



**TOWNSHIP OF MELANCTHON
COMMITTEE OF ADJUSTMENT ELECTRONIC MEETING
THURSDAY, DECEMBER 9, 2021 - 10:00 A.M.**

Join Zoom Meeting

<https://us02web.zoom.us/j/82072338820?pwd=bzN2Qk5uTWFyb1g4M0dWVGwvdVNUQT09>

Meeting ID: 820 7233 8820

Passcode: 915412

One tap mobile

+15873281099,,82072338820#,,,,*915412# Canada

+16473744685,,82072338820#,,,,*915412# Canada

Dial by your location

+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

+1 438 809 7799 Canada

Meeting ID: 820 7233 8820

Passcode: 915412

AGENDA

APPROVAL OF MINUTES – November 18, 2021

Motion - that the minutes of the Committee of Adjustment Meeting held on November 18, 2021 be approved as circulated.

1. BUSINESS ARISING FROM MINUTES

2. APPLICATION FOR CONSENT

1. B8-21 – Part Lot 30, Concession 9 NE (Lot Enlargement to Part Lot 30, Concession 9 NE RP 7R182 Part 2) (Martin/Bowman)

2. B9-21 – Part Lot 8, Part Lot 9, Concession 7 SW (Wilson)

3. APPLICATION FOR MINOR VARIANCE

4. APPLICATION FOR VALIDATION OF TITLE

5. APPLICATIONS ON FILE

6. DELEGATES

7. CORRESPONDENCE

8. ADJOURNMENT

Motion - That we adjourn Committee of Adjustment at _____ a.m. to meet again on Thursday, January 13, 2022 at 10:00 a.m. or at the call of the Chair.

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. **B8-21**

Date of Meeting: Thursday December 9, 2021

Time: 10:00 a.m.

Name of Owner/Applicant: Anson and Salinda Martin/Israel Bowman

Location of Public Meeting: **157101 Highway 10, Melancthon Office
(Virtual Meeting - see note below)**

NOTE: This will be a virtual meeting. If you wish to attend the virtual meeting, please call or e-mail the Township office prior to the day of the public meeting so you can be provided with a 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.

**PROPOSED SEVERANCE: Part Lot 30, Concession 9 NE
(Lot Enlargement to Part Lot 30, Concession 9 NE RP 7R1182 Part 2)**

Existing Use: Agriculture

Proposed Use: Agriculture

Road Frontage: 167.5 metres

Depth: 234 metres

Area: 1.6 Hectares

RETAINED PORTION: Part Lot 30, Concession 9 NE

Existing Use: Agriculture

Proposed Use: Agriculture

Road Frontage: 410 metres

Depth: 1154 metres

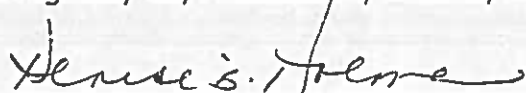
Area: 42.89 Hectares

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.

