



**TOWNSHIP OF MELANCTHON
COMMITTEE OF ADJUSTMENT HYBRID MEETING
THURSDAY, SEPTEMBER 18TH, 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/84359451505?pwd=SVUnaGiclINaXD4HIWK0JrEyyNw6IV.1>

Meeting ID: 843 5945 1505

Passcode: 583276

One tap mobile

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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 – May 15th, 2025**
- 5. Business Arising from Minutes**
- 6. Application For Consent**
 1. B1/25 – Steve & Susan Verduin – E Part Lot 1, Concession 1 OS RP 7R1455 Parts 2 & 3 – 556024 Mulmur-Melancthon Townline
 1. Notice of Public Meeting – 556024 Mulmur-Melancthon Townline
 2. Planning Report – B1/25 – 556024 Mulmur-Melancthon Townline prepared by Liam Morgan, Acting Planning Manager
- 7. Application For Minor Variance**
 1. A2/25 – Owen Bennington & Sarah Thompson – Lots 60 to 61, Plan 34A – 141 Main Street
 1. Notice of Public Meeting – 141 Main Street
 2. Planning Report – A2/25 – 141 Main Street, prepared by Liam Morgan, Acting Planning Manager
- 8. Application For Validation of Title**
- 9. Certificate Of Cancellation**
- 10. Applications On File**
 1. B6/22 – Belford – Lots 32-34, Plan 332
- 11. Delegates**
- 12. Correspondence**
- 13. Adjournment**

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. **B1/25**

Date of Meeting: **Thursday, September 18th, 2025** Time: **6:00 p.m.**

Name of Owner/Applicant: **Steve & Susan Verduin**

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

NOTE: 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.

**PROPOSED SEVERANCE: E Part Lot 1, Concession 1 OS RP 7R1455 Parts 2 & 3
(556024 Mulmur-Melancthon Townline)**

Existing Use: Open Land

Proposed Use: Open Land

Road Frontage: 61 m (200.13 ft)

Depth: 27.06 m (88.8 ft)

Area: 0.83 ha (2.06 acres)

**RETAINED PORTION: E Part Lot 1, Concession 1 OS RP 7R1455 Parts 2 & 3
(556024 Mulmur-Melancthon Townline)**

Existing Use: Residential

Proposed Use: Residential

Road Frontage: 280.33 m (919.72ft)

Depth: 95.52 m (313.39 ft)

Area: 3.02 ha (7.46 acres)

**FINAL LOT ENLARGEMENT: East Part Lot 1, Con 1 OS RP 7R4078 Part 1
(Lot Enlargement of 556034 Mulmur-Melancthon Townline)**

Existing Use: Residential

Proposed Use: Residential

Road Frontage: 122 m (400.26ft)

Depth: 109.62 m (359.65 ft)

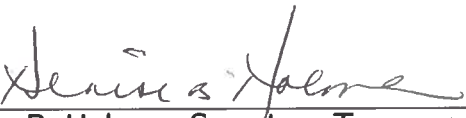
Area: 1.34 ha (3.3 acres)

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.

Date of this notice: July 16th, 2025


Denise B. Holmes, Secretary-Treasurer

Appendix 1 – Lands subject to Consent Application





The Corporation of

THE TOWNSHIP OF MELANCTHON

157101 Highway 10, Melancthon, Ontario, L9V 2E6

MEMORANDUM

Meeting Date: September 18, 2025

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

From: Liam Morgan, Acting Planning Manager

Report: P2025-04

Re: Application for Consent – B1-25 – 556024 Mulmur-Melancthon Townline

Recommendation(s)

Be it resolved that the Committee of Adjustment receive Report P2025-04 as information.

And be it resolved that the Committee of Adjustment **approve** Consent Application (B1-25) for the property municipally known as 556024 Mulmur-Melancthon Townline, Melancthon and legally described as East Part Lot 1, Concession 1 OS, subject to the following conditions:

- That an application for a Zoning By-law Amendment be submitted for the lands municipally known as 556024 Mulmur-Melancthon Townline to rezone the lands as a means to better reflect the existing character of the lands;
- That an application for a Zoning By-law Amendment be submitted for the lands municipally known as 556034 Mulmur-Melancthon Townline to rezone the lands as a means to establish greater zoning consistency.

