



## MINUTES

The October 13, 2020 Committee of Adjustment Meeting was held on the above date and called to order at 7:00 p.m. via electronic participation.

### CALL THE MEETING TO ORDER

### ROLL CALL

#### **MEMBERS IN ATTENDANCE**

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

#### **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

### **1. 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.

### **2. DISCLOSURE OF PECUNIARY INTEREST**

- None

### **3. APPROVAL OF MINUTES**

Moved by: Dennis O'Connor

Seconded by: Deep Basi

That the Minutes of the Committee of Adjustment meeting held Tuesday, September 8, 2020 be adopted.

CARRIED

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

#### **4(a) Minor Variance Application D13-CHA – Charleston Homes Ltd. - Property described as Part Lot 17, Concession 10, municipally known as 4568 Concession 11, Township of Puslinch.**

Requesting relief of New Comprehensive Zoning By-law # 23-2018, as amended, to permit a height of 10.728 metres instead of 10 metres, as required.

- Dwayne Edwards, agent for the applicant, 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/CHA requesting relief from provisions of Zoning By-Law #023/2018, as amended, to:**

Permit a building height of 10.728 metres instead of 10 metres, as required.

**Is approved with no conditions.**

The Committee voted on the motion **with all in favour.**

**4(b) Minor Variance Application D13-LYN – Meribeth Lynch** – Property described as Lot 56, Registered Plan 61M-203, municipally known as 39 Hemlock Crescent PV, Township of Puslinch.

Requesting relief of New Comprehensive Zoning By-law # 23-2018, as amended, to permit an accessory structure to be 1.50 metres from the front lot line instead of 2.0 meters, as required.

- Meribeth Lynch, owner of the property, provided an overview of the application.
- There were no questions or comments from the public.
- Dan Kennedy ask if there were any concerns regarding the reduced distance from the lot line and snow removal.

Meribeth Lynch advised that the existing deck is currently 1.5 metres from the lot line and there have not been any complaints since she has lived there.

- There were no further questions or comments from the Committee.

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

Permit an accessory structure to be 1.50 metres from the front lot line instead of 2.0 meters, as required.

**Is approved with no conditions.**

The Committee voted on the motion **with all in favour.**

**4(c) Minor Variance Application D13-DET – Martin and Paula Deter** – Property described as Rear Part Lots 7 & 8, Concession 4, Laird Road West, Township of Puslinch.

Requesting relief of New Comprehensive Zoning By-law # 23-2018, as amended, to permit an accessory building to be permitted prior to the erection of the principal building on the lot, as required.

- Jeff Buisman, agent for the applicant, provided an overview of the application.
- There were no questions or comments from the public.
- John Sepulis noted that there will be a condition in the Decision that the owner will be required to enter into an agreement to allow for the accessory structure.

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

Permit an accessory building to be permitted prior to the erection of the principal building on the lot, as required.

**Is approved with the following condition:**

The owner will enter into an agreement with the Township that will allow the owner to keep the accessory structure on the property until the dwelling is completed and the owner has occupancy. A term of the agreement is that the owner will be required to provide a security to the Township which will be returned to the owner once the accessory structure has been demolished.

The Committee voted on the motion **with all in favour**.

**4(d) 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 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 that the owner Shawn Marsh is also in attendance to respond to any questions.
- John Sepulis invited anyone who wishes to speak to the application to please proceed with their comments.
- Alex Serwaczek addressed the Committee and read from a prepared text (attached to these minutes), expressing objection to the application and advised that he will provide them to the Committee following the meeting.
- Paul Sadhra asked Jeff Buisman if Mr. Serwaczek's comments regarding the lake view been evaluated.
- Jeff Buisman advised that the comments had not been yet been reviewed regarding the lake view to see what the impacts would be to the Mr. Serwaczek's property, but even if the size of the house was reduced, there is the potential that the position of the house wouldn't change in relation to the unit at the abutting property.
- Paul Sadhra asked for confirmation of when the Notice was posted.
- John Sepulis asked Lynne Banks when the Notice was first sent out to the public.
- Lynne Banks advised that the Notice was mailed on September 21<sup>st</sup> and a picture of the sign posted on the property was received on September 29<sup>th</sup>.
- Paul Sadhra asked Mr. Serwaczek to confirm that there was no notice on the property.
- Mr. Serwaczek confirmed that there was no notice on the property was not posted on the property
- Lynne Banks confirmed that there is a picture of the sign posted on the property in the applicant's file.
- John Sepulis advised that he drove past the property on October 12<sup>th</sup> and there was a sign on the property.
- Dan Kennedy asked if Jeff Buisman can address Mr. Serwaczek's comment regarding the percentage calculations.
- Jeff Buisman noted that it is just a different way of presenting the numbers and noted that the County's planning report has reviewed the application and that the minor variance meets the four tests for determining if it is minor in nature.
- John Sepulis advised that he is concerned that Mr. Serwazek did not have enough time to properly assess the application and given the timelines and the desire to have the property vetted by his consultant and has difficulty moving the application forward until the owner's consultant has looked at the application
- Courtenay Hoytfox advised that there is another attendee who would like to speak.
- Shawn Marsh, owner of Timberworx Custom Homes, advised that the sign is posted on the property and is easy to see and if he had earlier notice of the Mr. Serwazek's concerns we would have contacted them prior to the meeting. He further noted that most of the homes in the subdivision are approximately the same size with another one a bit larger. He also noted that the Township's housekeeping by-law will be addressing the size of the lot coverage, but has been

