



Planning Report

To: Arran-Elderslie, Committee of Adjustment

From: Megan Stansfield, Planner

Date: November 12, 2024

Re: Minor Variance – A-2024-034 and A-2024-035 (Cheslock)

Recommendation:

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

That Committee approve Minor Variance A-2024-034 and A-2024-035 as attached subject to the conditions on the decision sheet. Please sign the Decision Sheet.

Summary:

This report covers two applications for two adjacent properties, which are essentially identical, with the same development proposed. These applications propose to sever the land at 233 and 239 Nelson Street, converting the existing duplexes into semi-detached homes. The minor variance is to permit a reduced frontage.

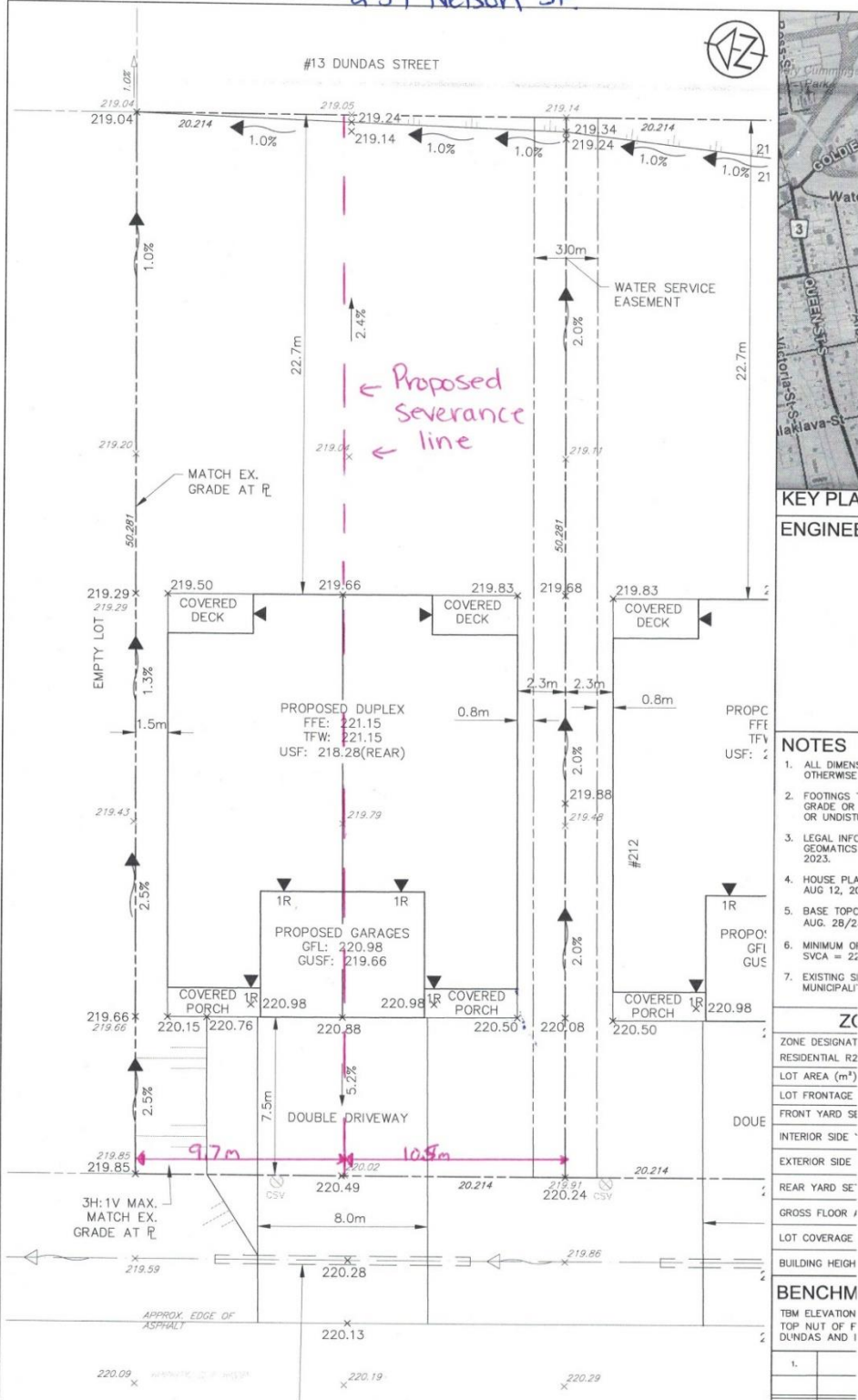
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233 Nelson Street TOWN PLOT PAISLEY PT LOT 18;E NELSON ST RP 3R105736;PARTS 3 AND 4 Roll Number 410338000106805	239 Nelson Street TOWN PLOT PAISLEY PT LOT 18;E NELSON ST RP 3R105736;PARTS 1 AND 2 Roll Number 410338000106804
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Site Plan

