



**TOWNSHIP OF MELANCTHON
COMMITTEE OF ADJUSTMENT ELECTRONIC MEETING
THURSDAY, JULY 15, 2021 - 6:00 P.M.**

Join Zoom Meeting

<https://us02web.zoom.us/j/86999413913?pwd=Y3FNNUIKQ2w5OVpUY2M3aGRERy94UT09>

Meeting ID: 869 9941 3913

Passcode: 135207

One tap mobile

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Dial by your location

+1 438 809 7799 Canada

+1 587 328 1099 Canada

+1 647 374 4685 Canada

+1 647 558 0588 Canada

+1 778 907 2071 Canada

+1 204 272 7920 Canada

Meeting ID: 869 9941 3913

Passcode: 135207

AGENDA

APPROVAL OF MINUTES – June 17, 2021

Motion - that the minutes of the Committee of Adjustment Meeting held on June 17, 2021 be approved as circulated.

1. BUSINESS ARISING FROM MINUTES

2. APPLICATION FOR CONSENT

3. APPLICATION FOR MINOR VARIANCE

1. A2-21 - Matthew Tubie - Lot 4, Plan 7M48 – 1 Prentis Court (allow an increase in maximum lot coverage percentage from 10% to 13.11% and reduce side yard setback from 15 metres to 14 metres).

Motion: that the Committee approve the granting of a minor variance A2-21 for Lot 4, Plan 7M48 as follows:

- The maximum lot coverage shall be 13.11% and
- The minimum exterior side yard shall be 14 m.

The requested variance is considered minor in that it will accommodate the proposed dwelling. The variance is considered to be appropriate for the proper

development of the subject lands in a manner that is complementary to the lot and surrounding neighbourhood and maintains the general intent and purpose of the Official Plan and Zoning By-law.

- 4. APPLICATION FOR VALIDATION OF TITLE**
- 5. APPLICATIONS ON FILE**
- 6. DELEGATES**
- 7. CORRESPONDENCE**
- 8. ADJOURNMENT**

Motion - That we adjourn Committee of Adjustment at _____ p.m. to meet again on Thursday, August 12, 2021 at 6:00 p.m. or at the call of the Chair.



The Corporation of

THE TOWNSHIP OF MELANCTHON

157101 Highway 10, Melancthon, Ontario, L9V 2E6

Telephone - (519) 925-5525
Fax No. - (519) 925-1110

Website: www.melancthontownship.ca
Email: info@melancthontownship.ca

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. **A2-21**

Re An Application by: **Matthew Tubie**

Address: **1 Prentis Court, Melancthon ON L9V 3M9**

Description of Property: **Lot 4, Plan 7M48**

Purpose of Application: **Relief from By-law 12-1979 as amended, to allow an increase in maximum lot coverage percentage from 10% lot coverage to 13.11% lot coverage and reduce the exterior side yard setback from 15 metres to 14 metres.**

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: **July 15, 2021**

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 Local Planning Appeals Tribunal 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 *22nd* day of *June*, 2021.

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: July 9, 2021
Re: Minor Variance A2-21 (Tubie)

Mr. Matthew Tubie has submitted an application for minor variance for lands located at 1 Prentice Court, in the Bretton Plan of Subdivision, described legally as Lot 4, Plan 7M-48, located in Part of Lot 13, Concession 2.

The applicant's lot has an area of 4,536.3 m² (48,828 ft²) with a frontage of approximately 105 metres (344.5 feet) on Prentice Court.

The applicant's lot is currently zoned Estate Residential Exception (ER-1).

The applicant has requested the following relief from the Zoning By-law in order to construct a dwelling on the vacant lot:

- Increase in maximum lot coverage from 10% to 13.11%; and,
- Reduction in the exterior side yard setback from 15 m to 14 m.

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.

1. Is the variance in keeping with the intent of the Official Plan?

The subject lands comprise part of a plan of subdivision which is located in the Rural designation. I believe the proposed variance will be in keeping with the intent of the Official Plan as it relates to orderly and compatible residential development in the rural area.

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

The intent of the By-law as it relates to lot coverage and 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 the subject lands in a manner that is complementary to the lot and the surrounding neighbourhood.

4. Is the Variance Minor?

The nature of relief sought by the applicant will not be impactful on any surrounding landowner, nor will it set a poor precedent. On this basis, I consider the variance to be minor.

