



Planning Report

To: Municipality of Alder-Elderslie Council

From: Rebecca Elphick, Consultant Planner

Date: December 11, 2023

Re: Zoning By-law Amendment - Z-2023-59 (Becker)

Recommendation:

Subject to a review of submissions arising from the Public Meeting:

That Council refuse Zoning By-law Amendment Z-2023-059.

Summary:

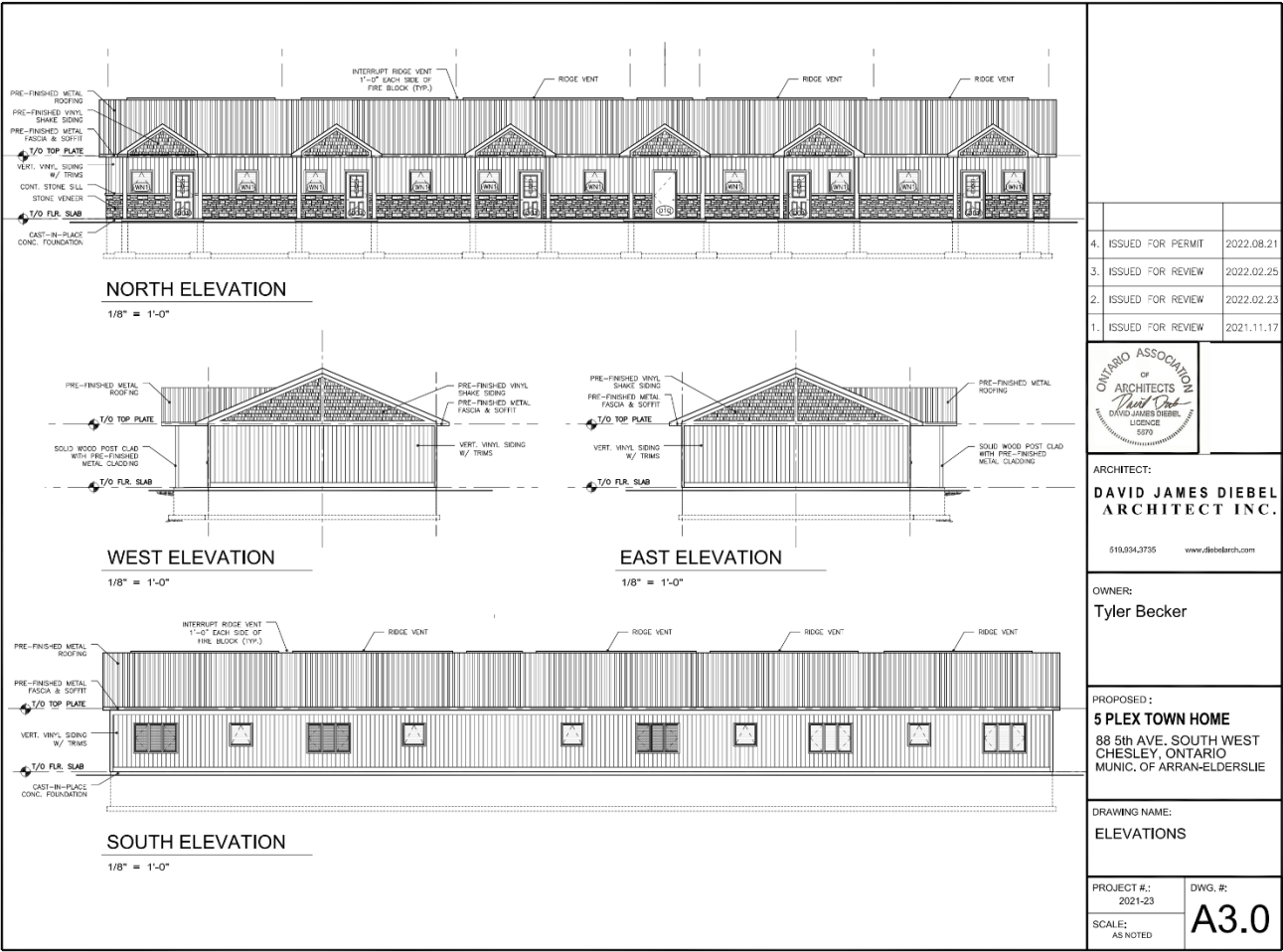
The applicant/owner, Tyler Becker, proposes to rezone his property, municipally referred to as 88 5th Avenue, Chesley, from R3-3 to a site specific R3 zone to permit the development of a five-unit townhouse at the rear of the property. The proposed amendment seeks to reduce the setback between a townhouse and side lot line from 7.5 to 3.1 metres, reduce the setback between a townhouse and rear lot line from 7.5 to 3.0 metres, reduce the minimum Gross Floor Area per unit to 75 m², revise the definition of Cluster Townhouse, and would allow more than 1 main building per lot. The existing six-unit dwelling at the front of the site is proposed to be retained. The townhouse dwelling is proposed to be developed on full municipal water and sewage services.

The subject lands are located within the Chesley urban settlement area on the west side of 5th Avenue, south of 2nd Street. The subject lands are approximately 0.3 hectares in size with approximately 32 metres of frontage along 5th Avenue. The lands are surrounded by low density residential uses to the south, the Chesley Heritage Trail and agricultural uses to the west, low density residential uses and the North Saugeen River to the north and low density residential- uses to the east. It should be noted that there is an approximately 11 m wide parcel which separates the subject property from the Chesley Heritage Trail and is owned by the adjacent property owner to the south. No development is proposed on that parcel of land and it remains wooded. The northwestern corner of the site is located within the Saugeen Valley Conservation Authority regulated area, given the subject lands' proximity to the North Saugeen River.

An aerial photograph of a suburban neighborhood. A property is highlighted with a red rectangular border. The highlighted property is a large, rectangular lot containing a large, light-colored house with a complex roofline, including a prominent chimney. The house is surrounded by a well-maintained lawn and some trees. To the left of the highlighted property is a road with a sidewalk. To the right is another road with a sidewalk. The surrounding area includes other houses, lawns, and trees. The overall scene is a typical suburban residential area.

