



Committee of Adjustment
August 12, 2014
9:30 am
Council Chambers, Aberfoyle

MINUTES

MEMBERS PRESENT:

Barb McKay, Chair
Matthew Bulmer

MEMBERS ABSENT:

Beverley Nykamp

OTHERS IN ATTENDANCE:

Brooke McPhail
Leanne McPhail
Frank Tersigni
Evelyn Tersigni
Jeff Buisman
Doug Lane
Aldo Salis
Councilor Ken Roth

1. CALL TO ORDER

The meeting was called to order at 9:30 am.

2. DISCLOSURE OF PECUNIARY INTEREST

None

3. APPROVAL OF MINUTES

Moved by M. Bulmer and Seconded by B. McKay

That the Minutes of the Committee of Adjustment meeting dated July 8, 2014 are hereby adopted as amended.

CARRIED

4. APPLICATIONS

A. File D13/MCP – Leanne McPhail – 81 Brock Road S

The purpose of the application is to seek relief from provisions of Zoning By-law #19/85:

- i. General Provisions, Home Occupations, Section 3(9) - That a road side barbeque food stand be permitted, whereas the zoning by-law does not consider this type of use as a home occupation;
- ii. As Amended, General Provisions, Section 3(9)(d) - That a home occupation be permitted to be located in an accessory structure within a Hamlet Residential (HR) zone, whereas a home occupation is only permitted within the dwelling; and,
- iii. As Amended, General Provisions, Section 3(1)(d)(i) - That an accessory structure be permitted in the required front yard with a 0 m setback from the property line, whereas the by-law requires accessory structures to be located in the rear and/or interior side yards, with a minimum 2 m setback from any lot line.

Leanne McPhail stated that an updated time frame for approval of five years is requested. It is a summer job for her daughter.

M. Bulmer stated Home Occupations do not have a time limit. They include bakeries & caterers; considered the proposed use to have less of an impact. Spoke with the Health Unit which does not consider the roadside bbq stand a restaurant.

K. Patzer clarified that the Township does interpret the use as a restaurant under the Zoning By-law.

M. Bulmer does not consider this to be high impact and the by-law is not clear. By-law permits restaurant like business. Location/area is suitable for this type of use.

L. McPhail stated that the business does not make enough money to be a full commercial operation; either they are in business or out of business; it is a great conversation spot where they recommend places to go and things to see in Puslinch.

D. Lane commented that it is a commercial operation and it takes away from other commercial businesses that pay commercial taxes and have to comply with other property/site plan requirements. Does not feel it meets the minor requirement of a Minor variance. His business is only open 30 days year round yet pays commercial taxes and had to put in parking.

B. McKay felt D. Lane's concerns would be better addressed by Council who is reviewing mobile food stands. Parking seems under control and the site is aesthetically pleasing.

A. Salis explained "General Intent" gives C of A discretion under the Planning Act when interpreting Zoning By-law

It was suggested that a condition be put in that the applicant could come before the committee again in five years to extend the time period.

K. Patzer recommended that it be noted that the applicant can request an extension of the time period again in five years. A condition of approval would need to be an item that could be fulfilled prior to final approval of the application, or a restriction applied to the relief.

Discussion to add "temporary" to resolution.

Moved by M. Bulmer, Seconded by B. McKay

That the application by Leanne McPhail, file D13/MCP:

- i. General Provisions, Home Occupations, Section 3(9) - That a road side barbeque food stand temporary structure be permitted to operate until November 1, 2019, on a seasonal basis from May to November each year, whereas the zoning by-law does not consider this type of use as a home occupation;
- ii. General Provisions, Section 3(9)(d) - That a home occupation be permitted to be located in an accessory temporary structure within a Hamlet Residential (HR) zone, whereas a home occupation is only permitted within the dwelling;
- iii. General Provisions, Section 3(1)(d)(i) - That the temporary accessory structure be permitted in the required front yard, whereas the by-law requires accessory structures to be located in the rear and/or interior side yards; and,
- iv. Hamlet Residential Zone, Section 6(3)(c) – That the temporary accessory structure be permitted with a 5 metre front yard depth whereas the by-law requires a minimum front yard depth of 10 metres;

Be approved.

CARRIED

- B. File D13/TER – Frank & Evelyn Tersigni – 4761 Wellington Road 32, Concession 5, Part Lot 6

The purpose of the application is to seek relief from provisions of Zoning By-law #19/85:

- i. Agricultural Zone, Lot Frontage (minimum), Section 5(3b): That a minimum lot frontage of 42.7 metres be permitted whereas the by-law requires a 121.9 metre minimum lot frontage. The total relief requested is 79.2 metres.

E. Tersigni stated cow farming was to still occur on the property. The lot line adjustment is to keep the farm in her family.

B. McKay asked about the posted sign. Commented that the consent had been approved by the County of Wellington for the lot line adjustment.

E. Tersigni confirmed the sign was still posted; it had faded in colour.

Moved by M. Bulmer and Seconded by B. McKay

That the application by Frank & Evelyn Tersigni, D13/TER:

A 42.7 metre frontage on a proposed lot, WHEREAS Section 5(3b) of Comprehensive Zoning By-law 19/85, as amended, requires a 121.9 metre frontage;

Be approved.

CARRIED

- C. File D13/DEM – Adrian & Brenda Demmers, 4855 Pioneer Trail , Concession 5, Rear Part Lot 13

The purpose of the application is to seek relief from provisions of Zoning By-law #19/85, Agricultural Zone, Reduced Lot Requirements, Lot Width (Frontage) (minimum), Section 5(3e) (iv):

- i. That a minimum lot width of 14.0 +/- metres be permitted whereas the by-law requires a 24.3 metre minimum lot width. The total relief requested is 10.3 +/- metres and subject to the following condition:
1. That the applicant enters into an agreement with the Township, registered on title, to have the A-2 Zoning provision for a kernel removed from the proposed severed and retained parcels.

J. Buisman stated the severance had been before PAC and has been approved with conditions by the County. The property does have the A-2 Zoning but in the past the Township would just say that the lot size is too small.

M. Bulmer stated that a zone change would put the severance in jeopardy. No issue with the proposed minor variance.

Discussion to amend resolution to clarify condition so the onus is on the Township to have the A-2 Zoning removed (at the time of Zoning-By-law Housekeeping) , and to remove the +/- from the requested relief.

Moved by M. Bulmer, Seconded by B. McKay

That the application by Jeff Buisman, D13/DEM to permit:

A 14.0 metre frontage on a proposed lot, WHEREAS Section 5(3e(iv)) of Comprehensive Zoning By-law 19/85, as amended, requires a 24.3 metre frontage;

Be approved with the following condition:

1. That the applicant enters into an agreement, registered on title, to permit the Township to have the A-2 Zoning provision for a kennel removed from the proposed severed and retained parcels.

CARRIED

5. NEXT MEETING

Tuesday October 14th, 2014

6. AJOURNMENT

The meeting adjourned at 10:17 am.