

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH
PUBLIC 2012 COUNCIL MEETING

MINUTES

DATE: Wednesday, October 17, 2012

TIME: 6:30 P.M.

A Public 2012 Council Meeting was held on the above date and called to order at 6:30 p.m. at the Municipal Complex, Aberfoyle.

ATTENDANCE

All members of Council and the CAO/Clerk-Treasurer.

OTHERS IN ATTENDANCE

1. Sarah Wilhelm, Planner, County of Wellington
2. Mike Robinson, Wellington Advertiser
3. Heather Krousie, Deputy Clerk
4. Ned and Lily Krayishnik
5. John Ghent
6. Jenn Sisson, University of Guelph student
7. Heather Simpson, University of Guelph student
8. Kyle Poole, University of Guelph student
9. Doug Smith
10. Don McKay

CHAIRMAN: Mayor Lever opened and chaired the meeting.

DISCLOSURE OF PECUNIARY INTEREST & THE GENERAL NATURE THEREOF:

None.

Mayor Lever provided the following information to those in attendance.

The Notice Regarding a Public Meeting to Consider an Application to Amend the Township of Puslinch Zoning By-law (hereinafter referred to as the "Notice") was dated and circulated to residents within 1,500 feet of the proposed site on September 12, 2012. The Notice was also posted at the Township office and in the Wellington Advertiser newspaper on September 21, 2012.

The public is invited to submit comments regarding the proposed Application or to attend before Township Council as a delegation. All concerns expressed will become part of the record and the proponent is required to respond to your concerns.

Mayor Lever also provided the following information:

- The purpose of the meeting is to consider a proposed amendment to Zoning By-law 19/85 (File #P3/12).
- The property subject to the proposed amendment is described as Part of Lot 7, Concession 1, in the Township of Puslinch, and is known as 6643 Concession 2.
- The purpose of the proposed Official Plan Amendment (OPA) is to change Schedule A7 (being the land use schedule for the Township of Puslinch) to allow for two single detached dwellings on the subject property.
- The purpose of the proposed Township zoning by-law amendment is to revise the zoning for the subject property to permit two single detached dwellings on the subject property.
- Any person may attend the public meeting and make an oral submission either in support of or in opposition to the proposed Official Plan Amendment or Zoning By-law amendment. Written submissions are also invited and should be directed to both the Township Clerk at the address shown below, and to the Director of Planning and Development, County of Wellington, 74 Woolwich Street, Guelph, Ontario, N1H 3T9. Although all those present at the public meeting will be given the opportunity to make an oral submission, we request that those wishing to address Council at the public meeting notify the Township Clerk in advance of the public meeting.
- If a person or public body that files an appeal of a decision of the Corporation of the Township of Puslinch in respect of the proposed zoning by-law amendment does not make oral submissions at a public meeting, or make written submissions to the Township before the proposed Zoning By-law Amendment is adopted, the Ontario Municipal Board may dismiss all or part of the appeal.

- If a person or public body does not make oral submissions at a public meeting, or make written submissions to the County of Wellington before the Official Plan Amendment is adopted or to the Township before the Zoning By-law Amendment is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so (i.e. to add the person or public body as a party).

Mayor Lever introduced the proponents, Mr. Ghent, representing Lily and Ned Krayishnik, and asked that everyone sign in so as to make sure they became part of the public record.

John Ghent

- Mr. Ghent presented an outline of the proposed application.
- The subject property is located on the southside of Concession 2 and east of Puslinch Lake.
- It is 11 hectares and fronts onto Concession 2.
- The property widens at the back to 126 metres.
- The depth of property is over 1,000 metres.
- Both houses are serviced by a septic system and well.
- Neither house is visible from the public roadway in either the summer or the winter.
- An aerial photograph was shown.
- The proposal is to allow for both houses to remain on the property.
- An official plan amendment and bylaw amendment is required to do this.
- An application was made to the Ontario Municipal Board for a minor variance but the applicant was advised that they should apply for a zone change and official plan amendment.
- The land is zoned agricultural which allows you to have one house.
- In terms of planning support for application, the house has been there for 38 years. The character of the area contributes to rural character. There is no new lot proposed or no new dwelling proposed. The lot is to remain with two houses as requested. There is not extensive farming taking place in the area and therefore would be compatible with agriculture taking place. There is no risk to health and safety. Removal of perfectly good house is an unnecessary waste of resources. Rental housing is in short supply in the area. Each dwelling is serviced by separate well and septic. This is an appropriate intensification and use of existing infrastructure. There are no impacts on adjacent properties. There is no one impacted by the proposal.
- Four letters filed by adjacent land owners were left with the Clerk during the meeting and copies given to County of Wellington Planner, Sarah Wilhelm.
- Comments received from the Grand River Conservation Authority advised that they have no concerns.
- Official Plan Secondary Agriculture allows for a more relaxed policy opportunity for two houses.