delayed due to the Covid pandemic, so he is using the minor variance application process until the housekeeping by-law is passed by Council.

- Courtenay Hoytfox advised John Sepulis that Mr. Serwaczek would like to address the Committee again.
- John Sepulis agreed.
- Mr. Serwaczek stated that the small sign is for another item unit on the Agenda (Unit 56) and further noted that with regards to the 23.7 percent it is a total of 18.5 percent of the 20 percent, and while it sounds minor in nature to go from 20 to 23.7 it is 18.5 percent or 950 square feet and it
- John Sepulis asked Lynne if she has a picture of the sign that can be shared onscreen.
- Lynne Banks provided the picture of the sign to Courtenay Hoytfox who put it on the screen for everyone attending.
- John Sepulis noted that everyone has reviewed that sign and are satisfied.
- Jeff Buisman stated that possibly after the meeting Shawn Marsh and Mr. Serwaczek can discuss possibly shifting things a little bit in the dwelling, but feels that the application does meet the 4 tests of the Planning Act.

The Committee voted on the application as follows:

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

Reason for deferral: The Committee doesn't believe that the neighbouring property owner did not have an adequate amount of time to respond and present his case appropriate at the notice of decision meeting.

- Lynne Banks inquired if the application will be brought back to the Committee at the November 10<sup>th</sup> Committee of Adjustment meeting.
- John Sepulis recommended that the Committee leave it up to the proponent to discuss with the abutting landowner to see if they can resolve the matter amicably in time for that meeting and it will be up to them to decide to bring it forward or defer to a later date.

**4(e) Minor Variance Application D13-TIM – Timberworx Custom Homes Ltd.** – Property described as Wellington Vacant Land Condominium No.172 (Unit 56), municipally known as 149 Heritage 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 56) to be 24% instead of 20% as required.

- Jeff Buisman, agent for the applicant, provided an overview of the application.
- There were no questions or comments from the public.
- Paul Sadhra asked to confirm that there were objections from the neighbours.
- Lynne Banks confirmed that no objections had been received.
- 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 56) to be 24% instead of 20% as required.

**Is approved with no conditions.**



The Committee voted on the motion **with all in favour**.

**4(f) Minor Variance Application D13-HOH – Paul and Mary Hohenadel** – Property described as Part Lot 21, Concession 8, municipally known as 4458 Victoria Road South, 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 13.99 meters instead of 120 meters, as required.

- Jeff Buisman, agent for the applicant, provided an overview of the application and noted that there was some concern regarding the safety of the entrance location with respect to the hydro pole placement and advised that the hydro pole will be 4 meters from the driveway. He also noted that hydro's requirement is that the pole be at least 1.5 metres from the entrance. He further advised that the Director of Public Works visited the property and found that the entrance was fine but there is some vegetation that will need to be removed from the front of the property.
- There were no questions or comments from the public.
- There were no questions or comments from the committee.

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

Permit a reduced lot frontage of the retained parcel to be 13.99 meters instead of 120 meters, as required.

**Is approved with the following condition:**

That safe access to and from the site can be achieved.

The Committee voted on the motion **with all in favour**.

**5. OTHER MATTERS**

None

**6. ADJOURNMENT**

Moved by: Dennis O'Connor

Seconded by: Dan Kennedy

The Committee of Adjustment meeting adjourned at 8:01 p.m.

CARRIED