



## **MINUTES**

The November 10, 2020 Committee of Adjustment Meeting was held on the above date and called to order at 7:00 p.m. via electronic participation.

### **1. CALL THE MEETING TO ORDER**

### **2. ROLL CALL**

#### **MEMBERS IN ATTENDANCE**

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

#### **MEMBERS ABSENT**

None

#### **STAFF IN ATTENDANCE**

Lynne Banks, Development and Legislative Coordinator  
Courtenay Hoytfox, Deputy Clerk  
Zachary Prince, Planner, County of Wellington  
Meagan Ferris, Senior Planner, County of Wellington

### **3. OPENING REMARKS**

The Chair welcomed those attending the meeting to the Committee of Adjustment and informed the attendees that 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.

### **4. DISCLOSURE OF PECUNIARY INTEREST**

- Dan Kennedy declared a conflict of interest with respect to Item 5(d) – Manu and Pooja Kaushik – Part Block 42, Plan 802, Telfer Glen Rd. and Queen Street, Township of Puslinch because he is within the circulation area.

### **APPROVAL OF MINUTES**

Moved by: Dennis O'Connor

Seconded by: Paul Sadhra

That the Minutes of the Committee of Adjustment meeting held Tuesday, October 13, 2020 be adopted.

CARRIED

### **5. APPLICATIONS FOR MINOR VARIANCE OR PERMISSION under section 45 of the Planning Act to be heard by the Committee this date:**

- 5(a) **Minor Variance Application D13-TIM – Timberworx Custom Homes Ltd.** – Property described as Wellington Vacant Land Condominium No.172 (Unit 71), municipally known as 109 Heritage Lake Drive PV, Township of Puslinch.

Requesting relief of New Comprehensive Zoning By-law #23-2018, as amended, to permit a maximum lot coverage of the dwelling (Unit 71) to be 23.7% instead of 20% as required.

- Jeff Buisman, agent for the applicant, provided an overview of the application and advised the Committee that the abutting landowner at 105 Heritage Lake Drive PV has withdrawn is objection to the minor variance.
- There were no questions or comments from the public.
- John Sepulis asked if there have been any changes to the application from the previous submission in October.
- Jeff Buisman advised that there have been no changes and that it is identical to the October submission.
- There were no further questions or comments from the Committee.

**That Application D13/TIM requesting relief from provisions of Zoning By-Law #023/2018, as amended, to:**

Permit a maximum lot coverage of the dwelling (Unit 71) to be 23.7% instead of 20% as required.

**Is approved with no conditions.**

**5(b) Minor Variance Application D13-BRE – David Brewer –** Property described as Part Lot 27, Concession 1, municipally known as 7204 Concession 1, Township of Puslinch.

Requesting relief of New Comprehensive Zoning By-law # 23-2018, as amended, to permit a reduced lot frontage of the retained parcel to be 92.91 meters instead of 120 meters, as required.

- Jen Baker from the Hamilton Naturalist's Club provided an overview of the application.
- There were no comments or questions from the public.
- Dan Kennedy asked how parking will be handled since the road shoulders are quite narrow.
- Jen Baker advised that they have an entrance permit to create 1 or 2 parking spaces but that the property is not going to be one that will be visited often and that David Brewer has offered some parking on his property as long as he resides on the property.
- Dan Kennedy also asked if there are provisions in place that will prevent the property from being developed.
- Jen Baker advised that they have a donation agreement with Mr. Brewer that the club will not develop the property and that they have applied for a grant with the federal ecological gifts program and if they violate the terms of the grant, then they would be required to pay back all monies gifted to the federal government and would have to reinstate the property to its original condition.
- There were no further questions or comments.

**That Application D13/BRE requesting relief from provisions of Zoning By-Law #023/2018, as amended, to:**

Permit a reduced lot frontage of the retained parcel to be 92.91 meters instead of 120 meters, as required.

**Is approved with no conditions.**

**5(c) Minor Variance Application D13-JUD – Malkiat and Jagraj Judge -** Property described as WVLCPC 172 Level 1, Unit 21, municipally known as 19 Visser Drive PV, Township of Puslinch.

