



Committee of Adjustment Meeting  
August 11, 2015  
7:00 pm  
Council Chambers, Aberfoyle

## MINUTES

### MEMBERS PRESENT:

John Sepulis, Chair  
Dianne Paron  
Councilor Ken Roth  
Dennis O'Connor

### OTHERS IN ATTENDANCE:

Kelly Patzer – Development Coordinator  
Karen Landry  
Rob Stovel  
Rob Schiedel  
Dianne O'Krafka  
Lawrence and Patricia Flamelung  
Tyler and Sharon Butzke  
Kerry Hillis

Glenn Wellings  
Al Tschanz  
Doreen Tschanz  
Kelli Todd Wallace  
Matt Robson  
Kevin Crozier  
Ben Spiegel  
Nipun Madan

### 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 speak 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, Seconded by Dianne Paron.

- That the minutes of the Committee of Adjustment meeting held Tuesday June 9<sup>th</sup>, 2015 be adopted.

CARRIED

### 4. COMMITTEE OF ADJUSTMENT – Applications for Minor Variance

#### 4(a) Minor Variance Application D13/ONT – 2333380 Ontario Inc – Property described as Concession 7, Rear Part Lot 20, 28 Brock Road N, Township of Puslinch

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

1. A 1 metre side yard setback between the rear of the proposed addition and the north lot line
2. A 0.3 m setback between the proposed laneway and south side lot line
3. Relief of 34m<sup>2</sup> is requested to accommodate the existing upper floor, and relief of 99m<sup>2</sup> is requested to accommodate the proposed addition – for a total relief of an additional 133m<sup>2</sup> to permit a maximum floor area of 353m<sup>2</sup>
4. Relief of the buffering requirements

- Kelly Patzer summarized the application for minor variance as submitted, stated that relief #2 and # 4 as requested are not required as per the by-law,

noted that no objections were received from circulated agencies and Township Staff has no objection to the approval of the application subject to the condition that the application would be subject to Site Plan Approval. One objection was received yesterday from the Public stating that the proposed 1 metre on the north lot line was not minor.

- Nipun Madan stated he proposed a small pharmacy addition to the existing doctor's office which would be no larger than 100 square feet and to move the laneway to the other side of the property.
- Nipun Madan noted that the relief of the side yard would need 1 metre at the rear corner of the addition, but would maintain a 4 metre side yard setback at the front of the addition.
- Nipun Madan indicated that relief is requested for the maximum permitted gross floor area of the building to incorporate the 34m<sup>2</sup> of existing floor space that exceeds that in the by-law, and to allow for the 99m<sup>2</sup> proposed addition.
- Nipun Madan stated he spoke to the south neighbor who would like an opaque fence and consents to any tree removal required as a result of moving the driveway condition.
- The Chair asked if anyone in the gallery wished to speak to the application.
- Patricia Flaming, of 30 Brock Road N, stated she is concerned for the side yard reduction from 3 metres to 1 metre. Trees along the property have died due to the hard pack from the development and laneway. The original development required buffering and screening that was never completed.
- Kelly Patzer noted the application will be subject to Site Plan Approval and appropriate landscaping and screening will be a requirement between the commercial and residential properties.
- Ken Roth questioned how the addition would be compatible with the neighbouring properties.
- Nipun Madan noted that Patricia Flaming and he did meet to review the development proposal. The laneway will be moved to the other side of the property and the new addition will provide her with a consistent, aesthetically pleasing structure beside her property and will not have any windows and noted the neighbour to the south did not have objections.
- Dianne Paron asked about the hard surface and how it affected the trees.
- Nipun Madan indicated it was from the existing development and was unsure how the addition would affect any existing landscaping.
- Karen Landry noted that the condition should be altered to state that the owner shall apply for and obtain Site Plan Approval and enter into a Site Plan Agreement with the Township by a date no later than August 31, 2017.
- Dr. Nipun Madan agreed to the condition.
- There were no further questions or comments.

Moved by Ken Roth and Seconded by Dianne Paron,

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 allow:

1. A 1 metre side yard setback between the rear of the proposed addition and the north lot line, whereas Section 11.3(c), Hamlet Commercial Zone, Zone Requirements, of the by-law, requires a minimum interior side yard of 3 metres where an interior side yard abuts a lot in a zone other than a C1 Zone.
2. A maximum floor area of 353 square metres, whereas Section 11(4.f(ii)), Hamlet Commercial (C1-6 – Medical Office) Zone, of the by-law allows a maximum floor area of 220 square metres.

The request is hereby Approved with the Following Conditions:

1. The owner/applicant shall obtain Site Plan Approval and enter into a Site Plan Agreement with the Township of Puslinch by a date no later than August 31, 2017.
2. The one metre side yard setback shall apply to the north lot line only
3. The proposed addition shall be no greater than 99 m<sup>2</sup>.

