



**TOWNSHIP OF MELANCTHON
COMMITTEE OF ADJUSTMENT HYBRID MEETING
THURSDAY, MAY 15TH, 2025 - 6:00 P.M.**

Committee meetings are recorded and will be available on the Township website under Quick Links – Council Agendas and Minutes within 5 business days of the Council meeting.

Join Zoom Meeting
<https://us02web.zoom.us/j/84355623407?pwd=hu3xr8ua9Hdo6F1XRvMuoTcyrGV946.1>

Meeting ID: 843 5562 3407
Passcode: 325662

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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 –January 16th, 2025**
- 5. Business Arising from Minutes**
- 6. Application For Consent**
 1. A1/25 – 21603109 Ontario Inc. Agents: Elijah Brown, Director of Operations and Paul Ziegler, Triton Engineering – Pt Lot 18, Concession 3 OS – 477476 3rd Line
 1. Notice of Public Meeting – 477476 3rd Line
 2. Planning Report – B1/24 – 477476 3rd Line Prepared by Liam Morgan, Development Planner
- 7. Application For Minor Variance**
- 8. Application For Validation of Title**
- 9. Certificate Of Cancellation**
- 10. Applications On File**
 1. B6/22 – Belford – Lots 32-34, Plan 332
 2. B1/24 – Martin - Pt Lot 23, Lot 24, and Pt Lot 25, Con 7 SW
- 11. Delegates**
- 12. Correspondence**
- 13. Adjournment**



The Corporation of

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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. A1/25

Re An Application by: 21603109 Ontario Inc. Agents: Elijah Brown, Director of Operations and Paul Ziegler, Triton Engineering

Address: 477476 3rd Line, Melancthon Ontario

Description of Property: Part Lot 18, Concession 3 OS, RP 7R6271 Part 1

Purpose of Application: Relief from By-law 12-1979, further amended by By-law 23-2014 to reduce the minimum west side yard setback from 15 metres (49.21 feet) to 6 metres (19.68 feet) to expand the existing industrial use.

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 May 15th, 2025

Time: 6:00 p.m.

Place: Hybrid Meeting - This will be a Hybrid meeting. If you wish to attend the Meeting in Person you may come to the Township Office or if you wish to join virtually, 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 are unable to attend the 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 28th day of April, 2025.

Denise B. Holmes, AMCT
Secretary-Treasurer



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MEMORANDUM

Meeting Date: May 15, 2025

To: Denise Holmes, Secretary-Treasurer, Committee of Adjustment

From: Liam Morgan, Development Planner

Report: P2025-01

Re: Application for Minor Variance – A1-25 – 477476 3rd Line, Melancthon

Recommendation(s)

Be it resolved that the Committee of Adjustment receive Report P2025-01 as information.

And be it resolved that the Committee of Adjustment **approve** Minor Variance Application (A1-25) for the property municipally known as 477476 3rd Line, Melancthon and legally described as Concession 3 OS, Part Lot 18.

Background

The applicant, Triton Engineering Services Ltd., has submitted a minor variance application on behalf of Downey Potato Farm (herein referred to as the ‘owners’) for the lands municipally known as 477476 3rd Line and legally described as Concession 3 OS, Part Lot 18. The subject lands are currently utilized for an agricultural related industrial use centred around the production, packaging, and storing of produce (largely potatoes). Surrounding uses include predominantly rural residential properties and agricultural lands.

The purpose of the application is to request relief from zoning by-law 12-1979, as amend by site-specific zoning by-law 23-2014, to permit an addition that will be utilized as an agricultural produce packing plant. Specifically, the application intends to reduce the minimum building setback from any lot line from 15 metres (49.21 feet) to 6 metres (19.68 feet).

Table 1: Variance Summary			
<i>Sections (By-law 23-2014)</i>	<i>Description</i>	<i>Permitted</i>	<i>Proposed</i>
4.7(mmmmm.)	Minimum Building Setback from Any Lot Line	15 m	6 m

Planning Analysis

The subject lands are approximately 4 hectares (10 acres) in area and have a lot frontage of approximately 242 metres (794 feet). Under the Township Official Plan, the subject lands are



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THE TOWNSHIP OF MELANCTHON

157101 Highway 10, Melancthon, Ontario, L9V 2E6

designated as *Agricultural* and are zoned as *General Agricultural – Exception 123 (A1-123)* in Zoning By-law 12-1979, as amended by By-law 23-2014.

A minor variance application is evaluated against the four (4) tests prescribed under Section 45(1) of the *Planning Act*. The four (4) tests are as follows:

1. Does it meet the general intent and purpose of the Official Plan?
2. Does it meet the general intent and purpose of the Zoning By-law?
3. Is it desirable for the appropriate development or use of land, building, or structure?
4. Is it minor in nature?

