

TOWNSHIP OF PUSLINCH
COMMITTEE OF ADJUSTMENT

MINUTES

Date: Tuesday, November 15th, 2011

Time: 9:30 a.m.

The Eighth Regular 2011 Committee of Adjustment Meeting was held on the above noted date and called to order at 9:30 a.m. in the Municipal Office, Aberfoyle.

ATTENDANCE: All members of the Committee as well as the Secretary were present.

OTHERS IN ATTENDANCE:

1. Bruce Donaldson
2. Don Teskey
3. Eric Kraushaar

ADOPTION OF THE MINUTES:

Motion #1: MOVED by Joyce Sharpe and SECONDED by Matthew Bulmer;
THAT: The Minutes of the Seventh Regular 2011 Committee of Adjustment meeting dated October 11, 2011 be and are hereby adopted as presented.
CARRIED.

BUSINESS ARISING OUT OF THE MINUTES:

1. A Committee discussion was held with regard to Mr. Johnson's comments on providing an explanation of how the process works when a member of the public would like to provide comments and/or speak at a hearing. The Secretary will look into information that could be included with the circulation and/or on the web-site and report back to the Committee.

DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF:

Nil.

BUSINESS:

1. A18/2011: PRIOR DEVELOPMENT/TESKEY
Bridle Path
Block 48, Plan 804
Purpose: Relief from provisions of Zoning By-law #19/85 as follows: Estate Residential Type 2 Zone, Section (9)(3)(b), the by-law requires a minimum lot frontage of 50 metres. Applicants are requesting relief to allow Lot Frontage of only 20 metres. This request is a condition of Severance application #B70/11. Total relief being requested is 30 metres.

The Secretary provided the following correspondence to the Committee with regard to this application:

- i) Grand River Conservation Authority plan review report dated November 10, 2011 wherein Liz Yerex advises that GRCA has no objection to the proposed minor variance.
- ii) County of Wellington letter dated November 9, 2011 wherein Sarah Wilhelm advises that the County has no concerns with this request.

Bruce Donaldson spoke to the Committee regarding the application and advised that this request was a condition of severance #B70/11. There is a reserve across Block 51 that the

Township has agreed to transfer ownership of to Prior Development Corporation. The reduced frontage and Block 48 would be the access to the larger lot being severed.

- Motion #2: MOVED by Matthew Bulmer and SECONDED by Joyce Sharpe;
 THAT: The Committee of Adjustment after considering the criteria when deciding a Minor Variance Application does hereby give Application #A18/11, PRIOR DEVELOPMENT/TESKEY, Block 48, Plan 804, Bridle Path, relief from provisions of Zoning By-law #19/85 as follows: Estate Residential Type 2 zone, Section (9)(3)(b), the by-law requires a minimum lot frontage of 50 metres. This request is a condition of Severance Application #B70/11. Total relief being requested is 30 metres.
 CARRIED.
2. A19/2011: ELLIOTT
 14 Sandy Shore Blvd.
 Lot 1, VLC 110
- Purpose: Relief from provisions of Zoning By-law #19/85 as follows: Resort Residential Zone, Section (7)(3)(e), the by-law requires an exterior side yard width (minimum) of 3.5 m. Applicants are requesting relief from the exterior side yard minimum to allow a 2.16 metre exterior side yard. Total relief being requested is 1.34 metres exterior side yard.

The Secretary provided the following correspondence to the Committee with regard to this application:

- i) County of Wellington letter dated November 9, 2011 wherein Sarah Wilhelm advised that while they generally have no concerns with this application, she notes that comments from Grand River Conservation Authority should be considered in this regard.
- ii) Grand River Conservation Authority plan review report dated November 8, 2011 wherein Liz Yerex advises that GRCA does not support the minor variance for relief from the exterior side yard setback at this time. The site is not in conformance with the EIS submitted for the Condominium development which requires a 15 metre setback for all development from the wetland. A laneway and gravel parking area installed by the owner are located within the common element. The laneway and parking area also encroach within the 15 metre setback and within a portion of the wetland. This laneway and parking area
- iii) Comments from Robert Kelly, Chief Building Official, dated November 15, 2011 where he advises that he has no objection to the minor variance, however, there are outstanding issues with the building permit and he has placed some orders to comply on the property.

Mr. Eric Kraushaar, representing Mr. Elliott, attended the meeting and gave the Committee a copy of a Superior Court of Justice decision on a case similar to Mr. Elliott's. The application is for relief from the side yard and the house is for sale. Grand River Conservation Authority comments are important but not necessarily in the context of this application. Mr. Elliott has had many meetings with Liz Yerex from Grand River Conservation Authority. Mr. Elliott fully intends to meet all requirements set out in the review reports from Grand River Conservation Authority.

The driveway encroaches within the wetland set-back. It was suggested that an EIS should be submitted to show that this set-back will not impact the wetland. The gravel driveway is easy enough to have removed. The driveway should be removed and re-vegetated as requested by GRCA.

This property is in contravention of the Vacant Land Condominium Agreement and they may be forced to deal with some of these issues.

It was suggested that this application be deferred until Mr. Elliott deals with the issues raised by Grand River Conservation Authority. Not a good idea to grant relief for the complete side yard but only give relief for the exact point required.

Two committee members viewed the site and noted that the signage that should have been posted was not. Check with Mr. Elliott regarding this issue.

Motion #3: MOVED by Joyce Sharpe and SECONDED by Matthew Bulmer;
THAT: The Committee of Adjust after considering the criteria when deciding a Minor Variance Application does hereby defer Application #A19/2011, ELLIOTT, Lot 1, Vacant Land Condominium 110, 14 Sandy Shore Blvd., subject to the following conditions:

1. Signage to be posted.
2. Grand River Conservation Authority issues raised in their report dated November 8, 2011 be addressed.
3. Applicant to return to the December 13, 2011 Committee of Adjustment meeting for further discussion.

CARRIED.

OTHER BUSINESS:

Nil.

UNFINISHED BUSINESS:

Nil.

NEW BUSINESS:

Nil.

ADJOURNMENT:

Motion #4: MOVED by Matthew Bulmer and SECONDED by Joyce Sharpe;
THAT : The Committee of Adjustment does hereby adjourn at 10:28 a.m.
CARRIED.

Chairman

Secretary