



MINUTES

MEMBERS PRESENT:

Councillor John Sepulis, Chair
Dan Kennedy
Deep Basi
Dianne Paron
Dennis O'Connor

OTHERS IN ATTENDANCE:

Kelly Patzer – Development Coordinator
Michelle Innocente – County of Wellington
Afshin Maknoni
William N. Cloutis
Al Krist
Jeff Buisman

1. OPENING REMARKS

- The Chair called to order at 7:00 pm and welcomed the gallery to the Committee of Adjustment meeting. The Chair informed the gallery Township Staff would present the application, and then the applicant would have the opportunity to present the purpose and details of the application and provide any further relevant information. Following this, the public can obtain clarification, ask questions and express their views on the proposal. The members of the Committee can then obtain clarification, ask questions and express their views on the proposal. All application decisions are subject to a 20-day appeal period.

2. DISCLOSURE OF PECUNIARY INTEREST

- none

3. APPROVAL OF MINUTES

Moved by Deep Basi and Seconded by Dennis O'Connor,

That the minutes of the Committee of Adjustment meeting held Tuesday September 12, 2017 be adopted.

CARRIED

4(a) **Minor Variance Application D13/MAK – Afshin Maknoni** – Property described as Concession 8 Part Lot 20, Brock Rd N., Township of Puslinch.

Requesting relief from provisions of Zoning By-Law #19/85, as amended, to permit an existing temporary lockable accessory building for the storage of construction materials and equipment to build a house on a vacant property.

- Kelly Patzer outlined the application and noted no objections were received to date from the circulated agencies or public. The County of Wellington Planning opinion considers the application desirable, the GRCA suggested a review of the grading and water management be completed around the building location and the Building Department stated the building requires a building permit.
- Afshin Maknoni, owner, remarked the application is to permit an existing 20x40x15 feet tall fiberglass modular building that holds equipment to construct the future dwelling. The building does not have a foundation and he did not realize the temporary structure did require a building permit. When the lot was purchased, approval had been received from the GRCA for a dwelling and septic. The septic is proposed to be located where the temporary shed currently is located.

- Afshin Maknani noted the temporary structure is secured as equipment has been stolen from the property, and when the house is built the structure will be removed
- Afshin Maknani indicated the GRCA told him the property was below level and the driveway was to be raised and that there is a steel post on Wellington Road 34 where level coordinates could be obtained. A 3 to 1 slope was needed for the driveway and some trees needed to be cut to but 1000 trees have been obtained from Green Legacy and an additional 500 red maples have been ordered for planting next year.
- Al Krist remarked he used to own the property that took 5 years to sever due to natural environment approvals and only one section of the driveway required leveling that was below the floodplain and noted the survey marker is in front of the old school house on Brock Road.
- Al Krist requested the application be deferred as he was in attendance to represent the neighbour of the subject property who is ill.
- Al Krist presented some photographs of the driveway fill and remarked that Mr. Maknani should have created a swale along the driveway, as required by the GRCA to prevent water from draining on the neighbour's property. It was also noted that approximately 800 trucks of fill have been brought onto the property mostly on Saturday's and Sunday's and questioned the quality of the fill. The driveway is so high and compact that the wetland water table is very high and not draining. All privacy trees have been cut down between Mr. Maknani's property and the property to the south, and those that are on the unstable slope, with no silt control, will soon die.
- Dan Kennedy asked which direction the photos were taken and if a soil sample has been done.
- Al Krist indicated they were taken pointed towards Brock Road
- Afshin Maknani indicated soil sampling had been completed and a reputable company brought in the fill, as he did not want contaminated soil on his property.
- Dan Kennedy questioned if the site alteration works received approval
- Afshin Maknani state that approval was granted by the GRCA for all the works and culverts were not a requirement but he has installed two under the driveway for the benefit of water flow.
- Dianne Paron asked Mr. Maknani, when putting up the building was he aware how close to the property line it was being placed and if any consideration was given to the neighbours property.
- Afshin Maknani stated the building is setback 10 to 15 feet from the property line and the land has been sloped toward the wetland for drainage, away from the neighbour's property.
- Dennis O'Connor inquired if the plan is to take down the building when the house is partially built and if fill is needed for the septic system.
- Afshin Maknani noted some fill will be removed for the installation of the septic system and the building will need to be removed when the septic is installed.
- Deep Basi questioned why there is such a drastic slope created down to the neighbour's property.
- Afshin noted that he sloped his land so that it does not drain down to the neighbour's to the south property and that there is 8 feet of his land sloping down with a swale between the properties.
- John Sepulis inquired when application for building permit would be submitted for the new house.
- Afshin Maknani indicated a building permit would be applied for by early next year.
- John Sepulis remarked that when he completed a site visit there was a trailer on the property as well as numerous construction vehicles.

