



MUNICIPALITY OF ARRAN-ELDERSLIE

Council Meeting

AGENDA

Meeting No. 3

Monday, September 13, 2021, 9:00 a.m.

Council Chambers and via Teleconference

1925 Bruce Road 10, Chesley, ON

Pages

1. Call to Order
2. Adoption of Agenda
3. Disclosures of Pecuniary Interest and General Nature Thereof
4. Adoption of Minutes of Previous Meeting(s)
 - 4.1. Committee of Adjustment Minutes - January 25, 2021 1
5. New Business
 - 5.1. Minor Variance Application A-2021-060 5

Owner: RM Knapp & Sons/Julie Knapp

Part Lot 11, Paisley Townplot, Regent St S Part 2, RP 3R-9258,
geographic Village of Paisley

Vacant Lands

Proposed Use: Four street townhouse dwelling units

Recommendation and Decision
6. Adjournment



MUNICIPALITY OF ARRAN-ELDERSLIE
Committee of Adjustment
Monday January 25, 2021 at 9:00 a.m.
Council Chambers

MINUTES

Municipal Administration Office
 1925 Bruce County Road 10
 Chesley, Ontario

Members Present in Council Chambers:

Mayor Steve Hammell

Members Present Electronically:

Deputy Mayor Mark Davis
 Councillor Doug Bell
 Councillor Melissa Kanmacher
 Councillor Brian Dudgeon
 Councillor Ryan Greig - absent
 Councillor Ryan Nickason

Staff Present in Council Chambers:

B. Jones, CAO
 C. Fraser-McDonald, Secretary/Clerk (recording secretary)

Staff Present Electronically:

Jack Van Dorp – Planner

1. Call to Order

Mayor Hammell called the meeting to order at 9:00 a.m. A quorum was present. He asked the Committee for permission for the Secretary to be authorized to sign on behalf of the members who concurred with the decision to enable the decision sheet to be signed promptly.

2. Adoption of Agenda

The Committee passed the following resolution:

Moved by: Member Ryan Nickason
 Seconded by: Member Melissa Kanmacher

Be It Resolved that the agenda for the Committee of Adjustment Meeting of January 25, 2021 be received and adopted, as distributed by the Clerk.

Carried Resolution #3-08-2021

3. Declaration of Pecuniary Interest
None Declared

4. Unfinished Business

4.1 Minor Variance Application A-2020-068

Owner: Craig Trelford

Agent: Ron Davidson Land Use Planning Consultant Inc.

Lot 3 and West Part Lot 4, Concession 13, geographic Township of Elderslie
1342 Bruce Rd 40

- i. The owner proposes to expand the grain drying component of an agricultural operation. Minor Variances to the Zoning by-law are requested to reduce the minimum setback from a County road (Section 3.23) from 22.9 metres to 15 metres and minimum front yard setback (Section 6.3) from 20 metres to 15 metres, consistent with the setback of existing buildings and structures on the property. If approved, the variance will allow additional capacity to be constructed in a relatively efficient manner.

ii. Requests for Deferral or Withdrawal of Application

While finalizing the report for this application, planning staff discovered that agencies had been provided a request for comments, but not the notice of public hearing required by the Act. Staff has issued notice to agencies for a hearing on January 25, 2021 to meet this requirement.

The Mayor said if attendees wished to be notified of the adoption of the proposed Minor Variance or of further proceedings regarding the variance a written request needed to be made to the Municipality by signing the form provided.

The Mayor asked if anyone present wished to make oral or written submission either in favour or opposed to the proposed for the property owners were present and available to answer questions from Council and the public.

Subsequent to further discussion, Council passed the following resolution:

Moved by: Member Ryan Nickason

Seconded by: Member Melissa Kanmacher

Whereas The Planning Department recommends that the Minor Variance Application A-2020-068 – Craig Trelford, Agent Ron Davidson Land Use Planning Consultant Inc, meets the four tests for a minor variance;

Therefore, Be It Resolved that Minor Variance Application A-2020-068 be granted subject to the following conditions:

1. That the decision applies only to the proposed developments as indicated on Schedule "A" attached hereto and forming part of this decision;
2. That the development be completed within two (2) years of this decision.

