sever approximately one acre from the larger parcel to merge in title with Lot 17 to create a more viable residential lot. The resultant residential parcel would have a lot area of approximately 0.5 hectares (1.2 acres).

OFFICIAL PLAN

The subject lands are designated Community and Rural in the Township's Official Plan.

The lands proposed to be severed and merged are located in the Community designation. The new lot lines would align with the boundary of the Community designation.

ZONING BY-LAW

Lot 17 is currently zoned Hamlet Residential (R1) and the lands to be severed and merged with Lot 17 are zoned General Agricultural (A1). As a condition of consent it will be recommended that the applicant rezone the resultant lot to the R1 Zone. In doing so, the resultant lot will also require an exemption from the minimum lot frontage and minimum lot area zone standards.

ANALYSIS

In my opinion the application for consent is appropriate and will help to create a more viable building lot in the settlement of Riverview.

RECOMMENDATION

It is recommended that the proposed consent be approved subject to the following conditions:

1. The resultant lot shall be rezoned to the Hamlet Residential (R1) Zone;
2. Lot 17, Plan 54 shall be deemed by by-law not to be a lot in a plan of subdivision to enable it to be merged in title;

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51 Churchill Drive
Barrie, Ontario
(705) 725-8133

3. The applicant shall provide a draft reference plan and transfer for review prior to registration; and,
4. The applicant shall provide a solicitor's undertaking and enter into a consent agreement to require the merger of the severed and lands with Lot 17, Plan 54.

Respectfully Submitted,



Chris Jones MCIP, RPP

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51 Churchill Drive
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**TOWNSHIP OF MELANCTHON
Committee of Adjustment**

157101 Highway 10
Melancthon, Ontario
L9V 2E6

**NOTICE OF PUBLIC MEETING
Application for Consent**

File No. **B3/18**

Date of Meeting: **Thursday, May 17, 2018** Time: **6:00 p.m.**

Name of Owner/Applicant: **John Playfair**

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

PROPOSED SEVERANCE: East Part Lot 31, Concession 1 O.S. RP 7R2359 Part 1

Existing Use: **Residential** Proposed Use: **Residential**

Road Frontage: **19 m.** Depth: **170 m. (Irregular)**

Area: **0.808 ha. (2.02 acres approx)**

RETAINED PORTION: East Part Lot 31, Concession 1 O.S.

Existing Use: **Agricultural** Proposed Use: **Agricultural**

Road Frontage: **430 m.** Depth: **473.3 m.**

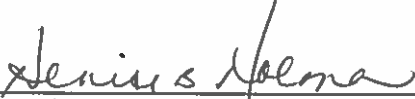
Area: **24.54 ha. (61.35 acres approx)**

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.

