



**The Corporation of the Municipality of Arran-Elderslie**  
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41-03-390-001-09300-0000  
NUHN KENT HUGH  
195 1ST AVE N  
CHESLEY ON N0G 1L0

January 26, 2023

Sent via Regular Mail

Dear Mr. Nuhn,

I am contacting you today regarding your property located in the Town of Chesley at 195 1<sup>st</sup> Avenue North.

We have received complaints regarding the state of this location and would like to work with you to remediate the site to a more appealing state. Additionally, the site is located directly beside our Chesley Fire and Emergency Services Station and we would like to ensure that there is no obstruction during an emergency situation.

This property is zoned C2 – Transition Commercial and the Permitted Uses in accordance with our Comprehensive Zoning Bylaw. Additional permitted uses of this property pursuant to the passing of a Bylaw Zoning Amendment (ZBA) C2-15-2015-H in 2015, are as follows:

Automobile Car Wash, Automobile Repair, Automobile Sales, Convenience Store, Restaurant – Take Out, Repair Shop, Tavern

For the purposes of the ZBA, Repair shall be defined as: Repair Shop Means premises used for the servicing or repairing of articles, goods or materials, and may include an outlet for service and repair done off the premises and minor retail sales of related goods, but does not include any use involving the sale, rental or servicing of motor vehicles.

The property is not permitted to operate as a:

'AUTOMOBILE WRECKING YARD' means a lot, building or structure used for the wrecking or dismantling of 'motor vehicles' and 'commercial motor vehicles' and for the storage and sale of scrap material, salvage and parts obtained therefrom but does not include any other automobile use defined in this By-law or a 'Salvage Yard'.

Or

'SALVAGE YARD' means an establishment where goods, wares, merchandise, articles or things are processed for further use, and where such goods, wares, merchandise, articles or things are stored wholly or partly in the open and includes an 'Automobile Wrecking Yard'.

The property is also subject to the provisions of the that relate to Open Storages in accordance with Section 3.17 of The Comprehensive Zoning Bylaw. Open Storage is defined as:

'OPEN STORAGE' means the keeping or storage of goods, merchandise or equipment, in the open air and in unenclosed portions of buildings, which are open to the air on the sides. Open Storage does not include motor vehicles, commercial motor vehicles, travel trailers, boats, recreational vehicles, tractors and other similar on or off-road vehicles provided all are in working order and are displayed for retail/wholesale purposes.

Due to the conditions of the vehicles being kept on the property, they would not be considered "in working order".

The provisions of Section 3.17 are as follows:

Open Storage' shall be permitted provided that:

- i. the 'Open Storage' is accessory to the principle use on the lot;
- ii. no 'Open Storage' shall be permitted in a front yard or exterior side yard;
- iii. the 'Open Storage' complies with the minimum yard requirements of the Zone;
- iv. the 'Open Storage' is visually screened from the street by a 'Planting Area/Visual Screening' as per Section 3.15.

In the Industrial or Commercial Zones, where any side or rear lot line abuts a lot also zoned Industrial or Commercial, the minimum setback of any 'Open Storage' may be reduced to no less than 3 metres (10 ft.) from the said side or rear lot line.

As you will note, there is no allowance for open storage in the front yard of the property, which is defined as:

'YARD, FRONT' or 'FRONT YARD' means a yard extending across the full width of a lot, measured perpendicularly from the front lot line to the closest wall of any 'Main Buildings' or structures on the said lot. Where a lot does not have a 'front lot line', the front yard shall be measured from edge of the 'street' from which principle access to the lot is gained.

As a secondary to the Open Storage Provisions, you are required to comply with the 'Planting Area/Visual Screening' as per Section 3.15 as follows:

#### Planting Area/Visual Screening

- i. A required Planting Area/Visual Screening shall consist of a dense screen of shrubs and/or evergreen trees, planted or designed in such a manner as to provide a year-round visual barrier.
- ii. A Planting Area/Visual Screening shall be in addition to any other requirements.

#### Required Locations

Except as otherwise provided, a Planting Area/Visual Screening shall be provided as per Section 3.15.2, where required by this By-law, and where the interior side lot line or rear lot line of the lot abuts any lot zoned Residential, Open Space, or Institutional.

#### Height & Width of Planting Area/Visual Screening

- i. Except as otherwise provided, a Planting Area/Visual Screening shall have a minimum width of 1.5 metres (5 ft).
- ii. The required Planting Area/Visual Screening shall be a minimum height of 1 metre (3 ft.) when planted and of a type that will attain a minimum height of 2 metres (6.6 ft.) at maturity to the lot line and the remainder of the ground surface shall be planted with any combination of shrubs, flower beds or grass.
- iii. Notwithstanding the above and subject to Site Plan Approval if required, a solid opaque fence, wall or other landscaping feature of equivalent height and density may be considered in place of a Planting Area. When considering such an alternative, regard shall be given to the location, height, materials, finishing and porosity of the wall or fence.
- iv. The Planting Area/Visual Screening shall be located along the boundary of the lot.

#### Interruption for Driveway or Walkway

- i. Where interrupted by walkways or driveways, a Planting Area/Visual Screening shall not be provided closer than 1.5 metres (5 ft) to a walkway or 3 metres (10 ft.) to a driveway.

#### Maintaining Sight Visibility Triangle

- ii. Where required on a street corner of a corner lot, a Planting Area/Visual Screening shall be located in such a way as not to form an obstruction to traffic and as required by the sight visibility triangles required by this By-law.

The above provides a general basis of justification of our concerns regarding the property of 195 1<sup>st</sup> Avenue North, Chesley. We respectfully request that cleanup begin to remediate the area to be compliant with as required provisions of the Arran-Elderslie Comprehensive Zoning bylaw. The above noted contraventions would be in violation of the Planning Act, R.S.O. 1990, c. Penalties under Section 67 of the Planning Act specify fines of \$25,000 upon first conviction and subsequent convictions of \$10,000 for each day the contravention continues. Also of note, the property appears to be in contravention of Arran-Elderslie Property Standards By-Law 18-2000.

We request compliance by February 28, 2023. Failing to meet this deadline may result in the issuance of an Order To Comply, in accordance with Section 15 of the Building Code Act. and/or other applicable legislation.

If you have any questions or concerns or would like to request an extension of the timeline, please contact Patrick Johnston, Chief Building Official at 519-363-3609 X106.

Regards,

**Original Signed By**

Julie Hamilton  
Deputy Clerk  
Municipality of Arran-Elderslie  
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Cell 226-668-8323  
[deputyclerk@arran-elderslie.ca](mailto:deputyclerk@arran-elderslie.ca)