



**TOWNSHIP OF MELANCTHON - ELECTRONIC MEETING
COMMITTEE OF ADJUSTMENT - THURSDAY, OCTOBER 15, 2020 - 6:00 P.M.**

(For information on how to join the meeting, please go to the Council Meetings page on the Township Website to find the link, meeting code and password)

1. APPROVAL OF MINUTES - September 17, 2020

Motion - that the minutes of the Committee of Adjustment Meeting held on September 17, 2020 be approved as circulated.

2. BUSINESS ARISING FROM MINUTES

3. APPLICATION FOR CONSENT

4. APPLICATION FOR MINOR VARIANCE

1. A1/20 - John & Doreen Sipple - 148 Main Street, Part of Lot 14, Concession 2 O.S.

Motion - that we approve the granting of a minor variance A1-20 to John and Doreen Sipple, Part of Lot 14, Concession 2 OS as follows:

- *the rear yard setback for a dwelling or septic system shall be reduced to 0.5 metres;*
- *the minimum total floor area for a dwelling shall be reduced to 40 m²; and*
- *a detached garage shall be permitted in the front yard and shall have a minimum side yard setback of 0.4 metres and a minimum front yard setback of 0.7 metres, provided the floor area of the garage does not exceed 28 m².*

The requested variance is considered minor in that it will accommodate a proposed dwelling and septic. The variance is considered to be appropriate for the proper development of the property and maintains the general intent and purpose of the Official Plan and Zoning By-law.

5. APPLICATIONS ON FILE

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. B5/20 - Allen Clark - Application for Consent - Part of East Part of Lot 2, Concession 1 O.S., Part 1, RP 7R-6636

6. DELEGATES

7. CORRESPONDENCE

8. ADJOURNMENT

Motion - That we adjourn Committee of Adjustment at _____ p.m. to meet again on Thursday, November 19, 2020 at 6:00 p.m. or at the call of the Chair.



The Corporation of
THE TOWNSHIP OF MELANCTHON
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TOWNSHIP OF MELANCTHON - COMMITTEE OF ADJUSTMENT

NOTICE OF PUBLIC HEARING REGARDING AN APPLICATION FOR

X Minor Variance - s.45(1) Permission - s.45(2)

File No. A1-20

Re An Application by: John and Doreen Sipple - Matt Brace (Agent)

Address: 148 Main Street, Melancthon, Ontario, L9V 1X6

Description of Property: Part of Lot 14, Concession 2 OS

Purpose of Application: Relief from By-law 12-1979, as amended is applied for to reduce the rear yard setback to 0.5 m from rear property line for a proposed dwelling and septic.

Take Notice That an application under the above file number will be heard by the Committee of Adjustment on the date, and at the time and place shown below, under the authority of Section 45 of the *Planning Act*.

Date: Thursday, October 15, 2020

Time: 6:00 p.m.

Place: Virtual Meeting - This will be a virtual meeting. If you wish to attend the virtual meeting, please call or email the Township office prior to the day of the public meeting so you can be provided with the link to the meeting. If you do not have the capability to attend a virtual meeting, please provide written comments and a phone number where you can be reached, to the Township Clerk prior to the public meeting.

Public Hearing - You are entitled to attend at this public hearing or you may be represented by counsel or an agent to give evidence about this application. Signed, written submissions that relate to an application shall be accepted by the Secretary-Treasurer before or during the hearing of the application at the address above and shall be available to any interested person for inspection at the hearing.

Failure to attend hearing - If you do not attend at this public hearing, it may proceed in your absence and, except as otherwise provided in the *Planning Act*, you will not be entitled to any further notice in the proceeding.

Notice of Decision - A certified copy of the decision, together with a notice of the last day for appealing to the Ontario Municipal Board shall be sent, not later than 10 days from the making of the decision, to the applicant, and to each person who appeared in person or by counsel at the hearing and who filed with the Secretary-Treasurer a written request for Notice of the Decision.

