



## MINUTES

### **MEMBERS PRESENT**

Councillor John Sepulis, Chair  
Dan Kennedy  
Dennis O'Connor  
Paul Sadhra

### **MEMBERS ABSENT**

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### **OTHERS IN ATTENDANCE**

Lynne Banks, Development and Legislative Coordinator  
Meagan Ferris, Sr. Planner, County of Wellington  
Zach Prince, Planner, County of Wellington  
Hugh Handy, GSP Group  
Shannon Davison, Aboud & Associates  
Dave Wright & Beth Reade  
Karl & Brigitte Strachan  
John Slood

### **1. OPENING REMARKS**

The meeting was called to order at 7:00 pm. The Chair welcomed the gallery to the Committee of Adjustment and informed the gallery that Township Staff would present the application, 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: Paul Sadhra

Seconded by: Dennis O'Connor

That the Minutes of the Committee of Adjustment meetings held Tuesday, June 11, 2019 be adopted.

CARRIED

**4. APPLICATIONS FOR MINOR VARIANCE OR PERMISSION** under section 45 of the Planning Act to be heard by the Committee this date:

**4a.) Minor Variance Application D13/WRI – David Wright/Elizabeth Reade** – Property described as Part of Lot 11, Concession 10, 161 Hume Road, Township of Puslinch.

Requesting relief from provisions of Zoning By-Law #19/85, as amended, requesting a reduced lot width of the severed parcel to be 10.0 metres instead of 24.3 metres as required.

- Lynne Banks outlined the application, advised that the notice requirements for the application had been met and then outlined the comments and objections that were received from the circulated agencies and public.
- Hugh Handy of GSP Group, consultant for the owner, provided an overview of the application, presented a power point presentation and advised that the severance conditions were set by the Township of Puslinch, provisional consent was granted by the County of Wellington Land Division

Committee and that the Consent Application is now under appeal through the LPAT. He also noted that the Minor Variance Application was deferred from the February 26, 2019 and the June 11, 2019 Committee of Adjustment meetings, and that the County is supportive of the minor variance. He further advised that the EIS field work is proceeding to completion on the property and that he and the owners of the property had met with Mr. & Mrs. Strachan to try to work towards a solution regarding the location of the proposed driveway, noting that the proposed driveway location cannot be changed due to provincially significant wetlands located on the west side of the property. He also noted that the grade of the proposed driveway will drop a bit to stay below the retaining wall and that the owners will keep the proposed driveway away from their property and as far from the retaining wall as possible.

- Karl Strachan comments: the main issue is the location of the proposed driveway and would like the proposed driveway location to be through the middle of the property or the west side of the property, noting that the proposed location of the driveway will affect their privacy.
- Brigitte Strachan comments: they had met with the owners but were unable to come up with a satisfactory solution to the location of the proposed driveway and noted that after looking at the County GIS mapping, the “flagpole” shape was not a common way to sever properties, that the owners of 161 Hume Road park their vehicles at the end of the driveway in the winter due to weather conditions not allowing the vehicles to get up the grade of the proposed driveway to be parked near the house. She also inquired that if they add animals to their property, how will it affect the MDS to the severed land.
- John Sepulis inquired how the proposed location of the driveway was decided.
- Hugh Handy advised that due to the wetlands and the required 30 metre buffer, the proposed driveway cannot be located on the west side of the property.
- Shannon Davison noted that the GRCA requires a 30 metre buffer from the wetlands and that the GRCA attended at the property to review the location of the wetlands in relation to the proposed driveway and that the proposed location of the house is outside the 30 metre buffer.
- Hugh Handy advised that there is a ridge that runs across the front part of the property which is why the proposed driveway is being located where it is shown on the sketch provided.
- John Sloot asked what about the animals in the adjacent barn.
- Hugh Handy advised that the County ran the MDS calculations and noted that there are currently no animals located in the barn, however, the location of the proposed dwelling is far enough away from the barn should the abutting landowners ever acquire animals.
- John Sloot stated that he doesn’t feel his concerns from the February 26, 2019 meeting have been addressed, is disappointed that no one has reached out to him to satisfy his concerns and that he had contacted Van Harten Surveying Inc. to request a meeting with the owners, but a meeting was never arranged. He also stated that he feels the minor variance application has been “rubber stamped”, that it is not a minor variance but a major variance and is disappointed in the committee for not reaching out to him. He further stated that he asked for a compromise but was not informed of the outcome of the meeting between the owners and the abutting owners, and that he is not opposed to the severance but is opposed to the minor variance and would like to know why can’t the proposed driveway be either relocated or the width of the proposed driveway changed from 10 metres to 20 metres. He also inquired why the property was for sale prior to the severance and what guarantee can be given that the owners won’t sell the retained lands in the property in the future, and why is the proposed location of the house close to the woodlot and wetlands and why it can’t be put somewhere else on the property. He further stated that he would like the fire department to review the revised grading plan and meet with him about it. He advised that he has not been provided with any documents to review and would like a discussion with the Committee to clean up the minor variance process.
- John Sepulis advised that whether or not the owner is selling the property is not germane to the issue. He further inquired as to whether or not the fire department reviewed and commented on the revised grading plan.
- Lynne Banks advised that the revised grading plan was not provided to the Township for review and comment prior to the meeting.
- John Sepulis inquired how the tree cutting on the property will be handled.
- Hugh Handy advised that the County will oversee what type and how many trees will be removed.