[illegible]

Elevations



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 Municipality of Arran-Elderslie Official Plan, the Municipality of Arran-Elderslie Zoning By-law, relevant agency comments and public comments.

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.

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 proposed development is consistent with the PPS and conforms to section 5.2 of the BCOP by directing growth to a settlement area where services exist to support the proposed development. The BCOP defers to the Arran-Elderslie

OP to establish land use policies to direct development and growth within the Primary Urban Community designation.

Schedule 'A' of the AEOP designates the majority of the subject property as 'Residential' with a small portion of the northwest corner designated 'Natural Environment and Hazard'. The Residential designation permits medium density residential development, including the townhouse as proposed, provided it does not exceed a Gross Density of 48 units per gross hectare and is compatible with existing land uses and the general built form of surrounding buildings. The proposal achieves a minimum density of 34.2 units per gross hectare (11 units/0.312 hectares). No new development is permitted within the Natural Environment and Hazard designation and no development is permitted within 6 metres of the stable slope of the Saugeen River.

Medium Density Residential Uses

As per Section 3.1.7b) of the Municipality of Arran-Elderslie Official Plan:

"When the Municipality is considering the establishment of 'Medium Density Residential' development, the following development criteria shall be used:

- ii) The development shall be compatible with existing land uses in the immediate area and the general built form of surrounding buildings;
- iii) Adequate off-street parking and appropriate access and circulation for vehicular traffic, including emergency vehicles shall be required;
- iv) Adequate buffering from abutting uses shall be provided;
- v) Suitable landscaping, lot grading, and storm water management/drainage shall be provided;
- vi) Suitable on-site open space shall be provided in relation to the size and nature of the development;
- vii) Water supply and sewage disposal services shall be provided in accordance with Section 5.4.1."

In terms of compatibility, the proposed 5-unit townhouse is compatible with the surrounding land uses and general built form as it is located at the rear of a site and its one-storey building height is compatible with the general 1 to 2-storey built form of the surrounding area. While the surrounding area consists primarily of single and semi-detached dwellings, a townhouse built form is appropriate and is in line with the PPS guidance to direct growth to areas with existing and planned water and sewer services and within walking distance to other services and amenities.

In relation to access and parking, parking on the site must be provided at a rate of 1 resident space per unit plus 0.25 visitor spaces per unit, resulting in a total parking requirement of 14 parking spaces (11 resident spaces and 3 visitor spaces). The proposal will provide parking in

accordance with the requirements set out in the Zoning By-law and will be expanding the driveway and shifting it north to ensure appropriate access and circulation. The Fire Department noted that any driveway longer than 90 metres will require a truck turnaround space. Currently the driveway into the property is approximately 91 metres long. Therefore, if the application is approved, the applicant shall be required to shorten the driveway or provide a turn around space through the Site Plan Approval process to provide suitable access for an emergency vehicle.

With respect to adequate buffering from abutting uses, the applicant proposes the use of retaining walls which act as an additional form of screening between the subject lands and the abutting properties to the north, to the west, and to the south. Along the southern property line, where the reduced setback is being requested and the new townhouse cluster is proposed, the grade is lower than it is on the adjacent property to the south, which further mitigates overlook and trespassing concerns. It is recommended that fencing along the side and rear property lines be requested through the Site Plan Approval process.

In response to concerns raised at the November 27, 2023 Council Meeting, the applicant has since revised their proposal to increase the proposed interior side yard setback from the original proposal, to now achieve a side yard setback of 3.1 metres, where 7.5 metres is required by the Zoning By-law. The revised proposal maintains the proposed 3.0 metre rear yard setback, where 7.5 metres is required by the Zoning By-law. The 7.5 metre interior side and rear yard setbacks are required to ensure there is sufficient amenity area and separation between abutting lot lines and to minimize privacy and overlook concerns since Townhouse Clusters typically have an independent rear entrance and backyard. Further, these setbacks are required to ensure there is sufficient space available to manage drainage on the site and to ensure there are no negative impacts to the adjacent property owner. Staff recommend that the reduced interior side yard and rear yard setbacks are appropriate and will continue to provide an adequate buffer between the proposed Townhouse Cluster and the adjacent properties to the south and to the west.

With respect to on-site open space, the Zoning By-law requires that a minimum of 30% of the lot is maintained for landscaped open space. While the proposed development maintains a minimum of 30% landscaped open space, this requirement will be evaluated in further detail through the Site Plan Approval process.

In regard to servicing, the site will be serviced by municipal water and sewage disposal services.

As for suitable lot grading and stormwater management, the application was deferred at the November 27, 2023 Council Meeting pending the submission of an updated grading plan to demonstrate how drainage would be dealt with entirely on the subject property. An updated grading plan was submitted following the November 27, 2023 Council Meeting, which demonstrates that stormwater flow will be directed through a subdrain to the splash pad at the rear of the site. The revised plan, however, indicates that surface drainage near the rear of the property will be directed to the adjacent property to the west, where the grade is lower than that of the subject property. It is highly likely that in the event of a heavy rainfall, stormwater will pool on the adjacent property to the west, as the grade increases

further west where this property abuts the Chesley Heritage Trail. Staff note that this revised plan has not demonstrated that drainage can be addressed entirely on the subject property, and therefore recommend refusal of the application to amend the Zoning By-law. Staff may consider a revised development concept which demonstrates that self-contained drainage can be achieved, should the applicant wish to submit a new proposal.

Natural Heritage

The northwest quadrant of the site is designated Natural Environment and Hazard and zoned Environmental Protection within the Zoning By-law (EP) and is within the Regulated Area of the Saugeen Valley Conservation Authority (SVCA) per Ontario Regulation 169/06, given its proximity to the North Saugeen River.

Within the EP zone, only conservation uses, wildlife preservation, and boat docking facilities are permitted, and any development or site alteration is subject to the Saugeen Valley Conservation Authority's Ontario Regulation 169/06. The proposed 5-plex is located outside of the EP Zone. However, the building and a portion of the proposed parking lot is within the SVCA Regulated Area. Per Section 4.3.4 of the BCOP, written permission is required from the SVCA pursuant to Ontario Regulations - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses where development or site grading is proposed within a Regulated Area. SVCA found the application generally acceptable and will require the applicant to apply for a permit from the SVCA prior to development.

