



## **MUNICIPALITY OF ARRAN-ELDERSLIE**

### **Committee of Adjustment Meeting**

### **MINUTES**

**Monday, August 12, 2024, 9:00 a.m.**

**Council Chambers**

**1925 Bruce Road 10, Chesley, ON**

Council Present: Mayor Steve Hammell  
Deputy Mayor Jennifer Shaw - electronically  
Councillor Darryl Hampton  
Councillor Brian Dudgeon  
Councillor Peter Steinacker

Council Absent: Councillor Ryan Nickason  
Councillor Moiken Penner

Staff Present: Christine Fraser-McDonald - Clerk  
Julie Hamilton - Deputy Clerk  
Scott McLeod - Public Works Manager  
Pat Johnston - Chief Building Official  
Steve Tiernan - Fire Chief  
Jennifer Isber-Legge - Economic Development &  
Communications Coordinator  
Emily Dance, CAO

#### **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 resolution:

**05-02-2024**

**Moved by:** Councillor Steinacker

**Seconded by:** Councillor Hampton

Be It Resolved that the agenda for the Committee of Adjustment Meeting of Monday, August 12, 2024 be received and adopted, as distributed by the Clerk.

**Carried**

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

None at this time.

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

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

**06-02-2024**

**Moved by:** Councillor Hampton

**Seconded by:** Councillor Dudgeon

Be It Resolved that the Council of the Municipality of Arran-Elderslie adopt the minutes of the Committee of Adjustment meeting held April 8, 2024.

**Carried**

**5. New Business**

**5.1 Minor Variance A-2024-006 - Knapp**

Chair Hammell advised that this was a Public Meeting under the Planning Act to consider Minor Variance Application A-2024-006 for Rick Knapp at 187 Balaklava Street, Paisley.

Jennifer Burnett, Planner for Bruce County, presented the planning report and read correspondence that had been received from the public. This application seeks relief to the setback and lot coverage provisions of the Municipality's Zoning By-law. If approved, the proposed amendment would facilitate a 5-unit cluster townhouse development on a 1011.71m<sup>2</sup> fully serviced lot on Balaklava Street, in Paisley. The application proposes 44% lot coverage where the By-law requires a maximum of 40% and a 3 m rear yard setback, a 4.5 m interior side yard setback and a 6 m exterior side yard setback where the by-law requires a 7.5 m minimum setback.

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 the "Four Tests of a Minor Variance". The Committee must be satisfied that the application has satisfied all four tests to approve the Minor Variance.

Staff note that during the application review stage, it was communicated to the applicant that the proposed development does not meet the 4 tests of a minor variance and that a zoning by-law amendment was required. The applicant requested that the minor variance application be presented to the Committee of Adjustment for consideration.

The general intent of the official plan is that development be appropriate for each site which is why there is a requirement for stormwater to be

addressed. The plan specifies that, “[s]uitable landscaping, lot grading, and storm water management/drainage shall be provided;” (AEOP 3.1.7b). Given that the application proposes to increase total lot coverage and reduce side yard setbacks and occupy the front yard with parking spaces, for the purposes of the Planning Act application, County staff requested a SWM plan stamped by an engineer to certify that the site can accommodate the proposed development. The plan submitted is a draft version of a site and lot grading plan, is not stamped and the author is not identified. Stamped engineered plans were submitted for recent development approvals at 134 Regent Street S (A-20260) and 209 Balaklava Street (B-2022-003 and B-2022-004) underscoring the need to address drainage in the area.

Staff have concerns with the draft given that the notes on the plan state that the static water table was not established as part of the work completed for the design of the plan, the site drainage is directed towards the roadway and there is a low area in the southeast corner that may be subject to ponding given the hill south of, or behind the lot. The lot appears to be graded to drain towards the road and does not show snow storage areas or garbage can collection areas.

Stormwater management has not been sufficiently addressed and the zoning does not reflect the policy of the AEOP, therefore, the application does not maintain the intent and purpose of the Official Plan.

**Agency Comments:**

- Arran-Elderslie Staff: Fire Chief has no concerns, and Public Works Manager notes the existing catch basins on site will need to be upgraded. No comments received from the Chief Building Official.
- Saugeen Valley Conservation Authority: The application is acceptable to SVCA staff.

**Public Comments:**

- Laura Campbell- in comments dated August 1, 2024, the writer expressed concerns with amount of parking, snow removal, affordable housing and sidewalks.

The Planner recommended that the Committee of Adjustment not approve Minor Variance A-2024-006.

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](mailto: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.