CONCLUSION

Should Committee be satisfied the variance meets the four tests, the following recommendation is provided:

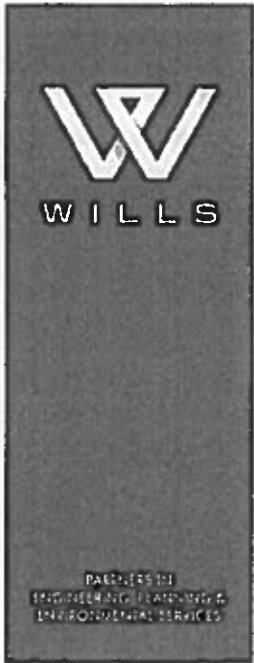
That Minor Variance Application A2/21 for Lot 4, Plan 7M-48 be approved authorizing the following relief:

1. The maximum lot coverage shall be 13.11% and,
2. The minimum exterior side yard shall be 14 m.

Respectfully Submitted,



Chris Jones MCIP, RPP



Transmittal Sheet

To:
Att: Planning Department
Township of Melancthon

From:
D.M. Wills Associates Limited c/o Diana
Keay

Company Name and Address:
Township of Melancthon
157101 Highway 10
Melancthon, ON
L9V 2E6

Date:
June 9, 2021

Contact Phone Number:
519-925-5525

Contact Email:
kcchessell@melancthontownship.ca

Project Number:
10983

Project Name:
1 Prentis Court, Breton Estates

Regarding:
Submission of Minor Variance Application

Email Fax Courier Delivery Mail

Description/Comment:

Dear Ms. Chessell,

Please find enclosed:

- One (1) copy – Complete Minor Variance Application
- One (1) copy – Planning Justification Letter
- One (1) copy – Site Plan
- One (1) copy – Application Fee

Respectfully,

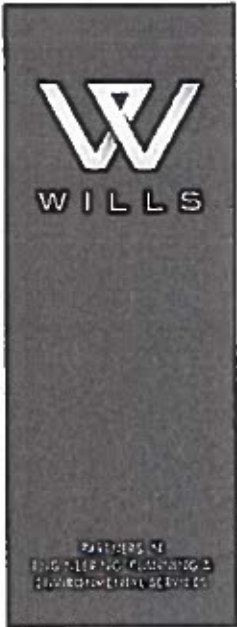
Diana Keay, MCIP RPP
Manager, Planning Services

DK/hd

Enclosures

cc: Matthew Tubie, Property Owner

D.M. Wills Associates Limited
150 Jameson Drive, Peterborough, Ontario, Canada K9J 0B9
P. 705.742.2297 F. 705.748.9944 E. wills@dmwills.com



Planning Justification Letter

To:	Township of Melancthon, Planning Department
From:	D.M. Wills Associates Limited on behalf of Matthew Tubie
Date:	June 4, 2021
Subject:	Minor Variance Application 1 Prentis Court, Shelburne Township of Melancthon, County of Dufferin

D.M. Wills Associates Limited (Wills) has been retained by Matthew Tubie (owner) to prepare this Planning Justification Letter (Letter) in support of a Minor Variance application (MV) for property located at 1 Prentis Court, Shelburne (Subject Property) in the Township of Melancthon (Township).

1.0 Property Description and Surrounding Land Uses

The Subject Property is a vacant lot located on the corner of Prentis Court and Rutledge Heights within the estate residential plan of subdivision known as Breton Estates. See **Figure 1 – Key Map**. The Subject Property is surrounded by low density residential dwellings and vacant lots zoned for low density residential development. The area surrounding Breton Estates is predominately agricultural land with Dufferin Road 124 located to the east and 3rd Line located to the west. See **Figure 2 – Surrounding Land Uses**.

2.0 Proposed Development

The Subject Property is proposed to be developed with a single detached dwelling. The proposed dwelling is 594.95 m² in area inclusive of a covered porch, deck and other projections i.e. balcony. The proposed dwelling will face west and have driveway access from Prentis Court. The dwelling will be serviced by private individual well and septic system. The septic system is proposed within the rear yard. This location provides sufficient space to accommodate the required size of the system to service the dwelling. See **Figure 3 – Site Plan**.

