



## **REPORT PD-2015-002**

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### INFORMATION REPORT

FROM: Kelly Patzer, Development Coordinator

DATE: February 4, 2015

SUBJECT: Public Meeting - Rezoning Application File D14/HAM  
Bill & Lisa Hamilton – Part Lot 20, Concession 9, municipally known as  
7652 Wellington Road 34

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### **BACKGROUND:**

#### **1. Purpose of Report**

This report is to advise Council and the Public of the application for a Zoning By-law Amendment located at 7652 Wellington Road 34. The proposed amendment seeks to rezone a portion of the property from Agricultural (A) Zone to a site specific Agricultural (A-) Zone to permit an existing landscaping contractor's yard. The Natural Environment (NE) Zone on the property will remain unchanged.

#### **2. Application**

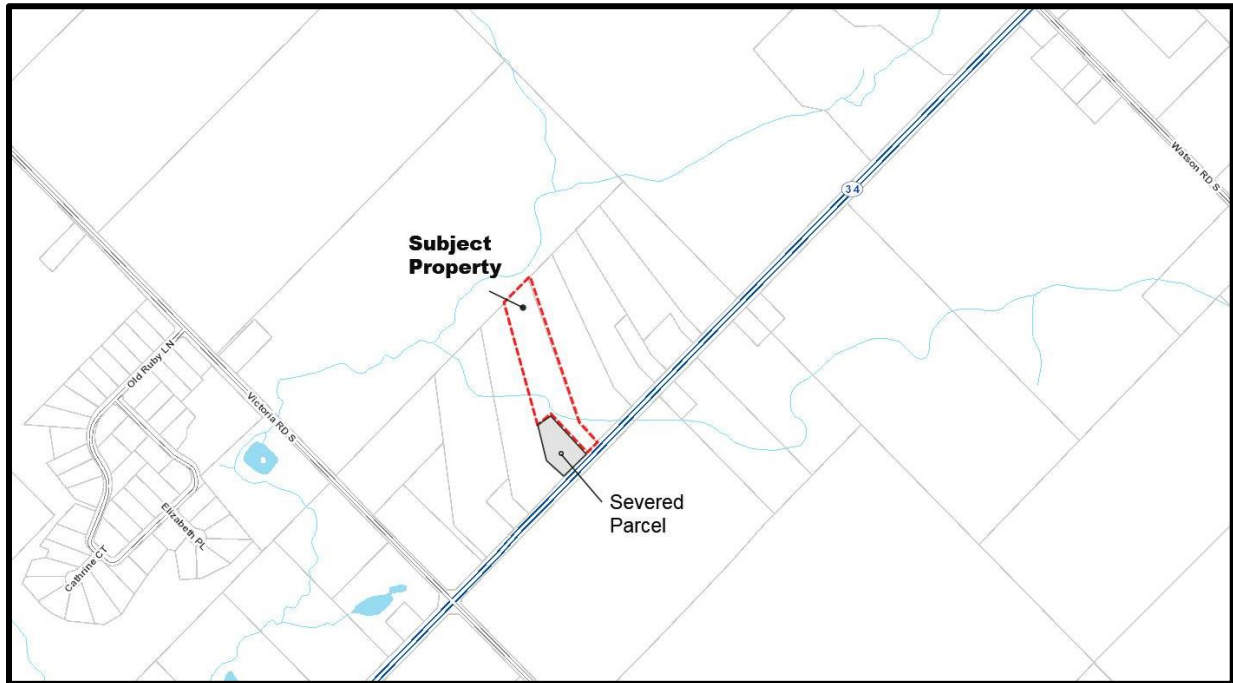
The proposed zoning amendment seeks to legalize an existing landscaping business located on the subject property without the main use of a residential dwelling. The existing activities have been conducted on the property for a number of years. The application includes the existing uses of a landscape contractor's yard with workshop, administrative office, shade house, outdoor storage and the growing of plants, shrubs and trees for commercial purposes, and the proposed uses of a single detached dwelling, barn and accessory use.

The property was subject to County of Wellington consent file B62/11, which severed the original property into two parcels and resulted in the existing house being on the severed parcel, and the two accessory buildings with landscaping business on the retained parcel. It was the owner's intent at the time of severance to build a house on the retained parcel.

A Planning Justification Report (Attachment "D") has been submitted as part of the application package. The application if approved would be subject to Site Plan Approval for staff to complete a technical review of site design, landscaping, stormwater management, building requirements, hydrogeology etc.

### 3. Location & Site Characteristics

The subject site, known municipally as 7652 Wellington Road 34, is located on the north side of Wellington Road 34, east of Brock Road and west of Watson Road S (see photos below). The parcel is approximately 3.62 ha (8 acres). The location is surrounded by existing rural residential and agricultural parcels and the rehabilitated Tikal Pit to the south.



## **APPLICATION CHRONOLOGY:**

### **1. Planning Advisory Committee:**

The Planning Advisory Committee at its meeting held on November 24<sup>th</sup>, 2014 recommended Zoning By-law Amendment Application #D14/HAM, as filed by Black, Shoemaker, Robinson & Donaldson Ltd. on behalf of Bill & Lisa Hamilton, proceed to Council for a Public Meeting.

### **2. Notice:**

November 28, 2014: Notice of a Complete Application was mailed to property owners within 120 metres of the subject property and all required agencies.

December 2014: Notice Sign posted on the property explaining the proposed application and providing Township contact information.

January 16, 2015: Notice of a Public Meeting was published in The Wellington Advertiser.

February 11, 2015: Public Meeting to be held at Township of Puslinch

### **3. Staff, Agency & Public Circulation Comments:**

The application was circulated for review November 28, 2014 to the Township's consultants and External Agencies for comments. The comments provided to date by the commenting agencies from the first submission circulation are attached as a separate document titled Attachment "A" - Consolidation of First Submission Comments.

The Township has received comments from the public, both in support of and against the application. Public comments are attached as a separate document titled Attachment "B" – Public Comments. A number of emails have been received from one resident and are available in the file for review. The resident, in addition to the emails, has submitted a letter as an official letter in opposition to the application which has been included in the attachment.

### **4. Applicant Response to First Submission Comments:**

The Township received a second submission from the applicant in response to the staff/agency and public comments provided. Please see Attachment "C" – Applicant Response Letter.

## **APPLICABLE LEGISLATION & REQUIREMENTS:**

### **1. County of Wellington Official Plan**

The Official Plan designates the subject property as Secondary Agricultural. Section 6.5.4 of the Plan allows for small scale commercial, industrial and institutional uses in Secondary Agricultural Areas provided that:

- a) appropriate sewage and water systems can be established;
- b) the proposed use is compatible with surrounding uses;
- c) the use requires a non-urban location due to:
  - market requirements;
  - land requirements;
  - compatibility issues.
- d) the use will not hinder or preclude the potential for agriculture or mineral aggregate operations;
- e) the use will be small scale and take place on one lot and large scale proposals or proposals involving more than one lot will require an official plan amendment.

