



Planning Report

To: Mayor Hammell and the Council of Arran-Elderslie

From: Jenn Burnett, Senior Development Planner

Date: August 14, 2023

Re: Application – Z-2022-128 for Shaw

Recommendation:

Zoning By-law Amendment Application Z-2022-128 is consistent with the Provincial Policy Statement 2020, the County of Bruce Official Plan and the Town of Arran-Elderslie Official Plan.

Subject to a review of submissions arising from the public meeting it is recommended: That Council approve Zoning By-law Amendment Application Z-2022-128 for Shannon Shaw for Plan 132 Lots 6 & 10; further described as 45 1st Avenue N. Chesley.

Summary

This application has been submitted to facilitate Severance application B-2022-071 which proposes to create a building lot with an area of 476 m² and 28m of frontage on 2nd Ave NE, Chesley. The proposed lot meets the lot frontage and lot area requirements of the Zoning By-law but requires relief to the front and rear yard setbacks to create a viable building envelope. The retained lot is occupied by a four-unit dwelling and is proposed to be 1135.5 m²* in size; it will require a reduced rear yard setback.

The following setbacks have been proposed:

1. Retained lot - rear yard setback reduced from 7.5 m to 6.0 m
2. 2. Severed lot - rear yard setback reduced from 7.5 m to 6.0 m
3. 3. Severed lot - front yard setback reduced from 6.0 m to 4.5 m

*Staff note that based on the GIS information available in office, the total lot area for the parcel pre-severance is 1367 m²; this means that the retained lot area will be closer to 891 m². The policy review for the applications has been completed based on a retained lot area of 891 m².

An aerial photograph of a residential neighborhood with yellow property lines and lot numbers. A red dashed line outlines a specific property. The map includes labels for '2nd Ave NE' and 'Elliot Park'. The lot numbers visible are 35, 37, 44, 45, 50, 53, 58, and 27. The property outlined in red is lot 45, which is a large lot with a house and a swimming pool. The surrounding lots are smaller and also contain houses. The street '2nd Ave NE' runs vertically on the right side of the map, and 'Elliot Park' is labeled in the bottom left corner.

[illegible]

Image of Existing Structure

Google Street View 2022



Planning Analysis:

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including a review of the Provincial Policy Statement 2020, the Bruce County Official Plan, the Arran-Elderslie Official Plan and the Arran-Elderslie Zoning By-law.

The 2020 Provincial Policy Statement (PPS) issued under Section 3 of the Planning Act requires that land use planning decisions 'be consistent with' provincial policies. Decision makers are asked to be consistent with the policies of the PPS including: 1. Building Strong Communities; 2. Wise Use and Management of Resources; and 3. Protecting Public Health and Safety. The PPS is to be read in its entirety and the relevant policies are to be applied to each situation, therefore only excerpts from the PPS have been highlighted to demonstrate the proposal's conformity with the Provincial Policy Statement.

Schedule 'A' of the Bruce County Official Plan (BCOP) designates the subject property within a Primary Urban Community and supports a mix of uses including residential development within the settlement area designation. The BCOP defers to the local zoning by-law for lot sizes and development provisions. The subject property falls within the Residential designation of the Arran-Elderslie Official Plan (AEOP), within the Chesley Settlement Area in an established neighborhood.

Section 1.1.3 of the PPS 2020 directs development to settlement areas. It states that the "vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities." It further states that "[s]ettlement areas shall be the focus of growth and development." (PPS, 2020 Section 1.1.3.1). The proposed changes will facilitate residential development of the lands and are supported by provincial policy and both the County and local Official Plans.

Water and Sewer Services

This area is fully serviced with municipal water and sewers. The severed parcel is not proposed for development at this time but will be required to connect to full municipal services at the building stage. The existing structure on the proposed retained lot, is fully serviced. Fully serviced development is supported by Section 1.6.6.2 of the PPS 2020 and meets the intent of the servicing policies of the BCOP and the AEOP.

Stormwater Management

Section 1.6.6 of the PPS addresses the management of stormwater on-site. Specifically,

“1.6.6.7 Planning for stormwater management shall:

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
- b) minimize, or, where possible, prevent increases in contaminant loads;
- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
- d) mitigate risks to human health, safety, property and the environment;
- e) maximize the extent and function of vegetative and pervious surfaces; and
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development”

The application requests relief to the front and rear yard setbacks. Lot coverage has not been considered at this stage as there are no building designs prepared. As of right, the zone provisions for the proposed lot would permit a 166.6 m² (1763 sq. ft.) dwelling. Stormwater management and lot grading and drainage plans can be addressed at the building permit stage when the site design has been completed.

Natural Heritage

Section 2.1 of the PPS, 2020 directs that Natural features and areas shall be protected for the long term. The property is located within the settlement area of Chesley. It is not located within or near to a significant woodland or wetland. It is within 120 m of the North Saugeen River; however, it is surrounded by residential development, manicured properties, municipal roads and sidewalks. Natural Heritage Information Centre (NHIC) data indicates the potential for 2 species of concern and 1 threatened species to be located within the 1 km assessment grid. Given that the area is developed with a significant amount of hard surfaced areas, it can be concluded that the proposed development will not impact any natural heritage features and meets the intent of Section 2.1 of the PPS, 2020.

Natural Hazards

Section 3.0 of the PPS, 2020, Protecting Public Health and Safety, directs that development shall be directed away from areas of natural or human-made hazards. The Saugeen Valley Conservation Authority (SVCA) reviewed the proposed amendment and noted in their July 4, 2023 comments that there are no natural hazards on the property.

Indigenous Community Engagement

The property falls within an area identified to have archaeological potential due to the North Saugeen River being within 300 m of the property. Section 1.2 of the PPS, 2020 directs that municipalities shall engage Indigenous communities through the planning process:

“1.2.2 Planning authorities shall engage with Indigenous communities and coordinate on land use planning matters.”