Reasons:

1. The variance maintains the intent and purpose of the Official Plan.
2. The variance maintains the intent and purpose of the Zoning By-law.
3. The variance requested is desirable for the appropriate and orderly development and use of the lands and buildings.
4. The variance is minor in nature.

The Secretary called for a recorded vote:

MEMBER	YEA	NAY
Councillor Bell	X	
Councillor Dudgeon	X	
Councillor Greig	absent	
Councillor Kanmacher	X	
Councillor Nickason	X	
Deputy Mayor Davis	X	
Mayor Hammell	X	
TOTALS	7	

Carried Resolution #3-10-2021

5. Adjournment

Moved by: Member Ryan Nickason
Seconded by: Member Melissa Kanmacher

Be It Resolved that the Committee of Adjustment meeting be adjourned at 9:10 a.m.

Carried Resolution #3-11-2021

Steve Hammell, Chair

Secretary – Christine Fraser-McDonald



Planning Report

To: Committee of Adjustment, Municipality of Arran-Elderslie

From: Eric Steele

Date: September 13, 2021

Re: Minor Variance Application - A-2021-060 Knapp

Recommendation:

Subject to a review of submissions arising from the public meeting:

That Committee approve Minor Variance A-2021-060 as attached subject to the conditions on the decision sheet. Please sign the Decision Sheet.

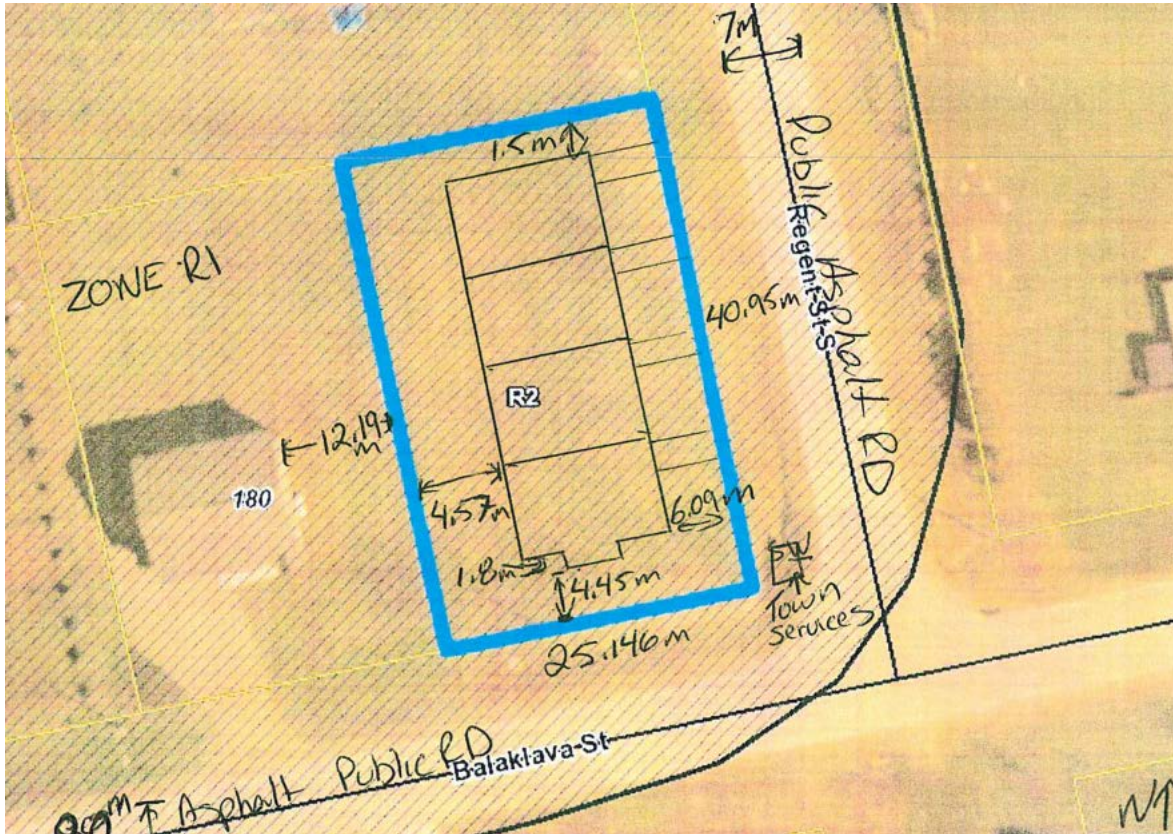
Summary:

The purpose of this application is to permit the construction of a four-unit street townhouse. The application seeks to reduce the front yard setback from 6.0 metres to 4.45 metres, reduce the rear yard setback from 7.5 metres to 1.5 metres, and increase the maximum lot coverage from 40% to 55%.

Airphoto



Site Plan



Planning Analysis:

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant agency comments (attached), and planning policy sections.

Four Tests of a Minor Variance

Does the variance maintain the intent and purpose of the Official Plans?

The County Official Plan permits a broad range of residential uses within Primary Urban Areas. The Local Official Plan also permits low and medium density residential uses. The Local Official Plan directs medium density residential uses in primary urban areas to have a minimum density of 24 units per hectare and that a wide range of housing types as well as affordable housing is to be provided. The applicant is proposing a density of 39 units per hectare and seeks to provide housing that is less costly to develop.

The Local Official Plan provides additional criteria for medium density development including adequate parking and vehicle access, appropriate municipal services and stormwater management and adequate buffering or landscaping and compatibility of the use. No concerns were raised by municipal staff and staff have confirmed that municipal services are available. Since the level of density proposed is higher than the adjacent property, staff recommend a condition for a requirement for a fence along the western

property boundary to provide a buffer between the functioning rear yard of the units and the adjacent property's side yard.

The application maintains the intent and purpose of the Official Plans.

Does the variance maintain the intent and purpose of the Zoning By-law?

The subject property is zoned as Residential - Low Density Multiple (R2) which permits residential uses including street townhouses. This application seeks relief from the front yard setback, rear yard setback, and lot coverage provisions of the Zoning By-law. The purpose of the front yard setback is to maintain adequate separation between buildings and roadways and ensure that the road can be maintained. The proposed 1.25 metre Front Yard setback reduction is requested for a mechanical room that extend into the front yard and is not anticipated to impact the function of Balaklava Street.

The application also seeks a reduction to the rear yard setback. Due to the configuration of the lot, the part of the lot that fronts onto Balaklava Street is considered the front lot line and the north lot line is considered to rear lot line. However, the proposed units are oriented towards Regent Street South so that the rear yard would function as a side yard. The intent of the yard setback is to provide adequate building separation and provide access to the rear yard.

The application seeks to increase the lot coverage from 40% to 55%. The intent of this provision is to ensure that development is of a scale that the functionality and servicing of the site can be maintained. Municipal staff have confirmed services are available and have raised no concerns with the application.

The variance maintains the intent and purpose of the zoning bylaw.

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

The proposed variance would allow for provision of additional housing to be provided in a form that is less costly to develop. The proposed units would be adequately serviced by municipal water in sewer in a primary urban area. Staff recommend that a requirement for a fence be included as a condition to address potential concerns for privacy impacts, related to the number of units facing an adjacent side yard.

The variance represents an appropriate form of development for the use of the land.

Is the application minor in nature?

Whether a variance is minor is evaluated in terms of the impact the proposed development is expected to have on the surrounding neighbourhood. As previously noted, the configuration of the units on the property proposes to have the interior side yard would be functioning as the rear yard.

Given the level of density that is proposed and the proposed setback between the west side of the buildings and the west property line is smaller than what would typically be required, staff are recommending a condition that a fence be provided along the western property boundary. This would provide a buffer between the uses and address the potential for impacts on neighbouring properties.