1. Requesting relief of New Comprehensive Zoning By-law # 23-2018, as amended, to permit a reduced side yard setback to be 1.03 meters instead of 2.0 meters as required.
  2. Requesting relief of New Comprehensive zoning By-law Z#23-2018, as amended, to permit a reduced rear yard setback to be 0.91 meters instead of 2.0 meters, as required.
- Lynne Banks advised the committee that the public notice contained an error in the minimum side and rear yard setbacks and that they should be 2.0 for both the rear and side yard setbacks and not 5.0 side yard setbacks and 7.5 for the rear setbacks, as stated in the public notice. She also read correspondence from landowners from within the circulation buffer area.
  - The owner, Malkait Judge, provided an overview of the application and noted that there are several sheds larger than his shed and wasn't aware that he needed to apply for a permit for the shed.
  - Brian Fearon, landowner within the circulation area, stated that he is worried about future development and would the owner be permitted to build closer to the lot lines.
  - Linda Miele, landowner within the circulation area, advised that she is noted that the condominium board advised here that the owner needs to apply for a permit and stay within the regulations. She further asked whether the condominium board or the Township has priority over any construction.
  - John Sepulis advised that anytime there is construction on a property, the owner must comply with the regulations within the Township's zoning by-law.
  - There were no further questions or comments from the public.
  - Dan Kennedy asked if the owner is in compliance with the condominium declaration.
  - John Sepulis noted that the committee is only commenting on the distance from the shed to the property lines.
  - Dennis O'Connor asked if the owner considered expanding the base so that the shed could be moved so that it is 2.0 metres away from the property lines.
  - Mr. Judge advised that if he had to move the shed, he would have to tear it down and put up a new shed.
  - Dennis O'Conner asked Mr. Judge if he considered moving it previously.
  - Mr. Judge noted that he can't move it.
  - Deep Basi noted that the landowner stated that he had approval from the condominium board and asked if he had anything in writing.
  - Mr. Judge advised that he didn't inquire directly to the board, and that he did provide the drawings to the board and they told him to apply for a permit.
  - Deep Basi asked if the owner could plant some shrubs around the shed to make it more attractive.
  - Mr. Judge noted that the owner across the street who has objected to the shed and there are trees around the property.
  - Paul Sadhra Lynne Banks asked if the building permits have been processed and approved.
  - Lynne Banks advised that she can confirm with the building department to see if the permit was received and approved.
  - John Sepulis reminded the committee that they are only addressing the minor variance and that any permits are another matter.
  - John Sepulis stated that he wanted to add a condition that the reduced setbacks apply only to the shed and asked the committee to pass a motion.
  - The motion was moved by Deep Basi and seconded by Paul Sadhra. The committee voted that the motion be approved.

**That Application D13/JUD requesting relief from provisions of Zoning By-Law #023/2018, as amended, to permit:**

1. A reduced side yard setback to be 1.03 meters instead of 2.0 meters as required.

2. A reduced rear yard setback to be 0.91 meters instead of 2.0 meters, as required.

**Is Denied.**

The Committee voted on the application as follows:

Dan Kennedy – Deny  
Dennis O’Connor – Deny  
Deep Basi – Deny  
Paul Sadhra – Deny  
John Sepulis – Approve

**5(d) Minor Variance Application D13-KAU – Manu and Pooja Kaushik – Property described as Part Block 42, Plan 802, Telfer Glen Rd. and Queen Street, Township of Puslinch.**

Requesting relief of New Comprehensive Zoning By-law # 23-2018, as amended, to permit a reduced minimum height to be 1 story and 4.72 meters in height instead of 2 story and not less than 6.6 meters, as required.