Further In Part IV: Vision for Ontario’s Land Use Planning System, the PPS, 2020 provides;

“The Province’s rich cultural diversity is one of its distinctive and defining features. Indigenous communities have a unique relationship with the land and its resources, which continues to shape the history and economy of the Province today. Ontario recognizes the unique role Indigenous communities have in land use planning and development, and the contribution of Indigenous communities’ perspectives and traditional knowledge to land use planning decisions. The Province recognizes the importance of consulting with Aboriginal communities on planning matters that may affect their section 35 Aboriginal or treaty rights. Planning authorities are encouraged to build constructive, cooperative relationships through meaningful engagement with Indigenous communities to facilitate knowledge-sharing in land use planning processes and inform decision-making.” (PPS, 2020 Pg. 5)

The Notice of Complete Application and Public Meeting was circulated to the prescribed Indigenous Communities on June 29, 2023, and one formal comment was received from the Historic Saugeen Metis noting no concern. County files do not contain documentation that consultation occurred with Saugeen Ojibway Nation (SON) and there is no related archaeological assessment, therefore, a holding provision will be implemented in the site-specific zoning by-law in accordance with Section 4.4.4 of the zoning by-law. The applicant is encouraged to consult with SON prior to commissioning the assessment.

Municipality of Arran-Elderslie Zoning By-Law Number 36-09

The property is zoned R1 – Residential Low Density Single and permits single detached, semi-detached and duplex dwellings and uses accessory thereto. The zoning application (Z-2022-128) proposes to amend the zoning to reduce the front and rear yard setbacks to create a viable building envelope for the proposed severed lot. While the lot area and frontage proposed exceeds the required minimums, the lot configuration results in a building envelope of approximately 25.6 m x 3.5 m (83’ x 11.4’) as of right. The severed lot will require the rear yard setback to be reduced from 7.5 m to 6.0 m and the front yard setback reduced from 6.0 m to 4.5 m in order to create a 25.6 m x 6.5 m (83’ x 21’) building envelope.

A site visit to the neighborhood supports a reduction in the front yard setback for the new lot as the existing building line along the street projects further than the proposed 4.5 m setback. The neighborhood is comprised of dwellings of various sizes and styles and development of the proposed lot within the proposed building envelope would not be out of place.

The retained lot is occupied by a four-unit dwelling and the application identifies that it will be 1135.5 m² in size post-severance; it will require a reduced rear yard setback of 6 m where the By-law requires 7.5 m. The zoning compliance for the retained lot has been evaluated based on a lot area of 891 m² as noted earlier in the report. The total lot coverage permitted in the R1

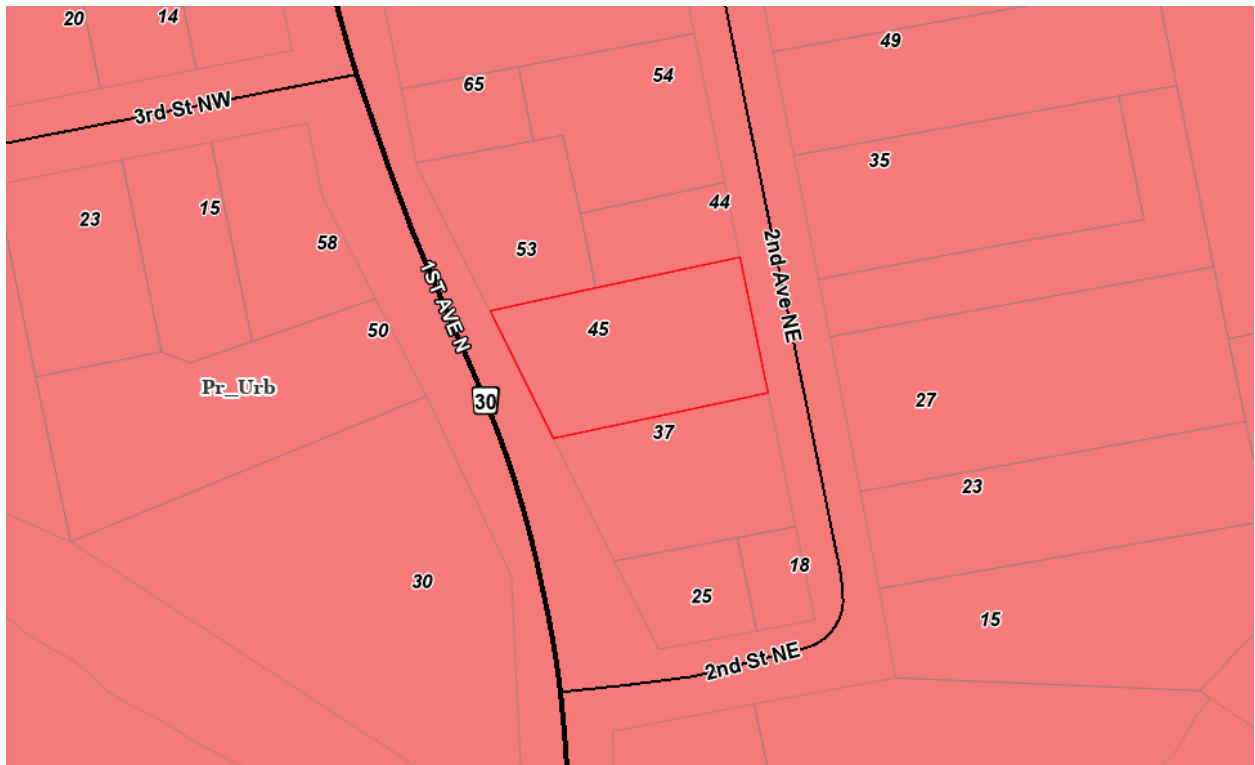
zone is 35%. Post-severance, the retained lot would have a total lot coverage of 22% based on the stated dwelling size of 198.54 m². There appears to be sufficient for parking for the four-unit dwelling meeting the By-law requirement for off-street parking in this zone. No changes are proposed to the existing dwelling as part of this application.

