



TOWNSHIP OF MELANCTHON

COMMITTEE OF ADJUSTMENT

THURSDAY, OCTOBER 17, 2019 - 6:00 P.M.

1. **APPROVAL OF MINUTES** - June 20, 2019
- September 19, 2019
2. **BUSINESS ARISING FROM MINUTES**
3. **APPLICATION FOR CONSENT**
 1. B1/19 & B2/19 - Angelo Carnevale - Applications for Consent - Part of the East Part Lot 13, Concession 2 O.S. & East Part Lot 13, Concession 2 O.S.
 2. B12/19 - Troy Allen - Application for Consent - West Part Lot 9, Concession 2 O.S.
4. **APPLICATION FOR MINOR VARIANCE**
5. **APPLICATIONS ON FILE**
 1. B12/14 - Julian McDowell - West Part Lot 15, Concession 1 OS
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. B1/19

Date of Meeting: **Thursday, October 17, 2019** Time: **6:00 p.m.**

Name of Owner/Applicant: **Owner: Angelo Carnevale Agent: Loft Planning Inc.**

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

PROPOSED SEVERANCE: East Part Lot 13, Concession 2 O.S.,

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

Road Frontage: **135 m** Depth: **180 m**

Area: **2.8 ha**

RETAINED PORTION: Part of the East Part Lot 13, Concession 2 O.S.

Existing Use: **Rural** Proposed Use: **Rural**

Road Frontage: **100 m** Depth: **Irregular**

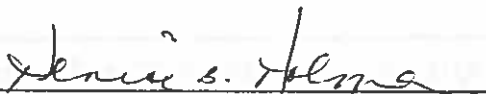
Area: **10 ha**

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.

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 Local Planning Appeal Tribunal 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

