



## **MUNICIPALITY OF ARRAN-ELDERSLIE**

### **Committee of Adjustment Meeting**

### **MINUTES**

**Tuesday, November 12, 2024, 9:00 a.m.**

**Council Chambers**

**1925 Bruce Road 10, Chesley, ON**

Council Present: Mayor Steve Hammell  
Deputy Mayor Jennifer Shaw  
Councillor Ryan Nickason  
Councillor Darryl Hampton  
Councillor Brian Dudgeon  
Councillor Moiken Penner  
Councillor Peter Steinacker

Staff Present: Christine Fraser-McDonald - Clerk  
Julie Hamilton - Deputy Clerk  
Emily Dance, CAO

#### **1. Call to Order**

Chair Hammell called the meeting to order at 9:00 a.m. A quorum was present.

#### **2. Adoption of Agenda**

The Committee passed the following resolution:

**13-04-2024**

**Moved by:** Councillor Hampton

**Seconded by:** Councillor Nickason

Be It Resolved that the agenda for the Committee of Adjustment Meeting of November 12, 2024 be received and adopted as presented.

**Carried**

#### **3. Disclosures of Pecuniary Interest and General Nature Thereof**

None declared at this time.

#### **4. Adoption of Minutes of Previous Meeting(s)**

The Committee passed the following resolution:

**14-04-2024**

**Moved by:** Deputy Mayor Shaw

**Seconded by:** Councillor Steinacker

Be It Resolved that the Council of the Municipality of Arran-Elderslie adopt the minutes of the Committee of Adjustment meeting held September 9, 2024.

**Carried**

## **5. Public Meetings**

### **5.1 Minor Variance A-2024-034 - Cheslock - 239 Nelson Street, Paisley**

Chair Hammell advised that this was a Public Meeting under the Planning Act to consider Minor Variance Application A-2024-034 for Robert Cheslock at 239 Nelson Street, Paisley.

Megan Stansfield, Planner for Bruce County, presented the planning report and read correspondence that had been received from the public. 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 lots proposed for development were severed in 2020 and certified the following year. Construction on the duplex dwellings began earlier this year.

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 the "Four Tests of a Minor Variance". The Committee must be satisfied that the application has satisfied all four tests to approve the Minor Variance.

#### **Agency Comments:**

- Arran-Elderslie Staff:

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.

- 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:**

There were no comments received from the public at this time.

The Planner recommended that the Committee of Adjustment approve Minor Variance A-2024-034.

The Chair said if attendees wished to be notified of the adoption of the proposed Minor Variance or of further proceedings regarding the variance a written request could be made by email to [publicmeetingcomments@brucecounty.on.ca](mailto:publicmeetingcomments@brucecounty.on.ca).

Chair Hammell asked if the Committee had any questions.

Chair Hammell asked if the applicant or agent was present and if they had any further comments regarding the application.

Chair Hammell asked if there were any comments from the public either in support or opposition to the application.

Chair Hammell asked the Clerk if any written comments had been received. The Clerk noted that that no public comment had been received.

Hearing no further comments from the public, Chair Hammell declared the public meeting closed at 9:11 a.m.

The Committee passed the following resolution:

**15-04-2024**

**Moved by:** Councillor Penner

**Seconded by:** Councillor Hampton

Be It Resolved that the application for Minor Variance A-2024-034, from Comprehensive Zoning By-law 36-09, is hereby **granted** subject to the following conditions:

1. That any future development on the property conforms to the provisions of the Zoning By-law.

2. That the decision applies only to the proposed development as indicated on Schedule 'A' attached to and forming part of this decision.

**Reasons:**

1. The variance maintains the intent and purpose of the Official Plan.
2. The variance maintains the intent and purpose of the Zoning By-law.
3. The variance requested is desirable for the appropriate and orderly development and use of the lands and buildings.
4. The variance is minor in nature.

For (7): Mayor Hammell, Deputy Mayor Shaw, Councillor Nickason, Councillor Hampton, Councillor Dudgeon , Councillor Penner, and Councillor Steinacker

**Carried (7 to 0)**

**5.2 Minor Variance A-2024-035 - Cheslock - 233 Nelson Street, Paisley**

Chair Hammell advised that this was a Public Meeting under the Planning Act to consider Minor Variance Application A-2024-035 for Robert Cheslock at 233 Nelson Street, Paisley.

Megan Stansfield, Planner for Bruce County, presented the planning report and read correspondence that had been received from the public. 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 lots proposed for development were severed in 2020 and certified the following year. Construction on the duplex dwellings began earlier this year.

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 the "Four Tests of a Minor Variance". The Committee must be satisfied that the application has satisfied all four tests to approve the Minor Variance.