A draft amending by-law is attached for Council's consideration at a future meeting.

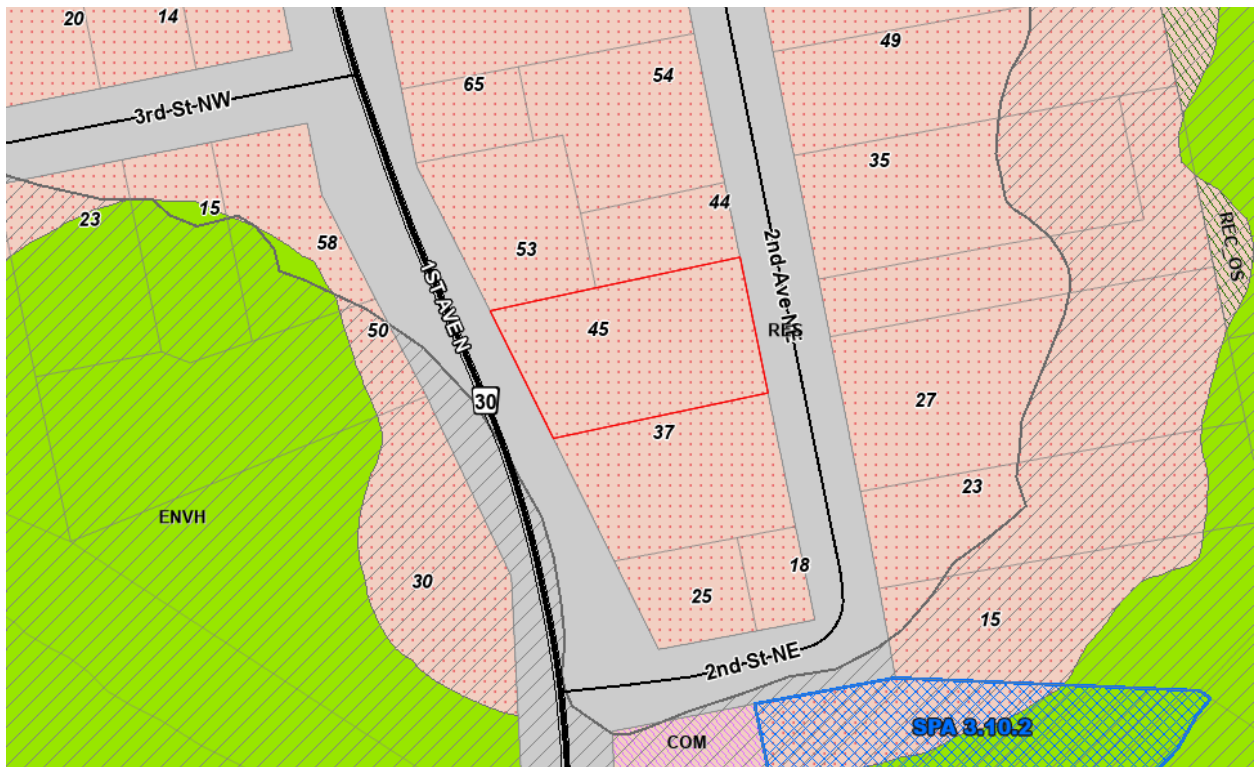
Appendices

- Maps
 - County Official Plan
 - Local Official Plan
 - Local Zoning
 - Archaeological Potential
 - Servicing
- Agency Comments
- Public Comments
- Public Notice

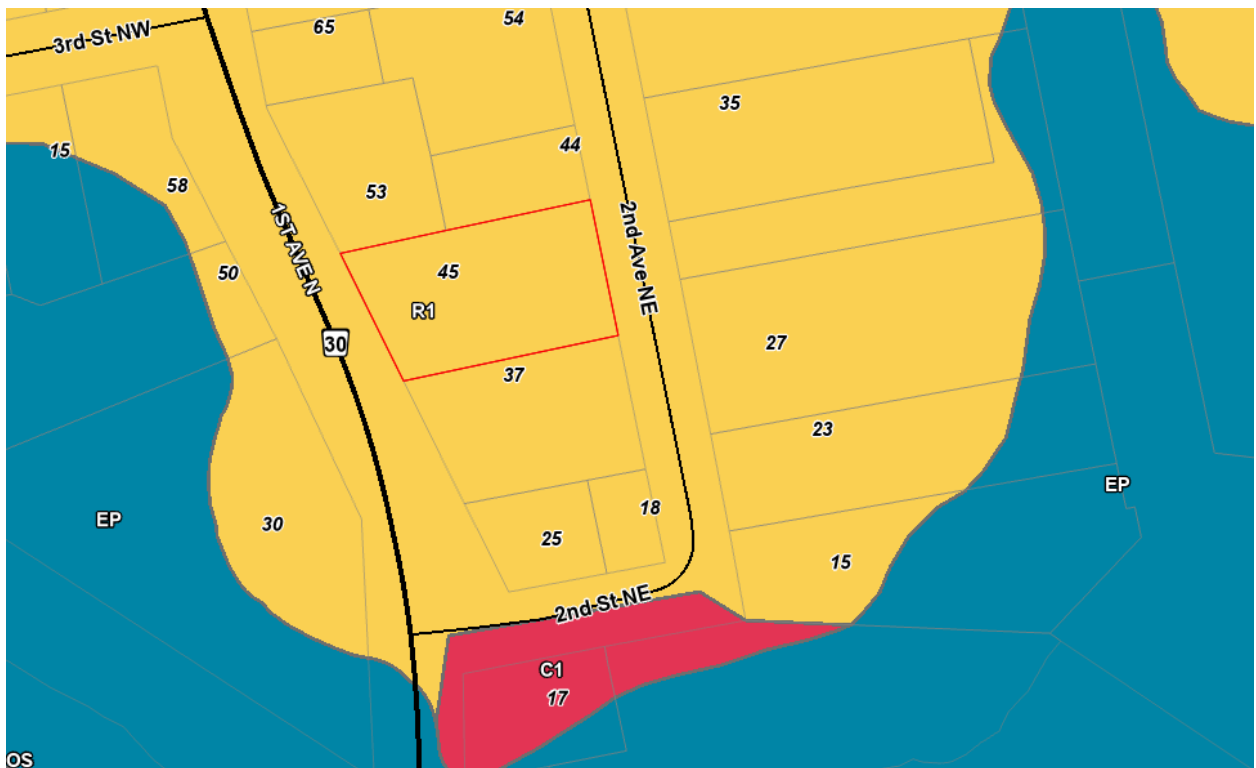
County Official Plan Map (Primary Urban Communities)



