



PLANNING & DEVELOPMENT ADVISORY COMMITTEE

November 10, 2020

7:00 p.m.

Register at:

https://us02web.zoom.us/webinar/register/WN_qQBhpsPRTHu_RqT8zzPrbA

Or join by phone:

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438 809 7799 or +1 587 328 1099

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A G E N D A

COMMITTEE OF ADJUSTMENT:

1. CALL THE MEETING TO ORDER

2. ROLL CALL

3. OPENING REMARKS

4. DISCLOSURE OF PECUNIARY INTEREST

4. APPROVAL OF MINUTES

- October 13, 2020

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 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.



PLANNING & DEVELOPMENT ADVISORY COMMITTEE

November 10, 2020

7:00 p.m.

- 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.

- 5(c) Minor Variance Application D13-JUD – Malkiat and Jagraj Judge** - Property described as WVLCP 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

- 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.

- 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.

- 5(f) Minor Variance Application D13-TRI – Dhiren Kumar and Kirtiben Trivedi** - Lot 52, Plan 795, municipally known as 11 Fox Run Drive, Puslinch.
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.



6. OTHER MATTERS

- None

7. ADJOURNMENT OF COMMITTEE OF ADJUSTMENT

PLANNING & DEVELOPMENT ADVISORY COMMITTEE

1. OPENING REMARKS

2. DISCLOSURE OF PECUNIARY INTEREST

3. APPROVAL OF MINUTES

- October 13, 2020

4. APPLICATION FOR SITE PLAN URBAN DESIGN REVIEW

- None

5. ZONING BY-LAW AMENDMENT

Zoning By-law Application D14-DIO – Diodoro Enterprises Limited - Part of SW ½ Lot 15, Concession 9, designated as Part 6 on Reference Plan 61R-7691, municipally known as 7660 Maltby Road East, Township of Puslinch.

The purpose and effect of the application is to amend the Township of Puslinch New Comprehensive Zoning By-law 23/2018 to rezone a portion of the Victoria Park Valley Golf Course from Resort Commercial – RC (sp51) to Agricultural (A) to permit the development of a single detached residential dwelling.

6. LAND DIVISION

6(a) Severance Application B74-20 (D10/FOR) – Thomas and Barbara Forestell – Part Lot 18, Concession 4, 6951 Forestell Road, Puslinch.

Proposed severance is 0.4 hectares with 57 meters frontage, vacant land for proposed rural residential use.

Retained parcel is 3.6 hectares with 25 meters frontage, existing and proposed rural residential use with existing dwelling, shed and workshop.

7. OTHER MATTERS.



PLANNING & DEVELOPMENT ADVISORY COMMITTEE

November 10, 2020

7:00 p.m.

December 2021 meeting date change from December 14, 2021 to December 7, 2021.

8. CLOSED MEETING

- None

9. NEXT MEETING Tuesday, December 8, 2020 @ 7:00 p.m.

10. ADJOURNMENT



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 21st and a picture of the sign posted on the property was received on September 29th.
- 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 12th 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 had an adequate amount of time to respond and present his case appropriately at the notice of decision meeting.

- Lynne Banks inquired if the application will be brought back to the Committee at the November 10th 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

Good evening & thank you members of the Committee of Adjustments for the Township of Puslinch for your time to hear our issues.

Our names are Alex & Susan Serwaczek, and we are the owners and reside at 105 Heritage Lake Drive Puslinch, directly beside the Minor Variance application being discussed D13/TIM

With the front yard and side yard required setbacks being recognized, the additional square footage has nowhere else to go but either up or expand to the rear yard. **915 sq ft.**

Proposed dwelling coverage is 545 sq mt or 5,866 sq ft

Lot size is 2300 sq mt or 24,757ft (rounded) x 20% = 4,951 sq ft permitted.

Difference requested is 915 sq ft or 18.48% in additional sq ft.

Under the current permitted lot coverage, it is an 18.48% increase in dwelling coverage when 3.7% added to the 20%.