After reviewing the application, in accordance with the four (4) tests of a minor variance, it is the opinion of staff that the application meets the four (4) tests of a minor variance. In making this determination, staff have considered the following:

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

Under the Township of Melancthon Official Plan the subject lands are designated as *Agricultural*. Broadly speaking, lands designated as *Agricultural* are to be planned and developed in a manner that protects these areas for long term agricultural use. As such, the uses permitted in the *agricultural* designation mainly include agricultural uses, agriculture-related uses, and on-farm diversified uses. The proposed use of an agricultural produce packing plant, as well as the existing uses on the subject lands, aligns with the agriculture-related use that is permitted under the *Agricultural* designation. Specifically, the proposed use provides an industrial operation that directly assists and supports produce related farm operations in the Township of Melancthon. The proposed addition does not eliminate or hinder the agricultural intent of both the subject lands and surrounding area, but, instead, maintains, if not advances, the long-term agricultural viability of the property and other farming operations that rely on this business for support.

Based on the above, the application does meet the general intent and purpose of the Township of Melancthon Official Plan.

2. Does the application meet the general intent and purpose of the Zoning By-law?

The subject lands are zoned as *General Agricultural – Exception 123 (A1-123)* under Zoning By-law 12-1979, as amended by By-law 23-2014. In general, the intent of the *A1* zone is to regulate the types of uses, as well as the appearance and location of buildings and structures, as a means to maintain the agricultural character of the property and surrounding area. The exception to Zoning By-law 12-1979, which is applicable to the subject lands, centres around the permittance of certain agriculture-related uses and the provisions applicable to the lands. Specifically, the exception does permit the establishment of an agricultural produce packing plant, agricultural produce storage, maintenance shop, and accessory facilities, while, also, requiring conformance to the following provisions:



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Provision	Requirement
Minimum Lot Size	3.8 hectares
Minimum Lot Frontage	242 metres
Minimum Building Setback from any Lot Line	15 metres
Maximum Building Height	12 metres
Off Street Parking and Loading	In accordance with sections 3.14 and 3.15

In the case of this application, the use being proposed is an addition to the existing agricultural produce packing plant and, as such, aligns with the permitted uses under the zoning by-law. As it relates to the particular regulations under the zoning by-law, the proposed development conforms to all provisions outside of the provision in which this application has been submitted for. However, even though the variance does reduce the setback from the building to the rear lot line, the overall intent and purpose of the zoning by-law is still upheld. The agricultural character of the property and surrounding area will still be maintained and, in addition, no negative impacts to the adjacent property at the rear of the property is expected being that the parcel is largely a vacant agricultural field.

Given the above, the intent and purpose of the zoning by-law is maintained.

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

The subject lands are already used for an agricultural-related industrial use and the proposed development is merely an addition to the existing use. What has also been indicated by the applicant in their Planning Justification Report is that the proposed location of the addition ensures the operation remains as efficient as possible, while, at the same time, also avoiding any unnecessary reorganization of the existing building functions on the site. Though avoidance of any variances is preferential, Township Planning can appreciate and understand the desire to maintain the existing function of the subject lands and their operations. Given that the proposed development does seek to construct a building that is related to the existing use of the lands, combined with the fact that the variance does not hinder or negatively impact the site lines and views of the adjacent neighbours, the application is desirable for the appropriate development of the lands.

4. Is the application minor in nature?

In reviewing whether the application is minor in nature there is both a qualitative and quantitative lens that is used. Quantitatively speaking, a reduction in setback from the required 15 metres to 6 metres does not seem to be 'minor in nature'. A reduction from 15 metres to 6 metres represents a 60% change between what is required and what is proposed, which is a significant change in value. From a qualitative lens, however, the application does represent a minor adjustment. The application seeks to only alter one zoning regulation and, the resulting structure proposed to occur



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THE TOWNSHIP OF MELANCTHON

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from the variance is expected to have minimal to no impact on the surrounding lands. Further to that, the proposed variance will also allow for the existing operations of the subject lands to continue without having to undertake major changes to the functions of other buildings on the subject lands.

In reviewing all factors related to whether the application is minor in nature, it is the opinion of Township Planning staff that the application is in fact minor in nature. Though the proposed variance does result in a 60% change between the required and proposed setback, there is only one variance being proposed, with this variance expected to have no impact on the surrounding lands. The variance will also avoid the need for the restructuring of internal processes for the existing agricultural operations on the subject lands, which, if required, could hinder the agricultural operations in Melancthon that rely upon this business for agricultural support.

Therefore, it is the opinion of Township Planning staff that the minor variance application is minor in nature.

General Analysis and Comments

The application seeks relief from the zoning regulation regarding minimum building setback from any lot line. The requested variance, specifically, proposes to reduce this regulation from the required 15 metres to 6 metres. Through an extensive review of the application, in accordance with the four (4) tests of a minor variance, Township Planning staff have no concerns with the approval of the minor variance application. It is the opinion of Township Planning staff that the application is minor in nature, desirable for the appropriate development, and maintains the general intent of the Township Official Plan and Zoning By-law.

Consultation and Communications

The minor variance application was circulated to the required agencies and the public meeting was advertised in accordance with the *Planning Act*. Based on the comments received from the circulated agencies, there were no concerns or objections brought forth regarding this application.

Prepared By:

Liam Morgan

Liam Morgan
Development Planner, MCIP, RPP

Reviewed/Approved By:

Denise Holmes

Denise Holmes
Chief Administrative Officer/Clerk



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Appendix A – Aerial Photo