Water and Wastewater Servicing

The subject property is serviced by municipal water and sewer services.

Archaeological Potential

The entirety of the subject property is considered to have high archaeological potential, given its proximity to the North Saugeen River. Cultural heritage policies within the BCOP direct that development on lands containing possible archaeological resources or areas of archaeological potential should occur in such a manner to avoid destruction or alteration of these resources. Saugeen Ojibway Nation (SON) has confirmed that due to the extensive disturbance on the property, an archeological assessment is not required.

Land Use Compatibility

The subject lands are within a 300 metre radius of a Class II industrial use but are separated by a distance of over 255 metres. Therefore, no technical studies to address land use compatibility are required.

Site Plan Control

Should the applicant wish to submit a new proposal with a revised development concept, they are advised that the proposal will be subject to the Site Plan Approval process in accordance with Section 41 of the *Planning Act*, R.S.O. 1990, as the subject property will contain more than 10 units on a single property. Matters related to snow storage, parking,

access, screening and waste collection will be evaluated through the Site Plan Approval process, should a revised application be submitted. This will require the property owner to enter into a site plan agreement to be registered on title with the Municipality and will require the applicant to develop the property in accordance with that agreement. Matters relating to appropriate landscaping and screening can be addressed through the Site Plan Approval process should a revised development concept be proposed through a subsequent application to amend the Zoning By-law.

Zoning By-law

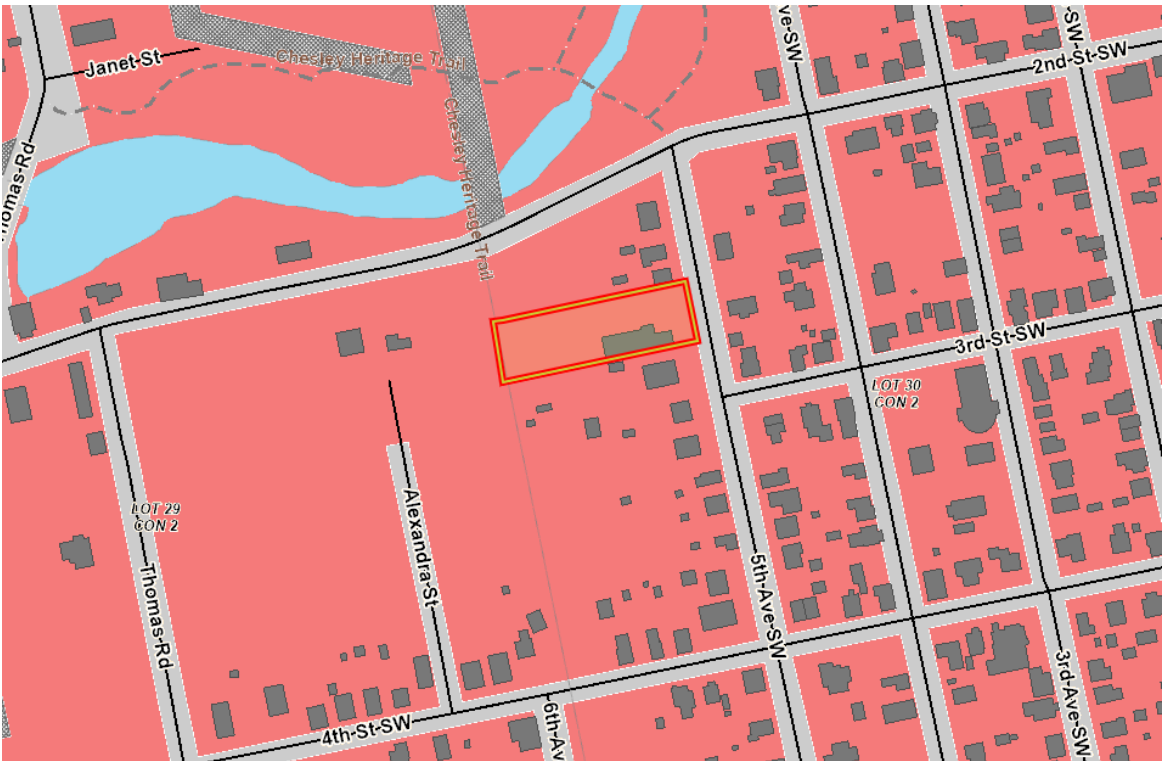
The subject property is zoned 'Residential - Medium Density Special Provision 3 (R3-3)' and 'Environmental Protection (EP)' in the Zoning By-law for the Municipality of Arran Elderslie. The Zoning By-law Amendment proposes to re-zone the portion of the site zoned R3-3 to a new site specific R3 zone to permit the development of a 5-unit cluster townhouse, the retention of the existing 6-plex, expansion of the parking lot and relocation of the driveway. The Zoning By-law Amendment proposes to further reduce the building setback to a side lot line to 3.1 metres, reduce the building setback to a rear lot line to 3.0 metres, reduce the minimum gross floor area to 75m², permit two main buildings on a lot and revise the definition of Townhouse Cluster to not require a rear access.

At this time, staff recommend refusal of the application to amend the Zoning By-law, given that the applicant has not demonstrated that self-contained drainage can be achieved with the reduced setbacks requested. Staff may consider a revised development concept which demonstrates that self-contained drainage can be achieved, should the applicant wish to submit a new proposal.

Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- Conservation Authority Jurisdiction Map
- Archaeological Potential Map
- List of Supporting Documents and Studies
- Agency Comments
- Public Comments
- Public Notice

County Official Plan Map (Designated Primary Urban)



Local Official Plan Map (Designated Residential / Natural Environment & Hazard)



Local Zoning Map (Residential Medium Density 'R3-3' / Environmental Protection 'EP')



Conservation Authority Jurisdiction (SVCA)



Archaeological Potential



List of Supporting Documents

The following documents were provided by the applicant in support of the application:

- Planning Justification Report, prepared by Cuesta Planning Consultants dated September 2023;
- Grading Plan, prepared by GM BluePlan Engineering, dated December 1, 2023;
- Site Plan, prepared by Cuesta Planning Consultants Inc. dated September 18, 2023; and,
- Floor Plans and Elevations, prepared by David James Diebel Architect Inc, dated August 21, 2022.