The letter included in the application dated September 10 from Van Harten Surveying speaks to the benefit of an exclusive use area in assisting the calculation of a reduction of the lot coverage to 15.5% is confusing. What it does is minimize the impact of the coverage amount being requested. The exclusive use area, as noted in the letter is not an owned portion of the applicant lot, and is owned by the condominium corporation, and also defined as a “no build area”, and should not be permitted to be used in a complete application to calculate for lot coverage. In addition, it is not a slight increase as described being 18.5%.

we have several further concerns with the site plan and additional sq ft coverage as follows.

1. From the lower level office area of our lot 72, the proposed porch area(s) remove a substantial portion of the eastern view of the lake from the side windows of the office area and would be almost entirely obstructed by the addition as well as to morning sun and shadow concerns. A view exists currently without the addition.
2. From the main level inside our living room area, again, a sizable area of the eastern portion view of the lake would be obstructed. The extended addition also causes us privacy concerns and aesthetic concerns with regards to our views eastward as well as sun and shadow issues that otherwise would not exist. A series of existing living room windows facing east, and the master balcony views exist currently without the encroaching requested addition.

3. The encroachment of our current lake view, for which a substantial premium was paid for, would impact the value our home on resale.
4. After sending and receiving acknowledgement of the initial email to Lynne Banks on October 7, 2020, we received notice from Lynne Banks on Thursday October 8 that more information had been posted on the Township website for that day or the following day, Friday, leaving no time to offer an informed opinion to provide by the October 9, 2020 4pm deadline. With Covid and Thanksgiving on the cusp of the committee meeting date, along with delayed receipt of additional information, and with no notice posted on the lot, we will require our planner, Mr. Paul Britton of MHBC Planning to review the documents and material to provide a professional opinion. He may wish to request additional documents to conclude his opinion.
5. No advertisement, nor sign of this application has ever been erected, posted to our knowledge, as required by notice of this application to provide adequate communication to the public about this submission. We drive by and or walk it daily and live beside it. It should be required that the applicant be made to re-apply and observe and monitor the regulations and afford the public the same opportunity.



Photo taken 3:43pm October 12, 2020

6. we have no issue with the site plan that is without the additional sq footage and meeting the current requirements.

We respectfully request that the Committee of Adjustments not approve the application in its current form and to provide us the opportunity to seek the guidance we expect and to have MHBC Planning to collaborate with the applicant or his agent.

Respectfully submitted
Alex & Susan Serwaczek
105 Heritage Lake Drive
Wellington Vacant Land Condominium (Unit 70)
Puslinch Ont
N0B 2J0



MINUTES

The October 13, 2020 Committee of Adjustment Meeting was held on the above date and called to order at 8:01 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 - 6. COMMITTEE OF ADJUSTMENT

- See October 13, 2020 Committee of Adjustment minutes.

7. 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.

8. DISCLOSURE OF PECUNIARY INTEREST

- None

9. APPROVAL OF MINUTES

Moved by: Deep Basi

Seconded by: Dennis O'Connor

That the Minutes of the Planning & Development Advisory Committee Meeting held Tuesday, October 13, 2020, be adopted.

CARRIED

10. APPLICATION FOR SITE PLAN URBAN DESIGN REVIEW

- None

11. ZONING BY-LAW AMENDMENT

Zoning By-law Amendment Application D14-CBM - CBM Aggregates, a Division of St. Marys Cement Inc. (Canada), Part of Lot 25, Concession 1, municipally known as 4222, 4228, and 4248 Sideroad 25 South, Township of Puslinch.

The purpose and effect of the application is to amend the Township of Puslinch New Comprehensive Zoning By-law 23/2018 to permit a below water pit on lands located immediately south of the existing CBM Lanci Pit and will operate as an expansion to this pit.