### **2. Township of Puslinch Zoning By-Law**

The subject lands are zoned Agricultural (A) Zone. Permitted uses under the A Zone include:

- an agricultural use;
- an intensive agricultural use;
- a single detached dwelling;
- a home occupation;
- a retail farm sales outlet accessory to an agricultural use;
- existing churches, schools, community halls and nursing homes;
- a wayside pit;
- forestry and woodlots;
- open space and conservation areas;
- a fish and wildlife management area;
- a public use.

Home Occupations, under Section 3(9) of the by-law are to meet the following criteria:

No home occupation shall be permitted anywhere within the zoned area except in accordance with the following provisions:

- (a) A home occupation shall be accessory to a single dwelling occupied by the owner or tenant thereof as his principal residence and located within a zone in which a home occupation is specifically listed as a permitted use.
- (b) At no time shall any home occupation employ more than one person who does not reside in the dwelling to which such home occupation is accessory.
- (c) Not more than 25 per cent of the total dwelling unit area of any dwelling unit shall be used primarily for a home occupation and any area so used shall be over and above the minimum dwelling unit area required hereby for such dwelling unit.
- (d) A home occupation may occur within an accessory structure in the Agricultural (A) Zone.
- (e) The home occupation shall be clearly incidental and secondary to the main residential use to which it is accessory and shall not change the residential character of the dwelling.
- (f) No home occupation shall create or become a public nuisance, particularly with regard to noise, traffic, emissions, parking or radio or television interference, nor shall any **open storage** be permitted in conjunction with a home occupation except in accordance with the provisions of Subsection 3(15) hereof.
- (g) None of the following uses shall be considered home occupations except where such uses are specifically permitted herein:
  - automotive use
  - hospital
  - veterinarian's clinic
  - restaurant
  - refreshment room
  - truck terminal
  - salvage yard
  - variety store
  - undertaker's establishment

but may include a **service trade** as defined by this By-Law so long as it remains compatible with the surrounding areas.

**Service Trade** is defined under the by-law as an establishment, other than an automotive use, that provides a non-personal service or craft to the public, including, but not necessarily restricted to, a printer's shop, a plumber's shop, a tinsmith's shop, a painter's shop, a carpenter's shop, an electrician's shop, a welding shop, a blacksmith's shop, a merchandise service shop, a battery storage and recharging shop, a well driller's establishment, a furrier's shop, an upholsterer's shop, a bakery, a dairy, a catering establishment, an egg grading station, a machine shop, or a monument engraving shop.

**Open Storage** is defined under Section 3 (15) of the by-law and is to abide by the following regulations as listed in the by-law:

- (i) Open storage shall be accessory to a permitted or existing non-residential use or home occupation carried on in an enclosed building or portion thereof on the same lot.
- (ii) No open storage area shall be permitted in any required front yard or exterior side yard, except in the case of an agricultural use or the outside display and sale of goods and materials in conjunction with a permitted commercial use.
- (iii) No open storage shall be located closer than two metres to any lot line; however, firewood may be stored closer than two metres to a lot line so long as it does not exceed 1.5 metres in height.
- (iv) No open storage area shall be visible from any street or from any adjacent lot, where such adjacent lot is located in a zone other than a Commercial Zone or an Industrial Zone, and to this end any open storage area shall be screened, wherever necessary in order to comply with this provision, by a planting strip containing an opaque fence, wall or other opaque barrier not less than 1.5 metres in height, except that this provision shall not apply to any open storage area accessory to an agricultural use or to the outside display and sale of goods and materials in conjunction with a permitted commercial use.
- (v) Any open storage accessory to a home occupation shall be fully enclosed by an opaque wall, fence or other barrier not less than 2 metres in height so that no part of such open storage is visible from any adjacent lot or street, except that this provision shall not apply to any open storage located on a lot where on the main use is an agricultural use.
- (vi) Any open storage area shall be maintained as landscaped open space or provided and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles and drained, except that this provision shall not apply to any open storage area located on a lot where on the main use is an agricultural use.
- (vii) Notwithstanding Paragraph (vi) of this Clause, no open storage area shall be considered part of any landscaped open space required hereby.
- (viii) No parking spaces or loading spaces required by this By-Law shall be used for open storage purposes.

**CONCLUSION:**

Once all relevant information, reports and comments have been reviewed and completed, a final Recommendation Report will be brought forward to Council with any associated amending By-law which will summarize all agency and public comments and assess the merits of the application.

**Attachment “A”**

**Consolidation of First Submission**

**Staff & Agency Comments**





PLANNING AND DEVELOPMENT DEPARTMENT  
GARY A. COUSINS, M.C.I.P., DIRECTOR  
T 519.837.2600  
T 1.800.663.0750  
F 519.823.1694

## COUNTY OF WELLINGTON

ADMINISTRATION CENTRE  
74 WOOLWICH STREET  
GUELPH, ON N1H 3T9

January 6, 2015

Kelly Patzer, Development Coordinator  
Township of Puslinch  
7404 Wellington Road 34  
Guelph, ON N1H 6H9

Dear Ms. Patzer:

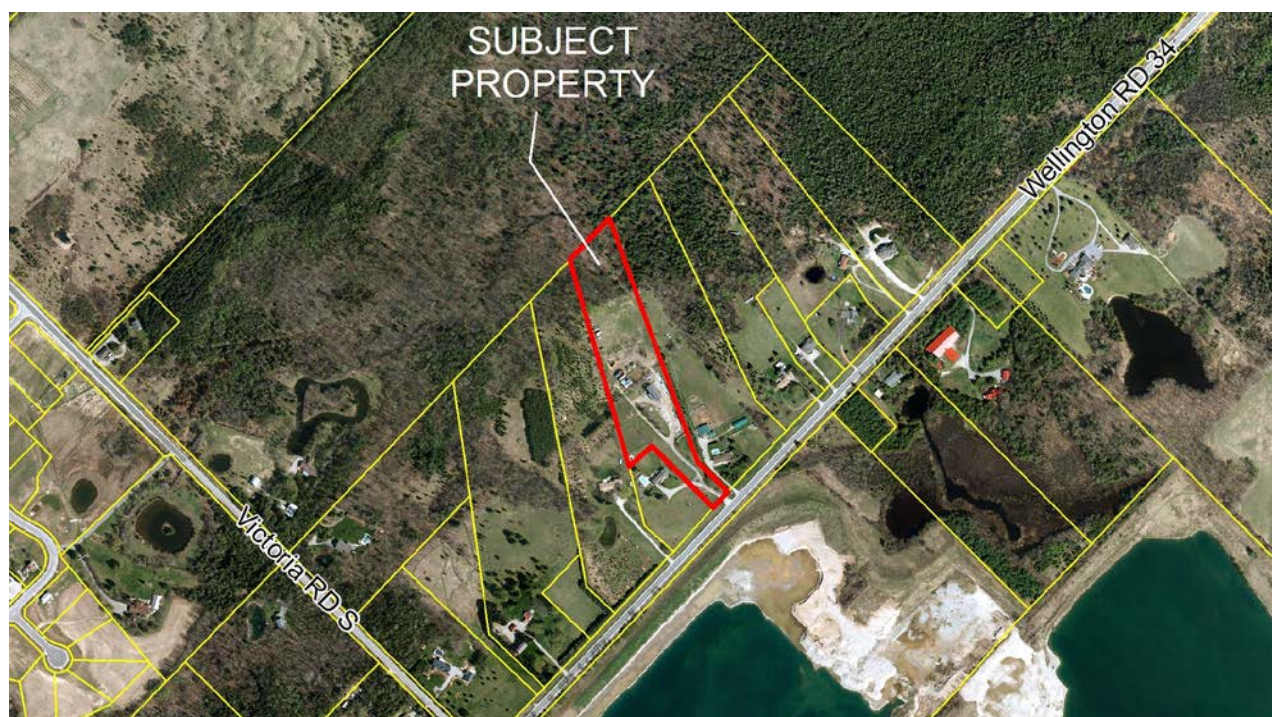
**Re: First Circulation**  
**Zoning By-law Amendment – Application D14/HAM**  
**Hamilton – Proposed Landscape Contractor's Yard**  
**7652 Wellington Road 34 ( Part of Lot 20, Concession 9)**