Background

The applicant and owner, Susan Verduin, has submitted a consent application for the lands municipally known as 556024 Mulmur-Melancthon Townline ('subject lands') and legally described as East Part Lot 1, Concession 1 OS. The subject lands are currently utilized for a rural residential property, with the surrounding land uses being other rural residential properties and agricultural lands.

The purpose of the application is to request a minor boundary adjustment for the subject lands that would remove a 0.83-hectare portion of the lands and add it to the adjacent lands known as 556034 Mulmur-Melancthon Townline. The newly enlarged parcel will not be further developed by the current owners, as outlined in the application package submitted by the applicant. The resulting parcel sizes is further described in *Table 1* below and an illustration of the proposed minor boundary adjustment being provided in *Appendix 1*.



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Table 1: Severance Summary

<i>Property Characteristics</i>	<i>Severed Lands (556024 Mulmur-Melancthon Townline)</i>	<i>Retained Lands (556024 Mulmur-Melancthon Townline)</i>	<i>Final Lot Enlargement (556034 Mulmur-Melancthon Townline)</i>
Lot Frontage	61 m	280.33 m	122 m
Lot Area	0.83 ha	3.02 ha	1.34 ha

Planning Analysis

The subject lands are currently 3.85 hectares (9.51 acres) in area and have a lot frontage of approximately 341 metres (1,118 feet). The lands to be enlarged as a result of the consent application have an existing lot area of approximately 0.50 hectares (1.24 acres) and a lot frontage of 61 metres (200 feet).

Under the County Official Plan, both the subject lands and lands proposed to be enlarged are designated as *Prime Agricultural*. For Township planning policies, the Township Official Plan designates both the subject lands and proposed enlarged lands as *Rural*. Zoning By-law 12-1979, as amended, zones the subject lands as *General Agricultural – Exception 152 (A1-52)* and the enlarged lands as *Rural Residential Exception 95 (RR-95)*.

Provided below is a comprehensive overview of all over-arching planning policies that provide planning direction on the application at hand.

Provincial Planning Statement, 2024

The *Provincial Planning Statement, 2024* ('PPS, 2024') is the province's guiding document for land use planning and development in Ontario. A revised version of the PPS, 2024 was implemented on October 20th, 2024, and replaced both the *Provincial Policy Statement, 2020* ('PPS, 2020') and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019* ('Growth Plan'). All decisions relating to land use planning and development, as such, must be consistent with the policies provided in the PPS, 2024.

The PPS, 2024 designates both the subject lands and proposed enlarged lands as *prime agricultural area*. Permitted uses for this area include agricultural uses, agricultural-related uses, on-farm diversified uses, and residential dwellings.

The PPS, 2024, also provides directive on lot creation and lot adjustments in *prime agricultural areas* through section 4.3.3. Generally, lot creation is discouraged in *prime agricultural areas*, but in some instances including for agricultural uses, agricultural-related uses, and residence surplus to a farming operation, lot creation would be permitted. Further to that, the PPS, 2024, does permit lot adjustments in *prime agricultural areas* for legal or technical reasons. The PPS, 2024 defines legal or technical reasons as the following:



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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.

County of Dufferin Official Plan

The Dufferin County Official Plan ('DCOP'), which has been recently updated through a Municipal Comprehensive Review ('MCR'), offers over-arching policy direction for land use and development matters in Dufferin County. What must be noted is that given the submission timing of the current application, Official Plan Amendment #4 of the MCR process is not applicable being that the application as submitted prior to Ministerial approval. Official Plan Amendment's #2 and #3 are in force and effect based on their Ministerial approval date of October 2024.

Similar to that of the PPS, 2024, the DCOP designates both parcels as *Prime Agricultural*. Permitted uses in *prime agricultural* areas, as per section 4.2.2, include agricultural uses, agricultural-related uses, on-farm diversified uses, residential dwellings, home occupations, home industries, forestry, conservation, wildlife and fisheries management, passive recreational uses, watershed management, and flood and erosion control projects.

