



## MINUTES

### **MEMBERS PRESENT**

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

### **MEMBERS ABSENT**

None

### **OTHERS IN ATTENDANCE**

Lynne Banks, Development and Legislative Coordinator  
Courtenay Hoytfox, Development and Legislative Coordinator  
Cutis Marshall, Planner, County of Wellington  
Jeff Buisman, Van Harten Surveying Inc.  
William Reeve  
Kirk Sargeant  
Shawn Sawatzky, Tropical Sunrooms  
John Sloom  
Jim and Pat Watson  
Kim Wozniak

### **1. OPENING REMARKS**

The Chair welcomed the gallery to the Committee of Adjustment meeting and informed the gallery 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: Dan Kennedy

Seconded by: Paul Sadhra

That the Minutes of the Committee of Adjustment meetings held Tuesday, April 9, 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/REE – William Reeve** – Property described as Part Lot Concession Gore, 6522 & 6526 Gore Road, Township of Puslinch.

Requesting relief from provisions of Zoning By-Law #19/85, as amended, to permit a reduced lot frontage of 106.0m instead of 121.9m as required.

- Courtenay Hoytfox outlined the application and advised that the notice requirements for the application had been met and that no objections were received and the following comments have been received:

- Heritage Committee: Advised that there is a significant heritage structure on the property which is an early stone house and are not sure if there would be any impact on the property.
- Jeff Buisman of Van Harten Surveyors, consultant, provided an overview of the application and advised that there is a severance application pending with the County.
- Kim Wozniak outlined the four tests for approval of a minor variance and stated that the application was not minor nor was it necessary because it will provide the owner with three parcels and could impact the abutting wetlands and the protected wellhead and drinking water, and would possibly be developed. She further stated that she wants a condition in the Decision that the property could not be severed by the owner.
- John Sepulis asked Curtis Marshall if the land would be severable in the future.
- Curtis Marshall advised that the severance application was for a lot line adjustment and that no new building lots were created.
- John Sepulis asked if a new severance would be permitted.
- Curtis Marshall advised that the county has not received an application to sever the property at this time, and if one is submitted in the future, the abutting wetlands would have to be addressed.
- Jeff Buisman stated that the County planning report states that the four tests for a minor variance have been met, there is no new building lot and no intention to create a building lot in the near future. He further stated that with the abutting bush and wetlands on the property it would be difficult to sever the lot and further suggested that the condition requested by Kim Wozniak would not be enforceable.
- Dan Kennedy asked if there is anything that says the owner could not erect a building later.
- Jeff Buisman advised that the land is mostly bush and wetland in front of the property and it would be very difficult to put a new driveway leading into the property.
- Paul Sadhra asked if the land is protected by the GRCA.
- Jeff Buisman advised that the land is core greenlands, mirror wetlands and the Grand River Conservation Authority has regulation limits for a new driveway and would require approval and a permit to put a new driveway into the property.
- Dennis O'Connor asked if the heritage building located on the property be impacted.
- Jeff Buisman advised that it is the owner's mother's house and would not be impacted.
- There were no further questions or comments.

The Committee voted on the motion with John Sepulis, Paul Sadhra, Dan Kennedy and Dennis O'Connor in favour and Deep Basi opposed to the motion.

The request is hereby **Approved** with no conditions.

CARRIED

**4(b) Minor Variance Application D13/SAR – Kirk Sargeant** – Property described as Part 1 on Reference Plan 61R-21247, 4852 Sideroad 10 N, Township of Puslinch.

Requesting relief from provisions of Zoning By-Law #19/85, as amended to permit a second septic system to accommodate the accessory apartment instead of the accessory apartment connecting to the existing well and septic which services the main dwelling, as required.

- Courtenay Hoytfox outline the application and advised that the notice requirements for the application had been met and that no objections were received from the circulated agencies or public.
- The owner provided an overview of the application and noted that one septic system would be located at the front of the dwelling and one septic system would be located at the rear of the dwelling.

- There were no public comments or questions.
- Dan Kennedy inquired if the building department is satisfied with the application
- The owner advised that the building permit was submitted and the required fees have been paid.

The Committee voted on the motion with all in favour.

The request is hereby **Approved with the following condition(s)**:

1. The owner shall pay any required development charges.

CARRIED

**4(c) Minor Variance Application D13/SLO – Sloat Construction Ltd.** - Property described as Units 2-8 inclusive Wellington Vacant Land Condominium No. 246, Fox Run Estates Phase 2, Township of Puslinch.

Requesting relief from provisions of Zoning By-Law #19/85, as amended to permit reduced side yard setbacks for Units 3-7 to be 5.0m instead of 10.0m as required in Section 9(3)(d) instead of 10.0m for each lot as required.

Requesting relief from provisions of Zoning By-Law #19/85, as amended to permit reduced west side yard setback for Units 2 and 8 to be 5.0m instead of 10.0m for each lot as required.