- Neal DeRuyter, agent for the applicant, provided an overview of the application and provided a PowerPoint presentation for the committee.
- Dan Kennedy noted that they do static well testing and asked if they also do pump-down tests and are the wells working wells that they run the tests on.
- Neal DeRuyter advised that there are monitoring wells that have been installed on the expansion lands so those are drilled and the water levels are determined based on seasonal fluctuations and that there is a lot of existing information due to the other operating pits in the area that are required to submit monitoring reports and so there is a lot of information that is available for hydrogeologists to use.
- Dan Kennedy further asked if they do straight static well testing to see if the well will regenerate itself within a certain amount of time
- Neal DeRuyter advised that he will have to clarify with CBM's hydrogeologist and will provide more information to the Committee.
- Dan Kennedy asked that if they will be using the existing road crossing since the trucks will not go down Sideroad 25 so there will be increased traffic at the crossing, will they put up some type of advance warning signal or warning regarding the crossing. He further expressed concerns about the additional dirt, etc. on the road and are there any plans to address keeping the road clean.
- Neal DeRuyter noted that a traffic study was done when the original pit was initially licensed and there were no further transportation improvements recommended and it is possible to take a look at any concerns regarding the condition of the road as a result of the trucks crossing the road.
- Neal DeRuyter clarified that with respect to Dan Kennedy's previous question regarding the pump test, he advised that only static tests were done on the proposed wells.
- John Sepulis asked if Neal DeRuyter can outline the public consultation process in more detail.
- Neal DeRuyter advised that the Planning Act requirements will be met by notifying landowners within a 120 meter radius, a sign posted on the property, a public meeting, and advertising in the local newspaper. He also advised that with respect to the public information session with the Ministry of Natural Resources, it has clarified how public information sessions can be held during the Covid pandemic and most likely will be done by a conference call with the individual residents to address their concerns. He further noted that a dedicated website will be set up with all of the studies and information and application regarding the proposal and will try to coordinate with the Township and the County for the dates of the public meetings.
- John Sepulis asked when they are looking to start the public consultations.
- Neal DeRuyter advised that it will occur later this fall or early next year.
- John Sepulis also asked with respect to the increased pit if they have a timeline as to how long it will take to excavate the material identified in the expansion area.
- Neal DeRuyter advised that there is approximately 3-4 million tonnage, and that CBM has applied to extract an annual tonnage of 1 million per year for a total of approximately 5-10 years.
- John Sepulis as if the existing pit expended all its gravel or is there still a few years left to extract from it.

- Neal DeRuyter noted that there is still some reserves left in the existing pit and the owner will continue extracting from the existing pit and then continue into the expansion.

The Committee's has the following comments for the scheduled public meeting:

That the Committee has received the presentation and will forward concerns with respect to managing cross-traffic and road cleaning.

Moved by: Dan Kennedy

Seconded by: Paul Sadhra

12. LAND DIVISION

Severance Application B40-20 (D10/DAG) – Donald Dagley – c/o Andrew Sare, Part Lot 18, Concession 9, 4539 Victoria Road South, Puslinch.

Proposed severance is 60 metres frontage x 133 meters = 0.8 hectares, vacant land for proposed rural residential use.

Retained parcel is 39.7 hectares with 350 metres frontage, existing and proposed rural residential use with existing dwelling & shed.

- Jeff Buisman, 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.

The committee supports the application with the **following conditions** imposed:

1. That the Owner satisfy all the requirements of the Township of Puslinch, financial and otherwise (including taxes paid in full and Consent Review/Condition Clearance fee) which the Township may deem to be necessary at the time of issuance of the Certificate of Consent for the property and orderly development of the subject lands; and further that the Township of Puslinch file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
2. That the Owner obtain an approved Entrance Permit verifying safe access and site lines from the Township of Puslinch; and further that the Township file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

CARRIED

Moved by: Deep Basi

Seconded by: Dennis O'Connor

13. OTHER MATTERS

Review and Approval of 2021 PDAC Meeting Dates

- The committee expressed some concern regarding the December 14, 2021 meeting date because the County of Wellington will require comments on any applications by December 9, 2021 which is before the scheduled PDAC meeting date.
- John Sepulis requested Lynne Banks to contact the Secretary-Treasurer for the County's Land Division Committee to confirm when the committee's comments for any Consent Applications will be due to the County and will report back to the Committee at its November 10, 2020 meeting.
- The committee approved the 2021 dates for January to November, inclusive.

14. CLOSED MEETING

- None

15. NEXT MEETING



THE CORPORATION OF THE TOWNSHIP OF PUSLINCH
PLANNING & DEVELOPMENT ADVISORY COMMITTEE
OCTOBER 13, 2020
7:00 PM
VIRTUAL MEETING BY ELECTRONIC PARTICIPATION

- Next Regular Meeting Tuesday, November 10, 2020 @ 7:00 p.m.