The DCOP further provides guiding policies for lot creation and adjustment in *prime agricultural* areas. Section 4.2.5 of the DCOP asserts that lot creation and adjustment is generally a discouraged practice in *prime agricultural* areas; however, may be permitted for agricultural uses, agriculture-related uses, residence surplus to a farming operation, and lot adjustments for legal or technical reasons. Further to that, the DCOP, as per subsections e) and g) of section 4.2.5, strictly prohibits lot creation and adjustment for the creation of new residential or non-farm parcels. It must also be noted that the definition of legal or technical reasons in the DCOP reflects that provided in the PPS, 2024, which was outlined in the previous section.

Township of Melancthon Official Plan

The Township of Melancthon Official Plan was approved on September 5th, 2017. The purpose of the Official Plan is to guide land use and infrastructure development in Melancthon to ensure the long-term vision of the Plan is maintained.

The Township Official Plan, as noted previously, designates both the subject lands and proposed enlarged lands as *rural*. Permitted uses under the *rural* designation include all uses permitted in the *agricultural* designation, development pertaining to the use and management of resources, resource based recreational activities, limited residential development, tourism and economic development, rural oriented institutional uses (i.e., farm rehabilitation facility), and uses that cannot be located in settlement areas.

Though section 3.3.3 of the Township Official Plan does provide directive for consents in the *rural* designation, those policies are not applicable to the current application. However, section 7.2 of the Official Plan gives additional policies relating to consent applications that are broader in nature. Policies in section 7.2 that are most applicable to the application include the following:



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- i. The use of both the proposed severed and retained lots shall comply with the policies of the applicable land use designation and with the provisions of the zoning by-law.
- iv. Notwithstanding the policies of subsection (iii) above or any other policy of this Plan, consents for land conveyances or for conveyances of an interest in land may be granted for *legal or technical reasons* such as minor boundary adjustments, provided such consent does not result in the creation of a new building lot. Such consents shall not be counted in the maximums specified in this section or elsewhere in this Plan.
- vii. Consents shall be granted only when both the severed and retained lands have frontage on an open public road built to municipal standards.

The subject lands and proposed enlarged lands are also within a high vulnerability aquifer area. Given that no development is proposed as part of the consent application, the potential for negative impacts to groundwater resources is likely not present.

Township of Melancthon Zoning By-law

The subject lands are zoned as *General Agricultural Exception 152 (A1-152)*, while the proposed enlarged lands are currently zoned as *Rural Residential Exception 95 (RR-95)* under Zoning By-law 12-1979, as amended. Permitted uses under the A1 zone include a farm, kennel, riding stable, nursery or commercial greenhouse, animal hospital, forestry or conservation uses, wayside pit, and home occupation. RR zone permitted uses include a single family detached dwelling and accessory uses, and a home occupation.

A zoning comparison chart has been provided below in *Table 2*, which outlines the in-effect zoning regulations for both the subject lands (referred to as 'retained lands') and the proposed enlarged parcel, which would include the area added as part of the lot adjustment.

Table 2: Zoning Comparison Chart			
<i>A1 Regulation</i>	<i>Required</i>	<i>Retained Lands</i>	<i>Conformity?</i>
Min. Lot Area (By-law 21-1996)	3 ha	3.02 ha	✓
Min. Lot Frontage	30 m	280.33 m	✓
Min. Distance from any new building or structure to the nearest lot line (By-law 21-1996)	15 m	No new building or structure proposed.	✓
Max. Lot Coverage	15%	0.33%	✓
<i>RR Regulation</i>	<i>Required</i>	<i>Enlarged Parcel</i>	<i>Conformity?</i>
Min. Lot Area (By-law 21-1996)	5000 m ²	13,400 m ²	✓
Min. Lot Frontage	60 m	122 m	✓
Min. Front Yard	25 m	25 m	✓
Min. Interior Side Yard	6 m	15 m; 23 m	✓
Min. Rear Yard	25 m	43 m	✓
Min. Building Height	10 m	N/A	✓
Max. Lot Coverage	10%	2.53%	✓

Note: The enlarged parcel figures were based on the existing dwelling. No building/structure is proposed to be built as part of the application.



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General Analysis and Comments

In reviewing the application, in accordance with the over-arching planning policies and comments provided by the respective agencies, it is clear that the application does in fact represent 'good planning'. The application proposes a boundary adjustment that, in the opinion of planning staff, is minor in nature, which, in turn, conforms with the consent policies for *prime agricultural* lands in both the PPS, 2024 and DCOP. In fact, the portion to be severed as part of the application represents only 21% of the total existing area of the subject lands and, further to that, no currently utilized lands are to be removed from agricultural production. This, in the opinion of planning staff, provides strong supporting evidence to the basis of a minor boundary adjustment. What is also critical to note is that the proposed lot adjustment will not result in the creation of a new residential lot or non-farm parcel, which is a prohibited result across both the DCOP and Township of Melancthon Official Plan.

