



**TOWNSHIP OF MELANCTHON
COMMITTEE OF ADJUSTMENT ELECTRONIC MEETING
THURSDAY, OCTOBER 20, 2022 - 6:00 P.M.**

Join Zoom Meeting

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Meeting ID: 845 5154 2409

Passcode: 986503

One tap mobile

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Dial by your location

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+1 647 558 0588 Canada

+1 778 907 2071 Canada

+1 780 666 0144 Canada

+1 204 272 7920 Canada

+1 438 809 7799 Canada

Meeting ID: 845 5154 2409

Passcode: 986503

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 – September 15, 2022**
- 5. BUSINESS ARISING FROM MINUTES**
- 6. APPLICATION FOR CONSENT**
- 7. APPLICATION FOR MINOR VARIANCE**
 1. A1/22 Part Lot 19, Concession 3 NE (Levi F. Martin)
 2. A2/22 Part Lot 220, Concession 2 NE (Ryan & Beverly Byers)
- 8. APPLICATION FOR VALIDATION OF TITLE**
- 9. CERTIFICATE OF CANCELLATION**

10. APPLICATIONS ON FILE

1. B5/22 Lots 3-6, Plan 332
2. B6/22 Lots 32-34, Plan 332

11. DELEGATES

12. CORRESPONDENCE

13. ADJOURNMENT



The Corporation of

THE TOWNSHIP OF MELANCTHON

157101 Highway 10, Melancthon, Ontario, L9V 2E6

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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. A1-22

Re An Application by: Levi F. Martin/Eli Sherk

Address: 198093 2nd Line NE

Description of Property: Part Lot 19, Concession 3 NE

Purpose of Application: Relief from By-law 33-2017 (By-law to Define and Regulate Home Based Business) to allow the minimum distance separation between two on farm business uses be reduced from 500 meters to 321 meters.

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: October 20, 2022

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.

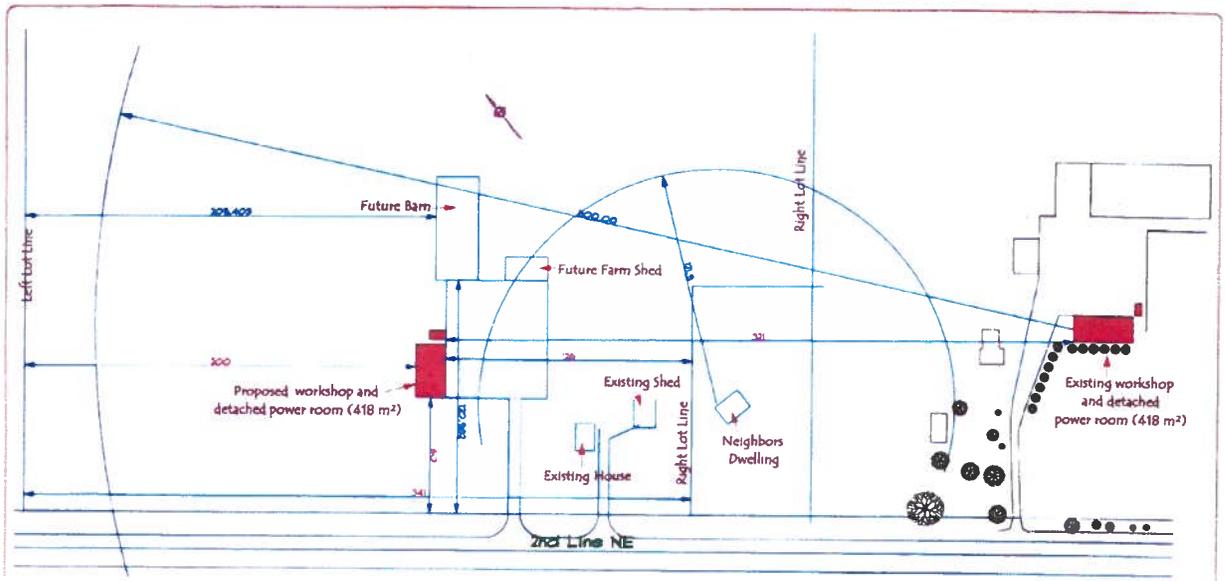
Public Hearing - You are entitled to attend at this public hearing or you may be represented by counsel or an agent to give evidence about this application. Signed, written submissions that relate to an application shall be accepted by the Secretary-Treasurer before or during the hearing of the application 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 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 4th day of October, 2022.

Denise B. Holmes, AMCT
Secretary-Treasurer





Subject: Planning Report – A1/22 – 198093 2ND LINE NE

Department: Planning

Meeting Date: 2022-10-20

Recommendations

That Planning Report – A1/22 – 198093 2ND LINE NE be received;

And that Minor Variance Application A1/22, be DENIED.

