



MUNICIPALITY OF ARRAN-ELDERSLIE

Committee of Adjustment

AGENDA

3-2022

Monday, July 11, 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)
 - 4.1. February 28, 2022 Committee of Adjustment Minutes 1
5. New Business
 - 5.1. Minor Variance A-2022-034 - Craddock 5
6. Adjournment



MUNICIPALITY OF ARRAN-ELDERSLIE

Committee of Adjustment Meeting

MINUTES

2-2022

**Monday, February 28, 2022, 9:00 a.m.
Council Chambers and via Teleconference
1925 Bruce Road 10, Chesley, ON**

Council Present: Mayor Steve Hammell
Deputy Mayor Mark Davis
Councillor Doug Bell - Present Electronically
Councillor Brian Dudgeon - Present Electronically
Councillor Melissa Kanmacher
Councillor Ryan Greig - Present Electronically
Councillor Ryan Nickason - Present Electronically

Staff Present: Sylvia Kirkwood - CAO
Christine Fraser-McDonald - Clerk
Julie Reid - Deputy Clerk
Scott McLeod - Public Works Manager - Present Electronically
Tracey Neifer - Treasurer
Carly Steinhoff - Recreation Manager - Present Electronically
Pat Johnston - Chief Building Official - Present Electronically
Laura Fullerton - Economic Development Coordinator - Present Electronically
Steve Tiernan

2. Adoption of Agenda

The Committee passed the following resolution:

05-02-2022

Moved by: Deputy Mayor Davis

Seconded by: Councillor Kanmacher

Be It Resolved that the agenda for the Committee of Adjustment Meeting of February 28, 2022 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)

The Committee passed the following resolution:

06-02-2022

Moved by: Deputy Mayor Davis

Seconded by: Councillor Kanmacher

Be It Resolved that the Committee of Adjustment Meeting adopts the minutes of the meeting held on February 14, 2022.

Carried

5. New Business

5.1 Minor Variance - A-2021-045 Kirk

The Chair advised that this was a Public Meeting under the Planning Act to consider a Minor Variance application made by Rhonda and Dwayne Kirk for the property known as Lot 7, Plan M89, in the Village of Tara, municipally known as 65 Chestnut Hill Crescent.

The purpose of this application is to seek relief of the front yard setback and the exterior side yard setback as the residence was constructed too close to the road. Therefore, a minor variance is required.

Requests for Deferral or Withdrawal of Application

None received.

Megan Stansfield presented the planning report. She noted that the purpose of this application is to seek relief of the front yard setback and the exterior side yard setback of the Residential One 'R1' zone (Section 10.3.3) to the Municipality's Comprehensive Zoning By-law. If approved, the variances would bring the existing dwelling on the lands into conformity with the Zoning By-law.

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.

The Chair 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.

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

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.

The Committee passed the following resolution:

07-02-2022

Moved by: Deputy Mayor Davis

Seconded by: Councillor Kanmacher

The application for Minor Variance A-2021-045 (Kirk) from Comprehensive Zoning By-law 36-09 is hereby granted subject to the following conditions:

Reasons:

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 the front yard setback is no greater than 5.5 m;
5. That the side yard setback no greater than 4.7m

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.

Carried

6. Adjournment

The Committee passed the following resolution:

08-02-2022

Moved by: Deputy Mayor Davis

Seconded by: Councillor Kanmacher

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

Carried

Steve Hammell, Mayor

Christine Fraser-McDonald, Clerk



Planning Report

To: Committee of Adjustment, Municipality of Arran-Elderslie

From: Megan Stansfield, Planner

Date: July 11, 2022

Re: Minor Variance A-2022-034 Craddock

Recommendation:

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

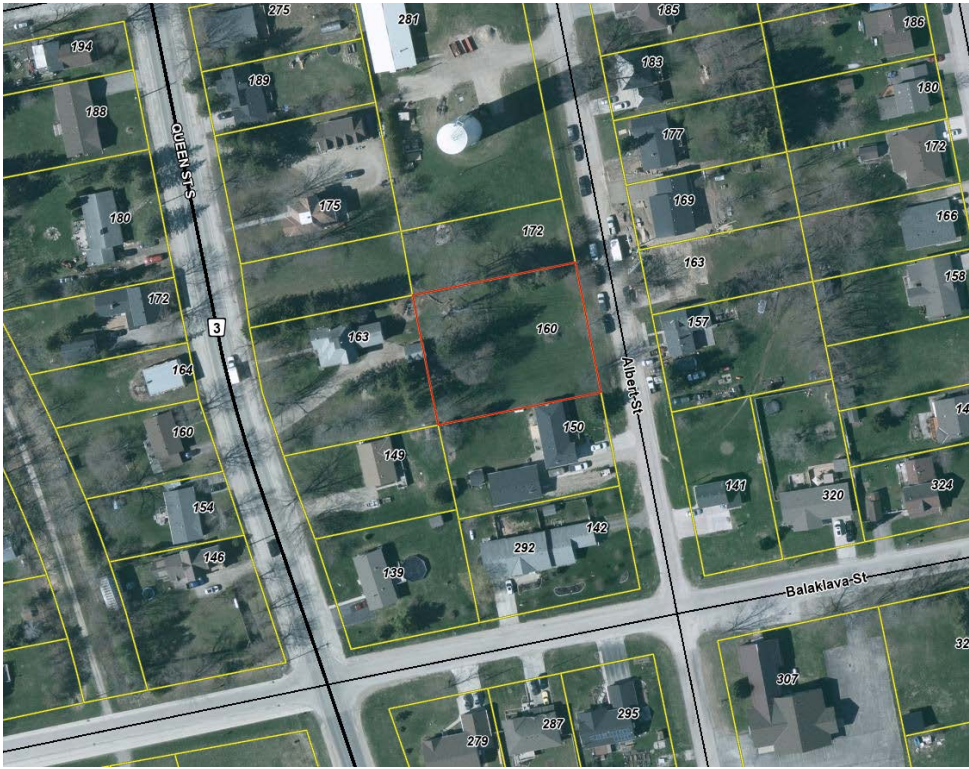
That Committee approve Minor Variance A-2022-034 as attached subject to the conditions on the decision sheet.

Summary:

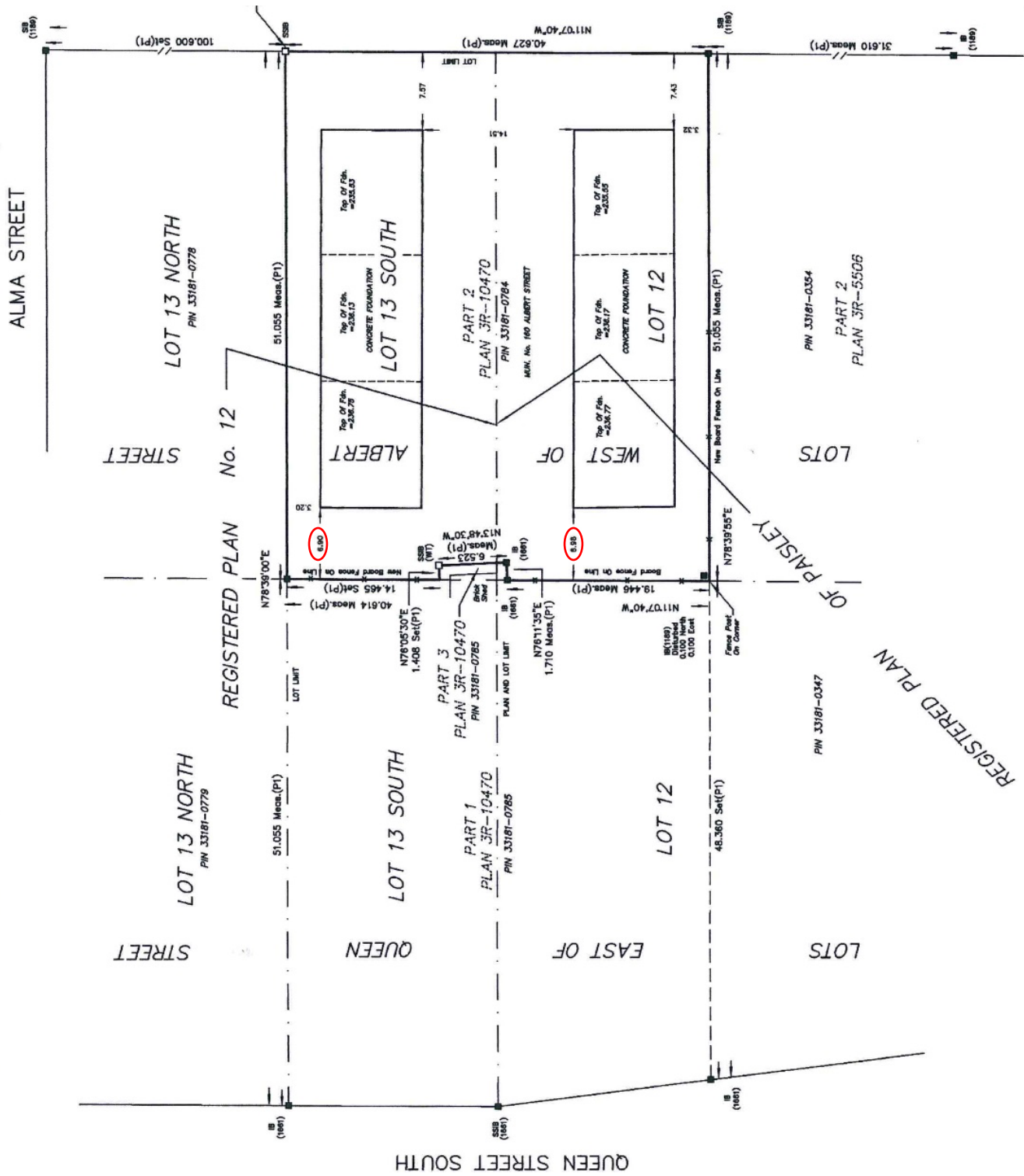
The application proposes to reduce the rear yard setback to 6.9 metres, from the required 7.5 metres. If approved, the proposed amendment would permit two (2) multi-unit townhouse cluster dwellings, each with 3 units. The variance would bring the existing dwelling on the lands into conformity with the Zoning By-Law.

The property is located on the southeast side of Paisley, at 160 Albert Street. The two proposed townhouse cluster dwellings are partially constructed on the subject property. The dwellings were constructed too close to the rear lot line; the minor variance is to remedy this error.

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 Arran-Elderslie Official Plan designates the property as Residential. The proposed multi-unit townhouse cluster dwellings are a residential use and permitted within the residential designation of the Local Official Plan. The proposal meets the goals set for the Residential designation in the Local Official Plan, being the promotion of a mixed and affordable supply of housing to meet the present and future needs of the community. 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 property is zoned R2 - Residential: Low Density Multiple. The residential zone requires a minimum rear yard setback of 7.5 metres. The proposed rear yard setback is 6.9 metres at its closest point. One of the main purposes of the rear yard setback is to maintain adequate privacy in the back yard and provide adequate distance to the rear neighbours. The reduced setback still maintains privacy and distance; and therefore the intent of the purpose of the Zoning By-Law. The proposal meets all other provisions of the R2 zone.

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

The multi-unit dwelling that has been partially constructed is appropriate for the use of the land. The proposal is seeking modest relief from the rear yard setback to bring the structure into compliance with the zoning by-law. The proposal meets the goals and permitted uses of the official plan, and is a permitted use of the zone.

Is the application minor in nature?