3.0 Proposed Minor Variances

This letter is in support of a MV to permit an increase in the required maximum lot coverage from 10% to 13.11% and reduction in the exterior side yard setback on the north-west side of the building from 15 m. to 14 m. The proposed increase in lot coverage will accommodate the attached enclosed five (5) car garage and the proposed reduction in the exterior

D.M. Wills Associates Limited
150 Jameson Drive, Peterborough, Ontario, Canada K9J 0B9
P. 705.742.2297 F. 705.748.9944 E. wills@dmwills.com



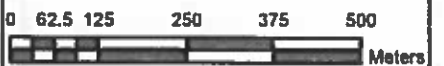
SURROUNDING LAND USE MAP
 1 PRENTIS COURT (SHELBURNE)
 LOT 4 OF PLAN 7M48
 TOWNSHIP OF MELANCTHON
 COUNTY OF DUFFERIN

FIGURE 2

Legend

 Subject Property

Scale: 1:10,000



NAD 1983 UTM Zone 17N

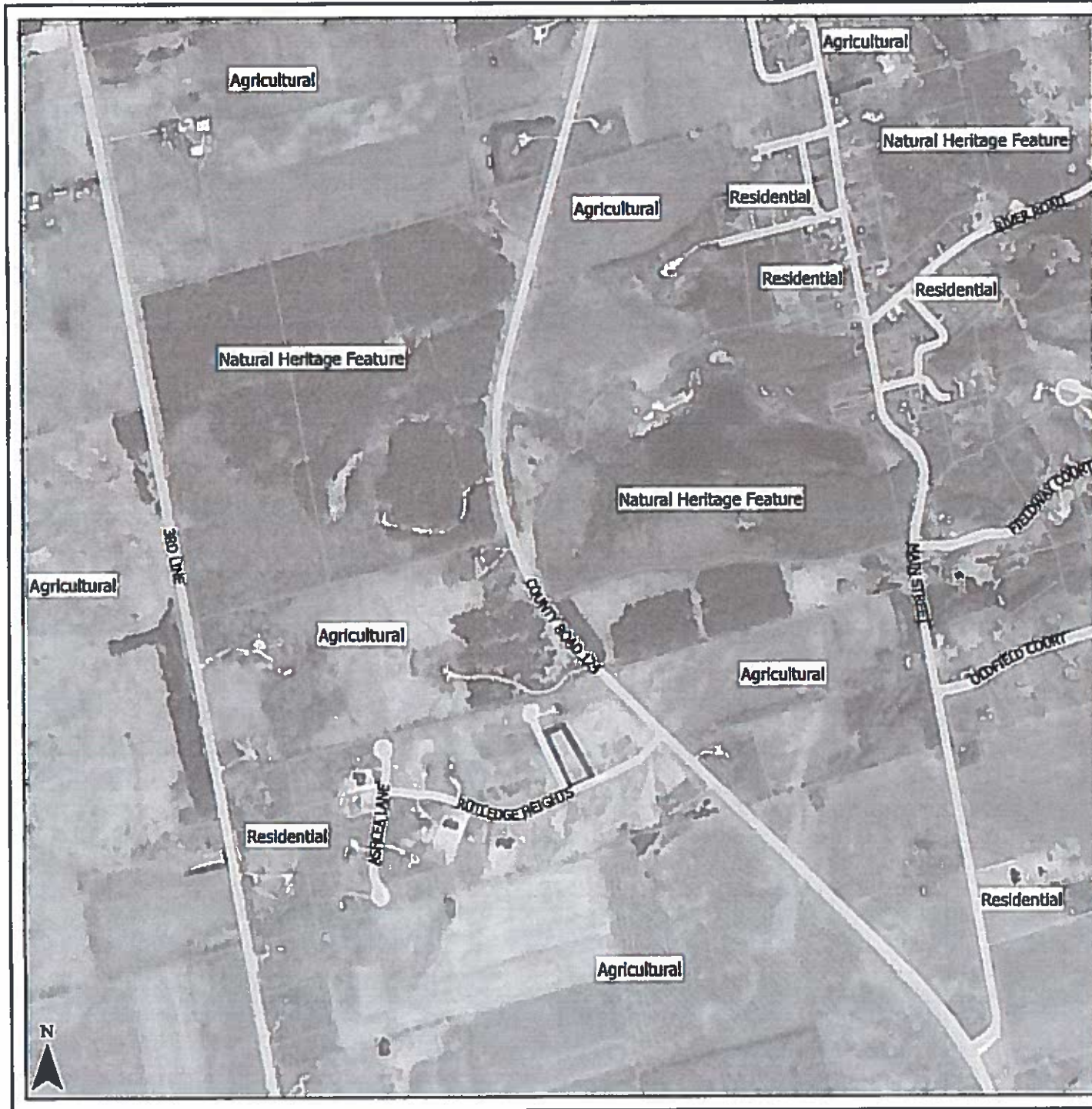
Data Sources

County of Dufferin Open Data
 County of Dufferin Online GIS

Created In:	ArcMap 10.7
Drawn By:	JW
Checked By:	DK
Map Date:	June 2021
Project Number:	10983
Map Number:	1