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

Introduction

Legal Description: Part of Lot 19, Concession 3 NE

Municipal Address: 198093 2ND LINE NE

Applicant(s): Levi F Martin

Official Plan Designation: Agricultural and Environmental Protection

Zoning (By-law 12-1979): Agricultural (A1) Zone

Purpose: To permit a new workshop, the applicant is requesting a following minor variance:

Reduce the minimum separation distance between on-farm business uses from 500 metres to 321 metres..

Background

The applicant, Levi F Martin has submitted an application for minor variance for lands located at 198093 2nd Line NE. According to the application, the subject property has an area of 39.42 hectares (97.41 acres) with a frontage of approximately 341 metres on the 2nd Line NE.

The applicant's lot is currently occupied by a dwelling and a shed.

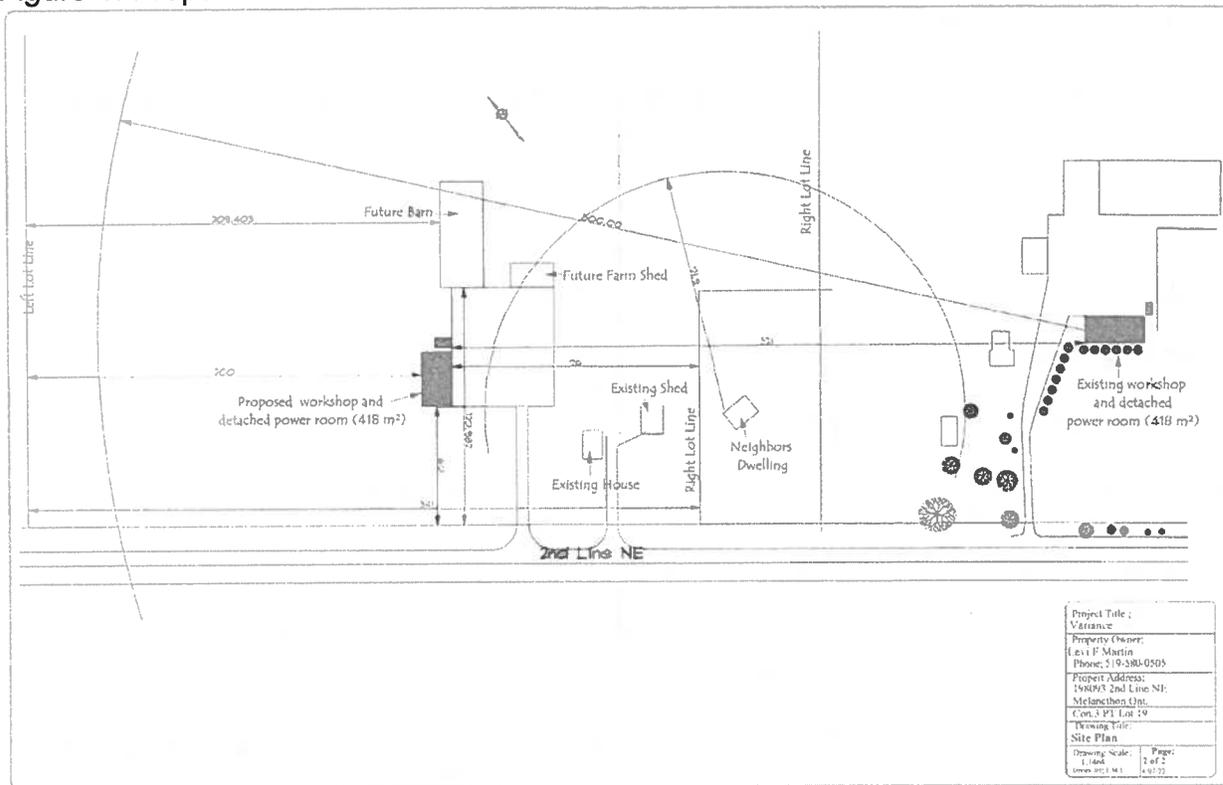
The applicant has proposed to build a new workshop and has applied for a relief from the Township's Zoning By-law 12-1979, as amended By-law 33-2017 as follows:

Table 1: Variance Summary

| No. | Sections | Description | Permitted | Proposed | Proposed Variance |
|-----|-----------------------------------|---|-----------|----------|-------------------|
| 1. | By-law 33-2017 - Section 3. b) x) | The minimum separation distance between on-farm business uses | 500 m | 321 m | 179 m |

A conceptual Site Plan showing the proposal is illustrated in Figure 1.

Figure 1: Proposal



Planning Analysis

Four Tests of a Minor Variance

A minor variance application is evaluated against four tests prescribed under Section 45(1) of the Planning Act as follows:

1. Does it meet the general intent and purpose of the Official Plan?

The subject lands are currently designated Agricultural and Environmental Protection. The following policy excerpts from the Official Plan are especially relevant to this application. Section 2.2.4 establishes the objectives for the agricultural area as follows:

Section 2.2.4 (a) states:

to protect prime agricultural areas for long term use for agriculture.

