



**TOWNSHIP OF MELANCTHON
COMMITTEE OF ADJUSTMENT ELECTRONIC MEETING
THURSDAY, JANUARY 13, 2022 - 10:00 A.M.**

Join Zoom Meeting

<https://us02web.zoom.us/j/81955587524?pwd=THVBVEk3VnArdWRWVU11eHY0UjV1Zz09>

Meeting ID: 819 5558 7524

Passcode: 006767

One tap mobile

+16475580588,,81955587524#,,,,*006767# Canada

+17789072071,,81955587524#,,,,*006767# Canada

Dial by your location

+1 647 558 0588 Canada

+1 778 907 2071 Canada

+1 204 272 7920 Canada

+1 438 809 7799 Canada

+1 587 328 1099 Canada

+1 647 374 4685 Canada

Meeting ID: 819 5558 7524

Passcode: 006767

AGENDA

- 1. CALL TO ORDER**
- 2. ADDITIONS/DELETIONS/APPROVAL OF AGENDA**
- 3. DECLARATION OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**
- 4. APPROVAL OF MINUTES – December 9, 2021**

Motion - that the minutes of the Committee of Adjustment Meeting held on December 9, 2021 be approved as circulated.

- 5. BUSINESS ARISING FROM MINUTES**
- 6. APPLICATION FOR CONSENT**
 1. B10-21 - Part Lot 8, Concession 6 SW (Horst)

Motion – that Application for Consent B10/21 to sever 97.93 acres - Part Lot 7, Concession 6 SW from Part Lot 8, Concession 6 SW be approved subject to the following conditions:

1. That the applicant prepare a reference plan of the severed lands and provide a draft version to the Township for review in its draft form prior to registration.
2. Confirmation of compliance with the regulations of the A1-98 Zone by providing a survey or letter from an Ontario Land Surveyor confirming turbine setbacks. Where the confirmation indicates non-compliance with the A1-98 Zone, a zoning amendment shall be required.
3. That an entrance to the severed and retained be approved by the Township Public Works Superintendent and installed before the deed is submitted for endorsement or confirmation that both parcels have approved entrances.
4. That a County Rural Civic Address must be assigned to both the severed and retained entrances before the deed is submitted for endorsement.
5. Taxes and special charges must be paid to date when the deed is submitted for endorsement.
6. Conditions must be fulfilled and deeds stamped by the Secretary on or before one year from the mailing date of the Notice of Decision, as signed by the Secretary.

This 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.

7. APPLICATION FOR MINOR VARIANCE

1. A4-21 - Part Lot 291 RP 7R2736 Part 2, Concession 1 SW (Horvath)

Motion – that Committee approve the granting of a minor variance A4/21 to L. Andrew Horvath, Part of Lot 291, Concession 1 SW to allow the workshop to be located in the front yard (in front of the road-facing wall of the existing dwelling) subject to the following conditions:

1. That the storage building shall not be utilized for a home industry defined by Zoning By-law 12-1979 or for any commercial or industrial purpose;
2. That any future application for a building permit shall be accompanied by a survey or real property report prepared by an Ontario Land Surveyor.

8. APPLICATION FOR VALIDATION OF TITLE

9. APPLICATIONS ON FILE

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

Motion – that Application for Consent B9/21 to sever 100 acres from Part Lot 8, Part Lot 7, Concession 7 SW be approved subject to the following conditions:

1. That the applicant prepare a reference plan of the severed lands and provide a draft version to the Township for review in its draft form prior to registration.
2. Confirmation of compliance with the regulations of the A1-98 Zone by providing a survey or letter from an Ontario Land Surveyor confirming the setback of the turbine nearest to the abutting lot line. Where the confirmation indicates non-compliance with the A1-98 Zone, a zoning amendment shall be required.

- 3. That an entrance to the severed and retained be approved by the Township Public Works Superintendent and installed before the deed is submitted for endorsement or confirmation that both parcels have approved entrances.**
- 4. That a County Rural Civic Address must be assigned to both the severed and retained entrances before the deed is submitted for endorsement.**
- 5. Taxes and special charges must be paid to date when the deed is submitted for endorsement.**
- 6. Conditions must be fulfilled and deeds stamped by the Secretary on or before one year from the mailing date of the Notice of Decision, as signed by the Secretary.**

This 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.

10. DELEGATES

11. CORRESPONDENCE

12. ADJOURNMENT

Motion - That we adjourn Committee of Adjustment at _____ a.m. to meet again on Thursday, _____ 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

TOWNSHIP OF MELANCTHON - COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING REGARDING AN APPLICATION FOR

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

File No. A4-21

Re An Application by: Leslie Andrew Horvath

Address: 582356 County Road 17, Melancthon ON L9V 2L6

Description of Property: Part Lot 291 RP 7R2736 Part 2, Concession 1 SW

Purpose of Application: Relief from By-law 12-1979 as amended by By-law 12-1982, to allow a detached accessory building to be located in the front yard.