While the resulting parcels from the proposed lot adjustment also conform to the in-effect zoning regulations, planning staff recommend that zoning by-law amendment applications be submitted for both parcels as a means to more properly reflect the newly established character of the lands. For the lands that are to be enlarged through the lot adjustment – 556034 Mulmur-Melancthon Townline – the zoning for the severed portion added to the existing property conflicts with the current in-effect zoning. The lands are currently zoned as *RR-95*, while the newly added portion of lands is zoned as *A1-52*. Instead of the property having two differing zoning policies, planning staff believe that the property should be fully rezoned as *RR-95* to ensure zoning consistency throughout the property and to reflect the rural residential nature of the property. Planning staff further recommend that the retained lands – 556024 Mulmur-Melancthon Townline – also undergo a rezoning. The lands, in the opinion of planning staff, no longer align with the in-effect *A1* zoning because of the smaller size of the property and the low likelihood of the property ever being used for agricultural production in the future. Similar to that of the enlarged parcel, planning staff believe that the retained lands should be rezoned to the *RR* zone to more appropriately reflect the newly established rural residential character of the property.

Based on a comprehensive review of the application Township planning staff have no concerns with the proposed application and, as such, recommend approval with conditions.

Consultation and Communications

The consent 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.



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157101 Highway 10, Melancthon, Ontario, L9V 2E6

Prepared By:

Liam Morgan

Liam Morgan

Acting Planning Manager, MCIP, RPP

Reviewed/Approved By:

Denise Holmes

Denise Holmes

Chief Administrative Officer/Clerk



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THE TOWNSHIP OF MELANCTHON

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Appendix 1 – Aerial Photo





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157101 Highway 10, Melancthon, Ontario, L9V 2E6

Telephone - (519) 925-5525

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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. A2/25

Re An Application by: Owen Bennington & Sarah Thompson

Address: 141 Main Street, Melancthon Ontario

Description of Property: Lot 60 to 61, Plan 34A

Purpose of Application: Relief from By-law 12-1979, as amended by By-law 12-1982, to reduce the minimum rear yard setback from 7.5 metres (24.61 feet) to 3.81 metres (12.5 feet). The application further seeks relief from Section 3.21 (Watercourse or Embankment Regulations), subsection 'b', which states that no building or structure shall be constructed within 15 metres of any lands having a slope which is greater than 30 degrees from horizontal. Specifically, the application seeks to reduce the minimum requirement from 15 metres (4.57 feet) to 11 metres (3.35 feet).

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, September 18th, 2025

Time: 6:00 p.m.

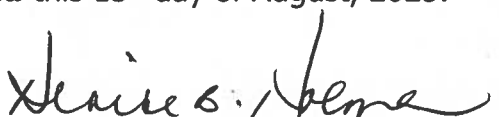
Place: Hybrid Meeting - This will be a Hybrid meeting. If you wish to attend the Meeting in Person you may come to the Township Office or if you wish to join virtually, please call, or e-mail the Township office prior to the day of the public meeting so you can be provided with a link to the meeting. 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 13th day of August, 2025.


Denise B. Holmes, AMCT
Secretary-Treasurer



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MEMORANDUM

Meeting Date: September 18, 2025

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

From: Liam Morgan, Acting Planning Manager

Report: P2025-03

Re: Application for Minor Variance – A2-25 – 141 Main Street, Melancthon

Recommendation(s)

Be it resolved that the Committee of Adjustment receive Report P2025-03 as information.

And be it resolved that the Committee of Adjustment **approve** Minor Variance Application (A2-25) for the property municipally known as 141 Main Street, Melancthon and legally described as Lots 60 and 61 of Registered Plan 34A.

Background

The applicant, Owen Bennington, has submitted a minor variance application for the lands municipally known as 141 Main Street and legally described as Lots 60 and 61 of Registered Plan 34A. The subject lands are currently a vacant residential lot in the community settlement area of Horning's Mills. Surrounding uses include other residential properties and the Horning's Mills Community Hall.

