



MUNICIPALITY OF ARRAN-ELDERSLIE

Committee of Adjustment

AGENDA

Monday, April 8, 2024, 9:00 a.m.
Council Chambers and/or Via Microsoft Teams
1925 Bruce Road 10
Chesley, ON N0G 1L0

	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 November 27, 2024 - Committee of Adjustment Minutes	1
5. New Business	
5.1 Minor Variance A-2024-007 - Marvin Martin	5
6. Adjournment	



MUNICIPALITY OF ARRAN-ELDERSLIE

Committee of Adjustment Meeting

MINUTES

3-2023

Monday, November 27, 2023, 9:00 a.m.

Council Chambers

1925 Bruce Road 10, Chesley, ON

Council Present: Mayor Steve Hammell
Deputy Mayor Jennifer Shaw
Councillor Ryan Nickason
Councillor Darryl Hampton
Councillor Moiken Penner
Councillor Peter Steinacker

Council Absent: Councillor Brian Dudgeon

Staff Present: Sylvia Kirkwood - CAO
Christine Fraser-McDonald - Clerk
Julie Hamilton - Deputy Clerk
Scott McLeod - Public Works Manager
Carly Steinhoff - Recreation Manager
Pat Johnston - Chief Building Official - Present Electronically
Steve Tiernan - Fire Chief
Jessica Pridham – Economic Development and Communications Coordinator

1. Call to Order

Chair Steve Hammell called the meeting to order. A quorum was present.

2. Adoption of Agenda

Subsequent to further discussion, the Committee passed the following motion:

10-03-2023

Moved by: Councillor Hampton

Seconded by: Deputy Mayor Shaw

Be It Resolved that the agenda for the Committee of Adjustment meeting of November 27, 2023 be received and adopted as distributed by the Secretary.

Carried

3. Disclosures of Pecuniary Interest and General Nature Thereof

None at this time.

4. Adoption of Minutes of Previous Meeting(s)

4.1 Committee of Adjustment Minutes - May 8, 2023

Subsequent to further discussion, the Committee passed the following resolution:

11-03-2023

Moved by: Councillor Steinacker

Seconded by: Deputy Mayor Shaw

Be It Resolved that the Committee adopts the minutes of the May 8, 2023 Committee of Adjustment.

Carried

5. New Business

5.1 Minor Variance File No. A-2023-039 Becker - 181 Mill Drive, Paisley

Chair Hammell advised that this was a Public Meeting under the Planning Act to consider Minor Variance Application A-2023-039 for Nathan Becker at 181 Mill Drive, Paisley.

Rebecca Elphick, Planner for Bruce County, presented the planning report and read correspondence that had been received from the public. This Minor Variance seeks relief from Section 10.3 of the Comprehensive Zoning By-law which requires a rear yard setback of 7.5 metres. The applicant is requesting a 3 metre rear setback to allow for the construction of a six unit townhouse. There is an existing single family dwelling on the subject lands.

Agency Comments:

- Building Department: If units are split via party walls, separate servicing for each unit will be required.
- Public Works: Applicant has indicated that only a single water and sewer connection for this building is required. If this is the case, he will not be able to subdivide the units in the future.
- Transportation Services: TES would be looking at one access to new development. What is proposed width? Is there a lot grading/drainage plan to confirm that there is no impact to the

county's drainage system. How do you access parking spaces at the North/East face of the building(unclear on site plan). Note from Planning: These comments will be addressed at the Site Plan Approval stage.

- Saugeen Valley Conservation Authority (SVCA): No concerns with the application. As the proposed development will be located within the SVCA Approximate Regulated Area, a permit will be required for the development. Once a final site plan is available, it should be forwarded to SVCA for approval and to start the permit process.

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.

Chair Hammell asked if the Committee had any questions.

Chair Hammell asked if the applicant or agent was present and if they had any further comments regarding the application.

Chair Hammell asked if there were any comments from the public either in support or opposition to the application.

Chair Hammell asked the Clerk if any written comments had been received. The Clerk noted that none had been received.

Hearing no further comments from the public, Chair Hammell declared the public meeting closed at 9:22 a.m.

The Committee passed the following resolution:

12-02-2023

Moved by: Deputy Mayor Shaw

Seconded by: Councillor Nickason

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 applicant be required to apply for and receive Site Plan Approval with the Municipality of Arran-Elderslie to address concerns related to parking and driveway access.

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

Subsequent to further discussion, the Committee passed the following resolution:

Moved by: Councillor Nickason

Seconded by: Councillor Steinacker

Be It Resolved that the meeting be adjourned at the call of the Chair at 9:25 a.m.