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: January 13, 2022

Time: 10:00 a.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 Land 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 December, 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: January 3, 2022
Re: Minor Variance A4-21 (Horvath)

Mr. Andrew Horvath has submitted an application for minor variance for lands located at 582356 County Road 17, located in Part Lot 291, Concession 1 S.W. According to the application, the applicant's lot has an area of 0.59 hectares (1.46 acre) with a frontage of approximately 73.2 metres (240 feet) on County Road 17.

The applicant's lot is currently zoned Rural Residential Exception (RR-11) and is used for residential purposes. The subject lands are currently occupied by the applicant's dwelling as well a recently constructed shed/storage building with a floor area of 185.8 m² (2,000 ft²).

The applicant/owner was issued a building permit in the spring of 2021 to construct the new storage building on the basis that the structure was compliant with the regulations of the RR Zone, which included the requirement that the accessory building not be located in the front yard (i.e. nearer to the front lot line than the dwelling).

However, subsequent to construction it is evident that the new building extends beyond the front wall of the dwelling by 3.96 metres (13 feet).

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 are located in the Rural designation which permits rural residential uses and related accessory buildings.

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, specifically the front yard setback is to provide a compatibility measure from the roadway and contribute to the maintenance of rural character. The proposed storage building is otherwise compliant with the regulations of the RR Zone and the nature of the projection does not appear to

be consequential. On this basis the proposed variance is considered to be in keeping with the intent of the Zoning By-law.

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

I have not conducted a site inspection but I have viewed photos of the building that is the subject of the variance and note that the new workshop is still substantially setback from the County Road.

4. Is the Variance Minor?

The proposed variance would recognize the as-built location of a new storage building that is compatible and in keeping with the character of the rural area. On this basis I consider the variance to be minor, although it will be recommended that the approval of the variance include a condition that the building is not authorized for a home industry.

CONCLUSION

Should Committee be satisfied the variance meets the four tests, they may establish any reasonable condition to the approval of the variance.

In this case I recommend the variance to allow the workshop to be located in the front yard be approved subject to the following conditions:

1. *That the storage building shall not be utilized for a home industry defined by Zoning By-law 12-1979 or for any commercial or industrial purpose;*
2. *That any future application for a building permit shall be accompanied by a survey or real property report prepared by an Ontario Land Surveyor.*

Respectfully Submitted,



Chris 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. **B10-21**

Date of Meeting: Thursday January 13, 2022 Time: 10:00 a.m.

Name of Owner/Applicant: Donald & Mary Horst

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 7, Concession 6 SW

Existing Use: Agriculture	Proposed Use: Agriculture
Road Frontage: 406 metres	Depth: 996.39 metres
Area: 97.93 Acres	

RETAINED PORTION: Lot 8, Concession 6 SW

Existing Use: Agriculture	Proposed Use: Agriculture
Road Frontage: 406 metres	Depth: 996.39 metres
Area: 99 Acres	

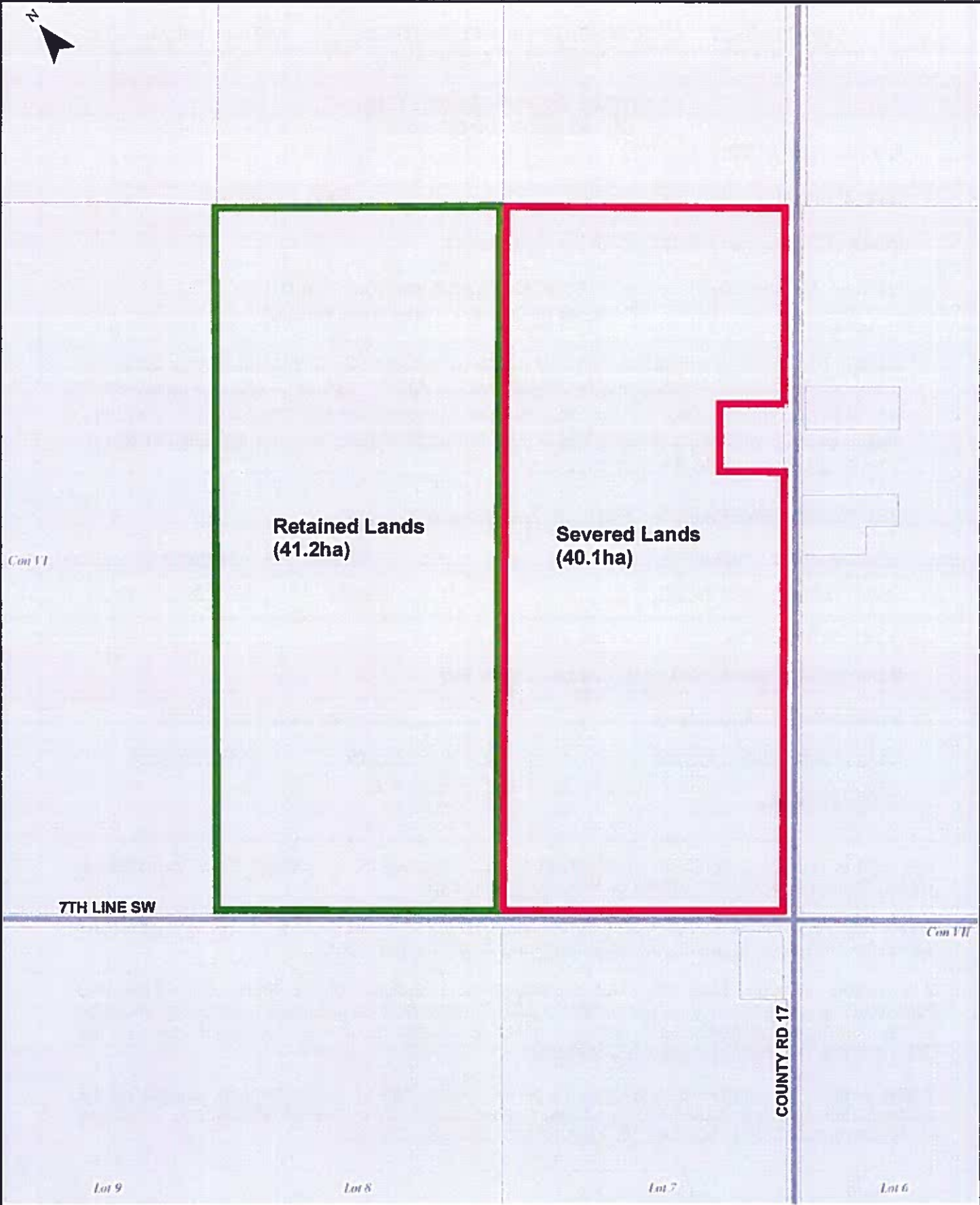
The land is not the subject of an application under the Act for an Official Plan Amendment, Zoning By-law Amendment, or Minor Variance application.