Thank you for circulating the above-noted rezoning request to the County for review. These comments are based on a site visit and a review of the information provided by the applicant.

### Introduction

The land subject to the proposed zoning by-law amendment (Application D14/HAM) is located east of Victoria Road South, on the north side of Wellington Road 34 at Part Lot 20, Concession 9 (see Figure 1). The property has 30 m (98 ft) frontage on Wellington Road 34 and has a total lot area of 3.26 hectares (8.1 acres).

**Figure 1** Property Location



According to the application, the subject lands are currently occupied by a storage barn and shop totaling 284 sq. m (3,060 sq. ft.). Surrounding land uses include rural residential, agricultural, large natural areas, and aggregate operations (Tikal Pit).

### **Proposal**

The purpose of the proposed amendment is to rezone a portion of the subject property (currently Agricultural) to an appropriate site-specific agricultural zone that would legalize an existing landscape business. The Natural Environment (NE) Zone at the rear of the property would remain unchanged.

### **Previous Planning Applications**

We note this property was the subject of a severance application initiated in 2011 (B62/11) which had the effect of separating an existing home from the remainder of the property. There were two conditions of approval that relate to the rezoning request:

#### **Condition 8      Zoning Compliance**

Zoning compliance was required as a condition of approval to address the existence of accessory buildings without a main use (residential dwelling). An application for minor variance (A2/2012) was submitted to the Township to allow for “an accessory building to remain temporarily without a single family dwelling”. The minor variance was approved with the following conditions:

1. That the accessory building is removed or a permit for a single family dwelling is received within 6 months of the Minor Variance approval.
2. That a security deposit in the amount of \$20,000.00 be submitted to and held by the Township of Puslinch.

*Current Status: There is no dwelling on the retained lands of the severance. The Planning Justification Report includes a landscape contractor's yard and a single detached dwelling as proposed standalone uses.*

#### **Condition 9      Minimum Distance Separation 1 (MDS1) Compliance**

MDS1 compliance for the barn on the subject property could only be achieved through removal of the barn (otherwise the application would have failed). The owner obtained a Change of Use Permit (0066/2012) to remove horse stalls to convert the barn to an accessory building.

*Current Status: At the time of our site visit for the rezoning application (December 8, 2014) we observed one horse on the property. We also note that the Planning Justification Report includes a barn as one of the proposed uses in the zone change. We would not be supportive of including a barn as a permitted use for this application as it would negate the previous MDS1 clearance for the residential lot.*

### **County Official Plan**

According to Schedule A7 (Puslinch) of the Official Plan, the property is designated SECONDARY AGRICULTURAL, CORE GREENLANDS and GREENLANDS. The property also falls within the Mineral Aggregate Overlay. The landscape business appears to be well-removed from the Core Greenlands designation.

Section 6.5.4 of the Plan allows for small scale commercial, industrial and institutional uses in Secondary Agricultural Areas provided that:

- a) appropriate sewage and water systems can be established;
- b) the proposed use is compatible with surrounding uses;
- c) the use requires a non-urban location due to:
  - market requirements;
  - land requirements;
  - compatibility issues.
- d) the use will not hinder or preclude the potential for agriculture or mineral aggregate operations;
- e) the use will be small scale and take place on one lot and large scale proposals or proposals involving more than one lot will require an official plan amendment.

### **Planning Policy Review**

In support of the planning application, the proponent has filed a Planning Justification Statement prepared by Black, Shoemaker, Robinson & Donaldson Limited (BSR&D). While the report states that the purpose of the proposed amendment is to “recognize existing activities on the property”, no details of the existing activities on the property are included in the report.

The BSR&D report provides a review of the relevant provincial policies and states that the proposed landscape business meets the intent of the Provincial Policy Statement. The report considered County policies for the Secondary Agricultural designation which provide for small scale commercial uses subject to specific criteria. The report concludes that the business activities will not generate negative impacts associated with noise, traffic emissions, parking, or outdoor storage and the surrounding properties. No details were provided to demonstrate how this would be accomplished.

### **Public and Agency Comments**

At the time of writing these comments, we have received comments in opposition from neighbouring property owners Edward and Karen Dailous. We have also received Grand River Conservation Authority comments of no objection to the application. Comments of the County Engineering Services Department will be provided under separate cover.

### **Matters to be Addressed by Applicant**

While the applicant has provided a planning policy review, they will also need to provide sufficient information and site details to address policy conformity and any comments and concerns raised by the Township, its peer review consultants, and other review agencies. Matters to address include, but are not limited to:

- provision of additional information such as
  - the specific nature of the business operation,
  - the number of on-site staff,
  - type of equipment on the property,
  - hours of operation,
  - lighting,
  - noise generated by the use, and
  - the extent and type of outdoor storage;
- the compatibility of the proposed use and potential impacts on surrounding properties;
- the appropriateness of the proposed use based on existing site services or expansions to same;
- and any other concerns raised by Council, the Planning Advisory Committee, and the public.

We trust that these preliminary comments are of assistance to the Township.

Yours truly,

A handwritten signature in black ink, appearing to read 'Sarah Wilhelm', with a stylized flourish at the end.

Sarah Wilhelm, BES, MCIP, RPP  
Senior Planner



Harden Environmental Services Ltd.  
4622 Nassagaweya-Puslinch Townline Road  
R.R. 1, Moffat, Ontario, L0P 1J0  
Phone: (519) 826-0099 Fax: (519) 826-9099

Groundwater Studies

Geochemistry

Phase I / II

Regional Flow Studies

Contaminant Investigations

OMB Hearings

Water Quality Sampling

Monitoring

Groundwater Protection  
Studies

Groundwater Modeling

Groundwater Mapping

Permits to Take Water

Environmental Compliance  
Approvals

Our File: 1426

Puslinch File: D14/HAM

December 10, 2014

Township of Puslinch  
7404 Wellington Road 34  
Guelph, ON, N1H 6H9

Attention: Ms. Karen Landry  
CAO/Clerk

Dear Ms. Landry;

Re: Hamilton – Zoning By-law Amendment

The only comments I have in regards to this application are related to the nature of the proposed outdoor storage.