Dated this 6th day of October, 2020.

Denise B. Holmes, AMCT
Secretary-Treasurer

MEMORANDUM

To: Mayor White and Members of Council
Copy: Ms. Denise Holmes, Clerk
From: Chris Jones MCIP, RPP
Date: October 8, 2020
Re: Minor Variance A1-20 (Sipple)

Mr. and Mrs. Sipple have submitted an application for minor variance for lands located at 148 Main Street, in Hornings Mills, described legally as Lots 15 and 16, Plan 34A and Parts 1 and 3 Plan 7R-6610, located in Part Lot 14, Concession 2 O.S. The applicant's lot has an area of 940 m² (10,118 ft²) with a frontage of approximately 22 metres (72 feet) on Main Street.

The applicant's lot is currently zoned Hamlet Residential Exception (R1-9), which was an amendment passed in 2019 as a condition of provisional consent to address lot area, frontage and building compliance matters for a re-configured lot.

The R1-9 Zone requires a minimum 4 metre rear yard setback for a dwelling or septic system, however in order to construct a new septic system on the lot, the applicant has requested the rear yard setback be reduced to 0.5 metres.

In addition, it is noted that subsequent to the submission of the registered reference plan, there is an existing garage on the subject lands located in the front yard and relief should be provided to recognize this structure.

Finally, it is also recommended that relief be granted from Section 5.3 i) of the R1 Zone which requires a new dwelling to have a minimum floor area of 65 m² (700 ft²). The proposed dwelling is compliant with this minimum standard but in the event additional changes need to be made to the applicant's building plan or design, it would be prudent to provide relief from this requirement and not have it become an additional constraint.

THE FOUR TESTS OF A MINOR VARIANCE

In considering this application, Committee needs to be satisfied that the proposal is in keeping with each of the "four tests" of a minor variance as set out in the Planning Act.

• Municipal Planning Services Ltd. •
Chris D. Jones BES, MCIP, RPP
51 Churchill Drive, Unit 1
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1. Is the variance in keeping with the intent of the Official Plan?

The subject lands are located in the Community designation, which permits a broad range of land uses. One of the objectives of the Official Plan is to direct growth to the settlement areas. Provided new dwellings, such as the one proposed by the applicant, can be accommodated on smaller lots in a manner that is compatible and appropriate with the surrounding community, I believe the intent of the Official Plan will be upheld.

2. Is the variance in keeping with the intent of the Zoning By-law?

The intent of the By-law as it relates to building setbacks is to create reasonable standards that reflect or maintain a general community character and contribute to compatible development. In this case I believe the proposed variances will address these intentions.

3. Will the variance provide for the desirable development of the lot?

I am of the opinion that the proposed variance will accommodate the development of a challenging residential lot that will be appropriate and desirable in the context of the Hornings Mills settlement area.

4. Is the Variance Minor?

This variance, together with earlier planning approvals have been granted on the basis that it will improve the viability of the applicant's building lot. The variances would help to address zoning constraints on a challenging lot due to its size and location but the nature of relief will not be impactful on any surrounding landowner. On this basis, I consider the variance to be minor.

CONCLUSION

Should Committee be satisfied the variance meets the four tests, they may establish any reasonable condition to the approval of the variance. The applicant's building lot has already been the subject of a very rigorous series of planning approvals and design requirements, so it is recommended the following relief be granted from the By-law and that Application A1/20 shall not be subject to any conditions:

1. The rear yard setback for a dwelling or septic system shall be reduced to 0.5 metres;
2. The minimum total floor area for a dwelling shall be reduced to 40 m²; and,
3. A detached garage shall be permitted in the front yard and shall have a minimum side yard setback of 0.4 metres and a minimum front yard setback of

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0.7 metres, provided the floor area of the garage does not exceed 28 m².

Respectfully Submitted,



Chris Jones MCIP, RPP