- Dan Kennedy advised the Committee that he has a pecuniary interest in this application because he lives within the circulation area.
- Manu Kaushik, owner of the property, together with Michael Trussell, agent for the applicant, provided an overview of the application.
- Anthony Yu, owner of property at 20 Queen Street addressed the Committee and stated that he does not object to the minor variance, but inquired whether or not the applicant has received approval for an entrance from Telfer Glen Street.
- John Sepulis reminded that the application is only for the minor variance and asked Zachary Prince if the owner has site plan approval.
  - Michael Trussell advised that site plan approval has not be applied for yet, but have been in preliminary discussions with staff regarding site plan approval.
  - Mr. Yu wanted to know if the owner will be permitted to put an entrance off of Telfer Glen Street.
  - John Sepulis reminded Mr. Yu that this meeting is only for the minor variance application and entrance inquiries should be directed to Township staff.
  - Alan Fairweather, owner of 14 Telfer Glen Street, and noted that he has no objections to the minor variance and is very concerned with access to the property due to the increased traffic flow from the proposed medical clinic.
  - John Sepulis asked Michael Trusell if a traffic analysis has been done.
  - Mr. Trussell advised that it has not been addressed to date, and added that he does not believe that this is the forum for the discussion regarding traffic flow.
  - Zachary Prince noted that the MTO would need to provide comments due to the close location of Highway 6.

- John Sepulis asked Zachary Prince whether there is a future opportunity where Mr. Fairweather can address his concerns regarding traffic.
- Zachary Prince noted that Lynne Banks would be better suited to address site plan approval.
- Lynne Banks advised that staff has delegated authority for the execution of site plan agreements, however, she further noted that any site plan agreements that there might be concerns about would be taken to Council for approval and any interested parties would be able to address their concerns at the Council meeting.
- Michael Trussell noted that the driveway access was not raised as a concern at the pre-consultation with Township staff and consultants.
- John Sepulis asked Lynne Banks to discuss the entrance with staff and Township engineers and provide a response to Mr. Fairweather.
- Lynne Banks advised that she will discuss the entrance and will provide a response to Mr. Fairweather.
- There were no further questions or comments from the public.
- Deep Basi noted that he is okay with the height, but has concerns with traffic flow.
- There were no further questions or comments from the Committee.

**That Application D13/KAU requesting relief from provisions of Zoning By-Law #023/2018, as amended, to:**

Permit a reduced minimum height to be 1 story and 4.72 meters in height instead of 2 story and not less than 6.6 meters, as required.

**Is Approved.**

**5(e) Minor Variance Application D13-WAY – Alven Way – St. Helens Island, Puslinch Lake, Township of Puslinch.**

Requesting relief of New Comprehensive Zoning By-law # 23-2018, as amended, from Section 12.4 and Section 4.17.1b to permit a second story addition.

- Al Way, owner of the property, provided an overview of the application.
- There were no questions or comments from the public.
- There were no questions or comments from the Committee.

**That Application D13/Way requesting relief from provisions of Zoning By-Law #023/2018, as amended, to:**

Permit a maximum lot coverage of the dwelling (Unit 56) to be 24% instead of 20% as required.

**Is approved with no conditions.**

**5(f) Minor Variance Application D13-TRI – Dhiren Kumar and Kirtiben Trivedi**



Requesting relief of New Comprehensive Zoning By-law # 23-2018, as amended, to permit a maximum height of an accessory structure to be 8.02 meters to the peak of the roof instead of 5 meters, as required.

- The owner, Dhiren Kumar Trivedi, provided an overview of the application.
- There were no comments or questions from the public.
- John Sepulis noted that the County Planner's report noted that they are requesting a deferral.
- Meagan Ferris advised that she did not receive a concept plan until before the meeting and would like more time to review it, and does think that the building is quite high for the development area.
- John Sepulis asked if the application meets the four tests for a minor variance.
- Meagan Ferris noted that she needs more time to review the plans to confirm that the application meets the four tests in order to make a recommendation.

**That Application D13/TRI requesting relief from provisions of Zoning By-Law #023/2018, as amended, to:**

Permit a maximum height of an accessory structure to be 8.02 meters to the peak of the roof instead of 5 meters, as required.

The Committee voted on the application as follows:

Paul Sadhra - Defer  
Dan Kennedy - Defer  
Deep Basi- Defer  
Dennis O'Connor - Defer  
John Sepulis - Defer

**Is deferred until the December 8, 2020 Committee of Adjustment meeting so that the County of Wellington planner has time to review the concept plan in more depth.**

## 6. OTHER MATTERS

None

## 7. ADJOURNMENT

Moved by: Dennis O'Connor

Seconded by: Dan Kennedy

The Committee of Adjustment meeting adjourned at 8:23 p.m.

CARRIED