- 1) What products will be stored out-of-doors and will there be an impervious pad beneath these products?
- 2) Will heavy equipment be used to stockpile materials and load/unload the materials?

Sincerely,

Harden Environmental Services Ltd.

Stan Denhoed, P.Eng., M.Sc.  
President

## Kelly Patzer

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**From:** Greg Scheifele <gwsefs@sympatico.ca>  
**Sent:** December-01-14 10:56 AM  
**To:** Kelly Patzer  
**Cc:** Steve Conway; Nathan Garland; Robert Kelly; ardyne.farmd@sympatico.ca; ONTUGLLandsINQ@uniongas.com; Executivevp.lawanddevelopment@opg.com; lindad@wellington.ca; rowcentre@bell.ca; Amanda Pepping; aherreman@grandriver.ca; Don Creed; Steve Goode; Sarah Wilhelm; Aldo Salis; Stan Denhoed  
**Subject:** RE: D14/HAM - Zoning By-law Amendment Circulation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Kelly,

I have no concerns with this zone change application.

Regards,

Greg

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**From:** Kelly Patzer [<mailto:kpatzer@puslinch.ca>]  
**Sent:** November-28-14 12:29 PM  
**To:** Amanda Pepping; Stan Denhoed; Greg Scheifele; Aldo Salis; Sarah Wilhelm; Steve Goode; Don Creed; 'aherreman@grandriver.ca'  
**Cc:** Steve Conway; Nathan Garland; Robert Kelly; [ardyne.farmd@sympatico.ca](mailto:ardyne.farmd@sympatico.ca); [ONTUGLLandsINQ@uniongas.com](mailto:ONTUGLLandsINQ@uniongas.com); [Executivevp.lawanddevelopment@opg.com](mailto:Executivevp.lawanddevelopment@opg.com); [lindad@wellington.ca](mailto:lindad@wellington.ca); [rowcentre@bell.ca](mailto:rowcentre@bell.ca)  
**Subject:** D14/HAM - Zoning By-law Amendment Circulation

Hello,

Please find attached the first circulation for Bill & Lisa Hamilton Zoning By-law Amendment located at 7652 Wellington Road 34.

Regards,

**Kelly Patzer**  
Development Coordinator  
Township of Puslinch  
(519) 763-1226 ext 226



January 9, 2015  
Our File: 115006-1

Township of Puslinch  
RR 3, 7404 Wellington Road 34  
Guelph, ON N1H 6H9

Attention: Ms. Kelly Patzer  
Development Coordinator

Re: D14/HAM – 7652 Wellington Road 34,  
Zoning Bylaw Amendment

Dear Ms. Patzer,

We have reviewed the application and information submitted in support of Zoning Bylaw Amendment D14/HAM. Based on the change from an agricultural use to the proposed use of a landscaping contractor's yard, we have the following questions/comments.

1. Intended Use/Occupancy:

-Additional details regarding the intended use of the property and buildings is necessary (eg. number of employees, hours employees are onsite, nature of use of buildings, type of equipment operated/stored, outdoor storage requirements, etc.).

2. Fire Requirements:

-An onsite fire supply is required for a building exceeding 200m<sup>2</sup>. The 2100 sq. ft. (195 m<sup>2</sup>) size reported is quite close to the limit. We suggest that the Township consult with the fire department or request confirmation of building size.

3. Servicing Requirements:

-The application indicates that a private well is available but does not indicate whether the site has a septic system.  
-Given the change in use of the building we expect that washroom facilities, and accordingly a septic system, will be required.

4. Parking Requirements:

-To support the change in use, parking requirements of 1 space per 20m<sup>2</sup> of floor area will apply (14 spaces total).  
-One loading space may also be required.

5. Access Requirements:

-Wellington Road 34 is a County Road therefore we defer to the county for review of for impacts related to traffic/access. No issues are anticipated.



6. Environmental Requirements:

-Fuel storage tanks are depicted on the site plan. The applicant should provide details regarding the nature of the tanks, refuelling procedures and spill management procedures.

Yours truly,

GM BLUEPLAN ENGINEERING LIMITED

Per:

A handwritten signature in black ink, appearing to read 'Amanda Pepping', is written over a light blue grid background.

Amanda Pepping, P.Eng.





**PLAN REVIEW REPORT: Township of Puslinch**  
**Kelly Patzer, Development Coordinator**

**DATE:** December 22, 2014

**YOUR FILE:** D14/HAM

**GRCA FILE:** D14-HAM – 7652 Wellington Road 34

**RE: Zoning By-law Amendment D14/HAM**  
**7652 Wellington Road 34**  
**Bill & Lisa Hamilton**

**GRCA COMMENT: \***

The Grand River Conservation Authority (GRCA) has no objection to the zoning by-law amendment to permit a landscape contractor's yard as a site specific provision under the Agricultural Zone to recognize existing uses.

**BACKGROUND:**

**1. Resource Issues:**

Information currently available at this office indicates that the subject property contains a portion of the Provincially Significant Mill Creek Puslinch Wetland Complex, floodplain, and the allowances adjacent to these features.

**2. Legislative/Policy Requirements and Implications:**

It is our understanding that purpose of this application is to recognize the existing uses on the property. It is our further understanding that no changes to the Natural Environment Zone are proposed. Based on this understanding, we do not anticipate any negative impacts on the natural heritage or natural hazard features on the property. Consequently, the GRCA has no objection to the zoning by-law amendment.

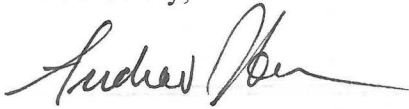
Due to the presence of the above-noted features, portions of the subject lands are regulated by the GRCA under Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development within the regulated area on the subject lands will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

**3. Additional Information/Suggestions provided in an advisory capacity:**

This application is a minor zoning by-law amendment application and the applicable plan review fee is \$380.00. With a copy of this correspondence, the applicant will be invoiced in the amount of \$380.00 for our review of this application.

Should you have any questions or require additional information, please contact me at 519-621-2763 ext. 2236.