239 Nelson St



KEY PLAN
ENGINEER

- NOTES**
1. ALL DIMENS OTHERWISE
 2. FOOTINGS GRADE OR UNDIST
 3. LEGAL INFC GEOMATICS 2023.
 4. HOUSE PLA AUG 12, 20
 5. BASE TOPC AUG. 28/2
 6. MINIMUM OF SVCA = 22
 7. EXISTING SI MUNICIPAL

ZC

ZONE DESIGNAT
RESIDENTIAL R2

LOT AREA (m²)

LOT FRONTAGE

FRONT YARD SE

INTERIOR SIDE

EXTERIOR SIDE

REAR YARD SE

GROSS FLOOR /

LOT COVERAGE

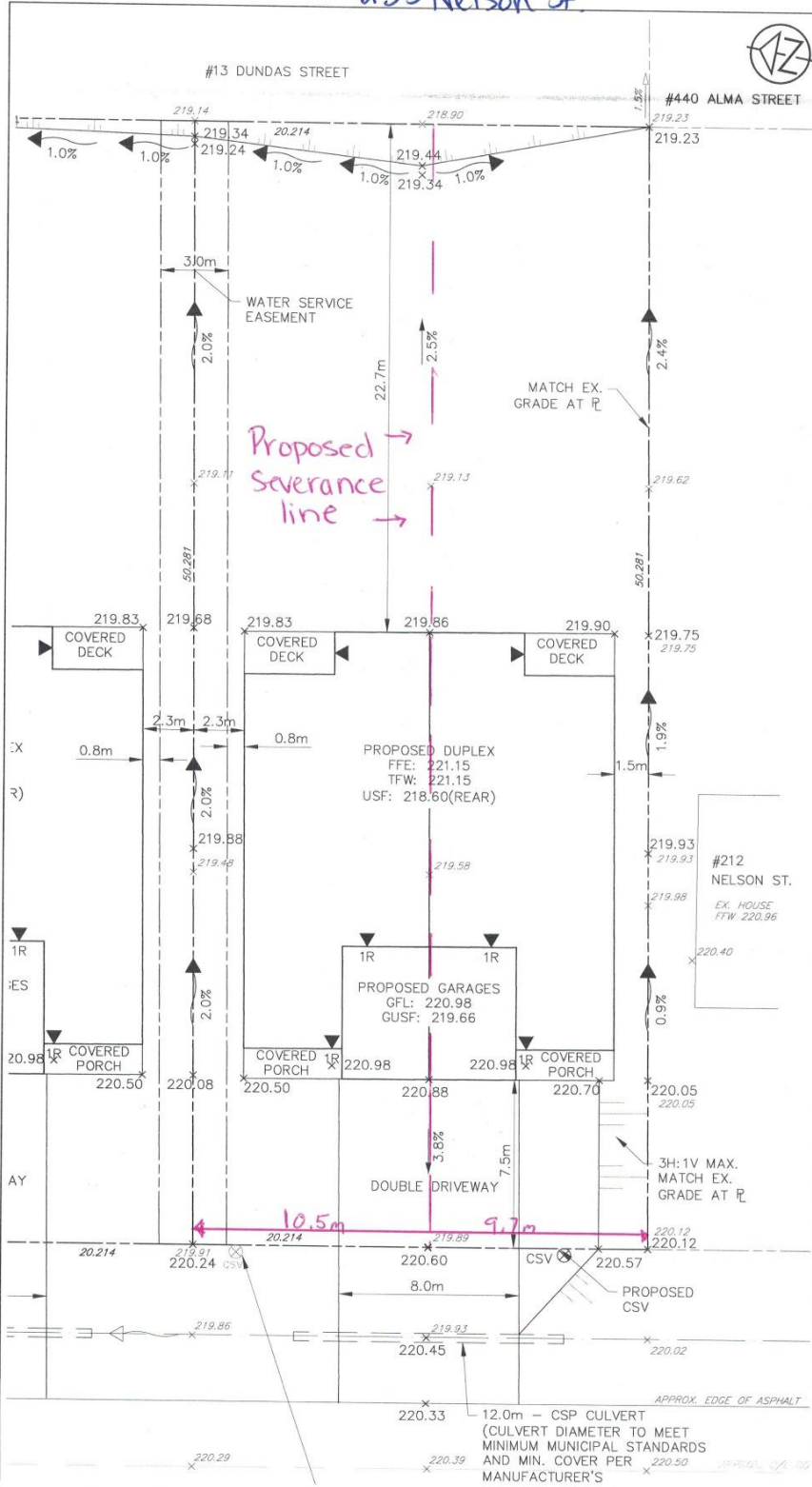
BUILDING HEIGH

BENCHM

TBM ELEVATION
TOP NUT OF F
DUNDAS AND I

1.	

233 Nelson St



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Planning Analysis:

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant agency comments (attached), and planning policy sections.

Four Tests of a Minor Variance

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

Brief Overview

The lots proposed for development were severed in 2020 and certified the following year. Construction on the duplex dwellings began earlier this year.

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

The Local Official Plan designates the property as Residential. The Local Plan emphasizes the need for a range of housing options within communities. The Province’s recent push for diverse housing options in serviced areas further supports this amendment. The construction of semi-detached housing fits provincial, county and municipal housing objectives.

The application maintains the intent and purpose of the Official Plan.

Does the variance maintain the intent and purpose of the Zoning By-law?

