



# MUNICIPALITY OF ARRAN-ELDERSLIE

## Council Meeting

### AGENDA

1-2022

Monday, February 14, 2022, 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) 1
5. New Business
- 5.1. Minor Variance - Hammell A-2021-077 5
6. Adjournment



## **MUNICIPALITY OF ARRAN-ELDERSLIE**

### **Committee of Adjustment Meeting**

### **MINUTES**

#### **Meeting No. 3**

**Monday, September 13, 2021, 9:00 a.m.  
Council Chambers and via Teleconference  
1925 Bruce Road 10, Chesley, ON**

Members Present:      Member Steve Hammell  
                                 Member Mark Davis  
                                 Member Doug Bell - Present Electronically  
                                 Member Melissa Kanmacher  
                                 Member Ryan Greig - Present Electronically  
                                 Member Ryan Nickason - Present Electronically

Members Absent:      Member Brian Dudgeon - Present Electronically

Staff Present:            Sylvia Kirkwood - CAO  
                                 Julie Reid - Deputy Clerk  
                                 Scott McLeod - Public Works Manager  
                                 Tracey Neifer - Treasurer  
                                 Pat Johnston - Chief Building Official - Present Electronically

#### **1. Call to Order**

Chair Hammell called the meeting to order at 9:00 a.m. A quorum was present.

#### **2. Adoption of Agenda**

The Committee passed the following resolution:

**3-12-2021**

**Moved by:**              Member Kanmacher

**Seconded by:**        Member Bell

Be It Resolved that the agenda for the Committee of Adjustment Meeting of September 13, 2021 be received and adopted, as distributed by the Clerk.

**Carried**

#### **3. Disclosures of Pecuniary Interest and General Nature Thereof**

None.

#### 4. Adoption of Minutes of Previous Meeting(s)

##### 4.1 Committee of Adjustment Minutes - January 25, 2021

The Committee passed the following resolution:

**3-12-2021**

**Moved by:** Member Kanmacher

**Seconded by:** Member Davis

Be It Resolved that the Committee of Adjustment Meeting adopts the minutes of the meeting held of January 25, 2021.

**Carried**

#### 5. New Business

##### 5.1 Minor Variance Application A-2021-060

The Chair advised that this was a Public Meeting under the Planning Act to consider a Minor Variance application made by RM Knapp & Sons/Julie Knapp for the property know as Part Lot 11, Paisley Town plot, Regent St S Part 2, RP 3R-9258, in the geographic Village of Paisley.

i. The purpose of this application is to permit the construction of a four-unit street 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%

ii. Requests for Deferral or Withdrawal of Application

None received.

iii. Planning Report

Eric Steele, Planner for the Municipality of Arran-Elderslie, presented his Staff Report. Mr. Steele noted that the purpose and effect of the proposed Minor Variance is 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
- Increase the maximum lot coverage from 40% to 55%

This is for the purpose of construction of a four-unit street townhouse.

Mr. Steele noted that the application meets the four tests for a minor variance as it maintains the intent and purpose of the Official Plans, maintains the intent and purpose of the zoning bylaw, represents an

appropriate form of development for the use of the land and is minor in nature.

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

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 could be made by email to [publicmeetingcomments@brucecounty.on.ca](mailto:publicmeetingcomments@brucecounty.on.ca).

There were no questions or comments from Members of the Committee regarding the application.

CAO, Sylvia Kirkwood noted that the building permit and scope site plan requirement will deal with the comments provided by the Saugeen Valley Conservation Authority.

No other agency comments were received.

The Chair advised 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.

Hearing no further comments from the public, Chair Hammell declared the public meeting closed at 9:12 a.m.

The Committee passed the following resolution:

### **3-13-2021**

**Moved by:** Member Kanmacher

**Seconded by:** Member Davis

Whereas, The Planning Department recommends that the Minor Variance Application A-2021-060 (RM Knapp & Sons/Julie Knapp) meets the four tests for minor variance;

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.