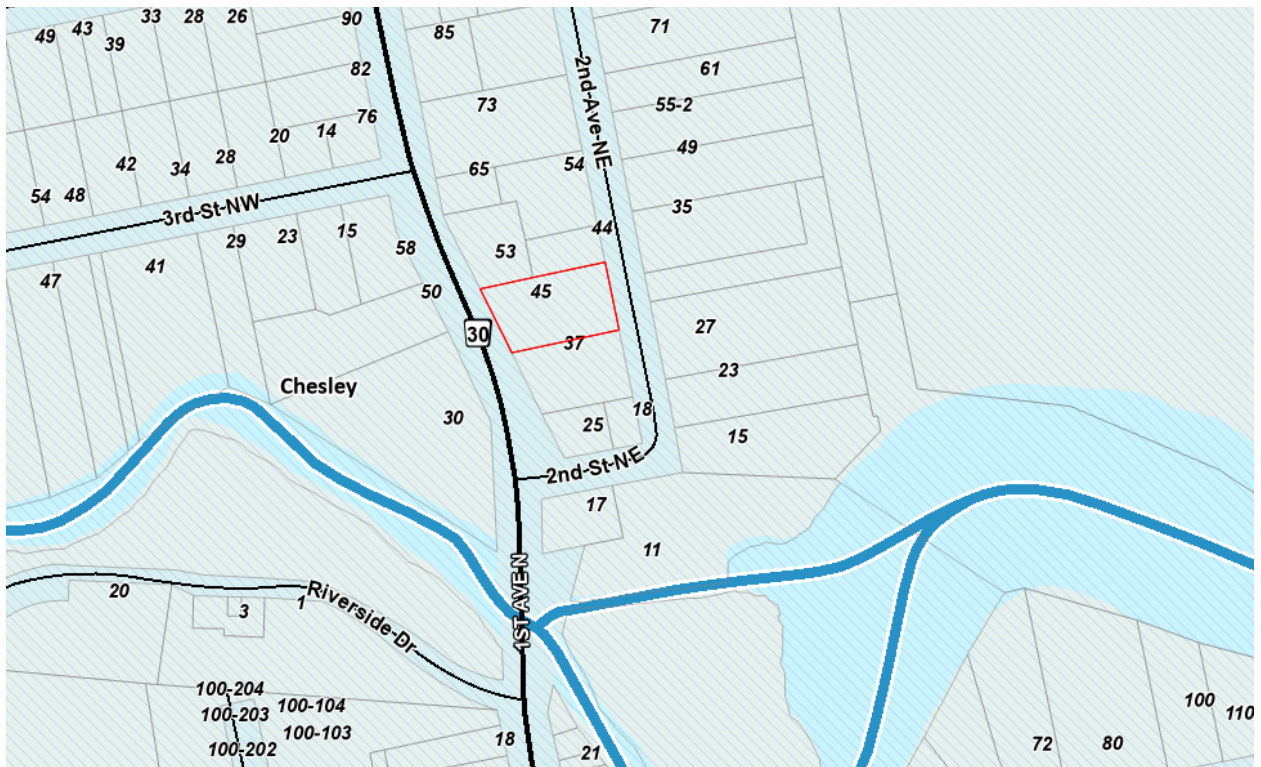
Local Official Plan Map (Residential)



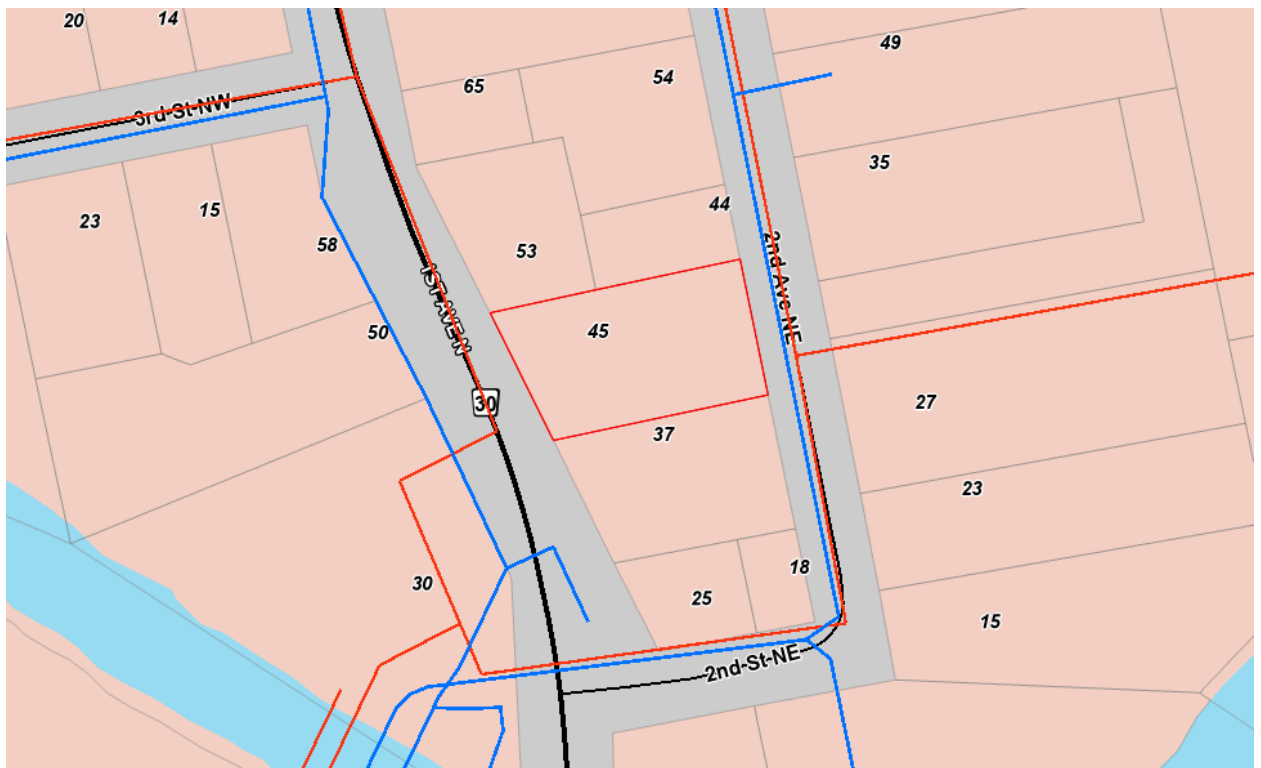
Local Zoning Map (R1 - Residential: Low Density Single)