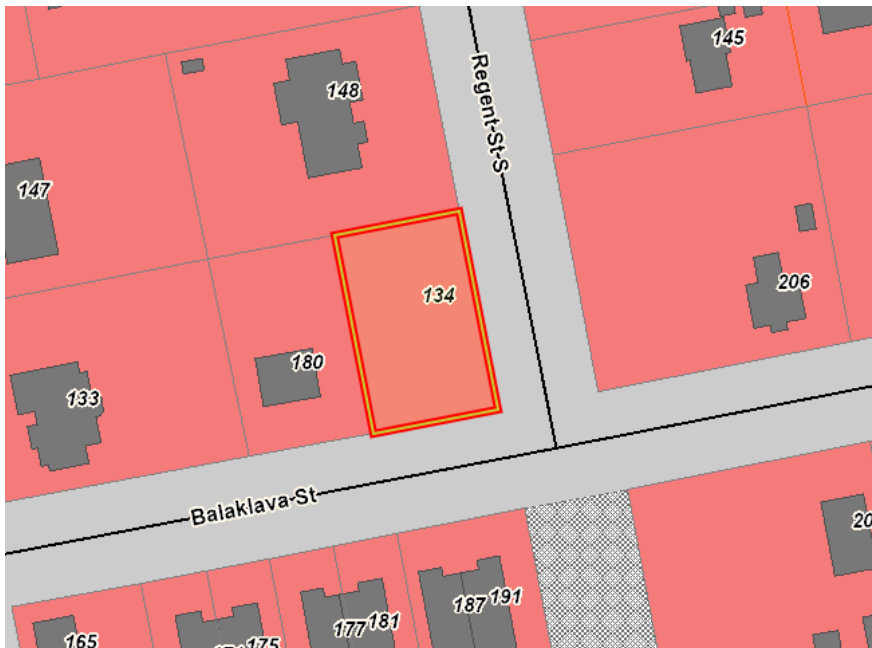
It is not expected that permitting the variance will impact the ability of adjacent property owners to use their property for permitted uses.

The variance is minor in nature.

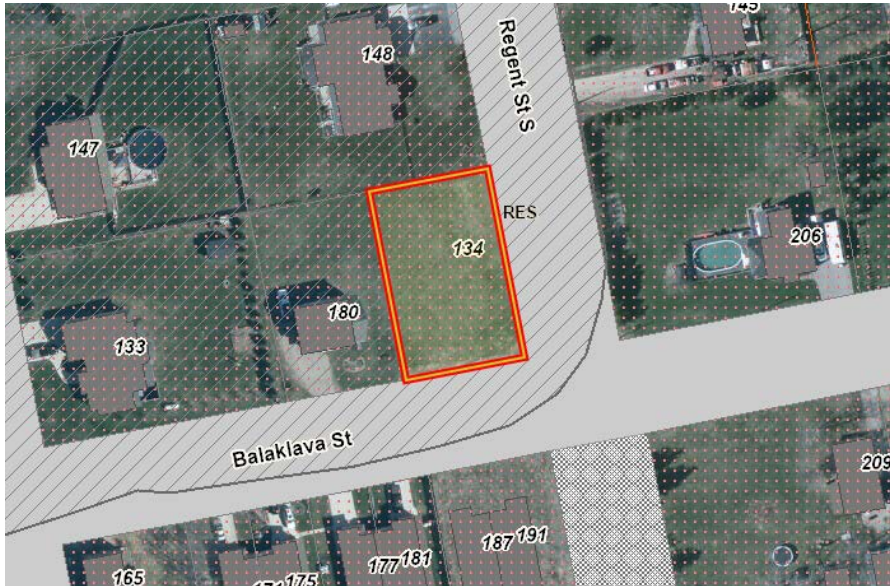
Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- Agency Comments