For (6): Member Steve Hammell, Member Davis, Member Bell, Member Kanmacher, Member Greig, and Member Nickason

Absent (1): Member Dudgeon

**Carried (6 to 0)**

**6. Adjournment**

The Committee passed the following resolution:

**3-14-2021**

**Moved by:** Councillor Kanmacher

**Seconded by:** Deputy Mayor Davis

Be It Resolved that the Committee of Adjustment meeting be adjourned at 9:18 a.m.

**Carried**

---

Steve Hammell, Chair

---

Christine Fraser-McDonald,  
Secretary-Treasurer



## Planning Report

**To:** Committee of Adjustment, Municipality of Arran-Elderslie

**From:** Liam Murphy, Planner

**Date:** February 14, 2022

**Re:** Minor Variance - A-2021-077 (Hammell)

---

### Recommendation:

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

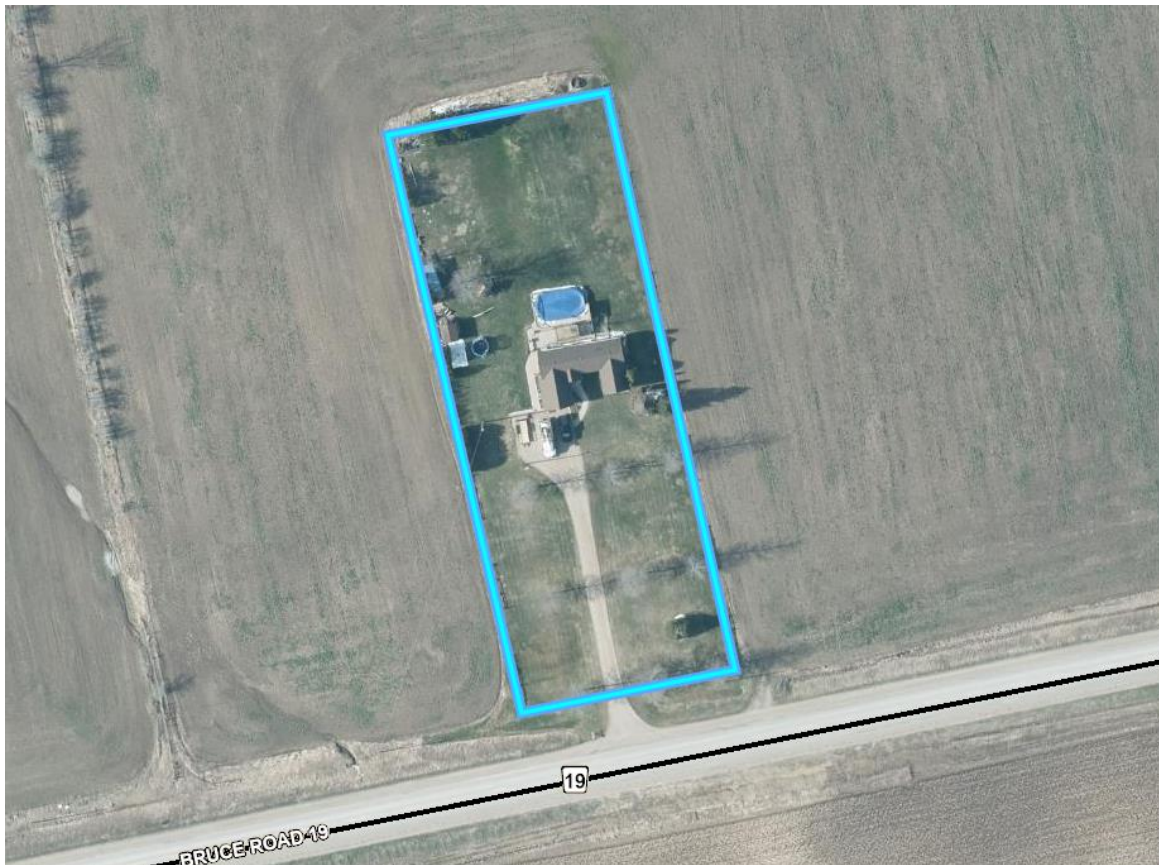
That Committee approve Minor Variance A-2021-077 as attached subject to the conditions on the decision sheet.

