



Planning Report

To: Committee of Adjustment, Municipality of Arran-Elderslie

From: Luisa Vacondio, Planner

Date: November 28, 2022

Re: Minor Variance A-2022-069 Shantz

Recommendation:

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

That Committee approve Minor Variance A-2022-069 as attached subject to the conditions on the decision sheet.

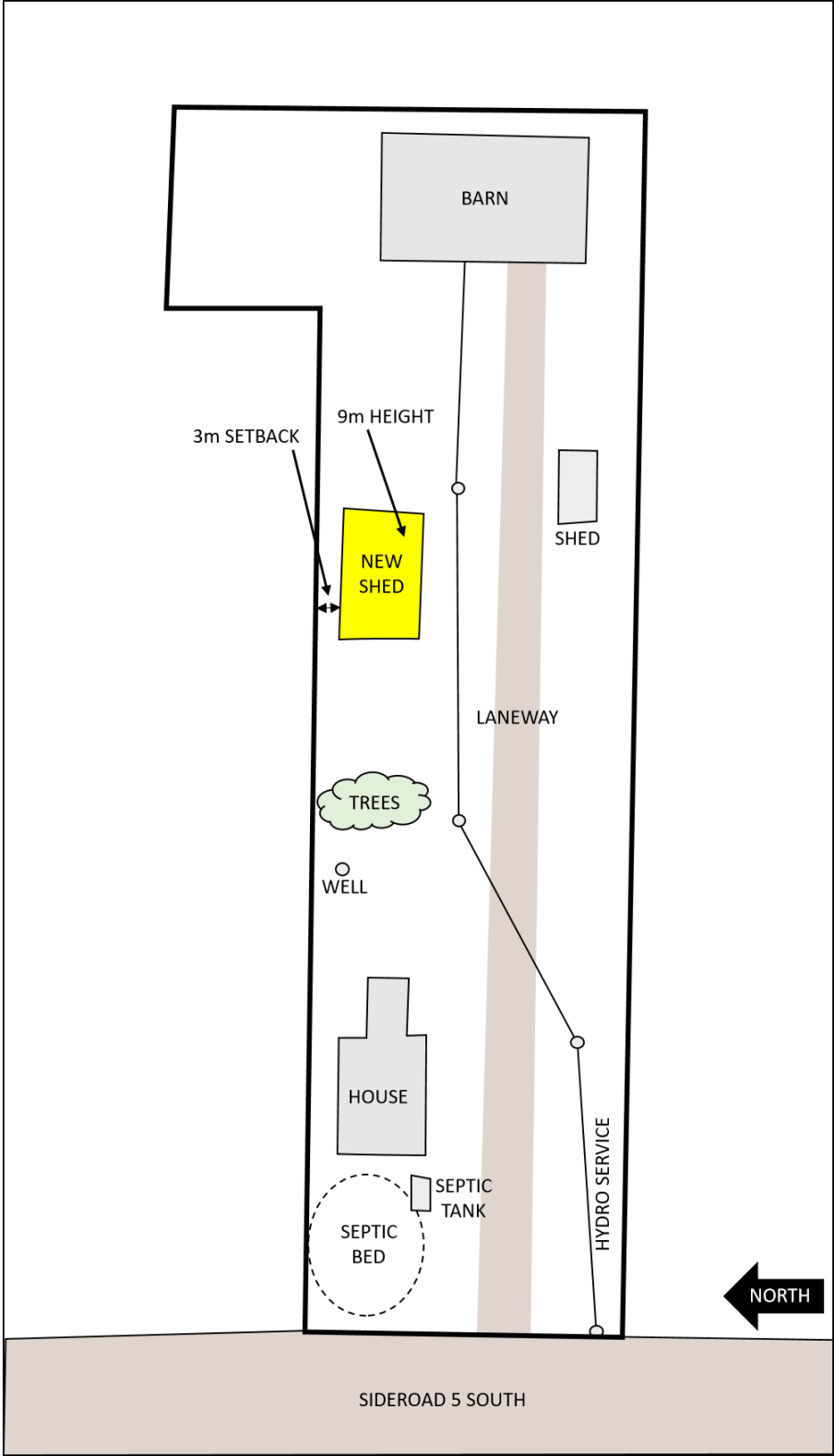
Summary:

The purpose of this application is to permit the construction of a 50' x 60' implement shed. The applicant is seeking relief from the sideyard setback provisions of the General Agriculture Special 'A1-1' zone in the Arran-Elderslie Comprehensive Zoning By-law 36-09. A sideyard of 3 metres is being sought, whereas the Zoning By-law requires a sideyard of 10 metres.

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 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 implement shed is a permitted use within the Agricultural Areas designation.

The proposed implement shed is considered to be of an appropriate size for the use and the lot, occupies less than 3% of the total lot area, and provides an appropriate setback from the adjacent agricultural lot. Well and sanitary sewer systems are located on site with adequate separation distances to the primary residence and adjacent lands.

The variance 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 (A1-1) 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 structures related to agriculture, including an implement shed.