Sarah Wilhelm, Planner, County of Wellington

- No comments.

Questions/Comments

There were no questions or comments from the gallery.

Councillor Schmidt

In 2007 your client applied for a building permit to build a new residence. At that time, a \$5,000 deposit made by property owner in agreement to demolish 1975 building?

John Ghent

Yes, provided but no purpose was specified. It was secured for demolition of second building but no agreement was in place but it was understood.

Councillor Schmidt

Understand that existing 1975 building has gone through some renovations to develop it into a two unit building?

John Ghent

There were two units in the building operating as a duplex. Mr. Krayishnik has changed it so that only one family living in the house. Applying for a detached house on the southerly part of the land.

Councillor Schmidt

Were the renovations to put it into a duplex done in accordance with the building code?

John Ghent

I am not aware.

Councillor Roth

I understand that there is still people living in the house even though the Township has asked that the house be vacated by September 12?

John Ghent

I understood that the second unit would be vacated and that it was satisfactory to have one family live in the house.

Councillor Roth

The Township solicitor asked that the upper level be vacated by September 1, 2012 and that the lower level vacated before July 1, 2012. The Chief Building Official inspected the property on October 2, 2012 and reported that the upper level was still

furnished, had clothing in the closets and perishables in the fridge. The owner has no intention of following any rules. It has been deception from the start. I agree that the 1975 house has nothing wrong with it but when your client applied for a building permit they agreed that the house would be torn down. They have deceived the Township from the beginning.

Councillor Stokley

I am in agreement with Councillor Roth and Councillor Schmidt. My major concern is we are working with the one lot one house principle. To allow this would set a precedent for the Township and the County and it would be a negative impact. You would be increasing rural density by doing this. Under present guidelines, I'm definitely opposed to increasing the number of houses at this point.

John Ghent

In response to the setting a precedent question, I'm not sure how many houses couldn't be seen from the road. These houses cannot be seen from the roadway. This is pretty unique in its characteristics.

Councillor Stokley

It is not unique. We've had this come up before and we will continue to have it come up.

John Ghent

This situation where you can't see from the roadway, doesn't contribute to the loss of the rural character. Not sure if that is common. In response to Councillor Roth 's comments, Mr. Krayishnik has changed his mind. He has made the planning applications to change that. The planning act allows people to change the zoning bylaw. He was unsuccessful through the minor variance route. Now it becomes a planning application to try to change the rules. You deal with numerous applications where people would like to change the rules. I believe council should deal with the planning application on its planning merits.

Councillor Roth

If he wouldn't have made that commitment he wouldn't have been able to build the new house.

Councillor Fielding

Mr. Ghent, I agree with my colleagues and I actually take exception to point 16 about the county official plan. We would be inundated if we allowed this to happen. In the original receipt it was written out that the house does come down. I don't see why we need to change our rules. If you make a promise, you keep a promise.

John Ghent

On the official plan question, I have developed the ideas more fully in my report than I did here tonight. I can give you the full document and you can look at the actual policy references. I could send you that. A summarized version was also given to the Planning Advisory Committee.

Mayor Lever

I also do not support this application. There is a court order to vacate the property and that has not taken place. The original application changed. It is our belief that it was fully known that the old house was to be demolished. Then a duplex was created. That was done without building permits and inspections to make sure the property was safe. Your comments about the fact that it cannot be seen from the roadway, I can't imagine what would take place if we took credence to that. You are applying for a zone change and applying for an official plan amendment.

John Ghent

At the Ontario Municipal Board hearing historically there has always been two dwelling units. Upper and lower level. It just reverted to that when he moved into the new house. The neighbor to the west, Tschanz, talked in evidence to the board about visiting the house and confirmed that historically there have been two units. We have now reverted it back to one.

John Ghent

Mr. Krayishnik's brother has been living in the house but has gone away to Europe and when he returns he will be vacating the premises.

Sarah Wilhelm

I will prepare my final comments for council's consideration.

ADJOURNMENT: Mayor Dennis Lever closed the meeting at 7:00 p.m.

Signed: _____
Dennis Lever, Mayor

Signed: _____
Brenda Law, CAO/Clerk-Treasurer