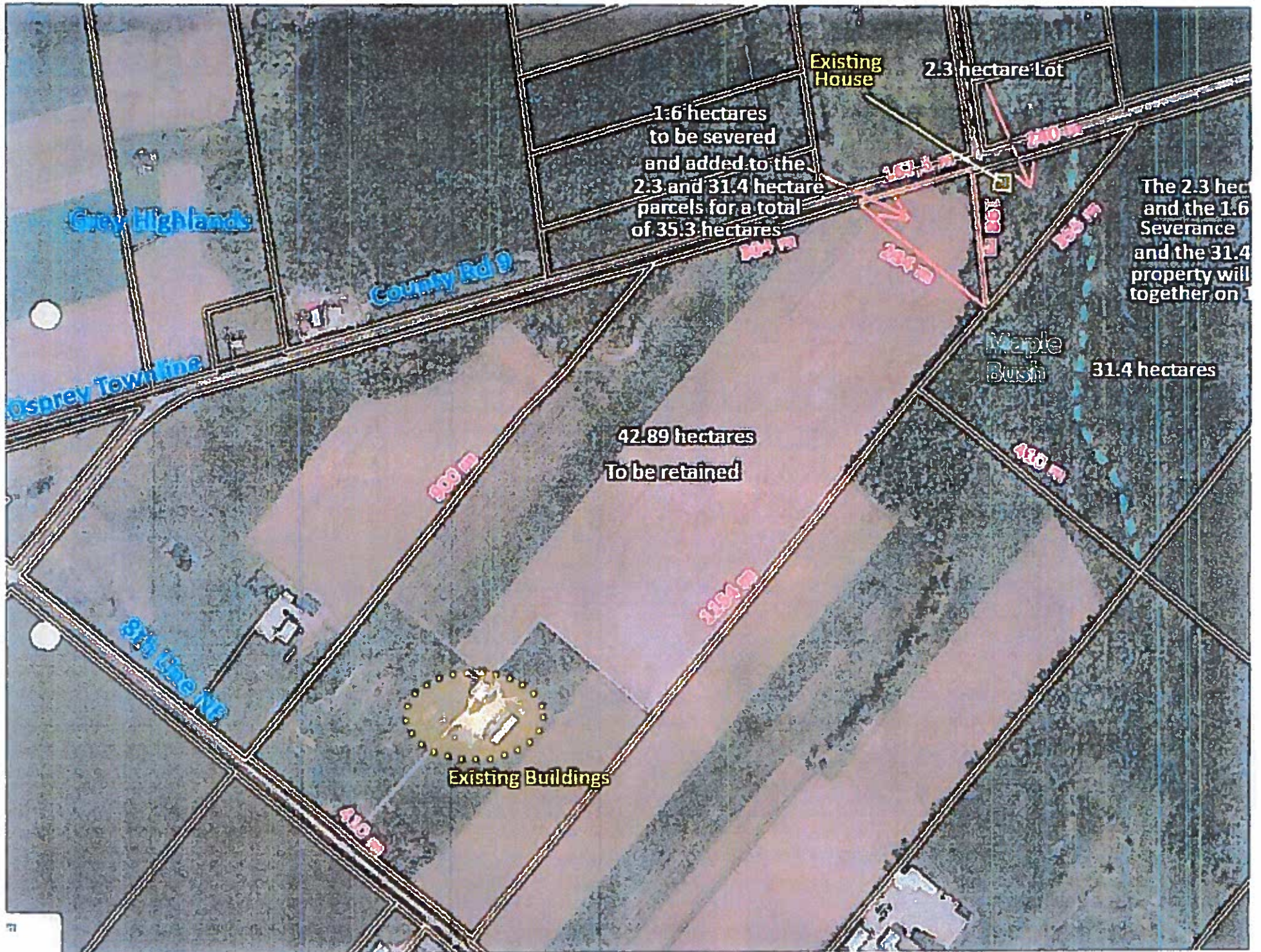
If you require additional information on this application, it may be obtained by contacting the Secretary-Treasurer at the above address during regular office hours.

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 Land 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



Grey Highlands

County Rd 9

Osprey Township

8th Line Rd

Existing House

2.3 hectare lot

1.6 hectares to be severed and added to the 2.3 and 31.4 hectare parcels for a total of 35.3 hectares

The 2.3 hect and the 1.6 Severance and the 31.4 property will together on 1

Maple Bush

31.4 hectares

42.89 hectares To be retained

Existing Buildings

200 m

212.4 m

416 m

416 m

210 m

109.1 m

234 m

100 m

100 m

• Municipal Planning Services Ltd. •

MEMORANDUM

To: Chairman White and Members of Committee
Copy: Ms. Denise Holmes, CAO
From: Chris Jones MCIP, RPP
Date: December 3, 2021
Re: Application for Consent – File B8/21 (Martin)

BACKGROUND

The Township is in receipt of an application for consent submitted by Anson and Salinda Martin. The purpose of the application is to sever lands for the purpose of a lot addition, however it is understood the applicant's overall objective involves the proposed lot addition and subsequent merger involving the three parcels of land described below:

Parcel 1

Parcel 1 is approximately 45 ha (111 acres) and is an existing farm owned by Anson and Salinda Martin and is located in Part Lot 30, Concession 9 NE. The consent application proposes to sever 1.6 ha from Parcel 1 to add to Parcel 2.

Parcel 1 is occupied by a home, a barn, a storage building as well as an on-farm industrial use which was authorized by by-law in 2005.

Parcel 2

Parcel 2 is a 2.3 ha rural-residential parcel that was created by consent in 1976. It is owned by Salinda Martin and is located in Part Lot 30, Concession 9, NE. The lot addition to be severed from Parcel 1 is proposed to be added to Parcel 2, increasing its lot area to 3.9 ha.