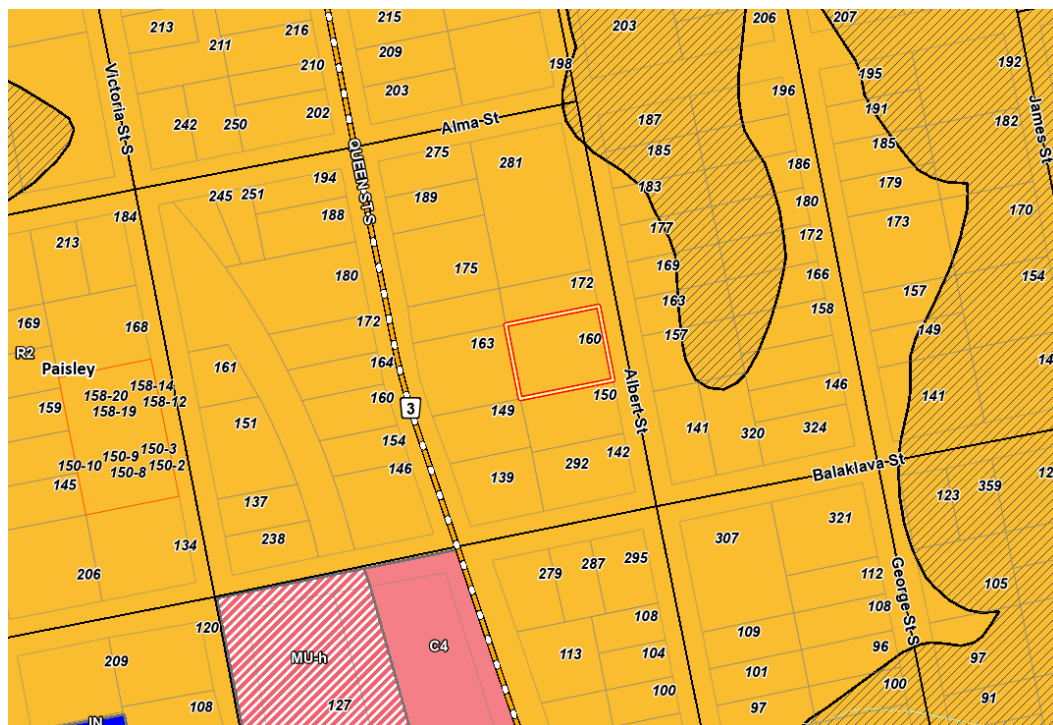
It is not expected that permitting the variance will have any impact on the character of the area or impact the ability of adjacent property owners to use their property for permitted uses.

Appendices

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



Local Zoning Map (Zoned R2 - Residential: Low Density Multiple)



Agency Comments

Public Works: If the buildings remain on one lot, then one water and sewer service is adequate, provided it meets flow and discharge requirements. If the lot is split, with each building on one lot, each building will require hookup for water and sewer service.

Sagehen Valley Conservation Authority: No natural hazards or heritage features. Application is acceptable. Comments provided in full below.



1078 Bruce Road 12 | P.O. Box 150 | Formosa ON
 Canada | N0G 1W0 | 519-364-1255
www.saugeenconservation.ca
publicinfo@svca.on.ca

SENT ELECTRONICALLY (mstansfield@brucecounty.on.ca and bcplwi@brucecounty.on.ca)

June 16, 2022

County of Bruce
 Planning & Development Department
 268 Berford Street P.O. Box 129
 Wiarton, ON N0H 2T0

ATTENTION: Megan Stansfield, Planner

Dear Ms. Stansfield,

RE: Minor Variance Application A-2022-034
 160 Albert Street
 PLAN 12 PT LOT 12 W ALBERT; ST PT LOT 13 SW ALBERT ST
 RP;3R10470 PART 2
 Roll No.: 410341000116603
 Village of Paisley
 Municipality of Arran - Elderslie (Caddick)

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.