Please sign the Decision Sheet.

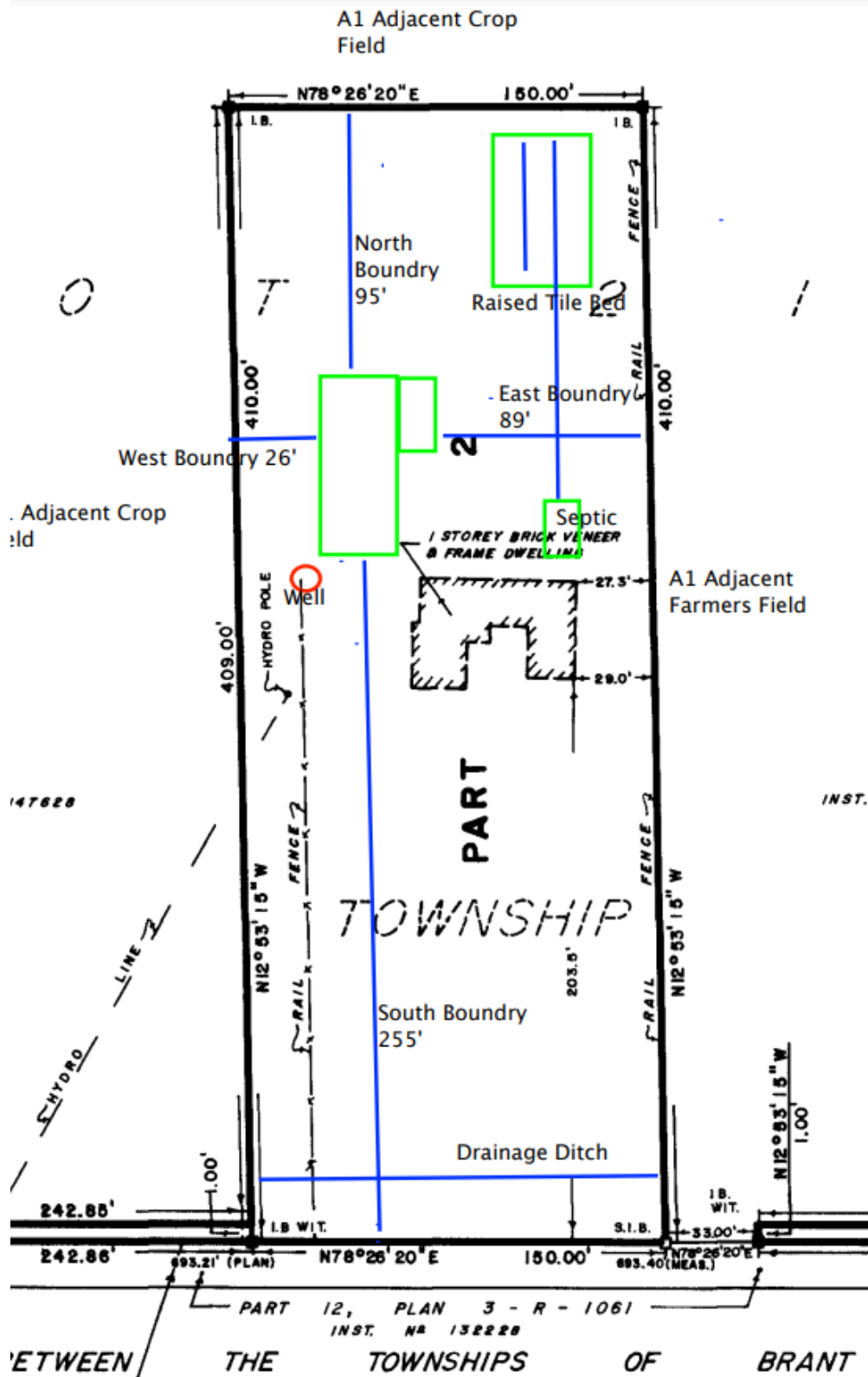
### Summary:

The purpose of this application is to permit the construction of an accessory building. The applicant is seek relief from Section 5.5.4 of the Arran-Elderslie Comprehensive Zoning By-law 36-09, Section 5.5.4, which permits a maximum height of an Accessory Building to 5 metres (16 ft.). The applicant is proposing an Accessory Building height of 6.3 metres.

## Airphoto

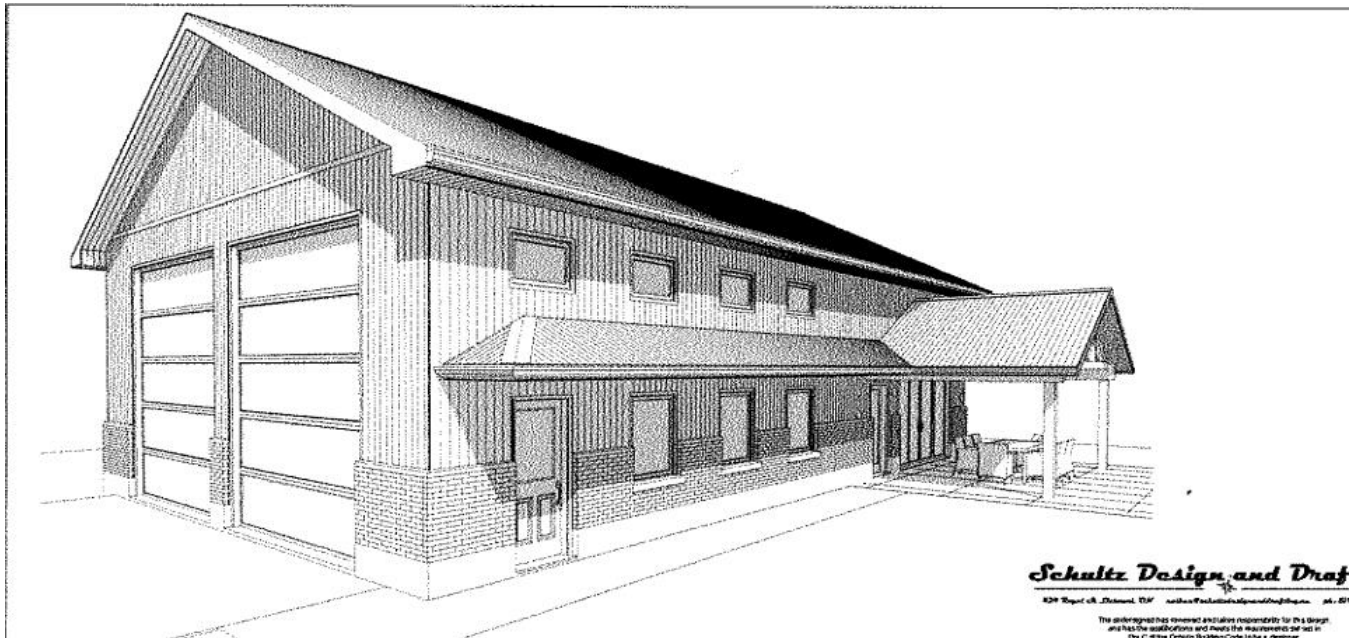


## Site Plan





## Image of Proposed Accessory Structure



## 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 and planning policy sections.

### Four Tests of a Minor Variance

#### Does the variance maintain the intent and purpose of the Official Plan?

The property is designated Agricultural Areas in the Bruce County Official Plan. The property is beyond the local boundaries of the Arran-Elderslie Official Plan.