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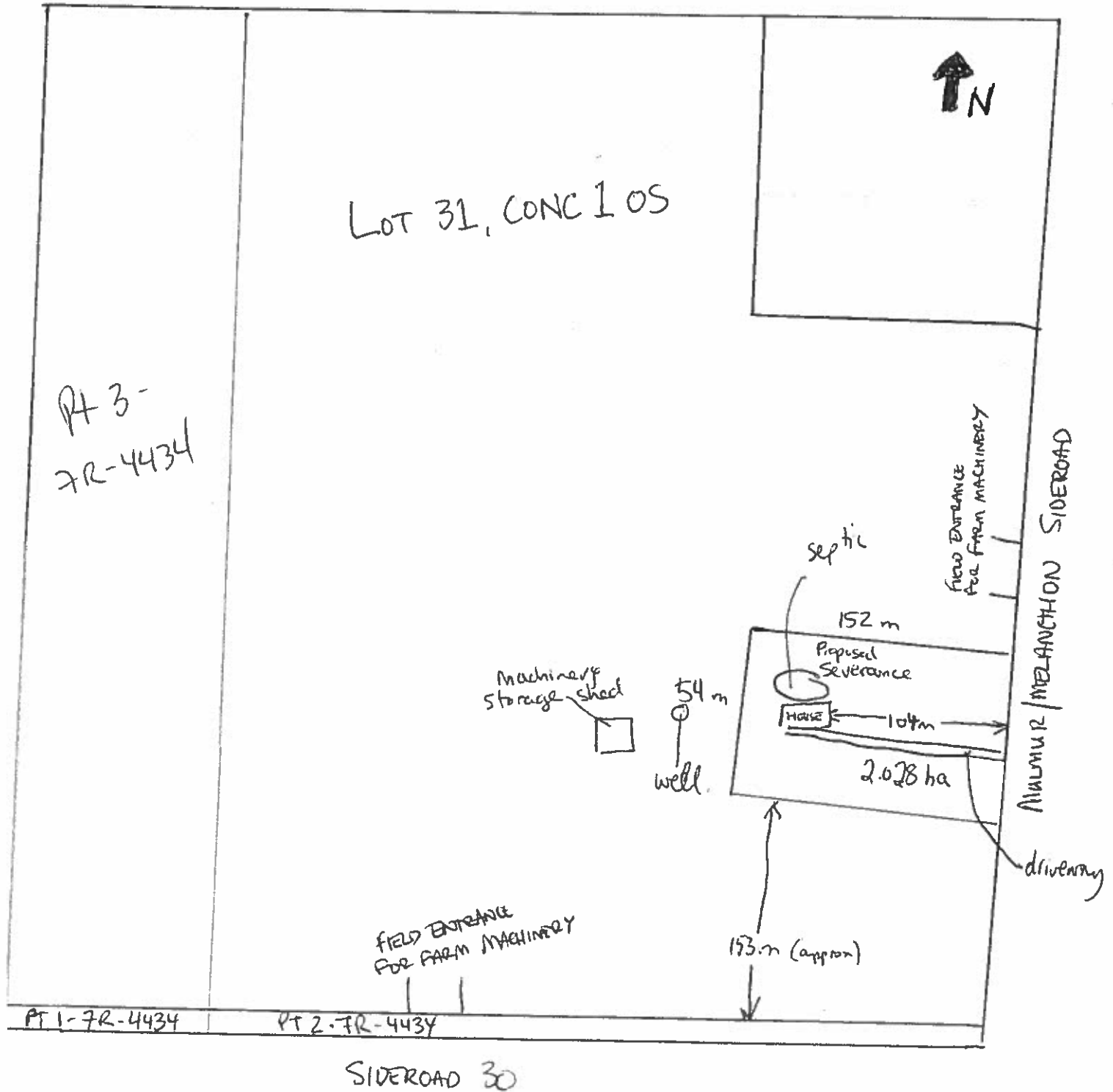
If you wish to be notified of the decision of the Committee of Adjustment in respect of the proposed consent, you must make a written request to the Committee of Adjustment, Township of Melancthon, 157101 Highway 10, Melancthon, Ontario, L9V 2E6.


Denise B. Holmes, Secretary-Treasurer

Property owner's Name: John Playfair

Location of Property: Pt. Lot 31, Conc 1 OS, Pt 1 on 7R-2359
Sawet except Pts 1, 2 + 3 on 7R-4434

Area: 62.64 acres
25.35 ha



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MEMORANDUM

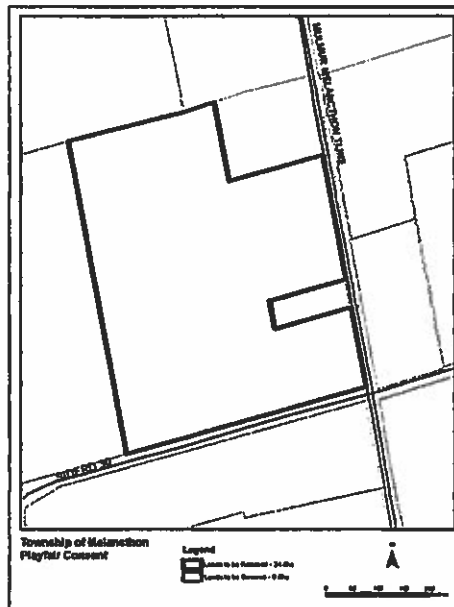
To: Mayor White and Members of Council
Copy: Ms. Denise Holmes, CAO
From: Chris D. Jones MCIP, RPP
Date: May 9, 2018
Re: Proposed Application for Consent – File B3/18 (John Playfair)

BACKGROUND

The Township is in receipt of an application for consent submitted by Mr. John Playfair. The purpose of the application is to sever a surplus farm dwelling from lands located in the East Part Lot 31, Concession 1, O.S. The subject lands have a total lot area of approximately 25 hectares (62 acres) and are currently occupied by a detached dwelling and one storage building. It is noted that two other farm-related structures were recently demolished by the owner.

The application seeks to sever a surplus farm dwelling having an area of approximately 0.8 hectares (2 acres). The retained agricultural holding would have an area of approximately 24 hectares. Figure 1 illustrates the proposed severance.