The purpose of the application is to request relief from Zoning By-law 12-1979, as amended, to permit the construction of a single family detached house and attached garage. Specifically, the application intends to reduce the minimum rear yard setback from 7.5 metres (24.6 feet) to 3.8 metres (12.5 feet) and reduce the minimum distance requirement under section 3.21.b) (Watercourse or Embankment Regulations) from 15 metres (49.2 feet) to 11 metres (36.1 feet).

Table 1: Variance Summary (By-law 12-1979)

<i>Section(s)</i>	<i>Description</i>	<i>Permitted</i>	<i>Proposed</i>
3.21.b)	Watercourse or Embankment Regulations	15 m	11 m
6.3.h)	Minimum Rear Yard Setback	7.5 m	3.8 m

Planning Analysis

The subject lands are approximately 0.16 hectares (0.39 acres) in area and have a lot frontage of approximately 26.25 metres (86.1 feet). Under the Township Official Plan, the subject lands



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are designated as *Community* and are zoned as *Hamlet Residential (R1)* in Zoning By-law 12-1979, as amended.

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?

Growth, according to sections 2.2.1 and 3.1.2 of the Township of Melancthon Official Plan, should largely be directed to the community settlement areas, specifically that of Horning's Mills. This growth should occur in the form of additional greenfield and infill residential development, subject to the provision of appropriate servicing.

At a more site-specific level, the subject lands are designated as *Community*. Lands designated as *Community* reflect the Township's three (3) settlement areas and are to provide for a range of appropriate land uses and establish how development, including moderate forms of residential intensification, should occur. In terms of the permitted uses within the *Community* designation, *residential intensification* is permitted in the form of either a detached dwelling, duplex, triplex, semi-detached dwelling, or second dwelling units in a detached dwelling. Though there are other uses permitted under the *Community* designation, *residential intensification* is most applicable to the current application and, as such, no other uses were outlined. For lands where residential intensification is proposed, subsection i) of section 5.7.2 requires that appropriate servicing and off-street parking be provided.

The subject lands also are adjacent to natural heritage features – *woodlands, floodplain, and watercourse* – which the Township Official Plan provides policies on. Generally, the intent of these policies is to direct development and site alteration away from the natural heritage features, and, where that is not plausible, provide a reasonable setback distance from features. This, in turn, will help the Township protect and preserve the existing natural heritage features.

The proposed development seeks to construct a single family detached dwelling on a vacant parcel in the settlement area of Horning's Mills, which not only aligns with the growth policies of the Township Official Plan, but also the intensification policies set out under the *Community*



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designation. In addition to that, the proposed development will provide appropriate servicing in the form of private services and off-street parking through the utilization of an existing driveway and parking area on the lot. Though there are natural heritage features adjacent to the subject lands, the proposed development has been designed to be properly setback from these features, in turn, avoiding any adverse impacts to the existing natural heritage features.

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 *Hamlet Residential (R1)* under Zoning By-law 12-1979, as amended. In general, the intent of the *R1* zone is to regulate the types of uses, as well as the appearance and location of buildings and structures, within hamlet areas. Permitted uses within the *R1* zone include a single family detached dwelling and accessory uses and a home occupation. In addition to the permitted uses, the following *R1* zone regulations are applicable to the subject lands:

Provision	Requirement	Proposed
Min. Lot Area (w/o municipal water)	1,400 m ²	1,591 m ²
Min. Lot Frontage (w/o municipal water)	30 m	26.25 m**
Min. Front Yard	7.5 m	29.8 m
Min. Interior Side Yard	1.5 m	1.5 m
Min. Rear Yard	7.5 m	3.8 m
Min. GFA (2-storey)	65 m ²	189 m ²
Max. Building Height	10 m	10 m
Max. Lot Coverage	25%	19.5%
Off Street Parking	2 spaces	2 spaces
Watercourse or Embankment Regulations (sec. 3.21.b)	15 m	11 m

Note (**): The smaller lot frontage without municipal water is permitted as per section 3.9 h) of the Zoning By-law.