16. ADJOURNMENT

Moved by: Dennis O'Connor

Seconded by: Dan Kennedy

That the Planning & Development Advisory Committee is adjourned at 8:38 p.m.

CARRIED



Township of Puslinch
7404 Wellington Road #34
Guelph, ON, N1H 6H9
T: (519) 763 – 1226
F: (519) 763 – 5846
www.puslinch.ca

Minor Variance or Permission Application

General Information:

1. Applicant Information:

Registered Owner's Name(s): Timberworx Custom Homes Inc. c/o Shawn Marsh

Address: 275 Hanlon Creek Boulevard, Unit 5

City: Guelph

Postal Code: N1C 0A1

E-mail Address: shawn@timberworx.ca

Telephone Number: 226-780-0234

Fax: _____

Applicant (Agent) Name(s): Jeff Buisman of Van Harten Surveying Inc.

Address: 423 Woolwich Street

City: Guelph

Postal Code: N1H 3X3

E-mail Address: jeff.buisman@vanharten.com

Telephone Number: 519-821-2763 ext. 225

Fax: 519-821-2770

Name, address, and phone number of all persons having any mortgages, charges, or encumbrances on the property.

Easements as in Instrument No. WC291935 and WC294099

Send correspondence to: Owner: ☐ Agent ☒ Other: _____

2. Provide a description of the “entire” property:

Municipal address: 109 Heritage Lake Drive (Unit 71)

Concession: _____ Lot: _____

Registered Plan Number: Wellington Vacant Land Condominium No. 172 (Unit 71)

Area: 2,300m² ha Depth: 56m m Frontage: 46m m
_____ ac _____ ft _____ ft

Width of road allowance (if known): _____

Reason for Application:

3. Please indicate the Section of the Planning Act under which this application is being made. Select one:

☒ Section 45(1) relates to a change to a by-law standard (e.g. setbacks, frontage, height, etc.); or

☐ Section 45(2) relates to a change to or expansion of an existing legal non-conforming use.

4. What is the nature and extent of the relief that is being applied for? (please specifically indicate on sketch).

The Minor Variance request is as follows:

A) To permit a maximum lot coverage of the dwelling (Unit 71) to be 23.7% instead of 20% as required in Section RUR(sp31) of the Zoning By-law.

**5. Why is it not possible to comply with the provisions of the by-law?
(please specifically indicate on sketch).**

This request is being made for the approved Vacant Land Condominium No. 172.

Please see covering letter for more information.

6. What is the current Official Plan and zoning status?

Official Plan Designation: PA7-3 & Secondary Agricultural

Zoning Designation: Rural Residential RUR(sp31)(Heritage Lake)

7. What is the access to the subject property?

Provincial Highway:

☐

Continually maintained municipal road:

☒

Seasonally maintained municipal road:

☐

Other: ☐ (please specify below)

8. What is the name of the road or street that provides access to the subject property?

Heritage Lake Drive

9. If access is by water only, please describe the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land to the nearest public road.

N/A

Existing and Proposed Service:

10. Indicate the applicable water supply and sewage disposal:

Water Supply/Sewage Disposal:	Existing:	Proposed:
Municipal Water:	<input type="checkbox"/>	<input type="checkbox"/>
Communal Water:	<input type="checkbox"/>	<input type="checkbox"/>
Private Well:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Water Supply:	<input type="checkbox"/>	<input type="checkbox"/>
Municipal Sewers:	<input type="checkbox"/>	<input type="checkbox"/>
Communal Sewers:	<input type="checkbox"/>	<input type="checkbox"/>
Private Septic:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Sewage Disposal:	<input type="checkbox"/>	<input type="checkbox"/>

11. How is storm drainage provided?

Storm Sewers: ☒

Ditches: ☐

Swales: ☐

Other means: ☐ (explain below)

Existing Subject and Abutting Property Land Uses, Buildings and their Locations:

12. What is the existing use of:

The subject property? Vacant Land

The abutting properties? Vacant Land

13. Provide the following details for all buildings on or proposed for the subject land: (please use a separate page if necessary)