The property is zoned R2 – Residential, Low Density Multiple, and permits the use of duplexes or semi-detached dwellings. The zoning by-law requires a minimum frontage of 15 metres for lots with single detached dwellings and semi-detached dwellings. The zoning by-law permits a reduced side yard setback for semi-detached dwellings, for the lot line which shares a wall, which helps to facilitate a reduced frontage. The applicant is proposing a frontage of 10.5 m for one half of the lot, and 9.7 m for the other half of the lot. This is mirrored on the adjacent lot. The side yard setbacks are all maintained, despite the reduced frontage. All other provisions of the by-law are met, including lot coverage and lot area.

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 development is supported by the Provincial, County and Local objectives which encourage higher density, diverse housing, especially when the proposal can be appropriately serviced. The lot has municipal sewer and water services available, is within a settlement area and fits with the surrounding residential uses.

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

Is the application minor in nature?

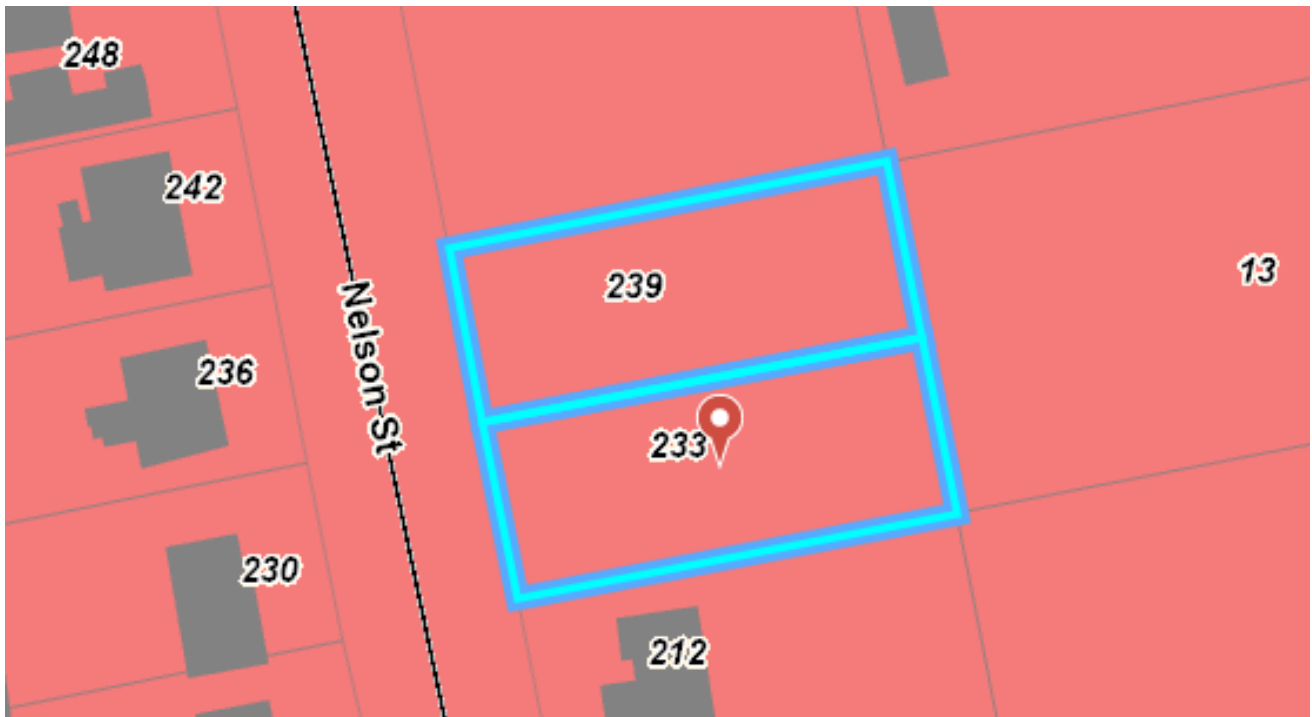
Whether a variance is minor is evaluated in terms of the impact the proposed development is expected to have on the surrounding neighbourhood. It is not expected that permitting the variance will have any impact on the character of the area or impact the ability of adjacent property owners to use their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