Yours truly,



Andrew Herreman  
Resource Planner  
Grand River Conservation Authority

*\* These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.*

c.c. Bill & Lisa Hamilton – 7652 Wellington Road 34, R.R.#3 Guelph, N1H 6H9  
BSR&D c/o Brian Beatty – 351 Speedvale Avenue West, Guelph, ON N1H 1C6  
Aldo Salis, Wellington County  
Karen Landry, Township of Puslinch (email)





# Grand River Conservation Authority

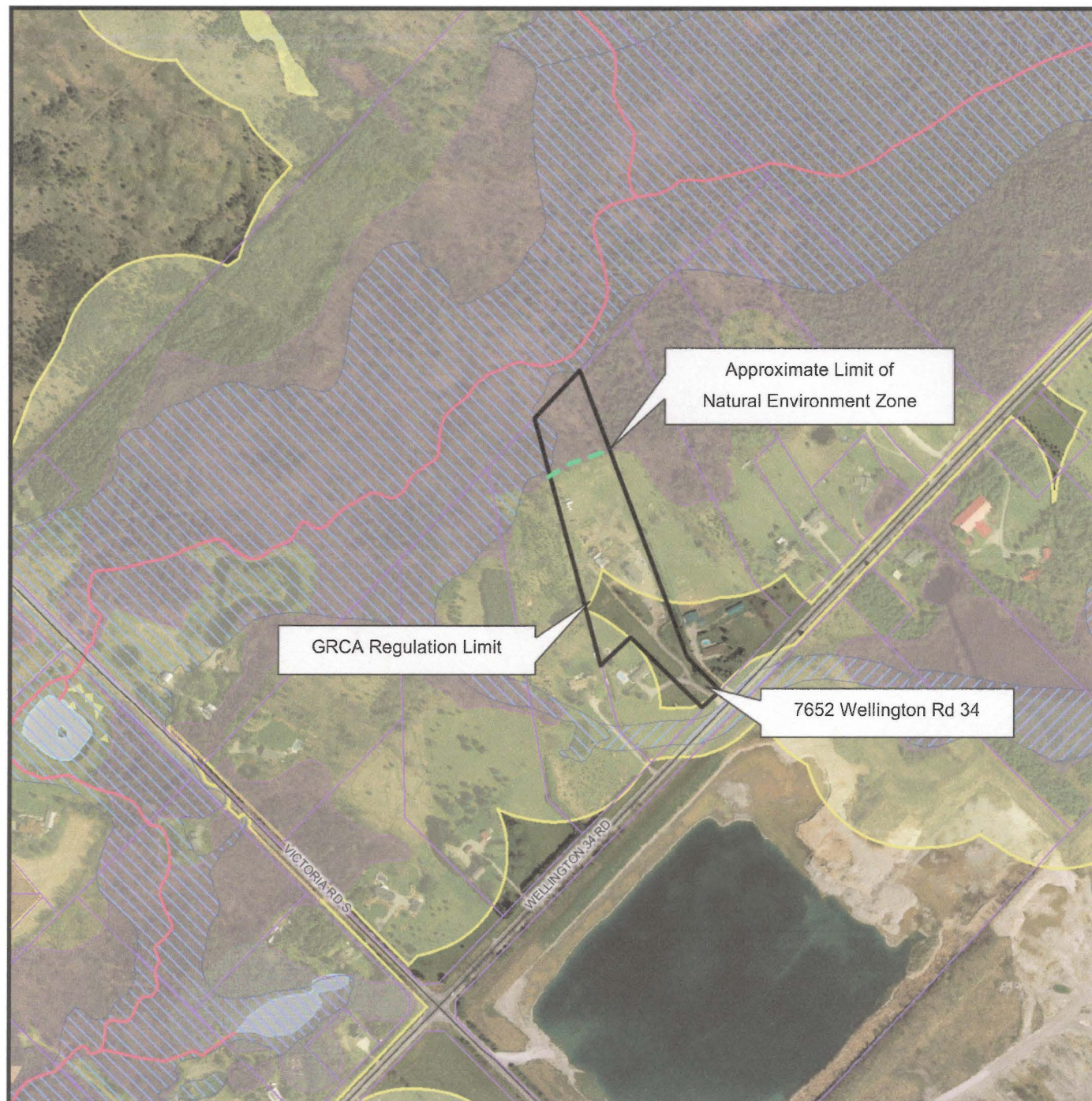
Map created: December 22, 2014

Prepared by: ah

## D14/HAM

### LEGEND

- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- CLASSIFIED STREAMS - NEW (NRVIS)
- COLD WATER
- COOL WATER
- UNKNOWN
- WARM WATER
- PARCELS-ASSESSMENT (MPAC)
- FLOODPLAIN-SPECIAL POLICY AREA (GRCA)
- FLOODPLAIN (GRCA)
- ENGINEERED
- APPROXIMATE
- ESTIMATED
- WETLAND (GRCA)
- SLOPE VALLEY (GRCA)
- STEEP
- OVERSTEEP
- SLOPE EROSION (GRCA)
- STEEP
- OVERSTEEP
- TOE
- WETLAND (NRVIS)
- PROVINCIALLY SIGNIFICANT
- LOCALLY SIGNIFICANT
- UNEVALUATED
- PARKS (GRCA)
- REGULATION LIMIT 2014 (GRCA)
- DRAINAGE-POLY (NRVIS)
- 2010 ORTHO (ONT)



GRCA Regulation Limit

Approximate Limit of  
Natural Environment Zone

7652 Wellington Rd 34

### GRCA Disclaimer

This map is for illustrative purposes only. Information contained hereon is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.

The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to:

<http://grims.grandriver.ca/docs/SourcesCitations1.htm>

0 80 160 240 320 m.

NAD 1983, UTM Zone 17 Scale 1:7,061

## Kelly Patzer

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**From:** Robert Kelly  
**Sent:** January-12-15 3:08 PM  
**To:** Kelly Patzer  
**Subject:** RE: Engineering Comments for D14/HAM

Kelly,

At this time there are no additional comments for the proposal as the buildings on the site are existing. If the application is approved the property must be subject to a Site Plan Control Agreement to ensure that the sites compatibility with the surrounding residential uses is maintained in addition to addressing the concerns raised by the Township Engineer.

Robert Kelly, CBCO RASDT  
**Chief Building Official**

Township of Puslinch  
Ph: (519)763-1226 ext 216  
[rkelly@puslinch.ca](mailto:rkelly@puslinch.ca)

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---

**From:** Kelly Patzer  
**Sent:** January-12-15 2:45 PM  
**To:** Robert Kelly  
**Subject:** Engineering Comments for D14/HAM

Hi Robert,

Attached are comments from Amanda. Do you have anything further to add for Building Comments? I am sending the response tomorrow to Brian Beatty, BSRD.

Thanks,

**Kelly Patzer**  
Development Coordinator  
Township of Puslinch  
(519) 763-1226 ext 226

**Attachment “B”**  
**Public Comments**



## Kelly Patzer

---

**From:** Kelly Patzer  
**Sent:** December-04-14 1:29 PM  
**To:** 'A G JONES'  
**Subject:** RE: 7652 Wellington Rd 34 concerned neighbour

Thank you for your comments Patricia.

The application has been circulated for staff and agencies for comments as well. You will receive notice of a Public Meeting that will be scheduled for early in the New Year where you may also attend to voice your concerns to the applicant. After that there will be a Council Meeting where a staff report will go to Council for the decision. You would also have the opportunity to speak to the application if you wish at the Council Meeting.