- Karl Strachan asked if there is a 30 metre wetland buffer then why is the driveway being allowed to be located at its proposed location.
- Brigitte Strachan inquired as to why the proposed driveway couldn't be located closer to the driveway on the retained parcel.
- Hugh Handy advised that the width of the proposed driveway was selected was not to locate by their property but located due to other issues and was discussed with the County, and further advised that the County confirmed site line issues on the west side.
- Dan Kennedy inquired what will be done to protect the abutting owners retaining wall located beside the proposed driveway.
- Hugh Handy advised that the wall condition and age is not known and that it could be a condition to of the minor variance approval to have it assessed and ensure that it will not be impacted by construction on the severed parcel.
- Dan Kennedy asked if there has been any discussions regarding privacy fencing.
- Hugh Handy advised that there have been discussions with the owner and neighbour but they have been unable to come up with a satisfactory solution.
- Paul Sadhra inquired how would water flow affect the retaining wall and is there a plan in place to address water flow near the retaining wall.
- Hugh Handy stated that the proposed driveway will be engineered prior to the permit application process.
- Paul Sadhra asked how will any possible damage to the retaining wall be dealt with.
- Hugh Handy advised that it would most likely be a civil matter between the owners.
- Paul Sadhra asked if the proposed driveway could be moved closer to the existing home on the retained parcel.
- Brigitte Strachan stated that it would still be visible from their property.
- Hugh Handy advised that the intent is to locate the proposed driveway as far as possible from the property line.
- Dennis O'Connor inquired how will the trees on the property be maintained.
- Hugh Handy advised that it is not a condition of the consent.
- John Sepulis asked why can't the proposed driveway be relocated 5 metres to the west.
- Hugh Handy stated that there is no environmental reason but that the parking pad and shed located on the property would have to be moved and that it is already located as far as it possibly can be located.
- John Sepulis inquired if the proposed driveway could be located in the middle of the property.
- Hugh Handy advised that there is a significant ridge across the front of the property.
- Dennis O'Connor asked if the wetlands are provincially significant.
- Shannon Davison advised that it is below 750 metres and could be complexed in due to significant wildlife habitats that would be protected by the Provincial Policy Statement.
- Hugh Handy noted that there could also be locally significant wildlife located there.
- Shannon Davison noted that their recommendation would be that it be classified as provincially significant wetlands.
- Dan Kennedy inquired why the proposed driveway can't be moved 10 metres or moved to the west side of the property.
- John Sepulis stated that it is due to the wildlife migration patterns.
- Dan Kennedy inquired if the migration patterns could be factored in.

There were no more comments or questions and the Committee had a discussion and the following was noted:

- Paul Sadhra stated that it is not a minor variance and that maintaining the integrity of the retaining wall is an issue and that there are too many variables.
- Dennis O'Connor stated that he would like a condition in the minor variance that the vegetative buffer be planted to protect the abutting neighbour's view, otherwise there are too many adverse impacts.
- John Sepulis noted that there were no objections when the severance application was presented to the committee.
- Dennis O'Connor noted that they need a reduced impact to the abutting neighbours.

The Committee voted on the motion with all opposed.

That Application D13/WRI requesting relief from provisions of Zoning By-Law #19/85, as amended, requesting a reduced lot width of the severed parcel to be 10.0 metres instead of 24.3 metres as required.

The request is hereby **Denied** for the following reasons:

1. That the proposed driveway width could be increased to locate the driveway further to the west of the property.
2. That the integrity of the retaining wall would need to be maintained during construction.

**4(b). Minor Variance Application D13/CAL – William Calhoun** - Property described as Rear Part Lot 6, Concession 1, 4 Lake Avenue PV, Township of Puslinch.

Requesting relief from provisions of Zoning By-Law #19/85, as amended, to permit a reduced side yard setback to be 0.74 metres instead of 2.0 metres as required.

- The owner provided an overview of the application.
- There were no public comments or questions.
- There were no comments or questions from the Committee.
- The owner inquired that since there are two building permits, one for the dwelling and one for the deck would he still be able to proceed with the work on the house.
- Lynne Banks advised that since the minor variance is for the deck then the 20 day appeal period will apply to the deck and not the house renovations.

The Committee voted on the motion with all in favour.

That Application D13/CAL, providing relief from provisions of Zoning By-Law #19/85, as amended, requesting relief from provisions of Zoning By-Law #19/85, as amended, to permit a reduced side yard setback to be 0.74 metres instead of 2.0 metres as required, is hereby **Approved** with no conditions.

**5. OTHER MATTERS**

- None.

**6. ADJOURNMENT**

Moved by: Dennis O'Connor

Seconded by: Dan Kennedy

The Committee of Adjustment meeting adjourned at 8:11 p.m.

CARRIED