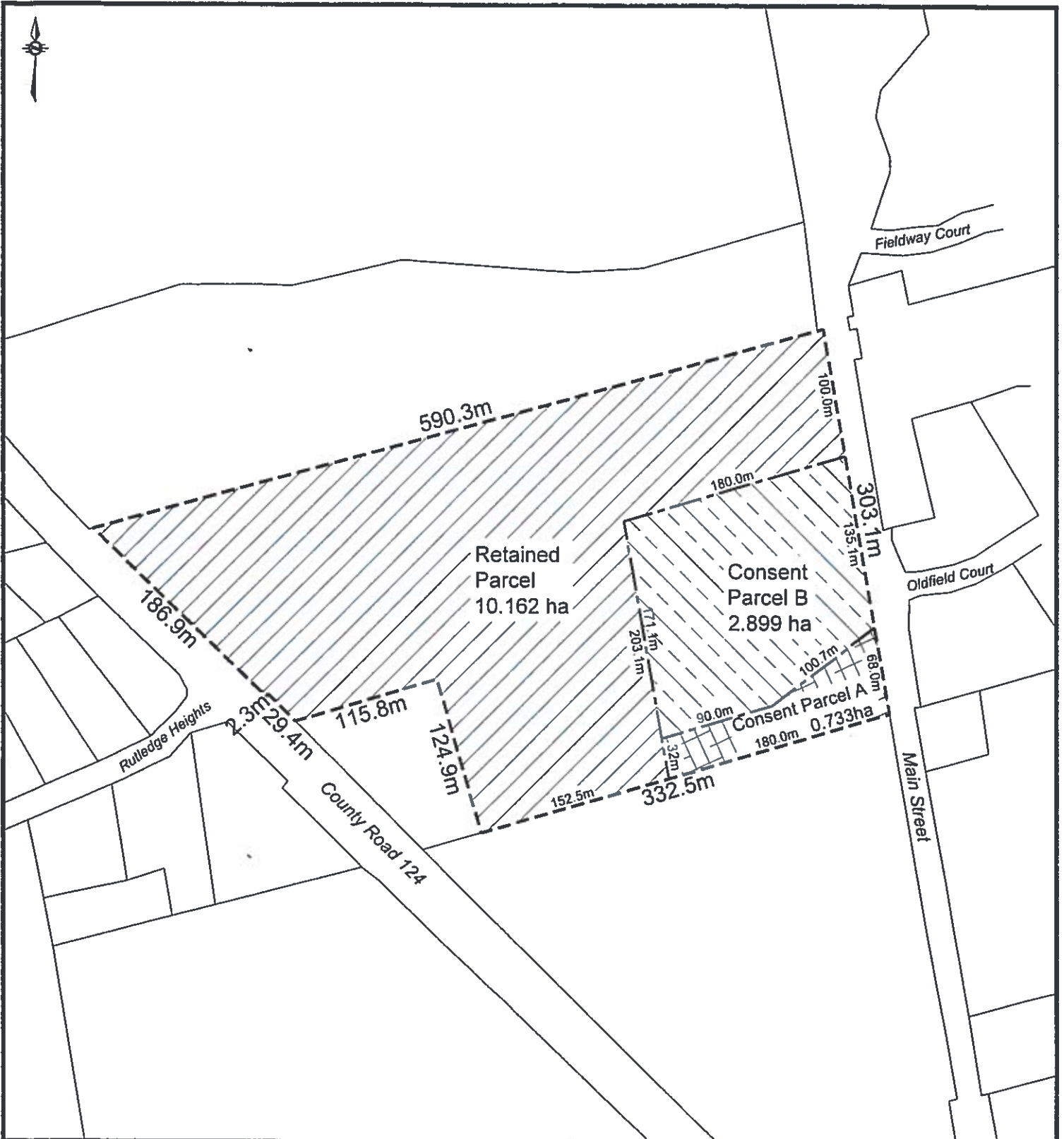


Figure 3 - Consent Sketch
 537080 Main Street,
 Melancton, (Hornings Mills)

Agent:	Kristine Loft, MCIP RPP, Loft Planning Inc.	
File#:	#CAR 27618	Sheet: CS
Date:	December 09, 2018	Scale: 1:4,000

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. **B2/19**

Date of Meeting: **Thursday, October 17, 2019** Time: **6:00 p.m.**

Name of Owner/Applicant: **Owner: Angelo Carnevale Agent: Loft Planning Inc.**

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

PROPOSED SEVERANCE: East Part Lot 13, Concession 2 O.S,

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

Road Frontage: **68 m** Depth: **180 m**

Area: **.733 ha**

RETAINED PORTION: Part of the East Part Lot 13, Concession 2 O.S.

Existing Use: **Rural** Proposed Use: **Rural**

Road Frontage: **100 m** Depth: **Irregular**

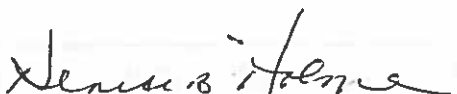
Area: **10.1 ha**

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.

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Denise B. Holmes, Secretary-Treasurer