Regards,

**Kelly Patzer**  
Development Coordinator  
Township of Puslinch  
(519) 763-1226 ext 226

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**From:** A G JONES [[mailto:ag\\_jones@sympatico.ca](mailto:ag_jones@sympatico.ca)]  
**Sent:** December-04-14 12:13 PM  
**To:** Kelly Patzer  
**Subject:** 7652 Wellington Rd 34 concerned neighbour

My concern is one about noise levels. I have already experienced a disturbing amount of noise over the last few years and am worried with a full scale operation this will increase. It seems that whenever I decide to sit outside in the warmer months the

maybe rad or just relax they start up their machines , which are very noisy and go on and on for quite a long time. Then there are their trucks early in the morning when the workers come in to get their assignments. This starts at a very early hour. Sometimes shortly after 0630hrs and is extremely annoying. Being the first resident to build along this stretch, I have lived in the peace of the Puslinch countryside for 46 years and enjoy the quiet. It seems with this zoning change it will no longer be possible.

Patricia R Jones

## Kelly Patzer

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**From:** karen dailous <qhorses34@gmail.com>  
**Sent:** January-13-15 1:46 PM  
**To:** Susan Fielding; Matthew Bulmer; Kelly Patzer  
**Subject:** Fwd: Regarding Hamilton file D/14

this was forwarded to me and sarah wilheim at the county...re Hamiltons....7652 Wellington Rd 34

----- Forwarded message -----

**From:** A G JONES <ag\_jones@sympatico.ca>  
**Date:** Tue, Jan 13, 2015 at 9:22 AM  
**Subject:** Regarding Hamilton file D/14  
**To:** "sarahw@wellington.ca" <sarahw@wellington.ca>  
**Cc:** "qhorses34@gmail.com" <qhorses34@gmail.com>

I live at 7664 Wellington Rd 34east. Next door but one to the proposed zoning change.

I am righting to express my concerns regarding the proposed change to the property at 7752 Wellington Rd 34east.

As practically the first resident to live on this stretch of road, we built in 1968, I have enjoyed many years of peace and quiet in the country side. This is no longer the case since the landscaping business has been operating at the above address. No longer can I enjoy sitting on my deck in the warm months as the noise from their machines is unbearable. It goes on and on for hours. They start very early in the morning with their trucks arriving presumably to get their orders for the day. I am often wakened shortly after 630am by truck tailgates banging and their reverse alarms beeping endlessly. Their comings and goings continue on throughout the day and often long into the evening. This is a RESIDENTIAL area and it should remain so. If it becomes a permanent landscaping contractor's yard it can only get worse. And what's to stop other residents from also operating businesses from their residences. Don't say that they wouldn't be given permission because I am certain that no permission has been given in this case. I understand he also recently obtained a land severance. I was given to believe that this was denied so what changed? And is he allowed to have the barn on the severed land? I thought not.

The owner has long taken matters into his own hands and appears to do just what he likes. He obviously has no regard for the other residents in the area. The peace of the countryside has been broken. The noise from this operation is much, much worse than when the gravel pit on the opposite side of the road was operating.

I am also concerned about the increase in traffic flow that it will bring. This is already a busy stretch of road and there several young children living along here.

There is also the question of property value which I am sure will be affected. Why would the township even consider putting a commercial operation in the middle of so many expensive properties and risk other tax payers losing money on their properties. It makes no sense.

Let's keep our countryside for the people who enjoy the peace and quiet and let business be conducted elsewhere.

Patricia R Jones  
[ag\\_jones@sympatico.ca](mailto:ag_jones@sympatico.ca)

--

*Karen*

January 1<sup>st</sup>, 2015-01-01

To: Mayor Dennis Lever

Kelly Patzer, Matthew Bulmer, Susan Fielding, Ken Roth, Wayne Stokley, Karen Landry

From: Edward and Karen Dailous

7658 Wellington Road 34, Puslinch, On. N0B 2J0

Re: Hamilton Property, 7652 Wellington Road 34, Puslinch, On.

RECEIVED

JAN 05 2014

Township of Puslinch

Dear Mayor, Councillors and Staff,

Firstly I would like to say I have been a proud and happy resident of Puslinch since 1968 and have loved the Township, its residents and beautiful countryside. Over the years there have been so many changes, some good and some not so good. The one thing that disturbs me is the loss of agricultural and farming lands many of which are right in the middle of residential agricultural property. I lived on a farm in Puslinch for many years and in 1980 moved to the current address and our permanent/retirement home. I operate a small horse breeding private endeavour. I have had horses since I was two and had intended on being a vet., but a horrible car accident years ago put an end to that dream so I breed horses of quality calibre and enjoy this part of my life.

We lived quietly, minding our own business until 5 years ago when the property at 7652 Wellington Road 34 when our quiet country life of relaxation ceased. We have had to put up with the noise of heavy equipment, tail gates banging, backup beepers, huge loaders, a construction size earth roller, truck traffic coming and going etc. It has been going on almost 7 days a week and has taken our life style to that of living beside a construction site. Most days in the summer you can't enjoy sitting outdoors.

Our concerns were brought to the forefront in October 2012 when the Hamiltons applied of a severance to build a house at the rear of the severed property. According to by-laws and the county, they were given 6 months to build a residence on property as they continued to use the property for business with buildings and no house. Well, 6 months came and went and they applied for an extension...long story short, it has been 2 years and 3 months, they are still using the property as they always did, no residence! According to the Township and County they did not meet their conditions of the severance, but now we come to find out they still received their severance. I am confused....can't understand how this happened.

So, now on to the next saga in this property....an application for re zoning... and attached is our official opposition to this proposal.

Regards,

  
Karen Dailous



## OFFICIAL LETTER OF OPPOSITION

January 1<sup>st</sup>/2015

Re: D14- Hamilton Property – 7652 Wellington Rd.34, Puslinch, On.

To: Dennis Lever, Kelly Patzer, Matthew Bulmer, Susan Fielding, Ken Roth, Wayne Stokley and Karen Landry.

From: Edward and Karen Dailous, 7658 Wellington Rd 34, Puslinch, On.

This is our official letter of opposition regarding the proposed re zoning of the above property to allow for a landscape/contractors yard.

Since the Hamiltons moved to 7652 Wellington Rd.34, our neighbours, our life as we knew it would change 100%. We have had to put up with constant noise, usually 7 days a week, truck and vehicle traffic, construction size equipment (not lawnmowers and landscape equipment you would think) being operated, back up beepers, earth/stone separating machine operation etc.

Even on weekends if there was not employees or others making noise the children operated some of the equipment and so the noise continued. The eldest son would operate a large loader moving around stuff in the yard.

Over the years there has been soil, gravel, wood chips and equipment dumped off, loaded and un loaded. Dump trucks have dropped off loads of product then it is either moved around or loaded up again. This means truck tail gates slamming, back up beepers and more in and out traffic.

The noise never stops....friends who have come to visit and even neighbours have asked how we put up with it???? We have and raise horses and last year a mare was startled in the field by a loud bang of a tailgate she jumped and stepped on her new foal, injuring its leg to a tune of \$2500 vet bill.

