

TOWNSHIP OF PUSLINCH
COMMITTEE OF ADJUSTMENT

MINUTES

Date: Tuesday, May 15th, 2012

Time: 9:30 a.m.

The First Regular 2012 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 (except Joyce Sharpe) as well as the Secretary were present. Mayor Lever joined the Committee in the absence of Joyce Sharpe.

OTHERS IN ATTENDANCE:

1. Bruce Donaldson
2. Kevin Hern
3. Bruce Donaldson

ADOPTION OF THE MINUTES:

Motion #1: MOVED by Matthew Bulmer and SECONDED by Barb McKay
THAT: The Minutes of the Eighth Regular 2011 Committee of Adjustment meeting dated December 13, 2011 be and are hereby adopted as presented.
CARRIED.

BUSINESS ARISING OUT OF THE MINUTES:

Nil.

DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF:

Nil.

BUSINESS:

1. A1/2012: HERN, Kevin
7058 Concession 1
Part Lot 22, Concession 1
Purpose: General Provisions, Section 3(1)(c), Height Restrictions. The by-law states that no accessory building shall exceed five metres in height. Applicants are requesting permission to convert an existing house to an accessory building. This accessory building would be 6.7 metres in height, thereby, exceeding the height restriction in the by-law. Total relief being requested is 1.7 metres in height.

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

- i) Grand River Conservation Authority plan review report dated April 27, 2012 wherein Liz Yerex advises that GRCA has no objection to the proposed minor variance.
- ii) County of Wellington letter dated April 26, 2012 wherein Sarah Wilhelm advises that the County has no concerns with this request.

Mr. Hern advised the Committee that he purchased the property in 2009. He built a new house which they are occupying at this time. His request was to convert the existing house to an accessory building (studio). He will be removing the kitchen and it will be used as a hobby shop only. It was built circa 1850 and would not like to see it demolish.

The main concern is that the building could be converted back to a dwelling. The Township's new policy makes Mr. Bulmer feel more comfortable with this application. Mr. Hern would be required to obtain a building permit for the conversion.

It was suggested that Mr. Hern may wish to speak with the Heritage Committee regarding the original house regarding preserving the building. Ms. McKay is not sure that just removing the kitchen is enough. Our hope is that in good faith, the house is not re-converted to a dwelling.

The request was approved with the following conditions:

- 1) Applicant to apply for and receive a building permit to convert the original dwelling to an accessory building.
- 2) That only one house shall be occupied at a time on the property.

2. A2/2012: HAMILTON, William & Lisa
7652 Wellington Road 34
Part Lot 20, Front Concession 9

Purpose: General Provisions, Section 3(1)(a). The by-law states that an accessory building cannot be located on a lot that does not have a single family dwelling. A resolution was passed by Council to allow the accessory building to remain temporarily subject to a number of conditions. Applicants are requesting permission to allow an existing accessory building to be left on a parcel without a dwelling for a period of 6 months following the Minor Variance approval. Permission to allow the accessory building to remain with a single family dwelling temporarily.

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 this application would satisfy a condition of severance application B62/11. She would recommend that the Committee apply the following condition, if approval is granted:
"That the variance applies for a period of up to and not exceeding 6 months from the date of approval of the minor variance application."
- ii) Ed & Karen Dailous' letter dated May 15, 2012 wherein they explain their concerns regarding this application and asking that the Hamilton's rezoning their property to commercial.

Mr. Bruce Donaldson attended the meeting to explain the Hamilton's request. He advised that the severance application was approved subject to a number of conditions. One of these conditions was to request permission to leave an accessory building, temporarily, for 6 months and to apply for a building permit for a residence within this 6 month period. Mr. Hamilton operates his business from Guelph but sometimes his trucks are on-site on County Road 34. There is some debris from his landscape business on the property. Dailous' would like some of the business activity curtailed.

A new driveway will have to be installed for the existing house. Could a severance have been for a vacant lot? Then the Hamilton's could have done a lot line adjustment after a house had been built? It could have been done that way but it would have resulted in the same scenario. Will the consent lapse if the conditions of the minor variance are not met? The concern of the commercial use cannot necessarily be dealt with with this application. The severed parcel has the existing house. The retained parcel has the accessory building and the Hamilton's would like to build a new residence. MDS requirements can be made. Mayor Lever would like Bruce Donaldson to emphasize the Dailous's concerns to the Hamilton's. The Committee did want to see an office in the new residence and felt that the commercial aspect on the property should be curtailed.

Mr. Donaldson will give the Hamilton's a copy of the letter from the Dailous' and express the Committee's concerns regarding the commercial aspect on their property.

The request was approved with the following conditions:

- 1) That the accessory building is removed or a permit for a single family dwelling is received within 6 months of the Minor Variance approval.
- 2) That a security deposit in the amount of \$20,000.00 be submitted to and held by the Township of Puslinch.

3. A3/2012: JANSSEN, Jeffrey & DION, Lissa
27 Swastika Trail
Lot 7, Plan 395
Purpose: Resort Residential, Section 7(3)(d) and 7(3)(g). The by-law requires an Interior Side Yard Width (minimum) of 3 metres on one side and two metres on the other as well as Lot Coverage (maximum) of 30%. Applicants have permission for a reduced side yard of .52 metres on one side (Minor Variance done in 1986) and are requesting permission for 1.39 metre side yard on the other side as well as a total lot coverage of 36%. A number of accessory buildings will be removed and permission for a proposed addition is being requested. Permission for a .61 metres reduction in the side yard and 6% over the allowed lot coverage.

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

- i) County of Wellington letter dated from Sarah Wilhelm dated May 1, 2012 wherein the County advised that they have no concerns with this application.
- ii) Grand River Conservation Authority plan review report dated May 14, 2012 wherein they advise that they have no objection to this application.

Mr. Jansen and Ms. Dion attended the meeting to advise the Committee of their request for this minor variance. The original minor variance for the one side yard was done in 1986. They purchased the lot in December and would like to put a small addition on the one side as well as a second storey. Any septic requirements will be met.

The shed at the rear of the property as well as the small metal shed at the front will both be removed. The variance would be on the right-of-way side of the lot. There may have been a concern with two buildings being too close together but this should not be the case. It would appear that the proposed work will improve the property.

The request was approved with the following condition:

- 1) Remove wood shed at rear and metal shed at front of the property.

OTHER BUSINESS:

1. Secretary to attempt to contact Joyce Sharpe as to her wish to remain on the Committee. For the time being, Mayor Lever will attend as a member of the Committee.
2. The next meeting is scheduled for Tuesday, June 12, 2012.

UNFINISHED BUSINESS:

Nil.

NEW BUSINESS:

Nil.

ADJOURNMENT:

Motion #4: MOVED by Matthew Bulmer and SECONDED by Mayor Lever;
THAT : The Committee of Adjustment does hereby adjourn at 10:27 a.m.
CARRIED.

Chairman

Secretary