The lot appears to have been created through a surplus farm dwelling severance resulting in a residential type land use within the existing agricultural area. An Accessory Structure is a permitted use within the Agricultural Areas designation.

Section 6.5.3.3 identifies that for residence and buildings surplus to farming operations, accessory buildings are permitted provided the accessory building does not render the lot excessively large and that well and sewage disposal can be located on the property.

The proposed accessory building is considered to be of adequate size for the lot and occupies approximately 3% of the total lot area. Well and sanitary sewer systems are located on site with adequate separation distances to the primary residence and adjacent lands.

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

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

The property is zoned General Agriculture (A1) in the Municipality of Arran-Elderslie Zoning By-law 36-09. The lot is identified as a Non-Farm Lot as described in Section 6.2(i) of the zoning by-law. Permitted uses for a Non-Farm Lot include a single detached dwelling and Accessory Buildings and Structures.

The Zoning By-law outlines several provisions for the A1 zone to maintain the orderly development within this zone. Provisions for Non-Farm Lots include minimum lot area, minimum lot frontage, minimum side, rear and front yards, and maximum height and lot coverage. The property is approximately 0.57 hectares, therefore, zoning provisions in table 6.3.1 of the Zoning By-law apply. The existing single detached dwelling and proposed accessory building achieve the requirements set out in table 6.3.1 of the Zoning By-law.

Section 5.5 of the Zoning By-law provides provisions for the construction of an accessory building or structure on a Non-Farm Lot. Section 5.5.3 of the Zoning By-law identifies the required rear yard and side yard setbacks for an accessory building or structure located in a rear yard. The proposed accessory building achieves these objectives of the Zoning By-law. Further, Section 5.5.5 identifies that the maximum permitted lot coverage for all accessory buildings or structures shall not exceed 5% of the lot. The proposed accessory structures occupies approximately 3% of the total lot area and therefore achieves objective 5.5.5 of the Zoning By-law.

Section 5.5.4 identifies that the maximum permitted height for all accessory buildings and structures shall be 5 metres. The proposed accessory building height is 6.3 metres. A variance of 1.3 metres is required to accommodate the proposed accessory building height.

The proposed increase in accessory building height is not considered to cause adverse impacts on the subject property or adjacent properties. Notwithstanding the relief being sought for the maximum permitted height of an accessory building, the application maintains the overall intent and purpose of the Zoning By-law.

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

The proposed development associated with the variance application is appropriate for the lands and is compatible with the agricultural context of the surrounding area. The proposed accessory structure is located towards the rear of the property and is surrounded by existing agricultural fields. The accessory building maintains adequate setbacks from adjacent properties in accordance with provisions in the Zoning By-law. The proposed increase in height is not anticipated to impact the function of the subject lands as a non-farm lot. There are no anticipated impacts to the use and function of surrounding areas.

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. It is not expected that permitting the variance will have any impact on the character of the area or impact the ability of adjacent property owners to use their property for permitted uses. The proposed accessory building maintains adequate setbacks from adjacent lands. The proposed increase in accessory structure height of 1.3 metres is considered to be minor.

The variance is minor.

### Financial/Staffing/Legal/IT Considerations:

Potential Appeal to the Ontario Land Tribunal (OLT).

### Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- Archaeological Potential Map
- Site Disturbance Photos
- Agency Comments

### County Official Plan Map (Designated Agricultural Areas)



### Local Official Plan Map ((Designated Outside of Local Official Plan))



### Local Zoning Map (Zoned A1-General Agriculture)



### Archaeological Potential





## Site Disturbance



**Agency Comments**

Bruce County Transportation Servicers: No objections.

Saugeen Valley Conservation Authority: No objections.

Municipality of Arran-Elderslie - Chief Building Official: No objections.