Archaeological Potential (Stream with archaeological potential within 300 m)



Servicing (Water and Sewer)



Agency Comments

The application was circulated to the required agencies and all properties within 120 m of the subject property on June 29, 2023. the following comments were received:

Bruce Grey Catholic School Board: Comments dated July 4, 2023 noted no comment.

Saugeen Valley Conservation Authority (SVCA): In comments dated July 4, 2023, the SVCA confirmed that there are no hazards areas or regulated areas on the property. They have no objection to the proposal.

Historic Saugeen Metis (HSM): In in email dated July 18, 2023 the HSM commented, “[t]he Historic Saugeen Métis (HSM) Lands, Resources and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed Zoning By-law Amendment as presented.”

Bruce County Transportation Services: no comment (undated).

Arran-Elderslie Staff: In comments date January 4 and July 19, 2023 staff noted that service connections are available at the expense of the applicant.

Residents:

Raynald Nickason: in comments dated February 21, 2023, Raynald Nickason noted, “concerns about the dimension of the proposed structure as outlined within the application. With a set back off of 2nd Ave North East of 6.4 meters and measurement of 7.5 meters from the rear of the proposed severed lot, this only allows for a 3.1 meter width of a building. (10’ 2”) I do not feel as though this is adequate for a residential structure.

Staff comment: This comment was provided in response to the initial circulation of the severance application. Upon further review of the application, it was determined that relief to the setback provisions would be required to create a reasonable development envelope.

SENT ELECTRONICALLY ONLY (jburnett@brucecounty.on.ca, bcplwi@brucecounty.on.ca)

July 4, 2023

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

Attention: Jennifer Burnett, Planner, Bruce County

Dear Jennifer Burnett:

RE: Application for Zoning By-Law Amendment: Z-2022-128
45 1st Avenue North
Roll No. 410339000111400
PLAN 132 LOTS 6 AND 10
Town of Chesley
Municipality of Arran-Elderslie

(Shaw)

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 Bruce County representing natural hazards; and the application has been reviewed through SVCA's role as a public body under the *Planning Act* as per our Conservation Authority (CA) Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

Purpose

This application has been submitted to facilitate Severance application B-2022-071 which proposes to create a building lot with an area of 476 m² and 28m of frontage on 2nd Ave N, Chesley. The proposed lot meets the lot frontage and lot area requirements of the Zoning By-law but requires relief to the front and rear yard setbacks to create a viable building envelope. The retained lot is occupied by a four-unit dwelling and is proposed to be 1135.5 m² in size; it will require a reduced rear yard setback. The following setbacks have been proposed:

1. Retained lot - rear yard setback reduced from 7.5 m to 6.0 m
2. Severed lot - rear yard setback reduced from 7.5 m to 6.0 m
3. Severed lot - front yard setback reduced from 6.0 m to 4.5 m.

SVCA Staff have reviewed the following documents associated with this application:

- 1) Request for comments and site plan dated June 29, 2023
- 2) Application for ZBA dated June 28, 2023
- 3) SVCA comments for Severance Application B-2022-071, dated January 13, 2023

Recommendation

SVCA staff find the application acceptable. We 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 Bruce County in that we provide expert advice and technical clearance on *Planning Act* applications with regards to natural hazards, 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

SVCA hazard mapping indicates the subject property is not affected by natural hazards. As such, SVCA is of the opinion that the proposed development is in conformance with hazard policies of the PPS (2020), the Bruce County Official Plan, and the Municipality of Arran-Elderslie OP.

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.

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.

"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.

SVCA Permission for Development or Alteration

Essentially, the entire property is not subject to Ontario Regulation 169/06, or to the policies of SVCA at this time, and as such, permission from the SVCA is not required.

Summary

SVCA staff has reviewed this application in accordance with our MOA with Bruce County and as per our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*.

The proposed application is considered acceptable by SVCA staff.

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 local planning policies for natural hazards has been demonstrated.

Please inform this office of any decision made by the County 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: Moiken Penner, Authority Member, SVCA (via email)
Building Department, Municipality of Arran-Elderslie (via email)



The included mapping has been compiled from various sources and is for information purposes only. Saugeen Valley Conservation Authority (SVCA) is not responsible for, and cannot guarantee, the accuracy of all the information contained within the map.