Agency Comments

Saugeen Valley Conservation Authority: See attached comments in full.

Historic Saugeen Metis (HSM): The Historic Saugeen Métis (HSM) Lands, Waters and Consultation Department has reviewed the relevant documents and has no opposition or objection to the proposed Zoning By-Law Amendment as presented.

Saugeen Ojibway Nation (SON): SON confirmed that given the extensive disturbance on the site, only a very small component, if any, would benefit from an archaeological assessment. Therefore, an archaeological assessment is not required at this time but SON has advised the applicant that should any archeological resources be revealed in the future, to contact SON immediately.

Building Department: No comments.

Public Works: It is expected that this proposal will require another water and sewer service connection as it is unlikely that existing services will be sufficient to service both buildings on site. The property owner will be required to pay for any upgrades that are required for their needs (if that means paying for a set of new water and sewer services) at our existing prices.

Public works has reviewed the grading plan prepared by GM BluePlan and have no present concerns.

Fire Chief/CEMC: There is a problem with the distance of the driveway, it shows it is 99m. Anything over 90m requires a turnaround for fire apparatus.

Public Comments

Attached in full. Below is a summary of the comments received:

1. There were concerns raised regarding the ownership of the adjacent rail line lands, which were illustrated as included within the property in the County's mapping.
2. There were concerns raised regarding the reduced rear yard and side yard setbacks related to privacy, overlook and trespassing.
3. There were concerns related to the appearance of the existing 6-plex on the property and garbage and recycling being left on the property for days, sometimes weeks, after collection day.
4. There were concerns related to the proposed density and suitability of a cluster townhouse on the property.
5. There were concerns related to the location of the driveway and cutting down the century old maple trees to make room for it.
6. There were concerns raised about accessing/leaving the driveway due to its slope and how these issues are further amplified during the winter months.
7. There were concerns raised on whether the SVCA had reviewed the proposal and were ok with the reduced setback.

Staff response:

- *Regarding the adjacent former rail line: we have confirmed that there was an error on the online mapping system which illustrates that this parcel forms part of the subject property. The Zoning By-law Amendment only applies to the parcel of land owned by Tyler Becker and therefore the reduced 3.0 m setback to the rear lot line will be to the parcel of land which separates 88 5th Avenue to the rail line.*
- *Regarding the reduced side yard setback: When reviewing requests to reduce the side yard setback staff typically consider whether the reduced setback will cause privacy/overlook concerns and whether there will be concerns regarding drainage onto the adjacent property.*

The existing 6-unit dwelling on the property (which is proposed to remain) is setback less than 1 metre from the property to the south and the proposed cluster townhouse will be setback 3.1 metres from the property to the south and 3.0 m to the rear lot line. Elevation and floor plan drawings were submitted in support of the application and confirm that the townhouse will have no rear entrances and the side lot line will contain a retaining wall, which reduces potential encroachment concerns. The grading plan submitted in support of the development demonstrates that there are no significant concerns from a drainage perspective to the property to the south as all stormwater flows will be directed to the west end of the site to a drainage feature. Further, along the southern lot line, the proposal is lower in elevation to the adjacent property and a retaining wall is used to mitigate potential overlook and erosion concerns, which further mitigates overlook and trespassing concerns. Additional landscaping and screening (i.e. fencing) will be evaluated through the Site Plan Approval process. Therefore, staff are satisfied that the 3.1 metre setback continues to provide an adequate setback between residential uses and has minimal impacts from a drainage perspective.

- Regarding the reduced rear yard setback: when considering requests to reduce the rear yard setback, staff typically consider whether the reduced setback will cause privacy/overlook and drainage concerns and whether there is sufficient amenity/open space for future residents. The rear lot line abuts a parcel of land owned by the adjacent owner to the south, which formerly formed part of the railway owned lands. Staff have reviewed the proposed rear yard setback and are satisfied that it continues to provide a sufficient setback as the property backs onto a vacant parcel of land that is wooded followed by the old rail line. The elevations and grading plan submitted in support of the proposal demonstrate that there will be no side door entrances or windows and that a retaining wall will be provided along the rear lot line. Therefore, staff are satisfied that the reduced setback is appropriate. The property will be subject to Site Plan Control per Section 41 of the Planning Act which will require the property owner to enter into an agreement to be registered on title with the municipality and will require the applicant to develop the property in accordance with the approved drawings that form part of that agreement.*
- Regarding concerns about garbage and recycling pickup: these concerns cannot be addressed through the planning process as they relate to the Property Standards By-law. However, these concerns can be raised with by-law enforcement should they continue to arise. The waste management strategy for the new townhouse block will be evaluated through the future site plan approval process which will require the property owner to enter into an agreement to be registered on title and will require that they develop the property in accordance with that agreement.*
- Regarding concerns about illegal activities: these concerns cannot be addressed through the planning process and should be raised with law enforcement.*

- *Regarding the concerns about density: the current site specific zoning permits a 6-unit dwelling on the property. The Official Plan permits townhouse and apartment dwellings on the property provided they do not exceed a density of 48 units per gross hectare (this proposal achieves a density of 34.2 units per gross hectare). When evaluating whether this medium density development should be permitted, the Official Plan requires that you consider compatibility, parking and access, buffering, sufficient open space, landscaping, grading, stormwater management and servicing. Staff have completed our review of the updated grading plan and are satisfied that the proposed 5-unit cluster townhouse is appropriate and will require that the application go through the Site Plan Approval process, to ensure that items related to landscaping, access and waste management are appropriately addressed.*
- *Regarding the concerns about the driveway location and access: the access and design of the driveway location will be further explored through the site plan process. At this time there have been no concerns identified by public works on the proposed driveway location, slope or access.*
- *Regarding the concerns about whether the SVCA was circulated: The SVCA was circulated and had no concerns with the proposal.*

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

October 16, 2023

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

ATTENTION: Rebecca Elphick, Planner

Dear Ms. Elphick,

RE: Z-2023-059 (Becker)
88 5th Ave SW
PLAN 132 LOT 179 PT LOT 180 (Chesley)
Roll Number 410339000310600
Geographic Village of Chesley
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

The application requests relief for the rear yard setback from 7.5 m to 3.05 m. Note that the rear yard backs onto the former rail property and is now used for a walking trail. The applicant further proposes to rezone the subject property to a special provision of the R3 zone to permit a townhouse cluster, and to permit more than one principal building.