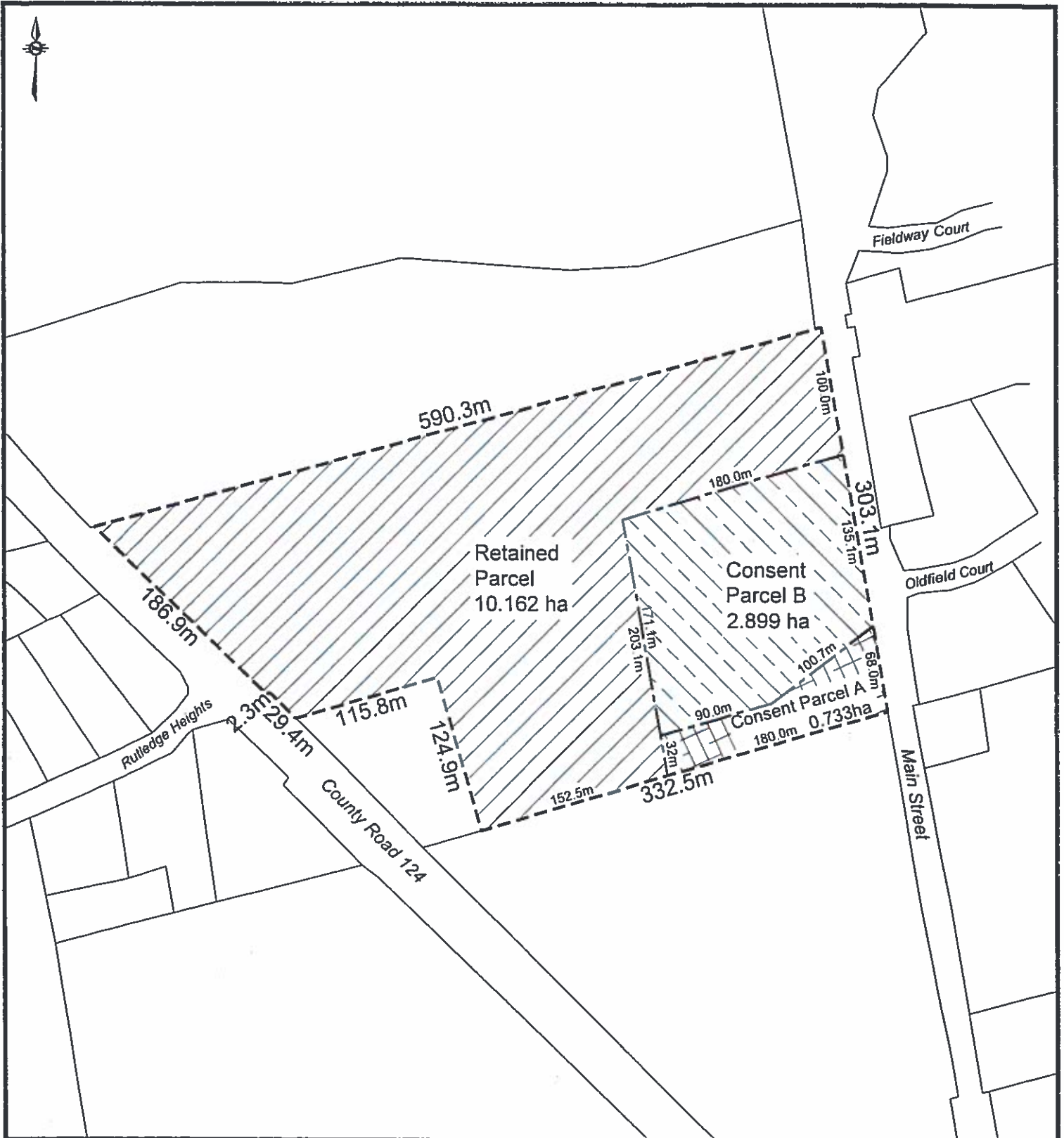


Figure 3 - Consent Sketch
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Agent:	Kristine Loft, MCIP RPP, Loft Planning Inc.	
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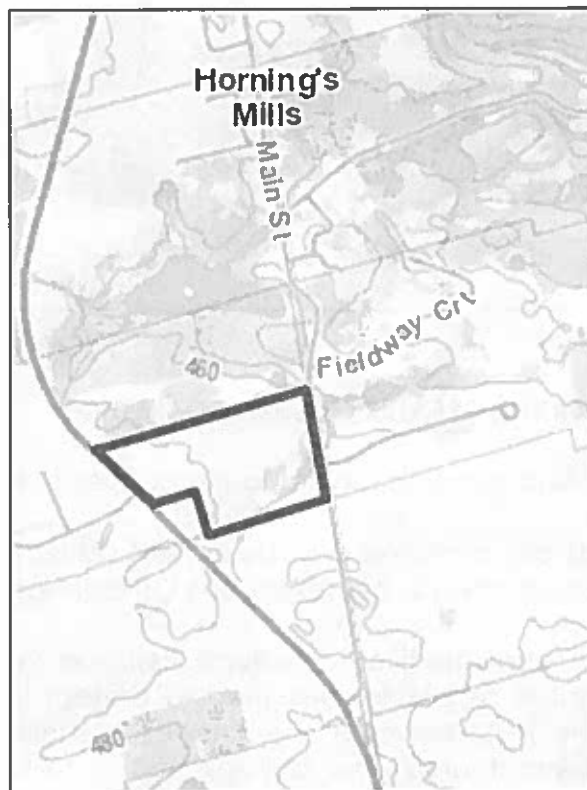
MEMORANDUM

To: Chairman White and Members of Committee
Copy: Ms. Denise Holmes, CAO
From: Chris Jones MCIP, RPP
Date: October 11, 2019
Re: Applications for Consent B1/19 and B2/19 (Carnivale)

BACKGROUND

The Township is in receipt of two applications for consent to create new residential lots in the settlement of Hornings Mills from lands located in the East Part of Lot 13, Concession 2 O.S with frontage on Main Street as well as Highway 124. The subject lands have a total lot area of approximately 14 hectares with a frontage on Main Street of approximately 300 metres. The location of the subject lands is shown in Figure 1.