Parcel 2 is currently occupied by a dwelling which was constructed in 1976 according to MPAC data. Parcel 2 is currently zoned Open Space Conservation (OS2).

Parcel 3

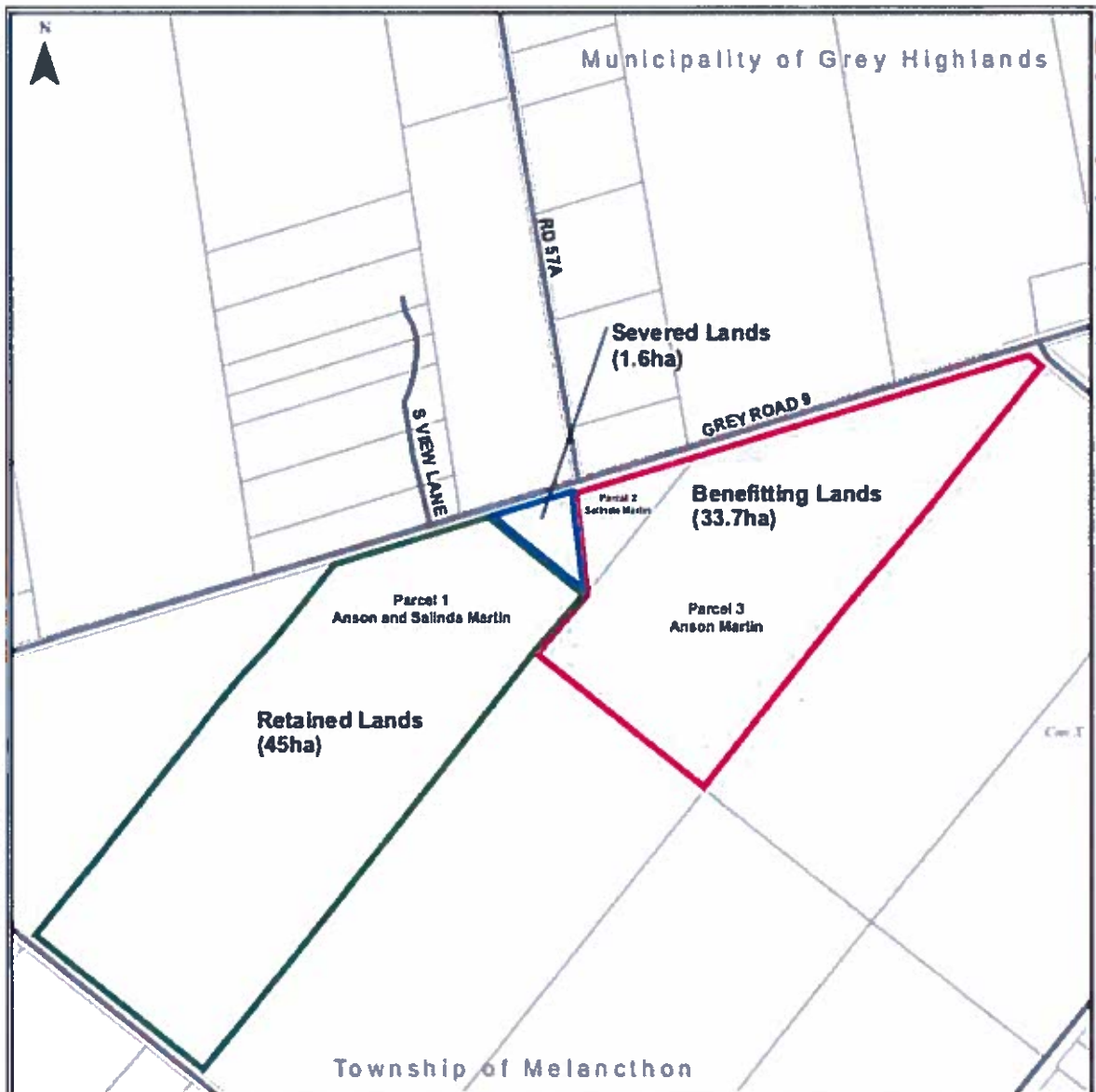
Parcel 3 is owned by Anson Martin, has a lot area of 31.4 ha (77.58 acres) and is located in Part Lot 29, Concession 10 NE. If the application for lot addition is approved, the applicant proposes to merge the resultant Parcel 2 with Parcel 3 to create a new parcel with an area of 35.3 ha (87.2 acres).