The variance is minor.

Appendices

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

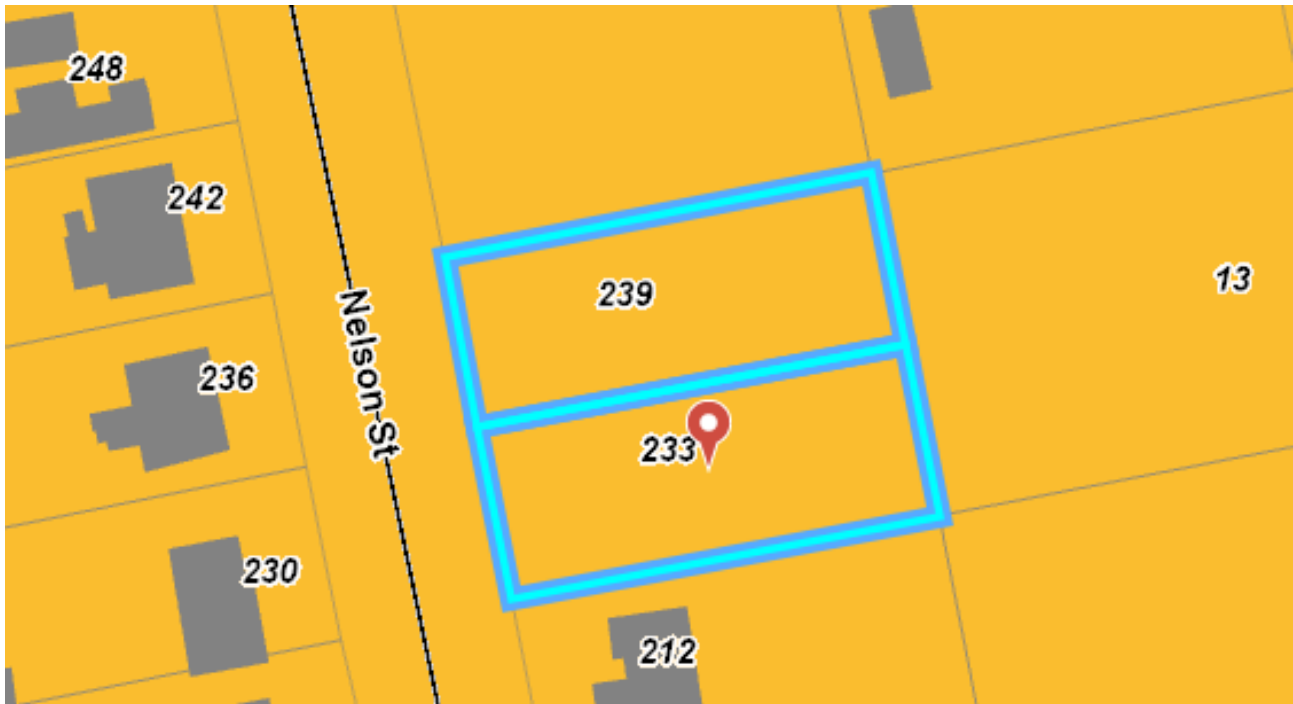
County Official Plan Map (Designated Primary Urban)



Local Official Plan Map (Designated Residential)



Local Zoning Map (Zoned Residential: Low Density Multiple 'R2')



List of Supporting Documents and Studies

The following documents can be viewed in full at [Planning Arran-Elderslie | Bruce County](#)

Agency Comments

Municipality of Arran-Elderslie Water/Works Department: currently only one water and sewer connection at each duplex, so a second connection would need to be installed and paid for as capital cost, if the application is approved.