The buildings as stated in the " Puslinch notice" says buildings are used for storage, not 100% true. The back building is a small barn housing two horses, as of December they are still there. The large shop might house storage but also has a fully equipped mechanics shop with hydraulic lift and every morning a gray ford PU would come and a man would be working in the garage on something, sometimes late at night, not the owners.

Our quiet peaceful way of life is no longer!!! We live in a strip of small acreage properties and we do not see the need to place a noisy business beside us. There is land in Puslinch available for such a noisy on going business and landscaping has nothing to do with what the Hamiltons do. When we think of landscaping we think of lawnmowers, weed eaters etc. Not heavy construction size equipment that there has been no peace from. You can hear it in the house, in the barn and forget sitting outside on a nice summer day....you can't.

We planted large cedar trees along the property line and the Hamiltons did put a small berm which does nothing other than flood our back path with water in the spring.

Not to mention, with all this equipment there must be oil, fuel and other fluids being leaked onto the property, which at the rear is a protected wetlands. The millcreek at the rear of the property has had it's banks damaged by the Hamilton kids driving their four wheelers etc through the stream, also dumping/throwing junk around the stream.

All of a sudden, in October, when they applied for this re zoning and knowing there might be an on site appraisal of the property.....equipment started leaving to go to a temporary yard they have and the noise has stopped. Does not take a rocket scientist to figure out they are just working the system yet again to get what they want they it will all come back and the noise will start again and we will be faced with an even worse situation.

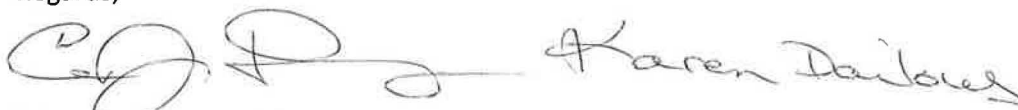
Understanding that a severance was allowed to them even though they did not meet with time lines and conditions we know that if this re zoning happens our retirement home will be hell to live in. I had spoken to a councillor at Puslinch and also the County office, they both informed me that Hamiltons had not met with the conditions as outlined. It was granted! There is no residence on the severed parcel which they have continued to use as if there was no severance. Why have by laws with conditions when a few residents seem to be able to skate around every one. That is what worries us about this re zoning, they will do whatever and whenever they wish.

We ask that you please consider the lives of other residents living beside such property and we have a right for a peaceful way of life. Keep agricultural lands, especially this small, as residential and move noisy business venues to an appropriate area. We moved here for a reason, if we thought we were going to have this happen we would never, ever have moved here. Our son and his wife were looking to stay here in the future but they have changed their minds. We deserve as Puslinch puts it..."conservation of environment", and an enjoyable peaceful way of life. As we get older and we are both suffering from cancer there are days when we would like to run away from our home to get some quiet time.

We will attend on February 11<sup>th</sup> re this issue at Puslinch Township office.

Thank you and hoping you consider the impact of this on others.

Regards,

A handwritten signature in cursive script, appearing to read "Karen Dailous".

Edward and Karen Dailous

cc. Ministry of the Environment, Aldo Salis,-Wellington County, Sarah Wilhelm-Wellington County, Andres Herrman-GRCA, Stacey Tormey-MOECC and Michael Henley-Barrister and Solicitor, Miller-Thomson

January 24, 2015

Karen Landry  
CAO/Clerk  
Township of Puslinch  
7404 Wellington Rd #34  
Guelph, ON N1H 6H9

**Re; Application D14/HAM**

Attention;

Karen Landry, CAO/Clerk,

I am writing to show my support for the Hamilton's application for zoning amendment, reference #D14/HAM.

I believe the Hamilton's proposed project will greatly benefit my community and would like to express my full support.

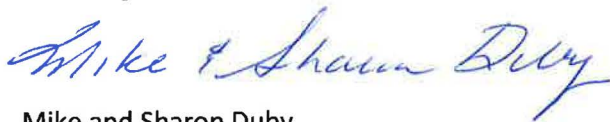
As a direct neighbour and OFA member I feel it is our responsibility to promote this kind of entrepreneurship and use of our agricultural land. Between here and the township office we see several fellow members of our community that show this same type of land use(i.e. snow removal, fencing, landscape, construction, trucking, school bus drivers, gravel, automotive and small industrial companies). In addition, we have members that raise horses, donkeys, grow hay, trees and so much more.

Moving to this country community and finding that all these neighbours equally share the passion for a good strong and prosperous community to live and raise their families, has been a great experience.

Bill and Lisa, have been what I would say, "the neighbours that everyone wished they would have"! They have been nothing but supportive, kind, respectful and always willing to step in and give you a hand. Truly great people and great neighbours.

There is no justification against this proposed zoning amendment. Please proceed with the approval for the following amendment, #D14/HAM.

With Regards;



Mike and Sharon Duby

**Attachment “C”**  
**Applicant Response Letter**

## **Background**

We applied for a severance with the sole intention of building a new home for our family and having my parents live in the existing house. Unfortunately, my father passed away during this process. Personal circumstances now make this plan unworkable. The reason this application is coming forward is to prevent the demolition of my workshop.

## **Responses to Edward and Karen Dailous letter dated January 1, 2015:**

1. "Since the Hamiltons moved to 7652 Wellington Rd.34 ....."

We have lived at this property for approximately 10 years. During this 10 year period we have received exactly 1 phone call from this neighbour complaining about noise. We are aware of several letters and complaints to the Township. We have voluntarily spent significant time and money (building burms and planting tress) trying to appease them with no success. It's worth noting that we have an excellent relationship with our neighbour on the other side of our property.

2. "Even on weekends if there was not employees....."

We have never had employees working on site – never. During the workweek, employees would pick up or drop off material. Rarely would this ever occur on a weekend and we have always adhered to the Puslinch noise bylaw. We have never had any bylaw enforcement actions during the 10 years we have lived here.

3. "The eldest son would operate..."

My son would operate a loader after school or on weekends, 95% of which was for personal purposes.

4. "...backup beepers..."

Backup beepers are essential for safety and no different than the backup beeper heard twice daily when Karen Dailous parks her school bus.

5. "The buildings as stated in the ..."

The back barn was used to house our 2 horses. One of the conditions for severance was the removal of the stalls (completed) and the removal of livestock. We sold the horses in 2013 but they ended up being returned to us later in the year. We have subsequently sold them again and are waiting for the new owners to build a proper facility this year.

The larger shop does indeed have a hoist where I work. There are no employees working in this shop. The gray Ford pickup belongs to a friend, and he has been at this shop at night and in the morning for personal reasons.

6. "...the Hamiltons did put a small berm which does nothing other than flood..."

I have never seen any flooding nor has any flooding been brought to my attention. The berm was built in an attempt to appease our neighbour.

7. "...there must be oil, fuel ...."

I take both the environment and equipment maintenance seriously. I do nothing to damage to the environment where I live and am offended by the suggestion otherwise. I, nor my children, do not dump or throw junk in the stream.

8. "...equipment started leaving to go to a temporary yard...."