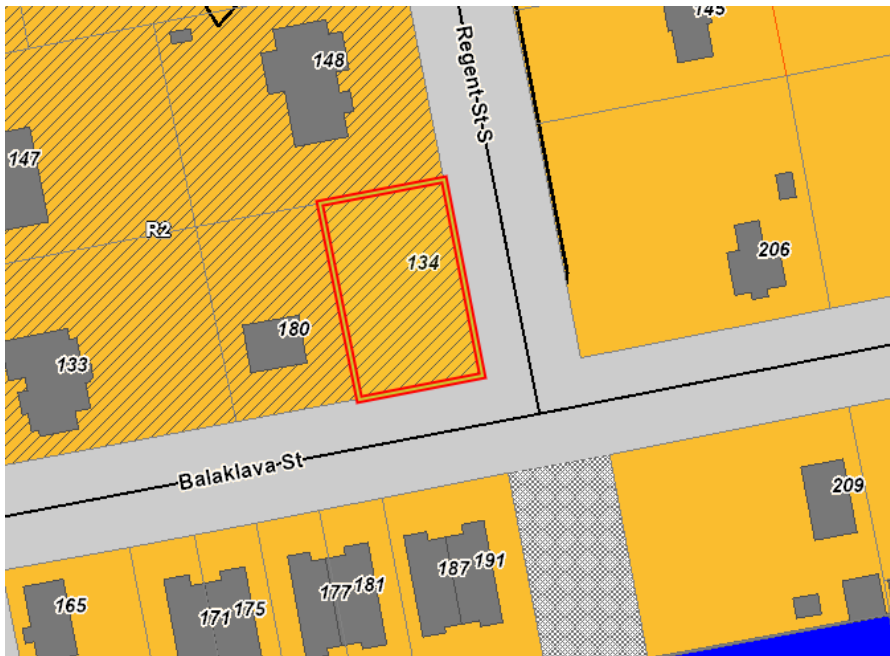
County Official Plan Map (Designated Primary Urban - Paisley)



Local Official Plan Map (Designated Residential)



Local Zoning Map (Zoned Residential One 'R2')



Agency Comments

Public Works: No comments on the proposed application.

Grey Sauble Conservation Authority (Attached): No concerns on the application. Development or site alteration on the property will be subject to a permit from the GSCA.



1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY (bcplwi@brucecounty.on.ca)

September 1, 2021

County of Bruce, Planning and Development Department
268 Berford Street, Box 129
Warton, ON N0H 2T0

ATTENTION: Eric Steele, Planner

Dear Mr. Steele,

RE: Application for Minor Variance A-2021-060
Roll No.: 410341000102110
PLAN PAISLEY PT LOT 11 W; REGENT ST S RP 3R9258 PART 2
Geographic Village of Paisley
Municipality of Arran-Elderslie (Knapp)

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA) with the County of Bruce representing natural hazards, natural heritage, and water resources; and the application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

Purpose

The purpose of the application is to permit the construction of a four-unit townhouse. The application seeks the following variances:

- Reduce the front yard setback from 6.0 metres to 4.45 metres
- Reduce the rear yard setback from 7.5 metres to 1.5 metres
- Increase the maximum lot coverage from 40% to 55%

Staff have received and reviewed the following documents submitted with this application:

- 1) Request for Agency Comments and attached site plan

Recommendation

SVCA staff generally find the application acceptable and elaborate in the following paragraphs.



Watershed Member Municipalities
Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands,
Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce,
Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North,
Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

Site Characteristics

Based on the SVCA's review of available mapping, the subject property is located on the northwest corner of Regent Street South and Balaklava Street. The property is generally even in topography. The property features previously disturbed lawn.

Delegated Responsibility and Advisory Comments

SVCA staff has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020). We have also reviewed the application through our responsibilities as a service provider to the County of Bruce in that we provide expert advice and technical clearance on *Planning Act* applications with regards to natural hazards, natural heritage, and water resources as set out in the PPS 2020, County Official Plan and/or local official plans. Comments below only include features/technical requirements affecting the property.