Recommendation

The application is acceptable to SVCA staff.

Background

The SVCA was contacted by the landowner on April 7, 2022, regarding the development of the property. SVCA provided initial comments for a development proposal.

Delegated Responsibility and Advisory Comments

Natural Hazards

SVCA has identified the slope as a natural hazard feature on and adjacent to the property. The slope is mapped as Natural Environment (NE) designation as shown in the Municipality of Arran-Elderslie OP, and the Environmental Protection (EP) Zone as shown in the Municipality of Arran-Elderslie Zoning by-law. It is the opinion of SVCA staff that the building proposed as part of the application will not be located within the EP zone.

Section 3.1 of the PPS, 2020 states in part that development shall generally be directed to areas outside of: a) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding and erosion hazards; and b) hazardous sites. It is the opinion of SVCA staff that the application generally complies with Section 3.1. of the PPS, 2020; and the natural hazard policies of the County of Bruce OP and the natural hazard policies of the Municipality of Arran-Elderslie OP.

SVCA Regulation 169/06

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 (CA) 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 northwest of the property is within the SVCA Approximate Regulated Area associated with Ontario Regulation 169/06. As such, development and/or site alteration within the SVCA Approximate Regulated Area will require 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.

For this property the SVCA Approximate Regulated Area represents part of the valley slope of the North Saugeen River, plus an offset distance of 15 metres outwards from the top stable valley slope. To determine where the

SVCA Approximate Regulated Area is located associated with our Regulation on the property, please refer to the SVCA's online mapping program, available via the SVCA's website at <http://eprweb.svca.on.ca>.

Based on the site plan submitted with the application, the proposed development will be located within the SVCA Approximate Regulated Area, and so a permit from the SVCA will be required for the development.

Please provide a copy of this letter to the property owner to continue with the permitting process with the SVCA. The property owner should contact Jason Dodds at SVCA (j.dodds@svca.on.ca)

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 rmo@greysauble.on.ca.

Summary

SVCA staff has reviewed the 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*.

The application is generally acceptable to 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, 2020 has been demonstrated; and
- 2) Consistency with local planning policies for natural hazards has been demonstrated.

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)

From: [Coordinator LRC HSM](#)
To: [Bruce County Planning - Peninsula Hub](#)
Subject: Request for Comments - Municipality of Arran-Elderslie (Becker) Proposed Zoning By-Law Amendment
Date: October 13, 2023 1:09:48 PM
Attachments: [PastedGraphic-5.png](#)

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Municipality of Arran-Elderslie

RE: Z-2023-059

The Historic Saugeen Métis (HSM) Lands, Waters and Consultation Department has reviewed the relevant documents and has no opposition or objection to the proposed Zoning By-Law Amendment as presented.

Thank you for the opportunity to review this matter.

Regards,

Georgia McLay

Coordinator, Lands, Waters & Consultation
Historic Saugeen Métis
204 High Street
Southampton, ON
saugeenmetis.com



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From: [REDACTED]
To: [Bruce County Planning - Peninsula Hub](#); [Bruce County Planning - Peninsula Hub](#)
Cc: cfraser@arran-elderslie.ca
Subject: Proposed Construction Z-2023-059 Becker 88 5TH AVE SW
Date: Friday, November 10, 2023 12:39:03 PM

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Dear Sir, Madam,

When I purchased my home in 2020, I chose it for the quiet, largely single family residential area it was situated in, backing onto a quiet nature trail. If I understand the application correctly the proposed building at 88 5TH AVE SW requires amendments to the zoning in regards to setback and density. I feel that cramming a fiveplex (or sixplex) into a lot that already has a six unit building on it is not at all the right fit for the area. The proposed plan has this building backing almost directly up to my neighbor's property and appears to plan to build a portion of the unit on their Lot 0159 property. The existing zoning and setback requirements are in place to protect property owners from just such development. I sincerely hope you will reconsider allowing this build in this location.

Steven Young
96 5th Ave SW
Chesley
176, 177 REG PLAN 132
Lot 0160

From: [REDACTED]
To: [Bruce County Planning - Peninsula Hub](#)
Subject: Zoning By-Law Amendment File No. Z-2023-059
Date: Thursday, November 9, 2023 10:32:43 PM
Attachments: [REDACTED]

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Hello Bruce County Planning and Development,
I'm writing to voice some concerns I have regarding file Z-2023-059.
I have several concerns which are listed below:

1. Changing the relief for the rear yard setback (from 7.5m to 3.05m) I think is a bad idea. I'm sure the current setback was put in place for some very valid reasons. I would like to think it was put in place to maintain green and wooded space, create a natural habitat for many birds, squirrels, and other types of wild life, and to provide the residents of Chesley a natural and peaceful environment for hiking/walking/riding. I regularly walk the (rail) trail and enjoy the natural setting, the various wild life along the trail, and the general peace and quiet of the trail. Allowing a residential or commercial structure so close to the trail as proposed, would detract from the natural beauty of the trail, and perhaps impact the habitat of some of the wildlife.
2. I've also noticed on the Bruce county planning maps (<https://maps.brucecounty.on.ca/Geocortex/Html5Viewer/index.html?viewer=BruceMaps>), that a good portion of the rear of the property in question is under Saugeen Valley Conservation Authority regulations. Has the SVCA been contacted regarding this proposal, and what was their response to the requested setback change.
3. The current residence on the place is a fiveplex. On garbage day, there is a lot of garbage piled up on the curb in front of the home, none of it in containers. I have seen on numerous occasions, a garbage bag or two torn open, and garbage left on the lawn after the garbage has been picked up. This can easily attract various creatures like skunks, racoons, rats, and other vermin. Adding another fiveplex to the same property I'm sure will only make this situation even worse. Before the property owner decides to create more garbage from more residents, there should be some form of a containerized (or bin) garbage pickup arranged.
4. When I moved to Chesley in July 2022, I first took a good look around at the immediate area and also walked the trails. I chose the place I did because it was on a very quiet and safe dead end street, and close to the peaceful and natural (rail) trail. Adding a second fiveplex on the subject property will most certainly increase the traffic on our street, and quite possibly increase undesirable noise in our neighborhood.
5. The current fiveplex, from what I can see and have heard, needs some building maintenance. I

would prefer if the owner would first spend some money to 'spruce up' the current place, before adding another multi-tenant structure. The last thing anyone wants is a another multi-tenant unit that in 5+years needs maintenance.