Figure 1 – Subject Lands

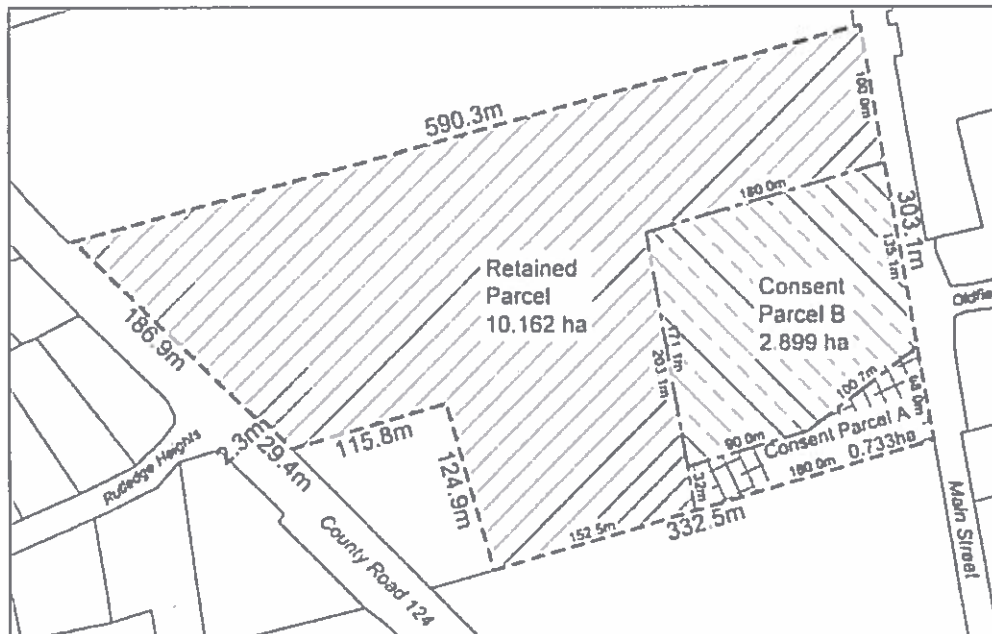


The applicant proposes to create two new lots having the following characteristics:

	<u>Lot Area</u>	<u>Lot Frontage</u>	<u>Existing Buildings</u>
Lot A	0.73 ha	68 metres	None
Lot B	2.9 ha	135 metres	Dwelling and Storage Building

The retained lot would have a frontage of 100 metres on Main Street and 187 metres on Highway 124 and a lot area of 10.2 hectares. The severed and retained lots are illustrated in Figure 2.

Figure 2 ~ Proposed Lots (Severed and Retained)



GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

The Township of Melancthon is subject to the policies of the Provincial Growth Plan.

The subject lands are considered to be a rural settlement area given that they form part of an area designated in the Township's Official Plan as "Community".

The Growth Plan also identifies a Natural Heritage System (NHS) and Section 4.2.2 establishes a number of policies designed to protect the NHS as the natural features that make up the NHS, however given that the subject lands are located within a designated settlement area, the policies of the NHS are not applicable. Instead,

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Barrie, Ontario
(705) 725-8133

Section 4.2.2.6 of the Growth Plan indicates that the policies of the Provincial Policy Statement (PPS) prevail with respect to natural heritage.

PROVINCIAL POLICY STATEMENT (2014)

Section 1.1.4.2 of the PPS states:

In rural areas, rural settlement areas will be the focus of growth and development and their vitality and regeneration shall be promoted.

Section 2.1.5 of the PPS restricts site alteration in: significant wetlands, significant woodlands, significant valley lands, significant wildlife habitat, significant ANSIs and coastal wetlands, unless it has been demonstrated that development will not cause negative impacts to the feature or its function.

Section 2.2.1 (d) of the PPS requires planning authorities to improve or restore the quality and quantity of water by (amongst other things):

"maintaining linkages and related functions amongst ground water features, hydrologic functions, natural heritage features and areas and surface water features".

In light of the above policies, the applicant retained a qualified biologist to conduct an assessment of the site in consultation with the NVCA.

OFFICIAL PLAN

The subject lands are designated Community in the Township's Official Plan. Section 5.7.2 (g) of the Community designation states:

The creation of new lot for permitted uses within the built community may occur by land severance up to a maximum of five new lots on a property existing at the time of approval of this Plan or by Plans of Subdivision...

The subject lands are also overlaid in part by an Environmental Conservation designation and Floodplain Boundary. These designations are primarily a reflection of a vegetated valleyland/watercourse feature located in the area of the proposed new lots. Section 5.5.1 viii) of the Plan (permitted uses in the Environmental Conservation designation) states:

Uses permitted in the Environmental Conservation overlay designation include uses permitted in the underlying land use designation, provided that it has been demonstrated that there will be no negative impacts on the natural heritage features and areas or their ecological functions and that in floodplains or other hazardous lands the use is in compliance with Section 3.5 and 5.5.3.