Carried

Steve Hammell, Mayor

Christine Fraser-McDonald, Clerk



Planning Report

To: Committee of Adjustment, Arran-Elderslie

From: Megan Stansfield

Date: April 8, 2024

Re: Minor Variance - A-2024-007 (Martin)

Recommendation:

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

That Committee approve Minor Variance A-2024-007 as attached subject to the conditions on the decision sheet.

Summary:

This application seeks relief from Section 6.3 of the Municipality of Arran-Elderslie Zoning By-Law which requires a side yard setback of 20 metres. A side yard setback of 10 metres is proposed to facilitate the construction of a pit silo (without roof).

Airphoto



48 Concession 2; CON 3 W PT LOT 28 AND RP;3R6989 PART 1 (Elderslie)
Municipality of Arran-Elderslie; Roll Number 410338000215200

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

Section 45(1) of the Planning Act provides for the granting of minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Relief may only be granted if the Variance passes four tests ("Four Tests of a Minor Variance"). The Committee must be satisfied that the application has satisfied all four tests to approve the Minor Variance.

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

The property is designated agriculture in the County Official Plan. The purpose of the Agricultural Areas is to protect and strengthen the Agricultural community. Agricultural and Agriculture related uses are permitted. The proposed variance is for a sideyard setback to permit a pit silo. The pit silo is considered an agricultural use and therefore permitted. It is ideal for the pit silo to be located in this area, as there is easy access from the existing driveway to the front of the barn. It will be located within the building cluster and outside the workable agricultural 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 Zoning By-Law requires a minimum sideyard setback of 20 metres. The applicant is proposing a sideyard setback of 10 metres. This setback is to ensure sufficient distance to neighbouring operations, so disturbance to neighbours is minimized. The adjacent neighbouring dwelling and operation is located closer to the road, and the construction of this pit silo will not impact the use of their property.

The variance maintains the intent and purpose of the Zoning By-law.

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

The proposal is desirable for the appropriate development of the land. The pit silo is located so that the feed is easily accessible from the front of the barn and located beside an existing gravel driveway. The placement of the pit silo allows for it to remain in the building cluster, outside of the workable farmland.

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

Is the application minor in nature?

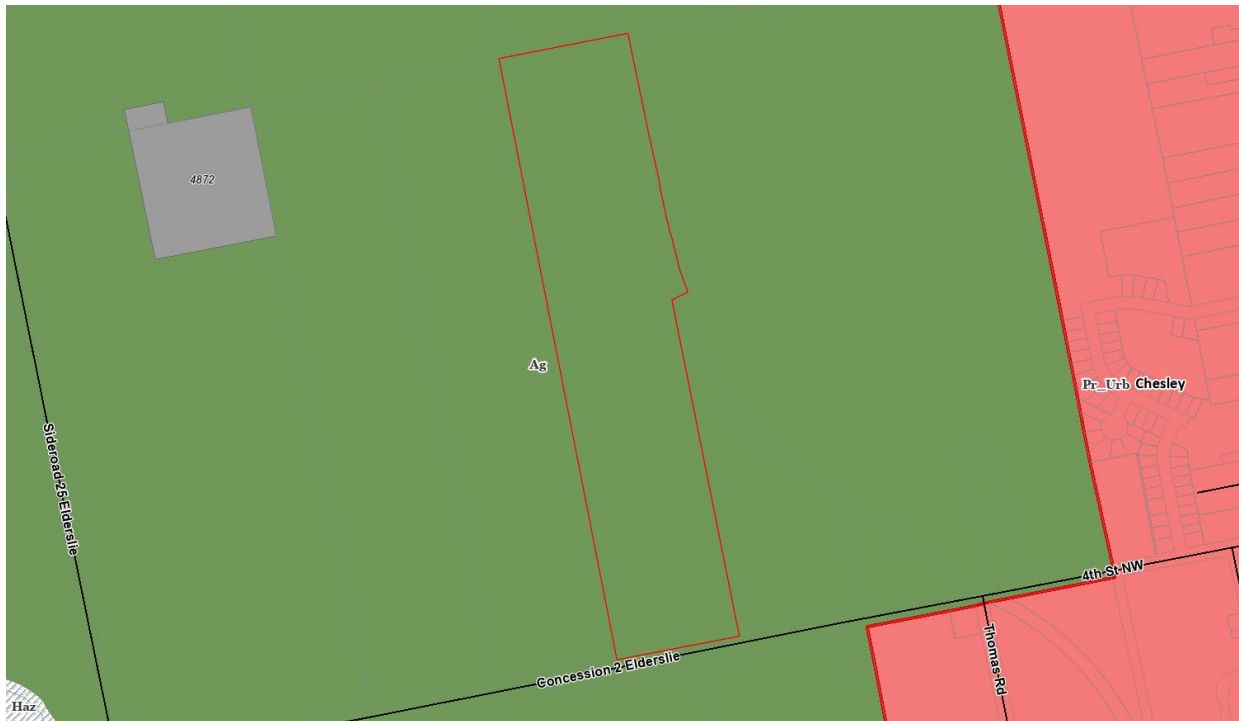
Whether a variance is minor is evaluated in terms of the impact the proposed development is expected to have on the surrounding neighbourhood. It is not expected that permitting the variance will have any impact on the character of the area or impact the ability of adjacent property owners to use their property for permitted uses.