Saugeen Ojibway Nation Environment Office: No comments received; however the lot is within an area of high archaeological potential and an assessment was completed prior to the certification of the lots in 2021.

Saugeen Valley Conservation Authority: The property is within the SVCA Approximate Regulated Area associated with the floodplain limit as shown on engineered floodplain mapping. A permit was issued for the construction of the semi-detached buildings.

Public Comments

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



October 7, 2024

Via Email: LMansfield@brucecounty.on.ca

County of Bruce
Planning & Economic Development Department
578 Brown Street
Box 129
Warton, ON N0H 2T0

Re: Minor Variance A-2024-034
Robert Cheslock, Jeremy King, Sophie King
239 Nelson Street, Paisley

Arran-Elderslie staff have reviewed the above noted application and provide the following comments:

- Works/Water Department
 - This property is not serviced individually for subdividing. The duplex currently only has one water and sewer connection at the property line. A second connection would need to be installed and paid for as a capital cost if this application is approved.
 - There will be a capital charge of \$1900.80 (2024) for the pipeline to Paisley as per By-law 5-2010.

- Building Department
 - No concerns.

- Clerk's Department
 - No concerns.

- Fire Department
 - No concerns.

Should you require further information or documentation, please contact the undersigned.

Yours truly,
MUNICIPALITY OF ARRAN-ELDERSLIE
Per:



Christine Fraser-McDonald
Clerk
cfraser@arran-elderslie.ca



October 7, 2024

Via Email: LMansfield@brucecounty.on.ca

County of Bruce
Planning & Economic Development Department
578 Brown Street
Box 129
Warton, ON N0H 2T0

Re: Minor Variance A-2024-035
Robert Cheslock, Jeremy King, Sophie King
239 Nelson Street, Paisley

Arran-Elderslie staff have reviewed the above noted application and provide the following comments:

- Works/Water Department
 - This property is not serviced individually for subdividing. The duplex currently only has one water and sewer connection at the property line. A second connection would need to be installed and paid for as a capital cost if this application is approved.
 - There will be a capital charge of \$1900.80 (2024) for the pipeline to Paisley as per By-law 5-2010.
- Building Department
 - No concerns.
- Clerk's Department
 - No concerns.
- Fire Department
 - No concerns.

Should you require further information or documentation, please contact the undersigned.

Yours truly,
MUNICIPALITY OF ARRAN-ELDERSLIE
Per:



Christine Fraser-McDonald
Clerk

cfraser@arran-elderslie.ca

SENT ELECTRONICALLY ONLY: mstansfield@brucecounty.on.ca, bcplwi@brucecounty.on.ca

October 17, 2024

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

Attention: Megan Stansfield, Planner

Dear Ms. Stansfield,

RE: B-2024-071 and A-2024-035; and B-2024-070 and A-2024-034
233 and 239 Nelson Street
Roll No.: 410338000106804 and 410338000106805
Parts 1-2 and Parts 3-4 Plan 3R105736; Town Plot Paisley Part Lot 18; E Nelson St
Geographic Village of Paisley
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 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 41/24 (SVCA's Regulation). Staff has also provided comments as per our Memorandum of Agreement (MOA) representing natural hazards. The application has also been reviewed through our 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. Finally, we have screened the application to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006.

Purpose

The purpose of the B-2024-070 and A-2024-034 applications are to sever the land at 239 Nelson Street, converting the existing duplexes into semi-detached homes. The minor variance is to permit a reduced frontage.

The purpose of the B-2024-071 and A-2024-035 applications are to sever the land at 233 Nelson Street, converting the existing duplexes into semi-detached homes. The minor variance is to permit a reduced frontage.

Recommendation

SVCA staff find the applications to be acceptable. We elaborate in the following paragraphs.

County of Bruce
B-2024-071 and A-2024-035; and B-2024-070 and A-2024-034
October 17,2024

Delegated Responsibility and Advisory Comments - Natural Hazards

SVCA mapping shows that the entire property is subject to flooding hazards associated with the main Saugeen River. The natural hazard feature of floodplain is identified as Flood Fringe overlay in the Arran-Elderslie OP, and as Flood and Fill Regulated overlay in the Zoning By-law, which is appropriate to identify the natural hazard features and their related development constraints.