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Sections 3.5 and 5.5.3 are policies aimed at restricting development with areas prone to flooding.

In consideration of the above policies, the applicant has retained an environmental firm to assess the site in consultation with the NVCA.

NIAGARA ESCARPMENT COMMISSION

The subject lands are located in the NEC Development Control Area. In a letter dated October 10, 2019, the NEC has requested that the applicant apply for and obtain NEC Development Permits prior to the approval of the consent applications.

NOTTAWASAGA VALLEY CONSERVATION AUTHORITY

The NVCA has reviewed the application and have confirmed in a letter dated October 1, 2019 that they have no concerns with respect to the applications. The NVCA letter is attached at Appendix 1.

ANALYSIS

The subject lands are located in the Community designation and therefore are eligible for residential lot creation.

The applicant has followed the policy direction of the Official Plan which requires a natural heritage assessment to confirm the extent/type of natural features as well as an impact assessment of the development proposal on such features or their functions. On the basis of this assessment, it has been determined that the setbacks and mitigation can be employed to ensure the protection of woodlot features and fish habitat related to the watercourse and connecting pond. The NVCA has reviewed the applicant's EIS report and concurs with its findings.

In my opinion the proposed consents will provide for the appropriate development of the subject lands in a manner consistent with Provincial Policy and the Township's Official Plan. Furthermore, the proposed consents will not preclude or jeopardize the orderly development of the larger retained parcel at some point in the future by plan of subdivision.

RECOMMENDATION

Given the comments from the NEC requesting a deferral to allow for the issuance of development permits, it is recommended that the Committee defer its decision on these applications until the NEC permits have been issued.

• *Municipal Planning Services Ltd.* •

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

Respectfully Submitted,



Chris Jones MCIP, RPP

• Appendix 1 •



Nottawasaga Valley
Conservation Authority

October 1, 2019

SENT BY EMAIL

Ms. Denise Holmes
Secretary-Treasurer, Committee of Adjustment
Township of Melancthon
157101 Highway 10
Melancthon, Ontario
L9V 2E6

Dear Ms. Holmes;

Re: Application for Consent B01-19
Application for Consent B02-19
537080 Main Street, Melancthon
Township of Melancthon
NVCA ID: 32031

The Nottawasaga Valley Conservation Authority (NVCA) has reviewed the above noted applications in accordance with Natural Hazard policies established under the Provincial Policy Statement (PPS) and our Planning and Regulation Guidelines established under the Conservation Authorities Act. The consent applications propose to create two new residential lots. The retained parcel currently contains a residence and accessory structure and is to be a future subdivision.

Current mapping illustrates that the property falls partially within an area affected by Ontario Regulation 172/06 (the Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation) due to floodplain, slope and meander erosion hazards associated with a watercourse and a potential woodland located in the southeast portion of this property.

The NVCA confirms that the subject lands are located outside the Natural Heritage System and Growth Plan area thereby allowing for more opportunities for lot lines intersecting woodland features. Policies contained within the PPS prohibit development (including lot creation) and site alteration in significant woodland features unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

NVCA technical staff had the opportunity to attend the site through a formal pre-consultation process with the applicant and found no evidence of a watercourse or swale but did contain a man-made pond. Further, the applicant provided an Environmental Site Evaluation Report in support of the applications.

Staff have reviewed the technical report and have no natural heritage concerns with the proposed consents based on the following considerations:

- All proposed lots are wholly located within the Horning's Mill settlement area;
- Based on results of field investigations, proposed lot lines do not bisect any watercourses;

Nottawasaga Valley Conservation Authority
8195 8th Line, Utopia, ON L0M 1T0
T: 705-424-1479 F: 705-424-2115
admin@nvca.on.ca • nvca.on.ca

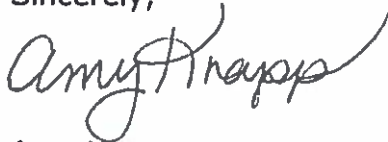
A member of Conservation Ontario

- The property is primarily in active agriculture and maintained residential space, with scattered naturalized features that are 'cultural' in nature, i.e. not particularly sensitive to disturbance.
- Although, the proposed lot lines do bisect a mapped significant woodland feature (as per Town OP); the feature will not be impacted by the severance, based on the EIS recommendation that any potential future development on the newly-created lot maintain a minimum 10m setback from the woodland feature.

In conclusion, for the reasons outlined above, the NVCA has no objection to the proposed consent applications.

Thank you for circulating these applications and please forward a copy of any decisions.