Produced by SVCA and includes material ©[2023] of the Queen's Printer for Ontario. All Rights Reserved. [2023] May Not be Reproduced without Permission. THIS IS NOT A PLAN OF SURVEY.

This mapping contains products of the South Western Ontario Orthophotography Project 2020 (SWOOP2020). These images were taken in 2020 at 16cm resolution by Mapcon Mapping Ltd. They are the property of Saugeen Valley Conservation Authority ©2023.

Legend

Approximate Regulated Area

Parcel Fabric



1:330

UTM Zone 17N, NAD 83

Application: Z-2022-128
45 1st Avenue North (Shaw)
Roll No. 410339000111400
PLAN 132 LOTS 6 AND 10
Town of Chesley
Municipality of Arran-Elderslie



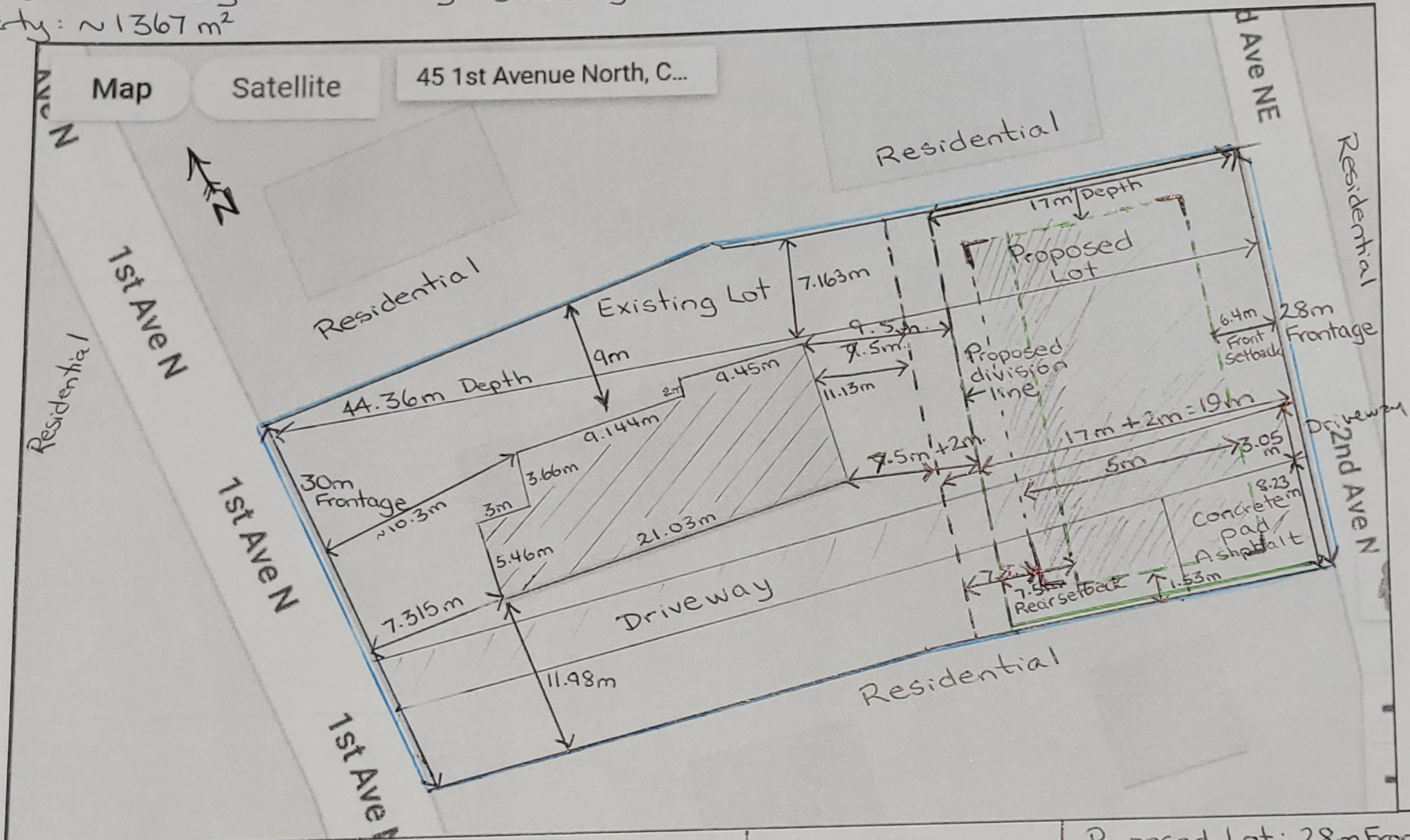
Roll#: 41 03 390 001 11400 0000

Plan 132 - Lots 6+10 IRREG.

AC: 100.08 FR / 145.53 D

Zoned R1 - Residential - Low Density Single
+ designated Primary Urban Community in Bruce County Official Plan.

Property: $\sim 1367 \text{ m}^2$



Area of House on
Existing lot: 198.54m

Area of Existing lot: 1135.5m
Property

House coverage: 17.5%

Municipal Water+Sewer
Zoned R1-residential
Gas lines have yet to be
installed on Existing lot.

Proposed Lot: 28m Frontage
: 17m Depth + 2m
Area: $\frac{1}{2} \times 28 \times 19 = 266 \text{ m}^2$
 $\frac{1}{2} \times 28 \times 17 = 238 \text{ m}^2$

Proposed Building Lot Area 127.13
 $24.94 \text{ FR} \times 5.1 \text{ m} = 127.13 \text{ m}^2$
(using setbacks of Rear: 7.5m, Side: 1.53m
+ front setback of 6.4m)
Building Lot: 16%



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



June 29, 2023

File Number(s): Z-2022-128

Public Meeting Notice

**You're invited to participate in a Public Meeting to
consider Zoning By-Law Amendment Z-2022-128
August 14th at 9:00 a.m.**

A change is proposed in your neighbourhood: This application has been submitted to facilitate Severance application B-2022-071 which proposes to create a building lot with an area of 476 m² and 28 m of frontage on 2nd Ave N, Chesley. The proposed lot meets the lot frontage and lot area requirements of the Zoning By-law but requires relief to the front and rear yard setbacks to create a viable building envelope. The retained lot is occupied by a four-unit dwelling and is proposed to be 1135.5 m² in size; it will require a reduced rear yard setback.