In the case of this application, the proposed development of a single-family detached home aligns with the permitted uses provided under the *R1* zone. While there are discrepancies in the regulations required and those proposed, a large majority of the specific regulations under the *R1* zone are conformed to. In fact, one of the regulations subject to the minor variance application is under section 3.21 b) of the Zoning By-law and not that of section 6.3 related to the *R1* zone meaning that only one provision under the *R1* zone is being amended. Given the application seeks to construct a single family detached dwelling, a use that is not only permitted in the *R1* zone but also prominent in the existing area, the character of the surrounding neighbourhood will evidently be upheld. This, in the opinion of planning staff, means that the intent and purpose of the zoning by-law is maintained.



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

The land in which the proposed single-family detached dwelling will be developed on is currently vacant. Given that, the proposed development represents a clear example of appropriate infill development being that the land is currently underutilized and the applicant is proposing suitable servicing for the land. Infill development, in addition, is also a form of development that the Township promotes and encourages. What must also be noted is that the proposed development does not seek to bring forth a land use that is not common in the existing built form. Adjacent land uses, for the most part, consist of single family detached dwellings, with the exception of the Horning's Mills Community Hall, and, as such, the proposed development would integrate seamlessly into the existing neighbourhood. Now while there are natural heritage and topographic features on and/or adjacent to the subject lands that present challenges for the subject lands, this does not impact the appropriateness of the lands for the development. The proposed dwelling has been designed to have appropriate setbacks from the existing natural heritage features, and, in the case of the embankment regulation variance, a significant majority of the proposed dwelling is beyond the 15-metre requirement. Based on the seamless integration with the existing neighbourhood, combined with the fact that all natural heritage setbacks are maintained, the application is desirable for the appropriate development of the lands.

4. Is the application minor in nature?

The term 'minor' can be viewed from both a qualitative and quantitative lens. For the first variance relating to a reduction in the minimum rear yard setback, the reduction from 7.5 metres to 3.8 metres does not reflect a 'minor' adjustment being that this reduction represents an approximately 50% change. However, from a qualitative perspective, the variance does represent a 'minor' adjustment. This is because only one regulation under the *R1* zone will be altered as part of this application and, in addition, this reduction will most likely have minimal to no impact on the existing built structure of the neighbourhood. The reduction, and the resulting development, will unlikely hinder or negatively impact the sight lines, noise levels, and overall aesthetic and desirability of the surrounding area and existing residential dwellings. With no significant impacts occurring to the existing area, especially to properties to the rear where the reduction is to occur, combined with the fact that only one regulation is proposed to be altered, planning staff believe that this proposed change is 'minor' in nature.

The second variance pertaining to the watercourse or embankment regulations does not present as significant of a reduction compared to the previous variance. In fact, the reduction from 15 metres to 11 metres only represents an approximately 25% reduction, which, in the opinion of planning staff, is a minor quantitative adjustment. Where planning staff view issues with the term 'minor' occurring is through the qualitative lens. The proposed variance impacts an important section of the zoning by-law that is critical to protecting residents and their buildings/structures from potential embankment collapses and failures. Any variances to this section would commonly



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not be viewed as 'minor' in nature; however, when including the context of the proposed development, it is clear that it is a 'minor' adjustment. The area of the development in which this proposed reduction aims to benefit is the attached porch and, in fact, the proposed dwelling is all but within the required 15-metre setback distance. Even more, a notable portion of the attached porch is also within the 15-metre setback distance and, therefore, the variance has only been presented to assist in ensuring all of the porch can be constructed. Being that a significant majority of the proposed dwelling is within the 15-metre setback distance, planning staff believe that this variance does reflect a 'minor' adjustment.

In reviewing all of the factors mentioned above, it is the opinion of planning staff that the application is minor in nature.

General Analysis and Comments

The application seeks relief from two zoning regulations. The first is the minimum rear yard setback distance of 7.5 metres provided under section 6.3 h), with a proposed reduction to 3.8 metres. The second variance is with respect to section 3.21 b) relating to watercourse and embankment regulations. Specifically, this variance seeks to reduce the 15 metre requirement for buildings and structures being constructed on lands with a slope greater than 30 degrees from horizontal to 11 metres. Through an extensive review of the application, in accordance with the four (4) tests of a minor variance, planning staff have no concerns with the approval of the minor variance application. It is the opinion of 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.

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Chief Administrative Officer/Clerk



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Appendix A – Aerial Photo