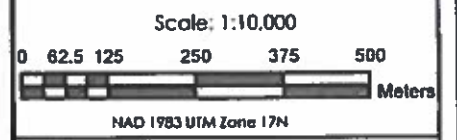
D.M. Wills Associates Limited
 150 Jameson Drive
 Peterborough, Ontario
 K9J 0B9
 P. 705.742.2297
 F. 705.748.9944
 E. wills@dmwills.com



SURROUNDING LAND USE MAP
 1 PRENTIS COURT (SHELBURNE)
 LOT 4 OF PLAN 7M48
 TOWNSHIP OF MELANCTHON
 COUNTY OF DUFFERIN

FIGURE 2

Legend
 Subject Property



Data Sources
 County of Dufferin Open Data
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Created In:	ArcMap 10.7
Drawn By:	JW
Checked By:	DK
Map Date:	June 2021
Project Number:	10983
Map Number:	2



D.M. Wills Associates Limited
 150 Jameson Drive
 Peterborough, Ontario
 K9J 0B9
 P. 705.742.2297
 F. 705.748.9944
 E. wills@dmwills.com



side yard setback will accommodate the enclosed porch to the main entrance.

4.0 Policy Framework

The purpose of this Letter is to provide a review and analysis of the proposed development in the context of provincial and municipal policies as it relates to the four (4) tests of a minor variance.

Under Section 45(1) of the Planning Act, there are four (4) tests a minor variance must meet:

1. Is the application minor?
2. Is the application desirable for the appropriate development of the lands in question?
3. Does the application conform to the general intent of the Zoning By-law?
4. Does the application conform to the general intent of the Official Plan?

The application is minor in nature. The residential use and character of the Subject Property will not change. The visual impact from the 3.11% increase will be inconsequential and will provide for on-site, indoor storage of the vehicles which conversely if stored outside, would impose a greater visual impact from the street. The reduction in the exterior side yard setback is proposed from the covered porch to the lot line and not the extent of the building which complies with the 15 m. setback requirement. The covered porch is located at the main entrance and adds design detail and shelter when accessing the dwelling.

The MV application is appropriate for the development of the Subject Property. The increased coverage and reduction in the exterior side yard setback will not require the use of additional services, impose on the function of the property or create sightline issues and is similar in scale to the surrounding residential dwellings. In addition, sufficient land is available to accommodate a future accessory building i.e. shed, if proposed.

The Subject Property is zoned Small Lot Estate Residential Exception Two (ER1-2) on Schedule 'A-15' to By-law 13-1995 in the Township of Melancthon Zoning By-law. The exception zone provides that the minimum exterior side yard setback is 15 m., that the provisions of the Small Lot Estate Residential Exception One (ER1-1) zone also apply which allows for a minimum lot area of 0.45 ha, a minimum lot frontage of 45 m. and a



Matthew Tubie
Page 3 of 3
June 4, 2021

minimum lot depth of 75 m. All other provisions from the ER1 zone as provided under Section 7 of the Zoning By-law apply.

The MV application conforms to the general intent of the Zoning By-law. The proposed minor increase to the lot coverage does not create any other encroachments or conformity issues on the Subject Property. The reduction in the exterior side yard setback applies to the covered porch as the balance of the dwelling maintains the required setback of 15 m. The dwelling otherwise, complies with all other provisions of the Zoning By-law.

The Subject Property is designated 'Rural' as illustrated on Schedule A-5 Land Use and Roads Plan of the Township of Melancthon Official Plan (MOP) and subject to the policies of Section 5.3.1 (f). As provided under Section 5.3.1 (b) and (e), limited residential development is permitted in the Rural designation and may include such uses as a new detached dwelling on an existing vacant lot. Furthermore, Section 5.3.1 (f) also provides that *Residential development in the form of detached dwellings may be permitted in an existing plan of subdivision within the area in part of Lot 13, Concession 2, OS, identified on Schedule A-5 to this Plan as "area subject to section 5.3.1(f)".*

The MV application conforms to the general intent of the Official Plan. The proposed development is a permitted use, maintains the low density residential nature of the area and conforms to the residential policies as provided above.

6.0 Closing

Based on the foregoing review of the proposed development, it is our opinion that the proposed MV application is consistent with and conforms to provincial and municipal policies and constitutes as good planning.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'D. Keay'.

Diana Keay, MCIP RPP
Manager, Planning Services

DK/hd