It's obvious the property is not large enough as it is to properly accommodate the proposed new fiveplex, hence the request to change the rear setback. I would be less concerned if the proposal was modified to request a duplex or maybe a triplex with no change to the setback, and to have the new units geared to low income seniors.

I live at 73 5th Ave SW, Chesley, ON. N0G 1L0

Regards,
Gary Wellon



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From: [REDACTED]
To: [Bruce County Planning - Peninsula Hub](#)
Subject: Fwd: Zoning By-Law Amendment File No. Z-2023-059
Date: Thursday, November 9, 2023 12:26:16 PM
Attachments: [REDACTED]

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----- Forwarded message -----

From: Michelle [REDACTED]
Date: Thu, Nov 9, 2023, 09:51
Subject: Fwd: Zoning By-Law Amendment File No. Z-2023-059
To: Chris Warnica [REDACTED]

[REDACTED]
On Nov 4, 2023, at 16:12, [REDACTED] wrote:

To whom it may concern:

I am writing this letter to express my concerns and opposition with the application to consider By-Law Amendment File No. Z-2023-059, in regards to 88 5th Ave SW, Plan 132 Lot 179 PT Lot 180 (Chesley)

In the Public Meeting Notice, it states in the first paragraph that "the rear back yard backs on to the former rail property and is now used for a walking trail." This statement is incorrect as the rear back yard actually backs onto my lot known as Plan 132 Lot 29 RP 3R6726 PART 1 UNREG IRREG. I am in possession of this lot and have been paying the taxes on it for the last 13 years (see attached photos of Tax Bill and Lot Survey map). If the property is built as stated in the Public Meeting Notice it will be on my property. Further more, in the Planning Justification report the Appendix 2 Lot Grading Plan show that on the west end of the proposed building there will be a splash pad and silt fence added which would be built on my property even if the rest of the proposal didn't cross the lot line. At no time have I given nor do I give permission for anything to be built on my property by Mr. BECKER nor do I give him permission to cut down any of my trees or other vegetation or landscape on my property to build his five-plex.

I also have grave concerns about the proposed set backs along the south property line as this is the northern property line for most of my back yard. Having ten windows directly along the property line staring into the part of my property that is supposed to be private, would hinder my ability to enjoy my property, as this is where I gather with friends and family to celebrate and enjoy life.

When my wife and I bought our house here 13 years ago, we expressed concerns with the realtor about a possible expansion of the apartment on Lot 179. We were told that the By-Laws prohibited more than 6 units on a lot and would not have to worry about any future expansion. These By-Laws were created in order to protect local property owners from these exact situations, to ensure that people could have faith that the property they

bought and their enjoyment of it wouldn't be harmed by the whims of another be it for financial gain or any other reason. One of the reasons my wife and I bought the property was that it was a large open lot on a quite dead end street with low traffic. By building this unit my lot will become enclosed, my privacy diminished and the traffic will increase. This is a already fully developed area and adding this structure changes the area from what the local property owners found acceptable at the time they purchased their properties.

In the Planning Justification Report page 11 section 3.1.7 b) iii) Adequate off-street parking and appropriate access and circulation for vehicular traffic, including emergency vehicles shall be required;. The Lot 179 is located on a dead end street and there is little room for people to park on the road now let alone in the event the parking lot is full at Lot 179 after building this unit. This would only hamper the response time for emergency services in the case of an emergency.

In the Planning Justification Report page 11 section 3.1.7 b) iv) Mr. BECKER states that the neighbouring dwellings will be surrounded by the existing tree line. There is no tree line between lot 179 and my lot 178.

In the Planning Justification Report page 8 section 4.4.1 vi) Ensure that new development occurs in a cohesive and efficient manner without undue impact on the social or natural environment; I believe that this development would have a negative impact on the social environment as the current structure is in poor condition and has low upkeep which unfortunately creates a negative environment which has resulted in numerous police visits. My wife and I have had to chase off trespassers on multiple occasions as well as having added security cameras and extra locks to our house due to these interactions. By expanding this environment it will only increase this element, there by lowering property values and increasing the negative social environment.

In the Planning Justification Report page 5 Section 1.1 a) Mr. BECKER states that "the proposal will create an efficient land use pattern by utilizing an existing lot to bolster the housing stock which will providing a modest increase to the property tax revenue for the Municipality and the County." I would counter that with the possibility that this structure could very well likely lower the property values of the other properties in the area there by lowering the amount of property tax the Municipality and the County would receive overall.

At the moment, it is a regular occurrence that some of the tenants at Lot 179 leave more garbage out then is allowed without bag tags and improperly sort their recycling. When this happens, the garbage and recycling will sit out on the street for weeks at a time before it is cleaned up, which attracts wildlife that rips open the bags and the garbage then blows over lawns of everyone in the neighbourhood. The problem is then exasperated by who ever cuts the lawn at Lot 179 as they just run the mower over it. More units would create more garbage. In addition to the garbage blowing around the neighbourhood, some of the tenants have taken to burning their garbage and unwanted furniture. This has lead to us complaining to the town, after which instead of a fire pit they began to use a burn barrel. This has effected the enjoyment of our property on numerous occasions as the smell of burning garbage has driven us indoors. I fear how bad this situation will become if five more units are added.