I do not have a temporary yard and sadly I don't possess the knowledge to "work the system"

9. "We ask that you please consider the lives of other residents..."

It is important to us to maintain positive relationships with all of our neighbours and feel we have done this with nearly everyone, with the exception of the Dailouses. On Saturday January 10, 2015 at 9:00pm the police were dispatched to our house to investigate a noise complaint regarding our children's hockey game on our outdoor rink roughly 400 feet from their house. We are at a loss on how to satisfy their requirements.

**Responses to Patricia R Jones email dated January 13, 2015:**

1. We have lived and operated at current location for roughly 10 years and have never had a complaint from Patricia Jones, either directly or through the Township during this time.
2. We would never have tailgates banging at 6:30 am nor do we plan on doing anything like that. We will adhere to any requirements of the Township's noise bylaw.

## Response to County of Wellington

### 1) Condition 9 – MSD1 Compliance

The reference to a “barn” will be changed to storage shed. There is no intention of having animals in a barn on the property

### 2) Matters to be Addressed by Applicant

#### *(a) Specific Nature of Business Operation*

- Storage of Material (gravel, topsoil, mulch, paving stones, natural rock)
- Equipment maintenance
- Equipment Storage

#### *(b) Number of on-site staff*

- 1 – mainly for equipment maintenance

#### *(c) Type of Equipment on Property*

- Backhoe, Loader, skid steer, small trucks, small tractors, various small landscaping items (lawnmowers, trimmers.....)

#### *(d) Lighting*

- 2 existing yard lights

#### *(e) Noise Generated by the use*

- Delivery trucks 2-3 times per week
- Loader\Backhoe\skid steer to load trucks or move material

#### *(e) Extent and type of outdoor storage*

- Natural materials will be stored outside (gravel, topsoil, mulch, stone)
- Generally not more than 2-3 truck loads at any one time

#### *(f) compatibility*

- Similar to many small scale businesses operating in the area
- Burms and trees have been created to screen

*(g) site servicing*

- No expansion of site servicing is planned

**Response to BluePlan Engineering**

**1. Intended Use\Occupancy**

- Buildings are to be used for maintenance and storage
- 1 employee Monday-Friday during normal business hours
- Outdoor storage for natural materials – gravel, topsoil, mulch, stone

**2. Fire Requirements**

- Will comply with requirements

**3. Servicing Requirements**

- No washrooms facilities were planned for at the present time

**4. Parking Requirements**

- The requirements will be met

**5. Environmental Requirements**

- No fuel storage tanks are planned and will be removed from the site plan

**Response to Harden**

**1 Outdoor Storage**

- Products to be stored outside include gravel, topsoil, mulch and stone
- There is no plan for an impervious pad



## 2 Equipment

- Unloading\loading equipment will include a loader, backhoe or skid steer

# **Attachment “D”**

## **Planning Justification Report**

**Prepared by Black, Shoemaker, Robinson &  
Donaldson Ltd.**



## **PLANNING JUSTIFICATION STATEMENT**

### **Application for Zoning By-law Amendment, Township of Puslinch**

### **(Special Provisions in an Agricultural Zone for Landscape Contractor Yard)**

### **Bill & Lisa Hamilton**

#### **Background:**

The subject property is located south of the City of Guelph in the rural area of the Township of Puslinch. The 8± acre (3.258 ha.) parcel abuts the north side of Wellington Road 34 a couple hundred meters east of the intersection with Victoria Road South. The legal description of the property is Lot 20, Concession 9, Part 2 of Registered Plan 61R-11799. The existing structures on the property include a one storey metal clad building used as a shop for the landscape business along with what used to be a former one storey barn used as a stable now used for storage.

The proposed amendment to include special zoning provisions in agricultural for the landscape business is to recognize existing activities on the property. Consistency of the zoning by-law amendment application with the County of Wellington Official Plan and Township Zoning By-law can be considered by reviewing the documents and specific references to the small scale commercial uses as permitted activities in Secondary Agricultural areas in the Township.

#### **Provincial Policy Statement (PPS):**

The PPS generally references the opportunities and appropriateness of secondary uses in rural, agricultural districts which shall be limited in scale, and criteria for the uses shall be included in municipal planning documents as recommended by the Province, or based on municipal approaches which achieve the same objective. The intent of the provincial policy is to permit secondary uses in agricultural districts providing the opportunity and flexibility for uses which meet certain compatibility criteria and determined to be complimentary to agricultural activities and secondary in nature.

Wellington County Official Plan (OP):

The majority of the parcel is designated Secondary Agricultural in the Wellington County OP with a small area of Greenland in the northern portion of the property. All uses permitted in the Prime Agricultural area are allowed in the Secondary Agricultural OP designation. Section 6.5 Secondary Agricultural Areas, subsections 6.5.3 Permitted Uses and 6.5.4 Commercial, Industrial & Institutional in the OP, identify secondary uses that may be allowed subject to appropriate sewage and water systems, surrounding land use compatibility, small in scale and not hinder potential agricultural or mineral aggregate operations.

Small scale businesses in the rural area are not intended to be significant employment generators with the potential for off-site impacts through incompatibility of uses. However, when they do not require the level of servicing or proximity to major transportation facilities, and are self-contained they can blend and be compatible with the surrounding rural environment.

Township of Puslinch Zoning By-law No. 19/85, as Amended:

The property is currently zoned Agricultural – (A) along with a small northerly portion of Natural Environment – (NE) Zone in the Township of Puslinch Zoning By-law, No. 19/85, September, 2012 Consolidation. The proposed amendment application identifies special provisions and requirements to permit landscape related business activities on the property.

In summary, the application meets the policy intent at the local and county level in addition to site compatibility with the adjacent properties. The business activities will not generate negative impacts associated with noise, traffic emissions, parking, or outdoor storage and the surrounding properties and natural environment lands will not be impacted. Special provisions for landscape contractor's yard uses have been granted in the past through amendments to the Zoning By-law in the Township's Secondary Agricultural designated area and Agricultural Zone within the rural area.

**Section A – Special Provisions**

7652 Wellington Road #34,  
RR#3, Guelph, N1H 6H9

“

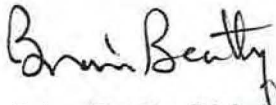
**( ) A-\_\_ (LANDSCAPE BUSINESS)**

In addition to the uses permitted under subsection 5(2) and notwithstanding any provisions of this By-law to the contrary, the land zoned A \_\_ on Schedule 'A' may also be used for a landscape business:

**(i) Uses Permitted**

- A landscape contractor's yard including a work shop, administrative office, shade house, outdoor storage, and the growing of plants, shrubs and trees for commercial purposes;
- A single detached dwelling, barn and accessory use;

**(ii)** The retail sale of goods or materials from the subject property shall not be permitted."



Brian Beatty, BAA, MURPI

Planner

Black, Shoemaker, Robinson & Donaldson Limited

351 Speedvale Avenue, W.,

Guelph, Ontario

N1H 1C6

September, 2014