The purpose of the application is to reduce the rear yard setback to 6.9 metres, from the required 7.5 metres. The result of the variance would permit two (2) multi unit townhouse cluster dwellings, each with 3 units.

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

- 1) Request for Agency Comments and site plan, dated June 9, 2022
- 2) Application and Site Plan, dated June 9, 2022

County of Bruce
Minor Variance Application A-2022-034
June 16, 2022
Page 2 of 2

Drinking Water Source Protection

The subject property appears to SVCA staff to not be located within an area that is subject to the local Drinking Water Source Protection Plan. To confirm, please contact Carl Seider or Karen Gillian (RMO) at RMO@greysauble.on.ca.

Recommendation

SVCA staff find the application acceptable. The subject property does not contain any floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features 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 and Natural Heritage Policies of the PPS, 2020 and the County/Local Official Plan. Additionally, the property is not subject to Ontario Regulation 169/06, development proposed on the property will not need permission from this office.

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

Should you have any questions, please contact the undersigned at m.cook@svca.on.ca

Sincerely,



Michael Cook
Environmental Planning Technician
Saugeen Conservation

MC/

cc: Mark Davis, Authority Member, SVCA (via email)



County of Bruce
Planning & Development Department
268 Berford Street, P.O. Box 129
Wiarton, ON N0H 2T0
brucecounty.on.ca
226-909-5515



June 27, 2022

File Number(s): A-2022-034

Public Hearing Notice

You're invited to participate in a Teleconference Public Hearing to consider Minor Variance Application A-2022-034 July 11, 2022 at 9:00 am

As a result of the COVID-19 Pandemic, the Municipality of Arran-Elderslie has closed the Municipal Office to the public. There is a limited amount of space for persons to attend the meeting (2 or 3 seats with social distancing). As such, the public meeting will be held in electronic format via teleconference.

For more information on how to participate in the public meeting, please visit the municipal website at www.arran-elderslie.com under "Municipal Services" then "Zoning and Planning". Please contact Christine Fraser McDonald at the Municipality deputyclerk@arran-elderslie.ca or 519-363-3039 ext 101, if you have any questions regarding how to participate in the meeting.

A change is proposed in your neighbourhood: The purpose of the application is to reduce the rear yard setback to 6.9 metres, from the required 7.5 metres. The result of the variance would permit two (2) multi unit townhouse cluster dwellings, each with 3 units.



160 Albert Street
PLAN 12 PT LOT 12 W ALBERT; ST PT LOT 13 SW ALBERT ST
RP; 3R10470 PART 2 (Paisley Village)
Municipality of Arran-Elderslie
Roll Number 410341000116603

Learn more

You can view limited information about the application at <https://brucecounty.on.ca/living/land-use>. Additional information, including the supporting materials, can be provided upon request by e-mailing bcplwi@brucecounty.on.ca or calling 226-909-5515. Information can also be viewed in person at the County of Bruce Planning Office noted above, between 8:30 a.m. and 4:30 p.m. (Monday to Friday).

The Planner on the file is: Megan Stansfield

Have your say

Comments and opinions submitted on these matters, including the originator's name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and Council Agenda. Comments received after July 1, 2022 may not be included in the Planning report, but will be considered if received prior to a decision being made, and included in the official record on file.

1. Please contact us by email bcplwi@brucecounty.on.ca, mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application.
2. You can participate in the public hearing. For information on how to participate in the public meeting, please visit the municipal website at: www.arran-elderslie.com.

Stay in the loop

If you'd like to be notified of the decision of the Committee of Adjustment on the proposed application(s), you must make a written request to the Bruce County Planning Department on behalf of the Secretary-Treasurer for the Committee of Adjustment.

Know your rights

The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal under the Ontario Land Tribunal Act, 2021 as payable on an appeal from a committee of adjustment to the Tribunal, in accordance with Section 45(12) of the Planning Act

For more information please visit the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/>.