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



Horst Consent



MEMORANDUM

To: Chairman White and Members of Committee
Copy: Ms. Denise Holmes, CAO
From: Chris Jones MCIP, RPP
Date: January 6, 2022
Re: Application for Consent – File B10/21 (Horst)

BACKGROUND

The Township is in receipt of an application for consent submitted by Mr. Donald Horst. The purpose of the application is to sever a new farm parcel from lands located in Part of Lots 7 and 8, Concession 6 S.W. The subject lands have a total lot area of approximately 81 hectares (200 acres) and municipal records indicate the subject lands are vacant with the exception of 3 wind turbines. The subject lands also appear to be in active crop production.

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.

ZONING BY-LAW

The subject lands are zoned General Agricultural Exception (A1-98) as per By-law 16-2005 which amended the Comprehensive Zoning By-law 12-79.

The A1-98 Zone was established in 2005 to create zone permissions and regulations for wind turbines and accessory uses thereto. Regulations that require setbacks from lot lines include:

- 0 metre setback from the lot lines of parcels zoned to permit wind turbines;
- a setback of the length of the turbine blade plus 5 metres from any lands not zoned to permit wind turbines (A1-98, A1-66, A1-77, A1-80).

The retained lands are occupied by 3 wind turbines with one of them located in an area of the lot where compliance with the minimum setback requirement would be applicable.

Based on information that was available at the time this report was prepared we were not able to confirm if the turbine proximate to the neighboring A1 Zone is compliant with the minimum setback requirement. On this basis it will be recommended that the conditions require confirmation of this setback.

ANALYSIS

The severed and retained lands are approximately 40 hectares in lot area and appear to be large enough to support farm operations and therefore the application conforms with the salient consent policies in the Township's Official Plan regarding lot creation in the Agricultural designation.

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 B10/21 be approved subject to the standard conditions of approval as well as a condition that requires confirmation of the setback of the wind turbine located nearest to the abutting A1 zoned parcel.

Respectfully,



Chris D. Jones MCIP, RPP

MEMORANDUM

To: Chairman White and Members of Committee
Copy: Ms. Denise Holmes, CAO
From: Chris Jones MCIP, RPP
Date: January 6, 2022
Re: Application for Consent – File B9/21 (Wilson)

BACKGROUND

On December 8, 2021 Committee held a hearing for 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 application would result in the creation of two farm parcels, each 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).

The application was deferred by Committee pending a review of Bylaw 16-2005 and the A1-98 Zone. The A1-98 Zone was established in 2005 to create zone permissions and regulations for wind turbines and accessory uses thereto. Regulations that require setbacks from lot lines include:

- 0 metre setback from the lot lines of parcels zoned to permit wind turbines;
- a setback of the length of the turbine blade plus 5 metres from any lands not zoned to permit wind turbines (A1-98, A1-66, A1-77, A1-80).

The severed lands are occupied by 4 wind turbines and the retained lands are occupied by 1. All of the turbines have been installed in proximity to a lot line abutting the A1 Zone and therefore compliance with the "turbine blade plus 5 metre" regulation is applicable.

Based on information that was available at the time this report was prepared we were not able to confirm if the turbines proximate to the neighboring A1 Zone are compliant with the minimum setback requirement. On this basis it will be recommended that the conditions require confirmation of this setback.

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 as well as a condition that requires confirmation of the setback of the wind turbines located adjacent to the abutting A1 zoned parcel.

Respectfully,



Chris D. Jones MCIP, RPP