Laura Campbell of Paisley would like Paisley to stay as a small community. She had the following comments:

- Retirement: over 50 age group? Ideal if these units are disability designed, for long term rental. Retirees prefer if there is indoor parking as well as storage availability. The units on Regent St. do not have storage and the plan shows outdoor parking.
- Unit # 5 is a fair piece away for walking with groceries in the winter, rain, ideally the walkway is clear of snow and ice. Falling is a major concern with seniors, so sidewalk maintenance would be very important. The amount of outdoor spacing would be adequate as most retirees do not want or can't do yard maintenance.
- Affordable housing: There is no green space for children to play. The school is located directly behind this property, however there is a summer camp ongoing, which would limit the times the children could access the grounds, if the school board allows it due to liability concerns. The other option would be for the kids to play on the road. There is a hill on Balaklava Street, which limits drivers visual knowledge of hockey nets etc, until they are at the top of the hill. Is the town planning on continuing a sidewalk to limit the walkers on the road for school/pleasure? What about winter maintenance? The park is on the other side of town.
- Social assistance: Paisley does not have the infrastructure to help this group of people such as healthcare (mental and physical).
- Parking: Paisley does not have public transportation. The village is limited in job opportunities, services, and shopping. Owning a car is essential, and retirees may have 1-2 vehicles, while a single adult with younger children probably only one vehicle.
- Single adult with teenager (with job) 2 vehicles Two adults with teenagers (with jobs) Multigenerational family ???
- The plan has allowed seven parking spaces which meet the building code minimum of 9' wide x 18' deep. This allows a Smart car, Mini Cooper, or Fiat etc. to be parked within the space. A bigger vehicle would be extended over the length and would be tight within the allotted space. Backing out of this space would mean the driver would have to turn on the road which could be complicated by being parked by a higher vehicle and or with tinted windows. Residents with more than one vehicle would probably

utilize the parking allocated towards visitors, which would then require visitors, health care services etc. parking on the street, at the bottom of the hill.

- Snow: There is very limited space to put the snow. Sidewalk snow would probably be pushed into the swale, which would hinder the drainage from a winter thaw which could result in flooding of the units. The snow from the parking area would probably be pushed onto the street, which would then be pushed down the street blocking causing a ridge of snow to accumulate behind the vehicles or a large accumulation of snow blocking access of parking spaces 1 and 2.
- Cedar trees should be planted for some landscaping and the Municipality should sell the unopened road allowance to the applicant.

Chair Hammell asked the Clerk if any written comments had been received. The Clerk noted that the public comment had been included in the Planner's report. The Clerk had also received an email from the Applicant, Rick Knapp which was read into the minutes.

**"As we are on a family holiday for the next council meeting, we will do our best with email answering some of the questions that have been asked or that could possibly come up during the meeting.**

**The purpose of this project is to help elevate some of the need for affordable senior citizens housing. By providing 5 units we can provide lower rental rates as an overall build cost can be spread along more units.**

**The existing storm drains on the property are already part of the municipal engineered installed and the environmental engineer that we had brought on site, inspected these while on site and with there supplied drainage plan these existing storm drains are more than adequate and we will not be changing the existing drainage as it does flow naturally to these areas. We will not be changing or modifying the existing storm drains in any way.**

**The drainage and lot plan shows in detail how all water and run off will be controlled. As to the snow removal process it will be controlled on the property itself and if required it will be hauled off site to reduce water runoff when melting. There are no sidewalks on any of the adjoining streets so there will not be any on this site except from the units to the parking area.**

**Placement of the building on the lot is to allow the best flow for 5 units and parking for the tenants, similarly to the 4 plex across the road the ends or side of the building will face one street. The entrances do face the right of way road on the east side of the**

**property. Please don't hesitate to contact us for any further information. Thanks for your time and consideration".**

Chief Building Official Pat Johnston commented. He noted that this property was sold as surplus from the Municipality. He feels that the property is zoned properly (R2) and feels that there are definitions missing for townhouses. He feels it is unreasonable for the applicant to provide an engineered site plan for something that might be turned down.

Hearing no further comments from the public, Chair Hammell declared the public meeting closed at 9:52 a.m.

The Committee passed the following resolution:

**07-02-2024**

**Moved by:** Councillor Dudgeon

**Seconded by:** Councillor Steinacker

The application for Minor Variance from Comprehensive Zoning By-law 36-09 for 187 Balaklava Street, Paisley (A-2024-006 - Knapp) is hereby refused.

Reasons:

- 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.

**Tabled**

## **6. Adjournment**

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

**08-02-2024**

**Moved by:** Councillor Dudgeon

**Seconded by:** Councillor Steinacker

Be It Resolved that the meeting be adjourned at the call of the Chair at 9:52 a.m.

**Carried**

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Steve Hammell, Mayor

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Christine Fraser-McDonald, Clerk