CARRIED

4(b) **Minor Variance Application D13/TOD Kelli P. Todd – Property described as Plan 386, Part Lot 3 & 12, 5 Eagle Lane, Township of Puslinch.**

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

1. A 13.65 +/- metre setback from the Natural Environment Zone for a proposed deck
  2. A 17.549+/- metre setback from the Natural Environment Zone for a proposed dwelling
  3. A 1.7 metre +/- side yard setback for a dwelling with no attached garage on the south side of the property for a deck and covered entry porch.
- Kelly Patzer summarized the application, stating requested relief #1 is not required as the minimum setback for accessory structures, including decks, is 3 metres from the Natural Environment Zone.
  - Kelly Patzer noted that the Building Department objected to the side yard reduction for the reason being that when there is not an attached garage, the side yard is used for parking. A plan was given to Township Staff detailing where designated parking would be located, addressing the Building Departments concern. Township Staff have no objection to the approval of the application. No objections were received from circulated public.
  - Kelly Patzer noted the application would be subject to the condition that the requested 1.7 metre side yard setback would apply to only the balcony that extends to grade and the covered porch on the south side lot line.
  - Kevin Crozier, agent for the application, indicated the existing cottage built in 1952 and deck is closer to the lake than what is proposed. The owner is rebuilding a home and moving it back from its existing footprint, which now has a 0.845 metre existing setback on the north side lot line. The proposed new house will meet the required side yard setback on the north side yard. The new house will have a better septic than the existing holding tank which is currently located closer to the lake. There will be a drilled well versus the current shallow well.
  - Kevin Crozier noted the GRCA has no objection to the application.
  - No one in gallery wished to speak to the application.
  - John Sepulis asked if the new well and septic locations met the distance requirements under the Ontario Building Code
  - Kevin Cozier stated that the proposed locations met the minimum setback distances under the OBC.
  - There were no further questions or comments.

Moved by Dennis O'Connor and Seconded by Dianne Paron,

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 allow:

1. A 17.549+/- metre setback from the Natural Environment Zone for a proposed dwelling, whereas Section 3(25.a) of the by-law, Setbacks from the Natural Environment Zone, requires a 30 metre setback for a dwelling from the Natural Environment Zone
2. A 1.7 metre +/- side yard width for a dwelling with no attached garage on the south side of the property for a deck and covered entry porch whereas Section

7.3d) Resort Residential Zone, requires an interior side yard width (minimum) of 3 m on one side and 2 m on the other side when there is not a private garage attached to a single detached dwelling.

The request is hereby Approved with the Following Conditions:

1. The 1.7 metre side yard setback applies to only the balcony that extends to grade and the covered porch on the south side lot line.

CARRIED

**4(c) Minor Variance Application D13/REI – Reid’s Heritage Homes** – Property described as Concession 2, Part Lot 11, 6765 Wellington Road 34, Township of Puslinch.

Requesting relief from provisions of Zoning By-Law #19/85, as amended, to allow for a minimum lot frontage of 55.0 metres (180.5 ft).

- Kelly Patzer summarized the application, noting it is related to a County of Wellington severance application, to sever three lots that inadvertently merged on title. The proposed frontage is what had previously existed prior to the lots merging to one. Township Staff have no objection to the approval of the application and no objections were received from circulated public.
- Matthew Robson of Reid’s heritage Homes, agent for the application stated that the properties merged on title after inadvertently being held under the same ownership. There is no new development proposed and the severance and minor variance are to recognize original lot lines.
- There were no questions or comments from the gallery or the Committee

Moved by Dennis O’Connor and Seconded by Ken Roth,

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 allow:

1. A minimum lot frontage of 55.0 (180.5 feet), whereas Section 5.3(b), Agricultural Zone, Zone Requirements of the by-law, requires a minimum lot frontage of 121.9 metres for properties greater than 4.0 hectares in area.

CARRIED

**4(d) Minor Variance Application D13/REI – Reid’s Heritage Homes** – Property described as Concession 2, Part Lot 13, 6815 Wellington Road 34, Township of Puslinch.

Requesting relief from provisions of Zoning By-Law #19/85, as amended, to allow to for a minimum lot frontage of 24.0 metres (78.7ft).

- Kelly Patzer noted the purpose of the application is the same as the previous application, to sever the merged parcel back to the three lots.
- Matthew Robson stated there was no further information or comments to be made for this application.
- There were no questions or comments from the gallery or Committee

Moved by Dennis O’Connor and Seconded by Dianne Paron,

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 allow:

1. A minimum lot frontage of 24.0 metres (78.7 feet), whereas Section 5.3(b), Agricultural Zone, Zone Requirements of the by-law, requires a minimum lot frontage of 121.9 metres for properties greater than 4.0 hectares in area.

CARRIED

**5. ADJOURNMENT**

- The Committee of Adjustment meeting adjourned at 7:44 p.m.