- Afshin Maknoni stated that the trailer had broken down on the road and he offered help to get it to his property and it has now been removed.
- Afshin Maknoni remarked the property contains a packer, bulldozer, garden tractor with trailer and a street sweeper to keep the highway clean during construction.
- John Sepulis asked if Mr. Maknoni is aware that a building permit is required for the existing structure on the property.
- Afshin Maknoni noted he is in the process of obtaining one and GRCA approval is required.
- Dianne Paron clarified that the GRCA Permit for the dwelling was expired.
- John Sepulis questioned if Township approval was given for the GRCA Permit.
- Kelly Patzer remarked that the Township would have not given any approvals for the GRCA regulated property and when the building permit is submitted the Township can request a grading plan.
- Neil Cloutis noted he is the son of the direct neighbour to the south who is ill and unable to attend this evening. He indicated there are some small areas with swales but there is a six-foot wall of dirt that is being held with cedar planks and all the dirt will run down onto his father's property unless a retaining wall is constructed.
- Neil Cloutis read a letter on behalf of his father that indicated a concern was raised with the GRCA about the grading being done on the lands and noted his house is in the floodplain and there had never been any ponding or water issues on his land until Mr. Maknoni had done all the grading. A skid steer machine had sunk in the wet grounds where there had never been any water before. Any significant rainfall will cause major flooding on his property as minor rains are now creating significant ponding. The silt from the extreme slope directly adjacent to his property line is coming onto his lands and killing off the trees.
- Dianne Paron noted the grading issues are outside of the variance request and if the building came down there would still be the grading dispute.
- John Sepulis noted variance approval would trigger required building permits and grading can be reviewed with a building permit when deemed necessary.
- Dianne Paron agreed and the Township can request a drainage plan for review and approval.
- There were no further questions.

In the matter of Section 45 (1) of the *Planning Act*, as amended, and Comprehensive Zoning By-law 19/85 as amended, and an application for a minor variance requesting permission to allow:

An existing temporary lockable accessory building for the storage of construction materials and equipment to build a house on a vacant property, whereas; Zoning By-law 19/85 Section 3.1(a) requires an accessory building to be accessory to a main building or structure permitted in a zone.

The Committee voted in favour and the request is hereby **Approved with the following Conditions:**

1. The existing temporary accessory structure shall be removed/demolished within 6 months of Minor Variance No Appeal date in the event that a building permit for a new single detached dwelling has not been issued.
2. The existing temporary accessory structure is permitted to remain only for so long as such building or structure is necessary for the work in progress and until the work is completed or abandoned, and only while a valid building permit for the said construction remains in force.

3. The owner shall enter into an Agreement with the Township of Puslinch and submit the required securities to permit the accessory building on the property without a main use.
4. A building permit shall be obtained for the temporary accessory structure.
5. The accessory structure cannot be used for human habitation.
6. A GRCA Development Permit will be required prior to the issuance of a Building Permit for the accessory structure.
7. Any grading shall conform to the requirements of the Township of Puslinch's Property Standards By-law.

CARRIED

4(b) Minor Variance Application D13/AUD-1 – Audrey Meadows Ltd. c/o George Good – Property described as Plan 61M-153 Lot 29, 14 Elizabeth Place, Township of Puslinch.

Requesting relief from provisions of Zoning By-Law #19/85, as amended, to permit a lot area of 0.3645 ha.

- Kelly Patzer outlined the application and noted no objections were received from the circulated agencies or public. One neighbour wrote a letter that requested privacy trees be planted on the subdivision property as some newly constructed houses can now look down directly into their house across Victoria Road. The County of Wellington Planning opinion considers the application to be minor.
- Jeff Buisman, agent, indicated the lot line adjustment is to create more privacy on Mr. Good's (owner) property. There are existing trees on a hill that are being incorporated with the lot line adjustment to become part of Mr. Good's property.
- Jeff Buisman noted George Good is sensitive to the request of his neighbours across the road and he thinks the best approach is to work with the Cox's and an arbourist in the spring regarding the best placement of the trees.
- Jeff Buisman remarked that the tree planting request is not directly related to the Lot Line Adjustment application.
- John Sepulis asked if the Township could get a commitment for tree planting in writing.
- Jeff Buisman noted he could try to arrange that with George Good.
- There were no further questions.

In the matter of Section 45 (1) of the *Planning Act*, as amended, and Comprehensive Zoning By-law 19/85 as amended, and an application for a minor variance requesting permission:

To allow a lot area of 0.3645 ha; whereas, Zoning By-law 19-85, Section 9.3(a) requires a minimum lot area of 0.4 ha.

The Committee voted in favour and the request is hereby **Approved**

CARRIED

4(c) Minor Variance Application D13/AUD-2 – Audrey Meadows Ltd. c/o George Good – Property described as Plan 61M-153 Lot 28, 18 Elizabeth Place, Township of Puslinch.

Requesting relief from provisions of Zoning By-Law #19/85, as amended, to permit a lot area of 0.3645 ha.

- Kelly Patzer outlined the application and noted no objections were received from the circulated agencies or public. One neighbour wrote a letter that requested privacy trees be planted on the subdivision property as some newly constructed houses can now look down directly into their house across Victoria Road. The County of Wellington Planning opinion considers the application minor.

- Jeff Buisman, agent, indicated the lot line adjustment is a mirror image of the previous lot line adjustment application where the lands will be added to George Good's property
- There were no further questions.

In the matter of Section 45 (1) of the *Planning Act*, as amended, and Comprehensive Zoning By-law 19/85 as amended, and an application for a minor variance requesting permission:

To allow a lot area of 0.3645 ha; whereas, Zoning By-law 19-85, Section 9.3(a) requires a minimum lot area of 0.4 ha.

The Committee voted in favour and the request is hereby **Approved**

CARRIED

5. ADJOURNMENT

Moved by Dianne Paron and Seconded by Dan Kennedy,

The Committee of Adjustment meeting adjourned at 8:14 p.m.

CARRIED