The related consent file is B-2022-071.



45 1st Avenue North
PLAN 132 LOTS 6 AND 10 (former Town of Chesley)
Municipality of Arran-Elderslie
Roll Number 410339000111400

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: Jennifer Burnett

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 August 7, 2023 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 meeting

The public meeting 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 meeting.

Stay in the loop

If you'd like to be notified of the decision of the approval authority on the proposed application(s), you must make a written request to the Bruce County Planning Department.

Know your rights

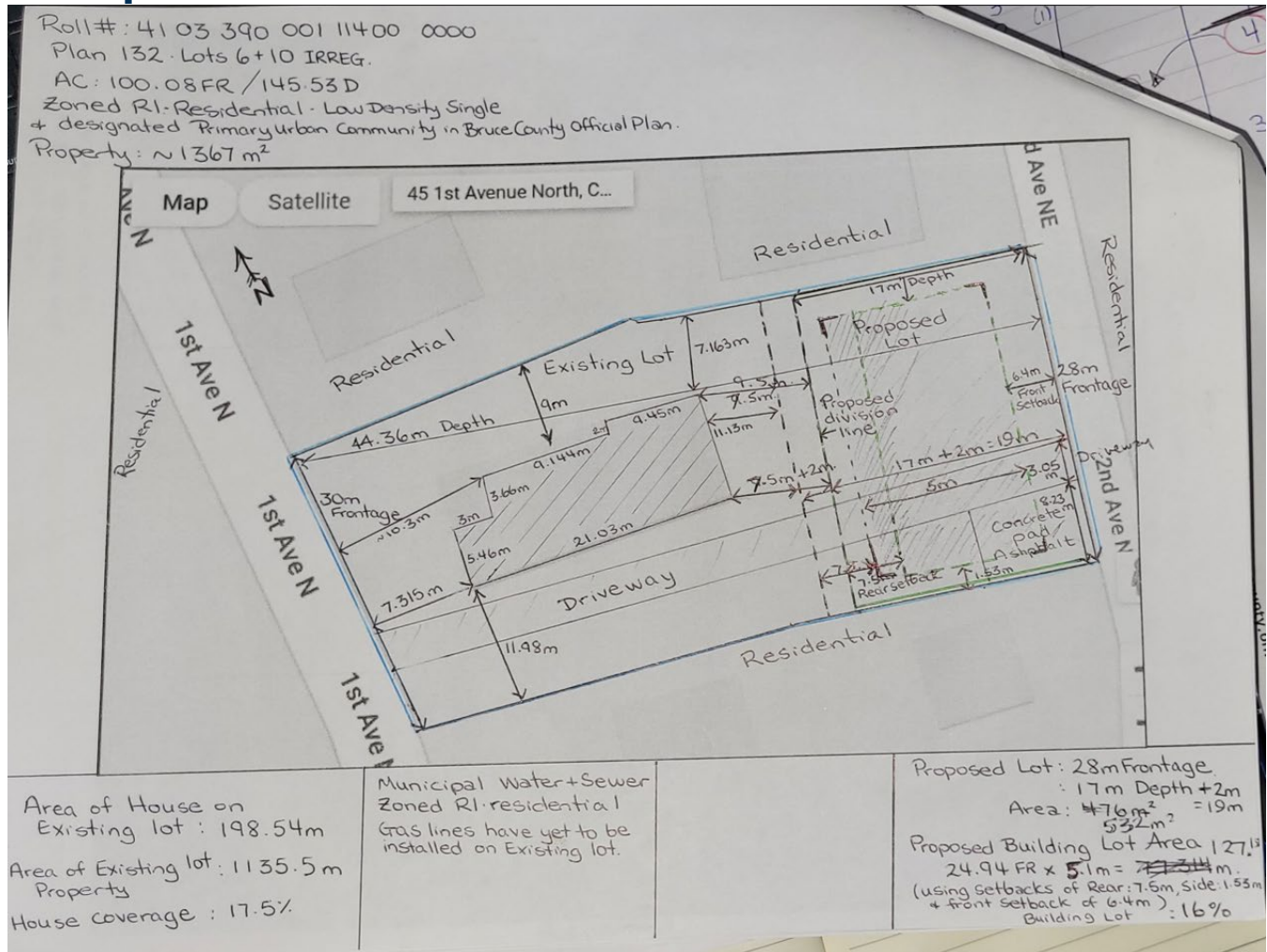
Section 34(11) of the [Planning Act](#) outlines rights of appeal for Zoning By-law Amendment applications.

If a person or public body would otherwise have an ability to appeal the decision of the Council of Municipality of Arran-Elderslie to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to Municipality of Arran-Elderslie before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Municipality of Arran-Elderslie before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

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

Site plan



**THE CORPORATION OF THE
MUNICIPALITY OF ARRAN-ELDERSLIE**

BY-LAW NO. XX – 2023

Being A By-Law to Amend Comprehensive Zoning By-Law No. 36-09, as amended, of the Municipality of Arran-Elderslie.

Whereas the Council of the Municipality of Arran-Elderslie deems it in the public interest to pass a By-law to amend Bylaw No. 36-09.

And Whereas pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, as amended, By-laws may be amended by Councils of Municipalities.