Parcel 3 currently is a vacant lot and is primarily zoned Open Space Conservation (OS2).

PRE-CONSULTATION

This proposal was the subject of an earlier pre-consultation discussion with the owner. During this pre-consultation I advised I would not likely support the proposed lot addition of active farmland to a non-farm parcel. As an alternative I suggested that the applicant engage an environmental consultant to review the accuracy of the OS2 Zone boundaries of their land. It appears the owner has chosen to proceed with the consent application regardless.

Figure 1 – Severed, Retained and Resultant Lands



PROVINCIAL POLICY STATEMENT (2020)

The subject lands are located in a prime agricultural area.

Section 2.3.4.1 a) of the PPS, referenced below, permits the creation of new lots for agricultural purposes:

Lot creation in prime agricultural areas is discouraged and may only be permitted for:

a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations.

Section 2.3.4.2 of the PPS, also permits lot adjustments in prime agricultural areas for legal or technical reasons. In the PPS, "legal or technical reasons" is defined in the following manner:

Means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

OFFICIAL PLAN

The lands subject to the proposed severance are currently designated Agricultural. Section 5.2.5 (a) states:

The planning objectives of the consent and lot creation policies for the Agricultural designation are to preserve prime agricultural land for agricultural uses, minimize the fragmentation of such land, protect agricultural operations and minimize the intrusion of incompatible uses into prime agricultural areas.

Section 5.2.5 (b) v., also references the PPS policy which allows consents for legal or technical reasons. It states:

In accordance with the policies of Section 7.2, consents may be granted for lot line adjustments for legal or technical reasons provided the consent does not result in the creation of a new building lot.

The benefitting lands and lands to be merged (Parcels 2 and 3) are also subject to the Environmental Conservation Overlay designation by virtue of a prominent unevaluated wetland feature as illustrated in Figure 2:

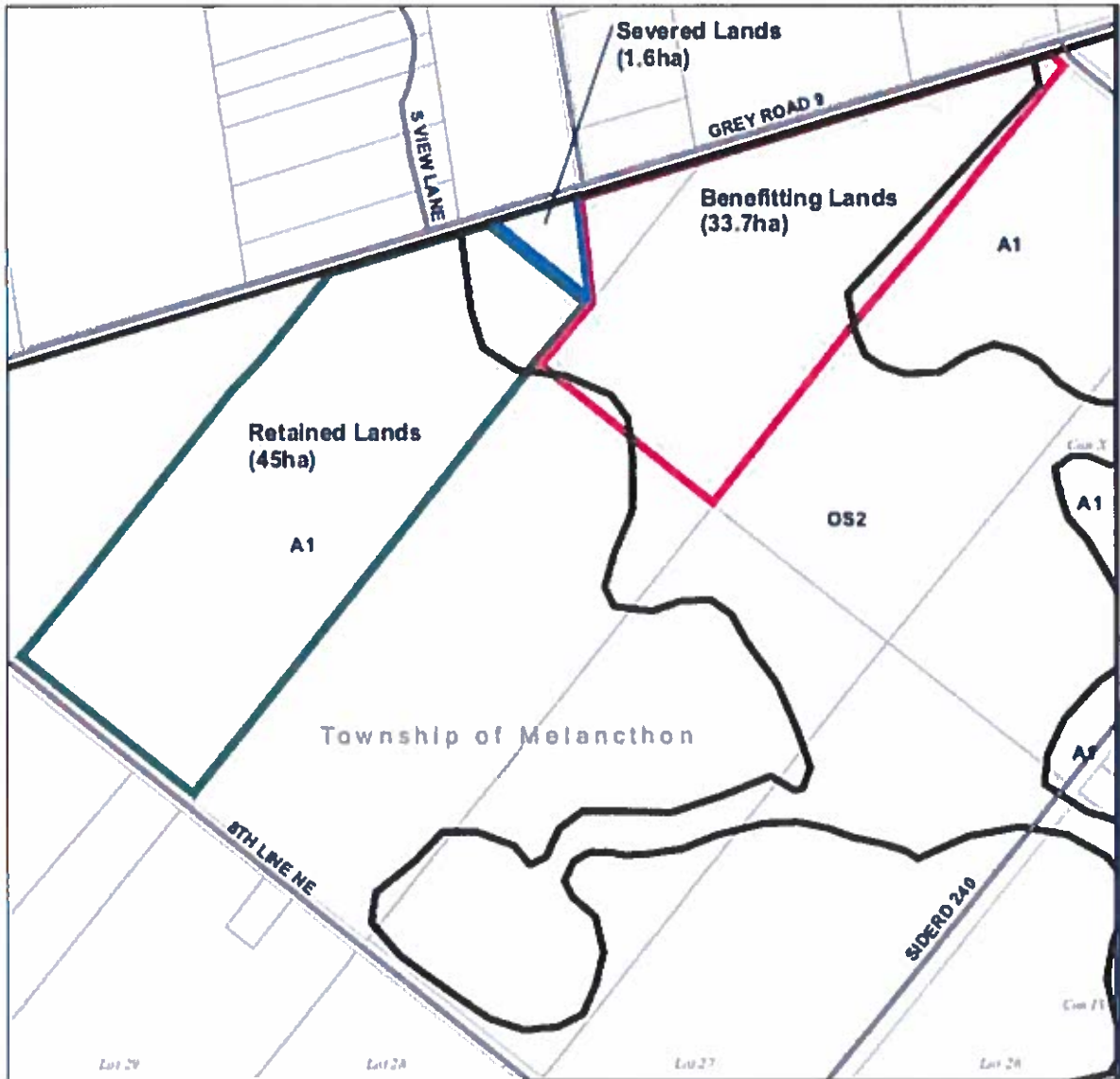
Figure 2 – Environmental Overlay Designation