Natural Hazards:

SVCA staff find the application acceptable. The subject property does not contain any floodplains, watercourses, shorelines, wetlands, valley slopes or natural hazards of interest to SVCA or as per our MOA with the County of Bruce. As such, it is the opinion of SVCA staff that the application is consistent with the Natural Hazard Policies of the PPS, 2020 and the County of Bruce and Municipality of Arran-Elderslie Official Plans.

Natural Heritage:

SVCA staff find the application acceptable. It is the opinion of SVCA staff that the property is not subject to any significant natural heritage features. As such, it is the opinion of SVCA staff that the application is consistent with the Natural Hazard Policies of the PPS, 2020 and the County of Bruce and Municipality of Arran-Elderslie Official Plans.

Statutory Comments

SVCA staff has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). This regulation, made under Section 28 of the *Conservation Authorities Act*, enables SVCA to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Subject to the CA Act, development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

The entirety of the subject property is within the SVCA Approximate Regulated Area associated with Ontario Regulation 169/06. The regulated area is associated with the floodplain of the Saugeen River. As such, development and/or site alteration on the property requires the permission from SVCA, prior to carrying out the work.

“Development” as defined under the *Conservation Authorities Act* means:

- a) *the construction, reconstruction, erection or placing of a building or structure of any kind;*
- b) *any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;*
- c) *site grading; or,*
- d) *the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*

And;

“Alteration” as per Section 5 of Ontario Regulation 169/06 generally includes the straightening, diverting or interference in any way with a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

To determine the SVCA Approximate Regulated Area on the property, please refer to the SVCA’s online mapping program, available via the SVCA’s website at <http://eprweb.svca.on.ca>. Should you require assistance, please contact our office directly.

SVCA Permission for Development or Alteration

As the entirety of the subject property falls within the SVCA regulated area, a permit from our office will be required for development or alteration including construction, reconstruction, conversion, grading, filling or excavation. To facilitate the review of the proposed four-plex townhouse, SVCA still will require a site plan including grading and drainage details, construction plans, stormwater management plans indicating how storm runoff will be directed, and confirmation that wastewater can be accommodated by the existing municipal sewer system.

Summary

SVCA staff has reviewed this application in accordance with our MOA with the County of Bruce, and as per our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*.

SVCA staff generally find the application acceptable.

Given the above comments, it is the opinion of the SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS has been demonstrated.
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS has been demonstrated
- 3) Consistency with local planning policies for natural hazards has been addressed, and natural heritage has been demonstrated

Please inform this office of any decision made by the County of Bruce with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Municipality of Arran-Elderslie
A-2021-060
September 1, 2021
Page 4 of 4

Should you have any questions, please contact the undersigned.

Sincerely,

A handwritten signature in blue ink that reads "L McGregor". The signature is written in a cursive, flowing style.

Lauren McGregor
Environmental Planning Technician
Saugeen Conservation

LM/

cc: Christine Fraser-McDonald, Deputy Clerk, Municipality of Arran-Elderslie (via email)
Mark Davis, Authority Member, SVCA (via email)

Schedule 'A'

Decision of the Committee of Adjustment With Reasons

(Section 45(1), Planning Act, 1990)

Municipality	Arran-Elderslie
File Number	A-2021-060
Date of Hearing	September 13, 2021
Owner / Applicant / Agent	R.M. Knapp Construction
Legal Description	PLAN PAISLEY PT LOT 11 W; REGENT ST S RP 3R9258 PART 2
Municipal Address	No civic address assigned
Purpose of Application	The purpose of this application is to permit the construction of a four-unit townhouse.
Variances Granted	Reduce the front yard setback from 6.0 metres to 4.45 metres. Reduce the rear yard setback from 7.5 metres to 1.5 metres. Increase the maximum lot coverage from 40% to 55%.
Effect of Submissions	Any submissions relating to this application were considered by the Approval Authority in making its decision on this matter.