Therefore, the Council of the Municipality of Arran-Elderslie enacts the following:

1. By-law No. 36-09 is hereby amended as it affects lands described as Plan 132 Lot 6 Lot 10 Municipality of Arran-Elderslie, 45 1st Avenue N. Chesley, and shown on Schedule “A” affixed hereto.
2. Schedule “A” to By-law No. 36-09, as amended, being the Comprehensive Zoning By-law for the Municipality of Arran-Elderslie, is hereby further amended by changing the zoning from Residential ‘R1’ to Residential with exceptions ‘R1-XX-2023-H1’, on the subject lands, as outlined in Schedule ‘A’, attached hereto and forming a part of this by-law.
3. By-law No. 36-09, is further amended by adding the follow subsection to Section 10.5 thereof:

‘R1-XX-2023-H1’
“Notwithstanding Section 10 to this By-law shown as ‘R1-XX-2023-H1’ on Schedule ‘A’ for the parcel fronting 2nd Ave N/E, the minimum front yard setback is 4.5 m and the minimum rear yard setback is 6 m. For the retained lot fronting 1st Avenue N. The existing four-plex is recognized as a permitted use and the minimum rear yard setback is 6 m. The holding symbol ‘H1’ shall be lifted subject to the criteria stated in Section 4.4.4 of Zoning By-law 36-09. All other provisions of By-law 36-09 shall apply.”
4. Schedule ‘A’ attached, and all notations thereon are hereby declared to form part of this By-law.
5. THAT this By-law takes effect from the date of passage by Council, subject to compliance with the provisions of the *Planning Act, R.S.O. 1990, as amended*.

READ a FIRST and SECOND time this 11 day of September, 2023.

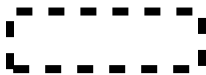
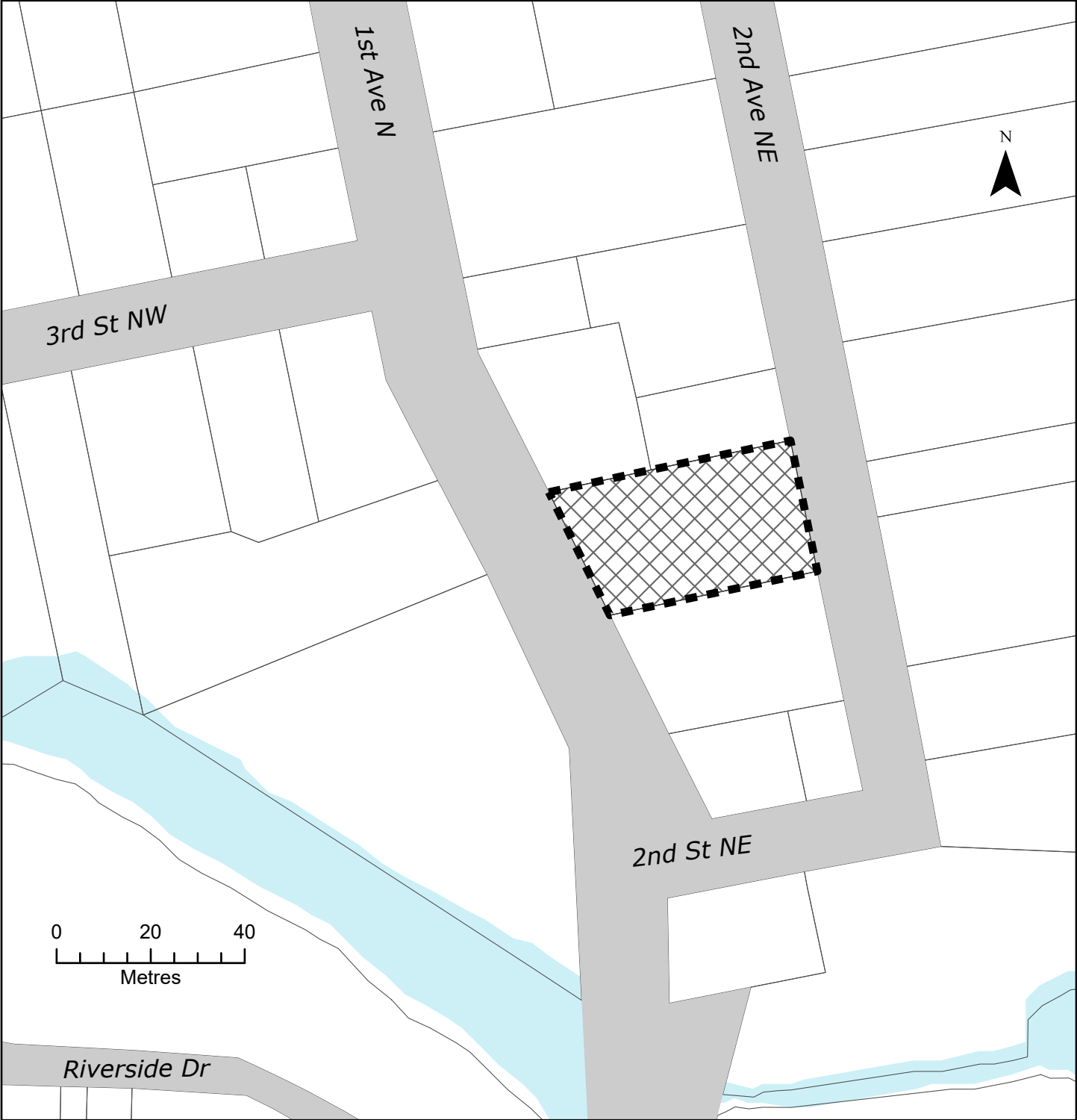
READ a THIRD time and finally passed this ____ day of _____, 2023.

Steve Hammell, *Mayor*

Christine Fraser-McDonald, *Clerk*

Schedule 'A'

45 1st Avenue North - PLAN 132 LOTS 6 AND 10 - Roll 410339000111400
Municipality of Arran-Elderslie (Town of Chesley)



Subject Property



Lands to be zoned R1-XX-2023-H1 - Residential:
Low Density Single Special Holding

This is Schedule 'A' to the zoning by-law
amendment number _____ passed this
_____ day of _____

Mayor _____
Clerk _____