ZONING BY-LAW

An overlay of the current zone boundaries is provided in Figure 3. This figure suggests the lands to be severed, the benefitting lot and the lands proposed to be merged with the benefitting lot are primarily zoned Open Space Conservation (OS2).

Figure 3 – Zoning Boundaries and Lands Subject to Application



ANALYSIS

Parcel 1 is an active viable farm parcel. The lands to be severed from Parcel 1 appear to be arable agricultural land, although Figure 3 suggests these lands are currently zoned Open Space Conservation (OS2).

Parcel 2 is an existing rural-residential lot occupied by what is assumed to be a legal non-conforming dwelling. Parcel 2 was created by consent and therefore would not merge in title with the proposed lot addition or Parcel 3 without a physical change to the parcel.

Parcel 3 appears to be a large, vacant parcel of land that is constrained by a wetland feature as well as the OS2 Zone, although it is noted that the OS2 Zone would permit farm uses without buildings.

The application at face value is not inconsistent with Provincial planning policy as the proposal represents a minor boundary adjustment, however if the consent is approved it would result in the creation of a new parcel being comprised of approximately 4% viable farmland. In other words, the resultant parcel would have almost no ability to sustain normal farm practices. The resultant parcel would also be zoned Open Space Conservation (OS2).

The application states that uses proposed for the resultant parcel include a horse barn and shop. If the applicant's objective is to utilize the resultant parcel for an on-farm diversified use (i.e. workshop), I am of the view that a proposal to establish such a use on this lot would not comply with the definition of an on-farm diversified use which requires:

- The use to be "secondary and subordinate" to the "active and principle agricultural use occurring on the property"; and,
- The use to be located amongst "a farm cluster of buildings".

ALTERNATIVE

It is understood the applicant would like to better utilize Parcel 2 and Parcel 3 as a combined parcel to allow for the keeping of animals as well as a home industry or on-farm diversified use.

As an alternative to this consent it is suggested the owner retain an environmental consultant to assess the accuracy of the OS2 Zone boundary to determine if refinements can be made to the feature through a zoning by-law amendment that would allow site alteration and/or development of lands proximate to the existing dwelling. If refinements can be supported through an EIS the owner could then apply for a zoning by-law amendment to formalize a revised OS2 zone boundary and potentially accommodate a home industry on the subject lands.

RECOMMENDATION

It is recommended that application B8/21 be deferred subject to the preparation of an EIS of the wetland feature which occupies Parcels 1, 2 and 3 which are subject to this application. The purpose of the EIS is to confirm if refinements can be made to Parcels 2 and 3 in a manner that would accommodate a reasonable development envelope of a merged Parcel 2 and 3. If this is the case, the applicant could proceed with a zoning by-law amendment and this consent application could either be withdrawn or denied.