**Agency Comments:**

- Arran-Elderslie Staff:

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.
- 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:**

There were no comments received from the public at this time.

The Planner recommended that the Committee of Adjustment approve Minor Variance A-2024-034.

The Chair said if attendees wished to be notified of the adoption of the proposed Minor Variance or of further proceedings regarding the variance a written request could be made by email to [publicmeetingcomments@brucecounty.on.ca](mailto:publicmeetingcomments@brucecounty.on.ca).

Chair Hammell asked if the Committee had any questions.

Chair Hammell asked if the applicant or agent was present and if they had any further comments regarding the application.

Chair Hammell asked if there were any comments from the public either in support or opposition to the application.

Chair Hammell asked the Clerk if any written comments had been received. The Clerk noted that that no public comment had been received.

Hearing no further comments from the public, Chair Hammell declared the public meeting closed at 9:11 a.m.

The Committee passed the following resolution:

**16-04-2024**

**Moved by:** Councillor Hampton

**Seconded by:** Councillor Steinacker

Be It Resolved that the application for Minor Variance A-2024-035, from Comprehensive Zoning By-law 36-09, is hereby **granted** subject to the following conditions:

1. That any future development on the property conforms to the provisions of the Zoning By-law.
2. That the decision applies only to the proposed development as indicated on Schedule 'A' attached to and forming part of this decision.

**Reasons:**

1. The variance maintains the intent and purpose of the Official Plan.
2. The variance maintains the intent and purpose of the Zoning By-law.
3. The variance requested is desirable for the appropriate and orderly development and use of the lands and buildings.
4. The variance is minor in nature.

For (7): Mayor Hammell, Deputy Mayor Shaw, Councillor Nickason, Councillor Hampton, Councillor Dudgeon, Councillor Penner, and Councillor Steinacker

**Carried (7 to 0)**

**5.3 Minor Variance - A-2024-037 - Candue Homes 2020 Ltd. c/o Cobide Engineering - No Civic Address - Part Lots 51, Plan 73, Part 3, Plan 3R-10723**

Chair Hammell advised that this was a Public Meeting under the Planning Act to consider Minor Variance Application A-2024-037 for Candue Homes 2020 Ltd., Agent: Cobide Engineering c/o Dana Kieffer for a vacant lot at Part Lot 51, Plan 73, Chesley.

Megan Stansfield, Planner for Bruce County, presented the planning report and read correspondence that had been received from the public. The purpose of this application is to sever the subject parcel to place two semi-detached units on separate lots of record. The minor variance is required to facilitate this consent by permitting a reduced lot area of approximately 265 sq m and frontage of 9m. This lot was created 2 years ago, by consent, along with 2 other lots surrounding the property. The lots meet the minimum required lot size and frontage as stated in the zoning by-law, so permission from the municipality's council was not required.

The lots are zoned R2 – Residential: Low Density Multiple. A duplex dwelling is permitted in this zone.

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 the “Four Tests of a Minor Variance”. The Committee must be satisfied that the application has satisfied all four tests to approve the Minor Variance.

**Agency Comments:**

- Arran-Elderslie Staff:
- Works/Water Department
  - This property is not serviced individually for subdividing. This lot has Water and Sewer to the property line only for the south unit. A second set would need to be installed and paid for as a capital cost for the north unit if this is approved. The existing services for the south unit also have not been paid for as Arran-Elderslie covered the cost of installing them for future use when the street was re-constructed. Once the services are connected to, then the capital cost will be billed to the owner.
- Building Department
  - No comment.
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- Clerk's Department
  - This application will be subject to Parkland Dedication Fees for each lot.
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- Fire Department
  - No comment.
- Saugeen Ojibway Nation Environment Office: No comments received, Planning Staff did follow up with SON staff. The property is not within an area of high archaeological potential, and at the time of severance in 2022, an assessment was not required.
- Saugeen Valley Conservation Authority: Application is acceptable, no natural hazards on the property

**Public Comments:**

Planner Megan Stansfield provided a summary of the public comments:

**Historic Home/ neighbourhood character:**

**Public Commenters:** Concerns that this proposal would not fit with the surrounding neighbourhood character. One commenter noted that the proposed development would detract from their historic home, which is significant to Chesley.

**Planner Comment:** The Local Plan notes that proposed development is compatible with surrounding development. This residential use is compatible with the surrounding residential uses. While the proposed development may be newer and look different than the surrounding neighbourhood, that doesn't negate the merit of this proposal.

**Zoning and Privacy:**

**Public Commenters:** Concerns with lot coverage (dwelling being too large for the lot), building height and setbacks to surrounding homes and the street. This was exacerbated by existing stakes on the lot, which property owners assumed were for the proposed development.