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 1.06 hectares, therefore, zoning provisions in Table 6.3.1 of the Zoning By-law apply. The proposed implement shed achieves the requirements set out in Table 6.3.1 of the Zoning By-law, with the exception of the side yard setback on the north side.

The proposed building maintains an appropriate setback from the adjacent agricultural lot, as the lands are fully used for cropping, and there are no structures or sensitive uses on the adjacent lands. The proposed decrease to the side yard setback is not anticipated to cause adverse impacts on the subject property or adjacent properties, thus the reduced setback meets the intent of the Zoning By-law.

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 proposed structure associated with the variance application is appropriate for the lands and is compatible with the agricultural context of the surrounding area. The proposed implement shed is located towards the rear of the property behind the primary residential use, and is surrounded by existing agricultural fields. The proposed building provides an appropriate setback from the adjacent property, and is below the maximum permitted height. The reduction in the permitted side yard setback from 10 metres to 3.0 metres is not anticipated to impact the function of the subject lands as a non-farm lot. The proposed structure cannot be moved further east as it would then interfere with the existing hydro service. 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 building maintains an appropriate setback from the adjacent agricultural lot, as the lands are fully used for cropping, and there are no structures or sensitive uses on the adjacent lands. The proposed reduction in the side yard setback to 3.0 metres is considered to be minor.

The variance is minor.

Appendices

- County Official Plan Map (Designated Agricultural Areas)
- Local Zoning Map (Zoned General Agriculture "A1-1")
- Agency Comments
- Public Notice

County Official Plan Map (Designated Agricultural Areas)



Local Zoning Map (Zoned General Agriculture (A1-1))



Agency Comments

Municipality of Arran-Elderslie:

No comments

Saugeen Valley Conservation Authority:

Application is acceptable (Full comments below).

Historic Saugeen Metis

No objection.

Saugeen Ojibway Nation

Full comments below.

SENT ELECTRONICALLY ONLY (lvacondio@brucecounty.ca and bcplwi@brucecounty.on.ca)

November 3, 2022

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

ATTENTION: Luisa Vacondio, Planner, Bruce County

Dear Ms. Vacondio,

RE: Application for Minor Variance: A-2022-069
52 Sideroad 5 S
ARRAN CON 1 PT LOT 6 RP;3R8850 PART 1
Roll No.: 410349000107810
Geographic Township of Arran
Municipality of Arran-Elderslie

(Shantz)

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 variance application is to seek relief of the side yard setback provisions of the General Agriculture Special 'A1-1' zone to construct a 50' x 60' implement shed. A side yard of 3 metres is being sought (whereas 10 metres is required).

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

- 1) Request for Agency Comments and attached site plan dated October 29, 2022.
- 2) Application for Minor Variance dated August 25, 2022.

Recommendation

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

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:

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 OP.

Natural Heritage:

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 Heritage Policies of the PPS, 2020 and the County of Bruce OP.

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 portion of the subject property is within the SVCA Approximate Regulated Area associated with Ontario Regulation 169/06. The regulated area is associated with an enclosed Municipal Drain. 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

A portion of the subject property falls within the SVCA regulated area. The proposed development lied outside of a SVCA Regulated Area. As such, permission from this office is not required prior to development.

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 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.

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

From: Juanita Meekins <associate.ri@saugeenojibwaynation.ca>
Sent: Wednesday, November 2, 2022 9:01 AM
To: Lori Mansfield
Subject: Re: Notice of Public Hearing A69 Shantz

**** [CAUTION]:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello and thank you for your email,

At this point, the Saugeen Ojibway Nation's Environment Office does not have the resources to engage in consultation on this project.

We have no further comments on this project. If at any point anything of archeological interest is revealed on site, please contact the SON Environment Office immediately.

You can learn more about the Saugeen Ojibway Nation and SON territory here:
<https://www.saugeenojibwaynation.ca/resources>

Please do not respond to this email unless you have specific follow up questions.

Miigwech,

Juanita Meekins
Resources & Infrastructure Associate
T: (519)534-5507
10129 Hwy 6 Georgian Bluffs, ON
N0H 2T0
[saugeenojibwaynation.ca](https://www.saugeenojibwaynation.ca)



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



November 1, 2022

File Number: A-2022-069

Public Hearing Notice

**You're invited to participate in a Public Hearing
to consider Minor Variance Application A-2022-069
November 28, 2022 at 9:00 am**

A change is proposed in your neighbourhood: The purpose of the variance application is to seek relief of the sideyard setback provisions of the General Agriculture Special 'A1-1' zone to construct a 50' x 60' implement shed. A sideyard of 3 metres is being sought (whereas 10 metres is required).



52 Sideroad 5 S
ARRAN CON 1 PT LOT 6 RP;3R8850 PART 1 (Arran)
Municipality of Arran-Elderslie
Roll Number 410349000107810

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: Luisa Vacondio

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 November 20, 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.

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.

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, with an option to join via teleconference. Call information: 1-866-512-0904 (within Canada and the US); Conference Access Code: 3547704.

Please contact Clerk Christine Fraser-McDonald at the Municipality, clerk@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

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/>.

Site plan