Respectfully submitted,



Chris D. Jones MCIP, RPP

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. **B9-21**

Date of Meeting: Thursday December 9, 2021 Time: 10:00 a.m.

Name of Owner/Applicant: James and Barbara Wilson

Location of Public Meeting: **157101 Highway 10, Melancthon Office
(Virtual Meeting - see note below)**

NOTE: This will be a virtual meeting. If you wish to attend the virtual meeting, please call or e-mail the Township office prior to the day of the public meeting so you can be provided with a 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.

PROPOSED SEVERANCE: Part Lot 8, Part Lot 9, Concession 7 SW

Existing Use: Agriculture	Proposed Use: Agriculture
Road Frontage: 996.39 metres	Depth: 406 metres
Area: 100 Acres	

RETAINED PORTION: Part Lot 8, Part Lot 9, Concession 7 SW


Existing Use: Agriculture	Proposed Use: Agriculture
Road Frontage: 406 metres	Depth: 996.39 metres
Area: 96 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 Land Tribunal may dismiss the appeal.

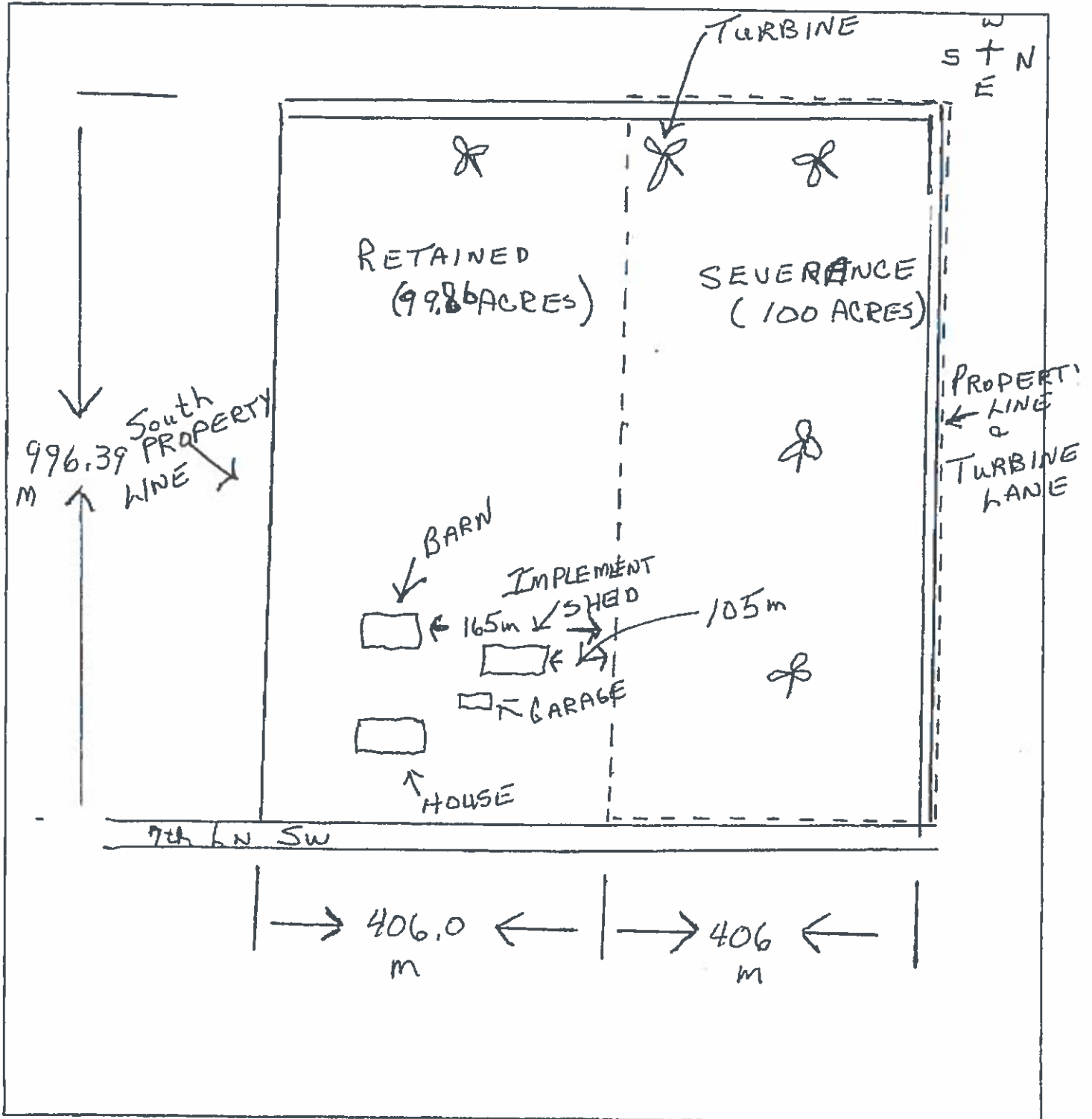
If you wish to be notified of the decision of the Committee of Adjustment in respect of the proposed consent, you must make a written request to the Committee of Adjustment, Township of Melancthon, 157101 Highway 10, Melancthon, Ontario, L9V 2E6.