Furthermore, it is the opinion of SVCA staff that safe access has been demonstrated as part of the previous consent/severances that created the subject properties.

The following is a summary of Provincial, County and Municipal natural hazard policies that affect the subject property.

Provincial Policy Statement – Section 3.1

Section 3.1.1 of the PPS, 2020 states, in general, that development shall be directed to areas outside of hazardous lands (flooding hazards, erosion hazards, dynamic beach hazards), and hazardous sites (organic soils, leda clay, unstable bedrock.). Section 3.1.2 states that development and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards. It is the opinion of SVCA staff that, in general, the applications are consistent with the PPS.

Bruce County Official Plan Policies

Section 5.8.1 of the Bruce County Official Plan states in part that buildings and structures are generally not permitted within natural hazard features, such as floodplain. However, in accordance with section 5.8.5.11 of the Bruce County OP, a two-zone floodplain policy management approach will be permitted. SVCA staff note that the community of Paisley is considered a two-zone floodplain management area. Therefore, it is the opinion of SVCA staff that, in general, the applications are consistent with the Bruce County OP.

Arran-Elderslie Official Plan Policies

Lands susceptible to flooding, erosion, instability, and other physical conditions which may pose a risk to occupants of loss of life, or property damage, are considered Natural Environment and Hazard lands in the Arran-Elderslie OP. As outlined in Section 3.6.5, no new development, structures, including enlargements or additions shall be permitted within these areas.

However, section 3.6.5.2 of the Arran-Elderslie OP states in part that conditional development within the flood fringe (two-zone) floodplain may be permitted. It is the opinion of SVCA staff that, in general, the applications are consistent with the Arran-Elderslie OP.

Drinking Water Source Protection / Water resources

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 applications as per our responsibilities as a regulatory authority under Ontario Regulation 41/24. This regulation, made under Section 28 of the *Conservation Authorities Act (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,

County of Bruce
B-2024-071 and A-2024-035; and B-2024-070 and A-2024-034
October 17,2024

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 entire property is within the SVCA Approximate Regulated Area associated with Ontario Regulation 41/24. For the properties the SVCA Approximate Regulated Area is representing the natural hazards feature of floodplain limits as shown on engineered floodplain mapping. As such, development and/or site alteration on the property requires the permission from SVCA, prior to carrying out the work.

On September 6, 2023, SVCA issued SVCA permit 23-221 for the construction of the two semi-detached dwellings on the properties.

Summary

SVCA staff have reviewed the applications in accordance with our MOA and as per our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*. SVCA staff find the applications to be 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 local planning policies for natural hazards has been demonstrated.

Please inform this office of any decision made by the Municipality/County with regard to the applications. We respectfully request a copy of the decisions and notice of any appeals filed. Should you have any questions, please contact the undersigned at m.oberle@svca.on.ca.

Sincerely,

Michael Oberle
Environmental Planning Coordinator
Environmental Planning and Regulations Department
Saugeen Valley Conservation Authority
MO/

cc: clerk, Municipality of Arran-Elderslie (via email)
Moiken Penner, SVCA Authority Member representing Arran-Elderslie (via email)



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



September 24, 2024

File Number: A-2024-034

Public Hearing Notice

**You're invited to participate in a Public Hearing
to consider Minor Variance File No. A-2024-034
October 28, 2024 at 9:00 a.m.**

A change is proposed, and we're asking for your input. This application proposes to sever the land at 239 Nelson Street, converting the existing duplexes into semi-detached homes. The minor variance is to permit a reduced frontage. The related consent file is B-2024-070.



239 Nelson Street
TOWN PLOT PAISLEY PT LOT 18;E NELSON ST RP 3R105736;PARTS 1 AND 2
Municipality of Arran-Elderslie
Roll Number 410338000106804

Learn more

Additional information about the application is available online at <https://www.brucecounty.on.ca/active-planning-applications>. Information can also be viewed in person at the County of Bruce Planning Office noted above, between 8:30 a.m. and 4:30 p.m. (Monday to Friday). The Planner on the file is Megan Stansfield.

Have your say

Comments and opinions submitted on these matters, including the originator's name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and Council Agenda. Comments received after **October 14, 2024** may not be included in the Planning Report, but will be considered if received prior to a decision being made, and included in the official record on file.