Section 2.2.4 (d) states:

To permit in prime agricultural areas only agricultural uses, on-farm diversified uses, agriculture-related uses and, where there is compliance with the policies of this Plan and the Province, some forms of public service uses and infrastructure and the extraction of mineral aggregate resources only as a use that is interim in nature and is limited or regulated accordingly.

Section 2.2.7 of the Township's Official Plan also establishes two objectives related to economic development. Item (c) states:

To support alternative forms of small scale economic development such as home based businesses, including rural oriented uses such as farm vacation operations and on-farm business uses.

Section 2.2.7 (d) states:

To support local food, and promote the sustainability of agri-food and agri-product businesses by protecting agricultural resources, and minimizing land use conflicts.

Section 2.3.3.1 States

Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

In prime agricultural areas with multiple on-farm diversified uses on several farms, the collective impact of these uses should be limited and not undermine the agricultural nature of the area or the health of the environment. Whether a proposed new on-farm diversified use is compatible depends on other uses in the area and how the area would be affected by all of these uses. (Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas)

Section 5.2.1 (d) states:

Farm related tourism such as facilities for farm vacations, value-added operations such as pick your own operations, and on-farm business uses are permitted in the Agricultural designation as on-farm diversified uses in accordance with the applicable policies of section 5.2.3 and other sections of this Plan.

Section 5.2.1 (m) states:

On-farm diversified uses, including those proposed or operating as on-farm business uses as described in section 5.2.3.(a) shall comply with the policies of section 5.2.3 and all other applicable policies of this Plan. Such uses shall be secondary to the principal agricultural use of the property. On-farm diversified uses shall also be limited in area and compatible with, and shall not hinder agricultural uses.

Section 5.2.3 of the Official Plan also establishes a number of policies related to on-farm business used. Section 5.2.3 (b) in particular addresses the primary objective of the Plan's policy as they relate to on-farm business uses:

The primary objective in permitting on-farm business uses is to assist in supporting the agriculture uses on the subject properties while ensuring that such business uses remain secondary to the principal agricultural use so that the principal use and value associated with the subject properties is their agricultural use and capability not their industrial use or potential.

Furthermore, Section 5.2.3 (c) states:

On-farm business uses shall be permitted in the implementing zoning by-law and that By-law shall contain provisions to ensure that, to the extent possible in a Zoning By-law, the use is secondary to the property's agricultural use, that it is properly sited on the agricultural property and that there are no negative impacts on existing agricultural uses.

Staff have concerns that the proposed on-farm diversified use will diminish the agricultural character by inevitably encouraging more workshops at a lesser distance, thus promoting the industrial character.

2. Does it meet the general intent and purpose of the Comprehensive Zoning Bylaw?

The intent of the By-law as it relates to the requirement that the minimum separation distance between on-farm business uses be 500 metres is to achieve the objectives of policies of the official plan section 5.2.3 (b) and (c), and to ensure that on farm uses are limited in size and intensity.

Staff is of the opinion that the proposal to construct a workshop at a distance of 321 m from the neighboring workshop to be counter to the to the intent of the Zoning By-law 33-2017.

3. Is it desirable for appropriate development or use of the land, building or structure?

Staff do not believe that the proposed variance will be desirable for appropriate development or use of the land, building or structure. It is anticipated that value associated with the subject property will be the industrial use and not the agricultural use.

4. Is it minor in nature?

The prime objective of the agricultural areas in the Township is to protect prime agricultural areas for long-term agricultural use. In the staff opinion, the proposed minor variance will set a poor precedent to allow an on-farm diversified use to be less than at 321metres from the neighbouring on-farm diversified use. Therefore, that the proposed variance is not minor in nature.

GENERAL ANALYSIS AND COMMENTS:

It is the opinion of staff that the requested variance does not meet the four tests.

Prepared By

Diksha Marwaha

Planning Coordinator, Township of Melancthon



Reviewed By

Silva Yousif

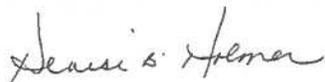
Planner, Township of Melancthon



Approved By

Denise B. Holmes

CAO/Clerk, Township of Melancthon





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**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. A2-22

Re An Application by: Ryan and Beverly Byers

Address: 199226 2nd Line NE Melancthon, ON L9V 2H9

Description of Property: Part Lot 220, Concession 2 NE

Purpose of Application: Relief from By-law 12-1979, as amended, by By-law 12-1982, to allow an accessory building to be located in the front yard, 1.8 meters (6 feet) in front of the dwelling and to reduce the minimum side yard set back (north lot line) from 6 meters (20 feet) to 1.8 meters (6 feet) for a proposed 2600 sq ft accessory building.

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 20, 2022

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.

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Dated this 5th day of October, 2022.

Denise B. Holmes, AMCT
Secretary-Treasurer