**Planner Comment:** The builders confirmed, and it was relayed to the commenters, that the stakes on the property were not representative of the proposed development. The proposed development meets all setbacks required in the zoning by-law. While one commenter noted that they were informed development would only be one-storey in height, staff relayed that maximum building height in this area is 10 metres. The proposed development is also under the required maximum lot coverage of 35%, which may satisfy some concerns that the dwelling is "too large".

**Parking and Infrastructure:**

**Public commenters:** Concerns that the proposed development would put a strain on Municipal services – like water and sewer. It was also noted that parking would be an issue.

**Planner Comment:** Municipal Public Works/Water Staff confirmed that municipal water and sewer connection were available to this lot. The concern regarding parking is common in Arran-Elderslie. In this instance, each unit has parking for 2 cars (one in the garage, one in the driveway), which meets municipal by-laws.

**Housing:**

**Public Commenter:** Opined that the additional housing was not needed, as there were other homes for sale.



**Planner Comment:** While this may be the case, the merit of a planning application is not based on other available housing. It is also important to add that the Country as a whole and the Province, have been working to provide more housing options, as it is known that available housing stock is not sufficient to support growing populations.

**General Construction Concerns:**

**Public Comment:** It was noted that the proposed construction would be disruptive to neighbours day-to-day lives.

**Planner Comment:** Again, the merit of the planning application is not impacted by construction noise. This development is permitted, and the developer could proceed with construction at any time, without approval of this application. This application seeks only to sever the two units, so they can be separately conveyed.

**Council Meeting Time:**

**Public Comment:** The meeting time for this proposal is during work hours and many people therefore cannot attend.

**Planner Comment:** This would need to be reviewed by council.

The Chair said if attendees wished to be notified of the adoption of the proposed Minor Variance or of further proceedings regarding the variance a written request could be made by email to [publicmeetingcomments@brucecounty.on.ca](mailto:publicmeetingcomments@brucecounty.on.ca).

Chair Hammell asked if the Committee had any questions.

Chair Hammell asked if the applicant or agent was present and if they had any further comments regarding the application. Planner for the applicants, Dana Kieffer of Cobide Engineering.

Ms. Kieffer noted that the Arran-Elderslie by-law allows for a semi-detached, but the by-law does not contemplate severing that into two sections to accommodate a semi-detached. The use is permitted in the zone. The stakes on the property are not survey stakes. They belong to the previous owner and the new owner has not staked anything yet. The proposal meets everything else in the zone including the height. The property will be staked out prior to possession.

Chair Hammell asked if there were any comments from the public either in support or opposition to the application.

Ali Wilde noted that she expressed strong opposition to the application. She has collected significant community feedback including 40 signatures opposing the application. The current plan for a two-storey duplex has come as a shock. She does not want high-density homes encroaching on her property. Her house is a historically relevant property and she feels there are risks of damage to her home during construction. If development must proceed they are requesting that it be scaled back.

Carol Woods 185 3rd Ave SW had a question if there was a definition of a minor variance and felt that this was not a minor variance.

Garrett Wilde - said the stakes were put in by the surveyors and it was done after the property had left the original owner's possession.

Chair Hammell asked the Clerk if any written comments had been received. The Clerk noted that no public comments had been received to her office.

Hearing no further comments from the public, Chair Hammell declared the public meeting closed at 9:46 a.m.

The Committee passed the following resolution

**17-04-2024**

**Moved by:** Councillor Hampton

**Seconded by:** Councillor Penner

Be It Resolved that the application for Minor Variance A-2024-037, from Comprehensive Zoning By-law 36-09, is hereby **granted** subject to the following conditions:

The application for Minor Variance from Comprehensive Zoning By-law 36-09 is hereby **granted** subject to the following conditions:

1. That any future development on the property conforms to the provisions of the Zoning By-law.
2. That the decision applies only to the proposed development as indicated on Schedule 'A' attached to and forming part of this decision.

**Reasons:**

1. The variance maintains the intent and purpose of the Official Plan.
2. The variance maintains the intent and purpose of the Zoning By-law.
3. The variance requested is desirable for the appropriate and orderly development and use of the lands and buildings.
4. The variance is minor in nature.

For (7): Mayor Hammell, Deputy Mayor Shaw, Councillor Nickason,  
Councillor Hampton, Councillor Dudgeon , Councillor Penner, and  
Councillor Steinacker

**Carried (7 to 0)**

**6. Adjournment**

The Committee passed the following resolution:

**18-04-2024**

**Moved by:** Councillor Penner

**Seconded by:** Councillor Hampton

Be It Resolved that the meeting be adjourned at the call of the Chair at 9:52 a.m.

**Carried**

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Steve Hammell, Mayor

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Christine Fraser-McDonald, Clerk