



## MINUTES

### MEMBERS PRESENT:

Councillor John Sepulis, Chair  
Councillor Ken Roth  
Dianne Paron

Dennis O'Connor  
Deep Basi

### OTHERS IN ATTENDANCE:

Kelly Patzer – Development Coordinator  
Sarah Wilhelm – County of Wellington  
Paul Wyszynski  
Marc Jowett

Kerry Hillis  
Jackie Flanagan  
Colin Vanderwoerd

### 1. OPENING REMARKS

- The meeting was called to order at 7:00 pm. 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 any 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 Ken Roth and Seconded by Dianne Paron,

That the minutes of the Committee of Adjustment meeting held Tuesday September 13, 2016 be adopted.

CARRIED

### 4(a) 4(a) Minor Variance Application D13/FLA – Jim and Jackie Flanagan – Property described as Lots 11-12, Plan 395, 37 Swastika Trail, Township of Puslinch.

Requesting relief from provisions of Zoning By-Law #19/85, as amended, to:

1. permit a 5.5 metre rear yard setback
2. permit a 7.0 metre front yard setback
3. permit a sundeck to encroach 3 metres into the front (lakeside) yard;

To accommodate a proposed new dwelling

- Kelly Patzer summarized the application and circulation for the minor variance as submitted and stated no objections were received from commenting staff. A letter of support was received from a neighbour and a letter was received that detailed concern about the impact on the view to the lake view than the previously existing cottage on that lot.
- Jim Flanagan, owner, indicated the house is now demolished and a new house is proposed that has a footprint parallel to the neighbours off square, so the corners encroach into the required yards. The proposed deck attached to the house is only permitted to encroach 1.5 metres into the front yard and they wish a larger deck for entertaining.
- Paul Wyszynski, 7 Swastika Trail, indicated that he has no concerns with the setbacks but is concerned with the holding tank that has a setback shown to a property line that includes a right-of-way, not an actual property line.

- Jim Flanagan noted two holding tanks are proposed and the setback is to the neighbouring property
- John Sepulis inquired who the right-of-way is in favour of.
- Paul Wyszynski remarked that he owns it.
- Sarah Wilhelm noted the right-of-way, or an easement is not on the plan submitted.
- Ken Roth asked if the easement would be known to the Building Department.
- Kelly Patzer replied if the right-of-way is not shown on a plan the building department may not be aware of it.
- John Sepulis remarked that the application should be deferred until the property lines are determined.
- There were no further questions or comments.

Moved by Dennis O'Connor and Seconded by Deep Basi,

That the application be deferred for the owner to provide clarification on the west property line relative to the easement and the nature of the easement.

CARRIED

**4(b) Minor Variance Application D13/GSB – GSB Properties Ltd.** – Property described as Part Lot 25, Concession 7, 7294 Mason Road, Township of Puslinch.

Requesting relief from provisions of Zoning By-Law #19/85, as amended, to:

1. permit a 11.86m setback from the centerline of a highway for an existing metal quonset building
  2. Permit a 11.34m setback from the centerline of a highway for an existing metal clad building.
- Kelly Patzer summarized the application and circulation for the minor variance as submitted and stated no objections were received from the public.
  - Kerry Hillis, BSRD, agent, indicated the relief is to permit existing setbacks on a dead end street. There is no objection to the Township requesting a condition that the Site Plan be completed by December 31, 2017.
  - Dianne Paron inquired why the previous minor variance lapse?
  - Kerry Hillis remarked that different parties were involved and the application did not proceed as planned.
  - There were no further questions or comments.

In the matter of Section 45 (1) of the Planning Act, as amended, and Comprehensive Zoning By-law 19/85 as amended, and an application for a minor variance requesting permission to permit:

1. A 11.86m setback from the centerline of a highway for an existing metal quonset building, and
2. A 11.34m setback from the centerline of a highway for an existing metal clad building;

Whereas, the by-law states no person shall erect or establish any building, structure, excavation or open storage closer than 27 metres to the centreline of a highway under the jurisdiction of the Township of Puslinch, County of Wellington or City of Guelph.

Condition:

1. Site Plan Approval for the property shall be finalized by December 31, 2017 or the variance will no longer be in effect.

The Committee voted in favour and the request is hereby **Approved**.

CARRIED

**4(c) Minor Variance Application D13/JOW – Marc & Helen Jowett** – Property described as Part Lot 2, Plan 380, 2 Lakeside Drive, Township of Puslinch.

Requesting relief from provisions of Zoning By-Law #19/85, as amended, to:

1. maintain a pool with equipment and deck on the property while demolishing a dwelling, then building a new dwelling
  2. install pool pump/filter/heater 0.3m from the north side yard property line.
- Kelly Patzer summarized the application and circulation for the minor variance as submitted and stated the building department has concern of the proximity of the noise producing pool pump and equipment to the property lines. And felt consideration should be given to mitigating the potential noise generation of such equipment. No other objections were received from commenting staff or the public.
  - Marc Jowett remarked that the pool equipment will be located between cedar hedges and plans on putting in a solid fence beside the pool equipment and if it was in a location where it would not impede the walkway. He is rebuilding his house and the Building Department deems structures cannot remain on a property without a house, but it logistically makes sense to put the pool in before the house is built.
  - Dianne Paron asked if the 3 metre setback for pool equipment is for noise.
  - Sarah Wilhelm indicated it is also for maintenance access.
  - Ken Roth inquired if there was a problem with the noise could something be put in?
  - Marc Jowett noted an air conditioner is louder and there is half a lot between his property and his neighbour's house but can put a small enclosure on it.
  - John Sepulis indicated he did a site visit and the pool equipment is quite noisy and asked why it cannot be moved in front of the retaining wall and if a building permit was issued.
  - Marc Jowett noted if was placed in the suggested location; aesthetically it would be right in view from the house to the lake.
  - John Sepulis suggested noise mitigation measures that would create the equivalent noise reduction for the pool equipment as placed three metres from the property line.
  - Marc Jowett noted it could be enclosed.
  - There were no further questions or comments.

In the matter of Section 45 (1) of the *Planning Act*, as amended, and Comprehensive Zoning By-law 19/85 as amended, and an application for a minor variance requesting permission to:

1. maintain a pool with equipment and deck on the property while demolishing a dwelling, then building a new dwelling; whereas, Section 3.1(a) of the by-law requires any building, structure or accessory use to be accessory to a permitted use (a single detached dwelling); and
2. install a pool pump/filter/heater within an accessory building 0.3 metres from the north side yard property line; whereas, Section 3.20(a(iii)) of the by-law states no water circulating or treatment equipment such as pumps or filters or any accessory building or structure containing such equipment shall be located closer than 3 m to any lot line.

The Committee voted in favour and the request is hereby Approved.

CARRIED

## 5. ADJOURNMENT

Moved by Dennis O'Connor and Seconded by Deep Basi,

The Committee of Adjustment meeting adjourned at 7:41 p.m.

CARRIED