As I mentioned earlier, the current building is kept in a state of poor repair. Mr. BECKER has owned the property for the past ten years and has done only the minimum in upkeep which is why it is referred to as affordable housing unit, not because it was built with affordable housing in mind. Based on this I have no reason to believe that any new structure he would build on the lot would not be maintained any better and that it too would eventually find itself in the same state of repair.

I know that the all levels of government are currently looking for ways to increase housing

in the province, but this is not the right location for this proposal, there are many lots large enough and more appropriate to facilitate this type of structure in Arran-Elderslie and I would encourage Mr. BECKER and the Municipality to pursue those avenues instead.

Sincerely,

Christian WARNICA

92 5th Ave SW

Chesley, ON.

NOG 1L0

[REDACTED]

From: [REDACTED]
To: [Bruce County Planning - Peninsula Hub](#)
Subject: File No. Z-2023-059
Date: Friday, November 10, 2023 10:44:11 AM

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Hello,

I am writing to express concern regarding the amendment to zoning to allow a townhouse cluster instead of a principle dwelling on this proposed lot.

I do not feel that we should be taking away or changing the sight lines from the walking trails as these are used and enjoyed by many of the residents of Chesley.

I also feel that a cluster of townhouses is not suitable for this subdivision of single dwelling properties and that it would only be the beginning of changing this established neighborhood. It could also bring down the property value causing issues for the current residences.

Thank you,

Derek Tierney
89 Tower Road
Chesley, Ontario
N0G1L0

From: [REDACTED]
To: [Bruce County Planning - Peninsula Hub](#)
Subject: Concerns regarding z-2023-059
Date: Tuesday, November 7, 2023 4:17:56 PM

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I am concerned over the proposal to change the bylaws concerning the number of units allowed on a single property. The property in regards to z-2023-059, has not been upkeep well, I have concerns that the upkeep of the new units will be lacking compromising the enjoyment of the community and bring down property values. I am also worried that this change will set a precedent that will allow other single family dwellings to be converted into high density housing. I believe that there is ample amounts of other properties in the area for development that there is no need to increase the amount of units allowed on a single property. In conclusion I oppose this amendment.

Mike Swarbrick

From: [REDACTED]
To: [Bruce County Planning - Peninsula Hub](#)
Subject: Zoning for Rebecca Elphick application - File No. Z-2023-059
Date: Friday, November 3, 2023 9:15:13 PM

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As a concerned citizen living on 5th Avenue SW, I do not approve of the proposed change for the rear yard setback from 7.5m to 3.05m.

I know the proposed area and from what I can see, this property line belongs to the neighbour of the individual proposing the plan, not the actual participant. Furthermore, any housing being constructed is not going for the betterment of senior citizens but rather to those of low income or transient in nature, making this housing proposal unacceptable.

I personally moved to this part of town as it was considered safe and well maintained. Thus far, with the house on 88 5th Ave SW, I have seen those of a questionable nature come and go, making me wary of my belongings at the front of my house (ie. my vehicle), not to mention my safety when I come home at night from work. The sight of the house itself has become unbecoming and is just an invitation for more characters of the transient nature, those who may be involved with narcotics and other illegal activities and those of questionable character. Rather than attract individuals of this nature, why not zone for more business to come to the downtown core and make Chesley a prosperous little town.

I thank you for taking the time to read this short email and do look forward to a prompt resolution to this matter.

Jennifer Sanderson

From: [REDACTED]
To: [Bruce County Planning - Peninsula Hub](#)
Subject: Becker construction 5 th ave sw
Date: Saturday, November 4, 2023 7:18:09 AM

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Good day

As a resident of 5 th ave I have become aware of Mr Becker's intent to construct a building on the street to the north of us and are excited for any development but we do have a couple of concerns. The first concern being the proposed set back along the rail trail requested adjustment should be ensured that the applicant actually owns the property. Some of the rail lands were purchased at the time years ago by owners and is common that neighbours along the street owned their neighbours properties portion along the rail lines and should easily be identified so not sure why their would be confusion to ownership. Secondly we wonder if there is sufficient set back on the south of the build to limit encroachment with the neighbour to the south.

Lastly my wife and I are concerned that weekly garbage and recycling can sit after pickups for days on end and sometimes weeks without attention as the items left may not have qualified for pickup. We are excited by the prospects of the development and hope these comments can be attended to.

In closing it should be noted we run a property management firm and in no way bring prejudice to Mr Becker's tenanted property.

Kindly
Shawn Morrow, Nancy Morrow
100 5 th ave sw, 95 5 th ave sw
[REDACTED]

November 10, 2023

Arran-Elderslie Municipal Council

To whom it may concern:

I am writing this letter to express my concerns and to state my total opposition with the application to consider By-Law Amendment File No. Z-2023-059 regarding the property, Chesley Plan 132 Lot 179 and Part Lot 180.

I own, and my house is on, the other part of Part Lot 180.

There is such a thing as “quality of life”. When my family and I purchased this house, there was such a thing here, but continuous and increasing activities and disturbances stemming from the current apartment complex next door have made life so that I cannot enjoy my backyard. If I retreat indoors, often, even with my doors and windows shut, the hub-bub from continuous comings and goings from the “Apartment Building”, as it is referred to in this neighbourhood, can be heard even inside my house.

Some of these disturbances come from loud cars and trucks, motorcycles, ATVs, too loud music, too loud outdoor parties, usually held about twenty feet from my backdoor (close enough that even from inside, I can hear their conversation, combined with smokey bonfires, barking and growling dogs, that also leave their droppings anywhere and everywhere, and more!

I am alarmed and dismayed at the prospect of having these already mind-numbing carryings-on to double in intensity by doubling the number of apartment units next door.

Another concern of mine is the proposed re-location of the driveway, which would begin with the cutting down of a row of beautiful, healthy, nearly-century-old maple trees that are on the property line. As well as being very pleasant to look at, during the seasons when there are leaves on the trees, they help to muffle some of the noise from the “Apartment Building”, and helps a great deal in blocking my view of all the trash and mess around the building and in the yard.

As well, the proposed location of a new driveway, as shown on the site plan, conflicts with what Mr. Becker has, on two previous occasions, told me was his plan for the driveway. It makes me wonder what I should believe about precisely what is “proposed”, and what we will end up with. Will they match?