Denise B. Holmes, Secretary-Treasurer

Property Owners Name : JAMES + BARBARA WILSON

Location of Property: 7th LN SW MELANCTHACRE Acreage: 100

Please use the space for your sketch:



BARN IS 165 m FROM SEVERANCE LINE
DRIVESHED IS 105 m FROM SEVERANCE LINE

• Municipal Planning Services Ltd. •

MEMORANDUM

To: Chairman White and Members of Committee
Copy: Ms. Denise Holmes, CAO
From: Chris Jones MCIP, RPP
Date: December 2, 2021
Re: Application for Consent – File B9/21 (Wilson)

BACKGROUND

The Township is in receipt of an application for consent submitted by James and Barbara Wilson. The purpose of the application is to sever a new farm parcel from lands located in Part of Lots 8 and 9, Concession 7 S.W. The subject lands have a total lot area of approximately 80 hectares (200 acres) and municipal records indicate are occupied by 5 wind turbines, a dwelling, a barn and two accessory buildings.

The purpose of the application is to sever the subject lands in the manner illustrated in Figure 1 to create two farm parcels, with each parcel having a lot area of approximately 40 ha (100 acres) and a frontage on the 7th Line S.W. of 406 metres (1,332 feet).

Figure 1 – Severed and Retained Lands



PROVINCIAL POLICY STATEMENT (2020)

The subject lands are located in a prime agricultural area.

Section 2.3.4.1 a) of the PPS, referenced below, permits the creation of new lots for agricultural purposes:

Lot creation in prime agricultural areas is discouraged and may only be permitted for:

a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations.

OFFICIAL PLAN

The lands subject to the proposed severance are currently designated Agricultural. Section 5.2.5 (b) i) is the salient consent policy applicable to the application, it states:

Lots may be created for agricultural uses, provided such lots are of a size appropriate for the type of agricultural uses that are common in this area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. Compliance with the policies of subsection 5.2.2 (h) is particularly important in this regard. The applicable minimum agricultural lot size provisions shall be addressed in the implementing Zoning By-law and new lots for agricultural uses shall be approximately 40 hectares or the original survey lot size, whichever is lesser.

Section 5.2.2 (h), referenced in the above-mentioned policy states:

Farm parcel size shall be sufficiently large to facilitate strong and flexible farm operations on a long-term basis. The fragmentation of agricultural land holdings into parcels inappropriate for typical local agricultural operations shall not be permitted. All new lots must remain sufficiently large to maintain flexibility for future changes in the type of size of agricultural operations. The implementing zoning by-law shall set minimum agricultural lot sizes.

ANALYSIS

The severed and retained lands are approximately 40 hectares in lot area and appear to be large enough to support farm operations on a long-term basis. Although the application conforms with the salient consent policies in the Township's Official Plan regarding lot creation in the Agricultural designation, I am not a proponent of seeing farm parcels divided in a manner that creates new lot lines through workable and efficient farm fields.

RECOMMENDATION

The application conforms with the lot creation policies of the PPS and the Township Official Plan as they relate to the creation of new farm parcels in a prime agricultural area. It is recommended that application B9/21 be approved subject to the standard conditions of approval.

Respectfully,



Chris D. Jones MCIP, RPP