The variance is minor.

Appendices

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

County Official Plan Map (Designated Agricultural Areas)



Local Zoning Map (Zoned A1 - General Agriculture)



Agency Comments

Saugeen Ojibway Nation Environment Office: No Archaeological Assessment required, as property is not within high archaeological potential area and surrounding area has been significantly disturbed

Historic Saugeen Metis: No objection to the proposal

Saugeen Valley Conservation Authority: Application is acceptable, no permit is required.

Public Comments

No comments were received from the public at the time of writing this report.

SENT ELECTRONICALLY ONLY: relphick@brucecounty.on.ca and bcplwi@brucecounty.on.ca

March 27, 2024

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

ATTENTION: Megan Stansfield, Planner

Dear Ms. Stansfield,

RE: A-2024-007 (Martin)
48 Concession 2 ELDERSLIE
W Part Lot 28 Con 3 and RP; 3R6989 Part 1
Roll Number 410338000215200
Geographic Township of Elderslie
Municipality of Arran-Elderslie

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), dated September 2019, with the County of Bruce representing natural hazards, 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

This application seeks relief from Section 6.3 of the Municipality of Arran-Elderslie Zoning By-Law which requires a side yard setback of 20 metres. A side yard setback of 10 metres is proposed to facilitate the construction of a pit silo (without roof).

Recommendation

SVCA staff find the application acceptable. The subject property does not contain any natural hazard features 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 of Bruce Official Plan. Additionally, the

property is not subject to Ontario Regulation 169/06, or to the policies of SVCA at this time, and as such, permission (SVCA permit) from the SVCA is not required for development on the property.

Please inform this office of any decision made by the Municipality of Arran-Elderslie and/or the County of Bruce with regard to the application. We respectfully request to receive a copy of the decisions and notices of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,

Jason Dodds
Environmental Planning Technician
Saugeen Conservation
JD/

cc: Christine Fraser-McDonald, Clerk representing Arran-Elderslie (via email)
Moiken Penner, SVCA Authority Member representing Arran-Elderslie (via email)



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



March 8, 2024

File Number: A-2024-007

Public Hearing Notice

**You're invited to participate in a Public Hearing
to consider Minor Variance Application File No. A-2024-007
April 8, 2024 at 9:00 am**

A change is proposed in your neighbourhood: This application seeks relief from Section 6.3 of the Municipality of Arran-Elderslie Zoning By-Law which requires a side yard setback of 20 metres. A side yard setback of 10 metres is proposed to facilitate the construction of a pit silo (without roof).



48 Concession 2, CON 3 W PT LOT 28 AND RP;3R6989 PART 1 (Elderslie)
Municipality of Arran-Elderslie, Roll Number 410338000215200

Learn more

Additional information about the application is available online at <https://www.brucecounty.on.ca/active-planning-applications>. 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 **March 29, 2024** 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.

Please contact us by email at bcplwi@brucecounty.on.ca, mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application.

How to access the public hearing

The public hearing will be held in person, in the municipal Council Chambers located at 1925 Bruce Road 10, Chesley, ON, N0H 1L0. Seating may be limited and you may be required to wait outside until called upon to speak. As an alternative, you may submit written comments to the Bruce County Planning Department which will be considered at the meeting.

Please contact Clerk Christine Fraser-McDonald at cfraser@arran-elderslie.ca or 519-363-3039, ext. 101 if you have any questions regarding how to participate in the hearing.

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

Only the applicant, the Minister, a specified person (being a utility and transportation company) or public body that 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. Appeals must be accompanied by payment of the fee charged by the Tribunal as payable on an appeal from a Committee of Adjustment decision to the Tribunal. For more information, please visit the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/>.

Site Plan