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

How to access the public hearing

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

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

Stay in the loop

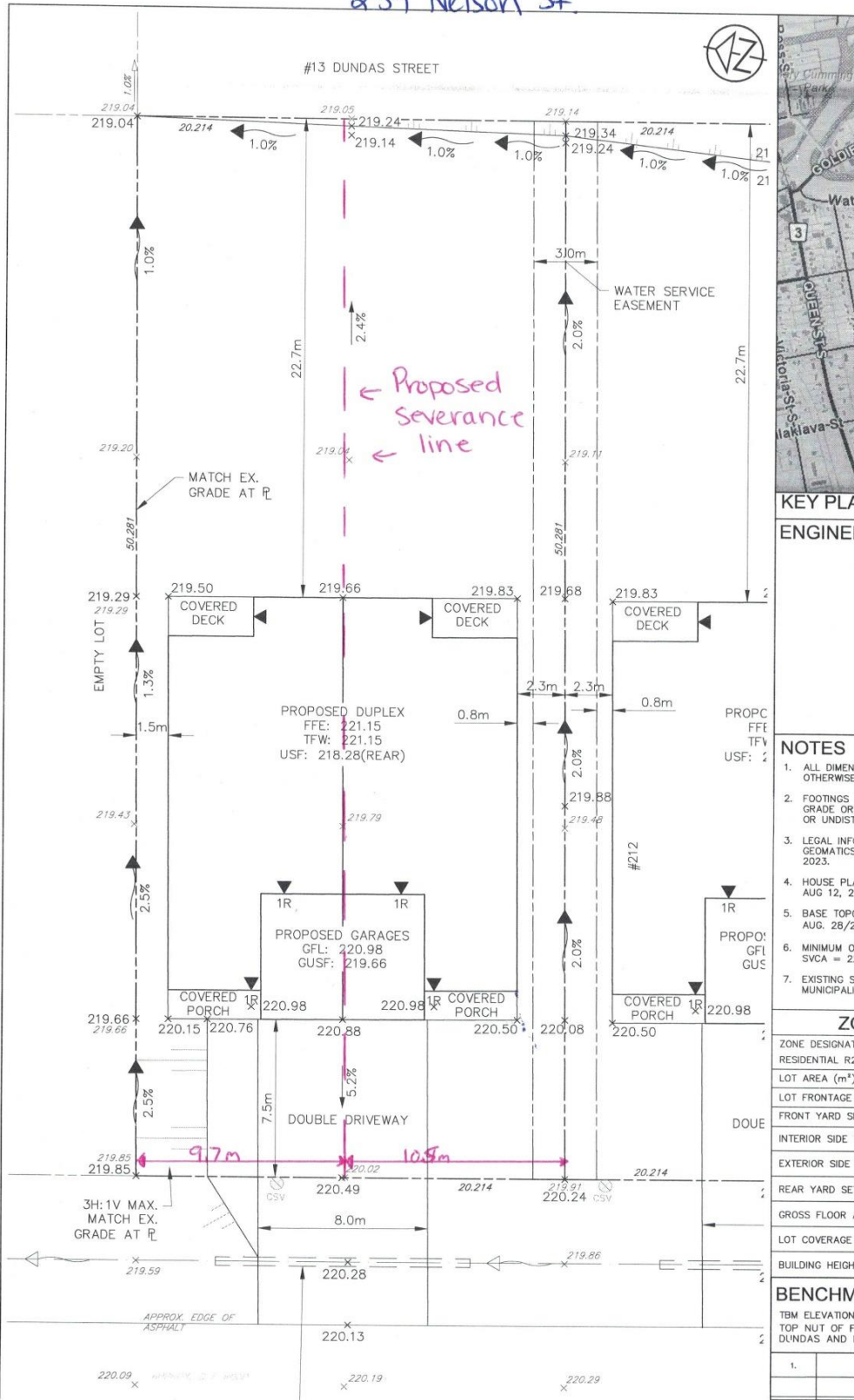
If you'd like to be notified of the decision of the Committee of Adjustment on the proposed application(s), you must make a written request to the Bruce County Planning Department on behalf of the Secretary-Treasurer for the Committee of Adjustment.

Know your rights

Only the applicant, the Minister, a specified person (being a utility and transportation company) or public body that has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the Committee by filing with the Secretary-Treasurer of the Committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection. Appeals must be accompanied by payment of the fee charged by the Tribunal as payable on an appeal from a Committee of Adjustment decision to the Tribunal. For more information, please visit the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/>.