Figure 1 – Proposed Severance



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OFFICIAL PLAN

The lands subject to the proposed severance are currently designated Rural. It is noted the subject lands have been historically utilized for agricultural purposes and it is the applicant's intention to continue agricultural use on the retained lands to support his Mulmur based farm operation. In this regard, Section 5.3.3 of the Rural policies states:

Where a consent application for a land severance consists of land that is being used for agriculture, the severance policies of the subsection 5.2.5 relating to the Agricultural designation shall apply.

A summary of the Agricultural consent policies is 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) (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.

Section 9 of the Official Plan defines a Residence Surplus to a Farm Operation as:

An existing habitable farm residence that is rendered surplus as a result of a farm consolidation involving the acquisition of an additional farm parcel or parcels to be used as part of one farm operation which has its base of farm operations and principle farm buildings with the Township or within 1 kilometre of the Township.

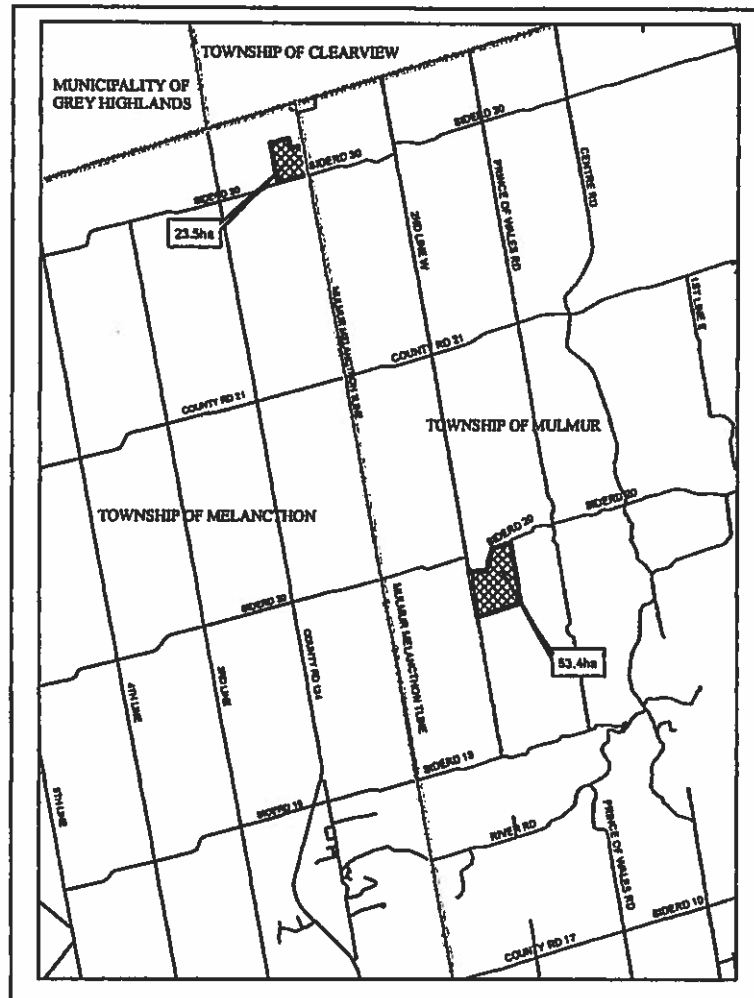
ANALYSIS

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

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(705) 725-8133

Figure 2 – Other Farm Operation Owned by the Applicant



In my opinion, the severance of a surplus farm dwelling from the subject lands would create a 24-hectare (59 acre), vacant farm parcel would result in the creation of a small agricultural parcel by Township standards. Notwithstanding, it is noted the farm operator owns an abutting agricultural parcel north of the retained parcel and the retained farm holding is required to be zoned in a manner that prohibits a future dwelling. In my opinion these are considerations that will help to ensure the retained parcel remains productive in agriculture.

It is noted there is that the existing well servicing the lands to be severed is not located on the land to be severed. In consideration of this issue it will be recommended that the applicant drill a new well to serve the dwelling on the lands to be severed as a condition of provisional consent.

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RECOMMENDATION

If Council is agreement with the analysis of this report, it is recommended that application B3/18 be approved subject to the following conditions:

1. That the severed lot be rezoned to a Rural Residential (RR) Zone and the retained farm parcel be rezoned for "Agricultural Purposes Only (APO)";
2. That the applicant install a new well on the lot to be severed; and,
3. That a draft reference plan be provided to the Clerk for review prior to registration;

Respectfully,



Chris D. Jones MCIP, RPP

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