My house is five feet, six inches from the property line, which places the new driveway within spitting distance of my kitchen table.

The current driveway at the “Apartment Building”, can be a challenge to navigate in the winter sometimes. Cars, to get up the current driveway in snowy conditions, will start at the corner and charge up the driveway. Often they may have to make more than one attempt.

Twice, Mr. BECKER has told me that he intends to make a new, longer, curving driveway, that will come to within a few meters of my house. Twice I have shared my concerns about this with Mr. Becker. During snowy periods, vehicles will still have to from the corner, charge up the street to make it up the hill. Mr. BECKER’S “new” driveway won’t be any better, but only a longer distance to get up. As well, if the speeding vehicles should fail to make the curve in the driveway, they are likely to end up in my living room, and if those maple trees are removed, I will have no safety at all!

My driveway, and at least two other residences on this block have steep driveways, too. I never have much of a problem getting in or out of mine.

This is Bruce County, and we get “Bruce County” winters here. Proper and continuous winter driveway maintenance, careful driving practises, and snow tires, might go a long way in decreasing one’s winter driveway problem.

There are commonly, seven to twelve vehicles parked at the "Apartment Building", and on weekends, more. I once counted twenty-three cars, two trucks, and two motorcycles, all at one time parked there. If more apartment units and parking for more vehicles occurs, the entrance way into the place won't be a driveway. It will be a street!, irregardless of weather the driveway is curved, as Mr. Becker told me it will be, or is perpendicular to Fifth Avenue S.W., as the published Site Plan suggests.

It is embarrassing to have the "Apartment Building" next door. A former next-door-neighbour of mine, Don Aiken (moved away now), used to say that the "Apartment Building" looked worse than any of the worst slum neighbourhoods that he had seen in Toronto! The first thing that one sees, looking down my street is that place; once a splendid residence, now unkept and neglected and sad; surrounded by piles of trash blowing around the yard (from there blowing onto the neighbours yards), the sidewalk in front impassible because it's usually blockaded by piles of uncollected garbage bags. Perhaps are they unaware of the garbage "bag-tag" requirement? Eventually, as the bags of garbage sit there, sometimes for months at a time, it attracts crows, cats, gulls, skunks, and all manner of wildlife rip the bags apart and spread the contents all over the street. Cars entering or leaving, just drive over or through the mess. Who's responsibility is it to correct these problems?

My neighbour to the south of the "Apartment Building", and my neighbour to my north, who's property also borders on the "Apartment Building", have all, reluctantly, been left with no alternative than to have to built substantial boundary fences in attempt to control "Apartment Building" "overflow activities", trash and broken bottles, and even parking on our back lawns!

Crime? I've heard rumours of a disturbing number of illegal activities going on at the "Apartment Building, and I've seen a lot of "shady-looking" characters, frequenting there. A car was stolen from the parking lot there a short while ago, and, just a couple of months ago, there were five O.P.P. cruisers there for an afternoon. Usually, there are only two or three! Twice I have found exterior damage to doors and lower windows in my house, which I fear might indicate attempted burglaries.

The neighbourhood looks like "shanty-town", there's public embarrassment, decreased property values (although our property taxes stay the same and only increase), noise, dust, smoke, crime, trash, traffic, vicious dogs, garbage, insecurity, and more noise, all stemming from this one source.

The situation is already well past the critical point! Do you think that we want to double the amount of this nonsense?

I live in this neighbourhood. I live in Chesley. I care deeply about them both. I have seen no evidence that might suggest to me that all parties that have an interest in this endeavour share my sentiments.

The Planning Justification Report indicates that there are some, as yet, unobtained permits that Mr. Becker is required to be approved from the Conservation Authority. Yet he has already begun to remove trees from both the north and the south side of the property, and done, what would appear to be, some "preparational" excavation.

I am in permanent residence immediately on the north side of the "Apartment Building", since 1985! In all of this time, there have always been "family dwellings" in that building.

I am "uniformed" of any of Mr. Becker's triumphs or disappointments at other locations. We are concerned with this particular case, this particular location. Nothing else other applies.

Granted, bad things happen to good people! That building has been inhabited and maintained continually since it was built almost one hundred and twenty-five years ago, by the Krug's in 1880! To

To "the powers that be", those people that are part of the decision making process, yes! We want Chesley to expand and prosper, to create new homes, and new opportunities! But not at any price! We don't want to trade a pound for a penny!

After almost one hundred and twenty-five years, now on Mr. Becker's watch, this property has disparaged, in a breath, from a happy "family dwelling", to a building that the Site Plan terms as "UNINHABITABLE!"

Evidence might indicate that Mr. Becker is either incapable, unprepared, or simply unwilling, or all three, to happen this matter.

In other words; Everything in this instance would indicate that

MR. BECKER
CAN'T TAKE CARE OF WHAT HE HAS!
WHAT INSANITIES MIGHT COMPELL US
TO GRANT HIM MORE?

I strongly encourage you to forego any consideration of approval of this application!

Thank you,

Most sincerely,

A handwritten signature in cursive script that reads "Brian Phillips". The signature is written in dark ink and is positioned above the printed name and address.

BRIAN PHILLIPS,
76 5TH AVE. S. W.,
CHESLEY, ON.
N0G 1L0





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



October 12, 2023

File Number: Z-2023-059

Public Meeting Notice

**You're invited to participate in a Public Meeting
to consider Zoning By-Law Amendment File No. Z-2023-059
November 27, 2023 at 9:00 am**

A change is proposed in your neighbourhood: This application requests relief for the rear yard setback from 7.5 m to 3.05 m. Note that the rear yard backs onto the former rail property and is now used for a walking trail. The applicant further proposes to rezone the subject property to a special provision of the R3 zone to permit a townhouse cluster, and to permit more than one principal building.



88 5TH AVE SW, PLAN 132 LOT 179 PT LOT 180 (Chesley)
Municipality of Arran-Elderslie, Roll Number 410339000310600

Learn more

You can view 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: Rebecca Elphick

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 10, 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 the 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 the 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-Eldersli 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