Sincerely,

A handwritten signature in cursive script that reads "Amy Knapp". The signature is written in black ink and is positioned above the printed name.

Amy Knapp
Planner II



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. B12/19

Date of Meeting: **Thursday, October 17, 2019** Time: **6:00 p.m.**

Name of Owner/Applicant: **Owner: Troy Allen Applicant: Laura Atherton**

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

PROPOSED SEVERANCE: West Part Lot 9, Concession 2 O.S.

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

Road Frontage: **107 m** Depth: **76 m**

Area: **2.0 acres**

RETAINED PORTION: Part of the West Part Lot 9, Concession 2 O.S.

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

Road Frontage: **308 m** Depth: **668 m**

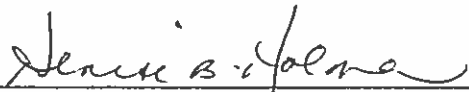
Area: **205,774 sq m.**

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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Denise B. Holmes, Secretary-Treasurer

MEMORANDUM

To: Chairman White and Members of Committee
Copy: Ms. Denise Holmes, CAO
From: Chris Jones MCIP, RPP
Date: October 10, 2019
Re: Application for Consent B12/19 (Allen)

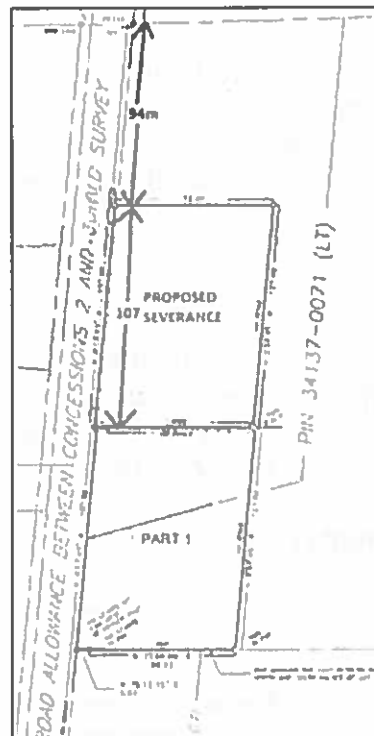
BACKGROUND

The Township is in receipt of a consent to create a new rural residential lot from lands located in the West Part of Lot 9, Concession 2 O.S.

The proposed new lot would have a frontage of 107 metres (351 feet) and a lot area of 0.8 hectares (2 acres).

The retained lands would have a frontage of 308 metres and a lot area of 18.5 hectares (46 acres). An illustration of the proposed lot is provided in Figure 1.

Figure 1 – Lot to be Severed



OFFICIAL PLAN

The subject lands are designated Rural and also extensively covered by the Environmental Conservation designation.

It is also noted that Schedule F identifies that subject lands as being proximate to a floodplain area and Schedule H identifies the proposed lot being located within a Primary Mineral Aggregate Resource Area.

A summary of the implications of these land use designations is provided below:

Rural Consent Policies

The proposed consent 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 to the application for consent.

It is noted that the applicant obtained approval to create a new lot in 2016 and this lot would represent the third lot created from the original 100 acre Township survey.

Environmental Conservation

Section 3.4.2 (b) requires the proponent of any development approval for lands located in the Environmental Conservation designation to prepare an Environmental Impact Study (EIS) to assess the impact of proposed site alteration and development on natural features.

The applicant has been engaged with the NVCA on the issue of existing natural features and functions adjacent to the proposed lot. From the Township's perspective, I am prepared to defer to the NVCA on the need for or scoping of any assessment report, however at the time this report was prepared I did not have final comments from the NVCA.

Floodplain

Section 5.5.3 establishes policies with respect to floodplains. Given that the subject lands are located within the jurisdiction of the Nottawasaga Valley Conservation Authority, the Conservation Authority has been consulted on this application to determine the suitability of the proposed lot.

Primary Aggregate Resources

The policies of Section 3.17.2 of the Plan require consideration of the following criteria

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when determining if a new lot should be permitted on lands located within a primary mineral aggregate resource area:

- i. Resource use would not be feasible;
- ii. The proposed land use or development serves a greater long-term public interest; and,
- iii. Issues of public health, public safety and environmental impact are addressed in accordance with the policies of this Plan and all applicable Federal and Provincial laws.

RECOMMENDATION

It is recommended that a decision on this application be deferred pending final comments from the NVCA which were not available at the time this report was finalized for the agenda.



Chris Jones MCIP, RPP