The application for Minor Variance from Comprehensive Zoning By-law 36-09 is hereby **granted** subject to the following conditions:

1. That any future development on the property conforms to the provisions of the Zoning By-law;
2. That the decision applies only to the proposed development as indicated on Schedule 'A' attached to and forming part of this decision.
3. That the development be completed within 2 years of this decision
4. That a fence be provided along the western property boundary that is 1.8 metres in height. Fence is required from the north lot line to a point 5 metres from the south (front) lot line.

Reasons:

1. The variance maintains the intent and purpose of the Official Plan.
2. The variance maintains the intent and purpose of the Zoning By-law.
3. The variance requested is desirable for the appropriate and orderly development and use of the lands and buildings.
4. The variance is minor in nature.

Decision of the Committee of Adjustment With Reasons

(Section 45(1), Planning Act, 1990)

Municipality	Arran-Elderslie
File Number	A-2021-060
Date of Hearing	September 13, 2021
Owner / Applicant / Agent	R.M. Knapp Construction
Legal Description	PLAN PAISLEY PT LOT 11 W; REGENT ST S RP 3R9258 PART 2
Municipal Address	No civic address assigned
Purpose of Application	The purpose of this application is to permit the construction of a four-unit townhouse.
Effect of Submissions	Any submissions relating to this application were considered by the Approval Authority in making its decision on this matter.

The application for Minor Variance from Comprehensive Zoning By-law 36-09 is hereby **refused**.

Reasons (check all that apply):

- The variance does not maintain the intent and purpose of the Official Plan.
- The variance does not maintain the intent and purpose of the Zoning By-law.
- The variance requested is not desirable for the appropriate and orderly development and use of the lands and buildings.
- The variance is not minor in nature.
- The variance does not conform to the Provincial Policy Statement.

Concurrence of Committee Members for Minor Variance A-2021-060 Knapp

We, the undersigned, concur in the Decision and reasons given for the Decision of the Committee of Adjustment for the Municipality on September 13, 2021

Signature	Name	Absent	Present
_____	Steve Hammell	()	()
_____	Mark Davis	()	()
_____	Ryan Nickason	()	()
_____	Doug Bell	()	()
_____	Brian Dudgeon	()	()
_____	Melissa Kanmacher	()	()
_____	Ryan Greig	()	()

Certification of Committee's Decision

I, **Christine Fraser-MacDonald** being the Secretary-Treasurer of the Committee of Adjustment for the Corporation of the **Municipality of Arran-Elderslie**, certify that this is a true copy of the Committee's Decision of **September 13, 2021**.

Date

Secretary-Treasurer

Notice of Last Date of Appeal

Notice is hereby given that the last date for appealing this decision to the

Local Planning Appeal Tribunal is **October 3, 2021**.

See appeal information on reverse of this form.

Notice That No Appeals Have Been Received

When signed, this certifies that no appeals have been received

Date

Secretary-Treasurer

Appeal Information

Not later than 20 days from the Date of Decision, the applicant, the Minister or any other person or public body who has an interest in the matter may appeal to the Local Planning Appeal Tribunal (LPAT) against the decision of the Committee. If no notice of appeal is given within 20 days, the decision of the Committee is final and binding.

Anyone wishing to appeal the decision is required to submit a notice of appeal (in accordance with the LPAT guidelines and Appellant Form A1, available at <https://olt.gov.on.ca/tribunals/lpat/about-lpat/>) setting out the objection to the decision and the reasons in support of the objection.

Appeals must include a certified cheque or money order in the amount of **\$400.00** payable to the Minister of Finance.

Appeals are filed with the **Secretary-Treasurer of the Committee** at:

268 Berford St,
P.O. Box 129
Warton ON
N0H 2T0

The LPAT may dismiss all or part of an appeal after holding a hearing or without holding a hearing on the motion under Section 45(17) [Dismissal without hearing], as it considers appropriate.

For more information about this application **phone 226-909-5515**, from 8:30 a.m. to 4:30 p.m. Monday to Friday; or visit on-line at www.brucecounty.on.ca under 'Living Here', 'Housing and Property', 'Land Use Planning' by Municipality and File Number; or e-mail bcplwi@brucecounty.on.ca.