Site plan

239 Nelson St



KEY PLAN
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September 24, 2024

File Number: A-2024-035

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October 28, 2024 at 9:00 a.m.**

A change is proposed, and we're asking for your input. This application proposes to sever the land at 233 Nelson Street, converting the existing duplexes into semi-detached homes. The minor variance is to permit a reduced frontage. The related consent file is B-2024-071.



233 Nelson Street
TOWN PLOT PAISLEY PT LOT 18;E NELSON ST RP 3R105736;PARTS 3 AND 4
Municipality of Arran-Elderslie
Roll Number 410338000106805

Learn more

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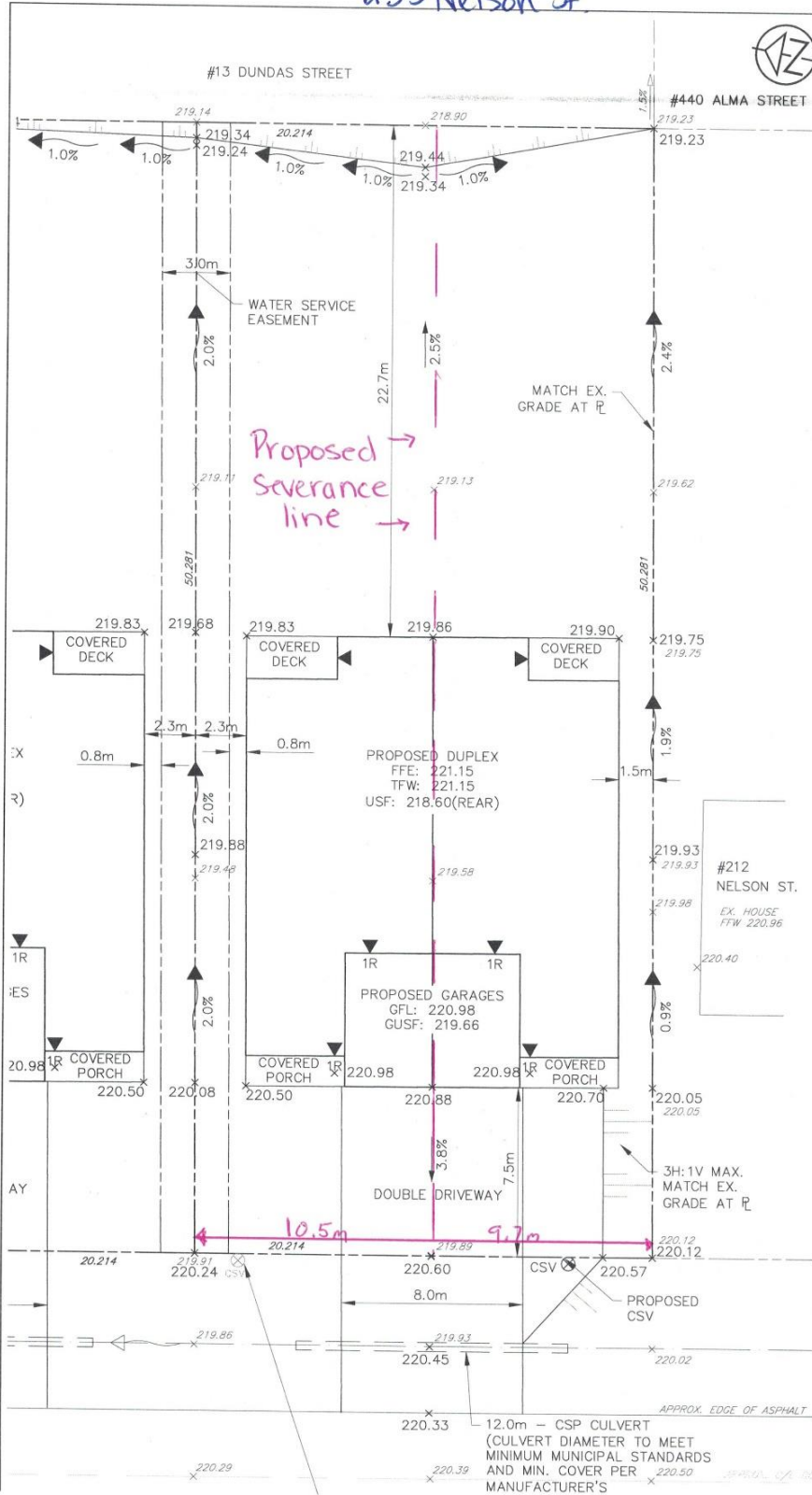
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