- Courtenay Hoytfox outlined the application and advised that the notice requirements for the application had been met with no objections received and the following comments:
  - GRCA – On May 14, 2019, after review of an updated site plan sketch, The Grand River Conservation Authority amended its comments from May 8, 2019 which, among other concerns recommended deferral of this application to allow the applicant the opportunity to provide an Environmental Impact Study (EIS) to address applicable policies. Its May 14, 2019 comments stated that since the east side yards of Units 2 and 8 will now maintain a 10 metre setback it they will not encroach on the “no-touch” wetland buffer and that it appears that the current proposal relating to Units 2 and 8 conforms with the prior EIS study. It further stated that it would suggest that the Tree Savings Plan be reviewed and approved by the Township and County of Wellington prior to any onsite work or that the applicant modify the current proposal to accommodate this requirement. Its last comment was that due to the natural heritage features, the subject properties are regulated by the GRCA under the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (O. Reg. 150/06) and that a GRCA permit will be required prior to any site alteration, pre-grading or development, but the permitting process would not take the tree saving into account and will provide advisory comments once a site plan has been prepared.
  - County of Wellington – Planning staff have no objection subject to the following condition: That a revised tree saving/compensation plan be submitted to, and approved by, the Township of Puslinch and the County of Wellington.
- John Sepulis clarified for the committee the updated application that the owner submitted and subsequent comments received from various agencies.
- Jeff Buisman of Van Harten Surveyors, consultant, provided an overview of the application and stated that there is better flexibility to where trees will be planted and that each lot will have a specific tree planting plan for each lot. He further explained that there is an easement located between Units 3 and 4 however it is not registered on title but is listed in the Condominium Declaration and is already in place between the two properties.
- Dan Kennedy asked what direction does the water flow through the swale.
- Jeff Buisman advised that the water drains from the road to the rear of the property.
- Dan Kennedy asked if the Grand River Conservation Authority is satisfied with the application.
- Jeff Buisman advised that it is satisfied.

- John Sepulis commented that the swale is deep and that asking for a reduced setback of 5 metres will put the foundation of the dwelling very close to the swale if there is a “100 year” storm.
- Jeff Buisman advised that the houses could be to the edge of the swale and that the site plan will show how the dwelling would be situated on the property.
- John Sepulis asked that with the reduced side yard setbacks would a larger dwelling be built.
- Jeff Buisman responded that it is possible if requested by the lot owner.
- John Sepulis stated that the original Environmental Impact Study spoke to the soil and location of the septic bed and is concerned that if the lot size is reduced to build a bigger dwelling will the size of the septic bed be located in the right location and will effluent be able to move through the septic bed and how will it affect Mill Creek. The committee might require a condition that a study be done to validate that there will be no negative impact from the increased septic bed.
- Jeff Buisman inquired what kind of study would be required.
- John Sepulis advised that a hydrogeologist prepared the previous study and the study would require to be updated to address that if a larger building is built how it would affect the septic bed if it wouldn't be caught at the building permit stage.
- Jeff Buisman stated that the building permit will need the septic system design so it may not address whatever impact the condition or the study states it will have on the property.
- John Sepulis read what the draft conditions that would be placed in the Decision so that Jeff could provide some clarity.
- Jeff Buisman advised that the septic systems will be tertiary septic beds and should not be a problem.
- John Sepulis advised that one of the conditions in the decision will be stated “to the satisfaction of the Township’s engineer”.
- During the course of discussion the east side yard setbacks of Unit 4 and the west side yard setbacks of Unit 3 were removed from consideration at the request of Jeff Buisman.
- Jeff Buisman suggested that the owner would agree to keep both of the preceding setbacks at 10 metres and the engineering study would no longer be required.

The Committee voted on the motion with all in favour.

The request is hereby **Approved with the following conditions:**

1. Units 2 and 8:

- (a) The applicant shall obtain a hydrogeological study no later than Friday, May 15, 2020 to demonstrate that the increased septic bed size can be accommodated and the septic effluent will not have detrimental effect on the wetlands and Mill Creek;
- (b) The applicant shall pay the Township’s third party consultant costs including the cost for the Township engineer’s review of all required documents.

2. Units 3-7 inclusive:

- (a) The applicant shall obtain a hydrogeological study no later than Friday, May 15, 2020 to show that the increased septic bed size can be accommodated and the septic effluent will not have detrimental effect on the wetlands and Mill Creek;
- ~~(b) That the east side of Unit 4 and the west side of Unit 3 shall be subject to an engineering assessment to show that the water flow through the swale will not affect the homes at a 5.0 metre setback to the satisfaction of the Township’s engineer.~~
- (c) That the applicant shall pay the Township’s third party consultant costs including for the Township’s engineer’s review of all required documents.



(d) That the applicant shall submit a revised tree saving/compensation plan to the Township for approval by the Township of Puslinch and the County of Wellington.

CARRIED

**4(d) Minor Variance Application D13/WAT – Jim and Pat Watson –** Property described as Lot 52 Plan 61M-203, 4 Hemlock Crescent, Township of Puslinch.

- (i) Requesting relief from provisions of Zoning By-Law #19/85, as amended to permit a maximum lot size of 50.31m<sup>2</sup> (16.3%) relief instead of maximum lot coverage of 35%, as required.
- (ii) Requesting relief from provisions of Zoning By-Law #19/85, as amended to permit a maximum dwelling size of 3.34m<sup>2</sup> instead of 116m<sup>2</sup> as required.
- (iii) Requesting relief from provisions of Zoning By-Law #19/85, as amended, to permit a reduced rear yard set-back of 0.46m relief instead of minimum rear yard set-back of 1.2m as required.

- Courtenay Hoytfox outlined the notice application and advised that the notice requirements for the application had been met and that there were no comments or objections.
- Shawn Sawatzky from Tropical Sunrooms, the designer for the owner, provided an overview of the application.
- There were no questions or comments from the public.
- Dan Kennedy asked if the proper foundation meets the Building Code
- Shawn Sawatzky advised that it does.

The Committee voted on the motion with all in favour.

The request is hereby **Approved with no conditions.**

CARRIED

**5. OTHER MATTERS**

- None.

**6. ADJOURNMENT**

Moved by: Dennis O'Connor

Seconded by: Deep Basi

The Committee of Adjustment meeting adjourned at 8:05 p.m.

CARRIED