See sketch for details

Building Details:	Existing:		Proposed:	
Type of Building(s)/ structures	N/A	N/A	Dwelling	
Main Building height	m	ft.	m	ft.
*Percentage lot coverage	m	ft.	23.7% m	ft.
*Number of parking spaces				
*Number of loading spaces				
Number of floors				
Total floor area	m ²	ft ²	m ²	ft ²
Ground floor area (exclude basement)	m ²	ft ²	m ²	ft ²

14. What is the location of all buildings existing and proposed for the subject property? (specify distances from front, rear and side lot lines)

See sketch for details

Building Details:	Existing:		Proposed:	
Front Yard	m	ft.	10.0m m	ft.
Rear Yard	m	ft.	m	ft.
Side Yards	m	ft.	5.0m m	ft.

15. What are the dates of acquisition and construction of subject property and building property?

Date of acquisition of subject property: January 2017

Date of construction of buildings property: Pending minor variance approval

16. How long have the existing uses continued on the subject property? Vacant Land

17. Has the owner previously applied for relief in respect of the subject property?

Yes ☐ No ☒

If the answer is yes, please indicate the file number and describe briefly:

N/A

Other Related Planning Applications:

18. Has an application for any of the following on the subject lands?

Planning Application:	Yes:	No:	File Number:	Approval Authority:	Subject Lands	Purpose:	Status:
Official Plan Amendment	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Zoning By-Law Amendment	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Plan of Subdivision	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Consent (Severance)	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Site Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Minor Variance	<input type="checkbox"/>	<input checked="" type="checkbox"/>					

Authorization for Agent/Solicitor to act for Owner:

(If affidavit is signed by an Agent/Solicitor on Owner's behalf, the Owner's written authorization below shall be completed)

I (we) Timberworx Custom Homes Inc. c/o Shawn MARSH of the
Township of Puslinch County/Region of
Wellington do hereby authorize

Jeff Buisman of Van Harten Surveying Inc. to act as my agent in this application.

X

Signature of Owner(s)

X

Date

Signature of Owner(s)

Date

Affidavit:

I (we) Jeff Buisman of Van Harten Surveying Inc. of the
City of Guelph County/Region of
Wellington solemnly declare that all the statements

contained in this application are true, and I, (we), make this solemn declaration
conscientiously believing it to be true, and knowing that it is of the same force and effect
as if made under oath and by virtue of the CANADA EVIDENCE ACT. DECLARED

before me at the City of Guelph in the

County/Region of Wellington this 10 day of

September, 20 20

Signature of Owner or authorized
solicitor or agent

Date

James Michael Laws,
Commissioner, etc.,
Province of Ontario,
Signature of Commissioner
Expires May 11, 2021.

Date

Agreement to Post Sign and Permit Site Visits:

A form is included in the Zoning By-law Amendment application to agree to erect a sign on the subject lands and to permit Township employees/representatives to enter the lands for site visits.

The applicant is required to erect and maintain a sign on the proposed lands within one week of the application being deemed complete by staff and to remove the sign when the application has been given final approval. The sign shall be a minimum of 1.2 x 1.2 metres on posts 0.5 metres above grade and include the following wording to be approved by Township staff:

A PROPOSAL HAS BEEN MADE
ON THIS SITE FOR: (50 mm text height)
A ZONING BY-LAW AMENDMENT TO xxx (100 mm text height)
FOR FURTHER INFORMATION
PLEASE CONTACT THE TOWNSHIP OF PUSLINCH 7404 WELLINGTON ROAD 34
(519) 763 - 1226 (30-50 mm text height)

For Administrative Purposes Only:

Application fee of \$ _____ received by the municipality

Date Fee Received: _____

Date Application Filed: _____

File Number: _____

Application deemed complete: _____

Signature of Municipal Employee

Date

Personal information on this form is collected under the authority of the Planning Act. The information is used for the purpose of processing this application and administering the legislation and is maintained in accordance with the Municipal Freedom of Information and Protection of Privacy Act. Questions regarding the collection of this information may be directed to the Township Clerk's office.

The Township of Puslinch is committed to providing accessible formats and communication supports for people with a disability. If another format would work better for you, please contact the Township Clerk's office for assistance.

MINOR VARIANCE SKETCH

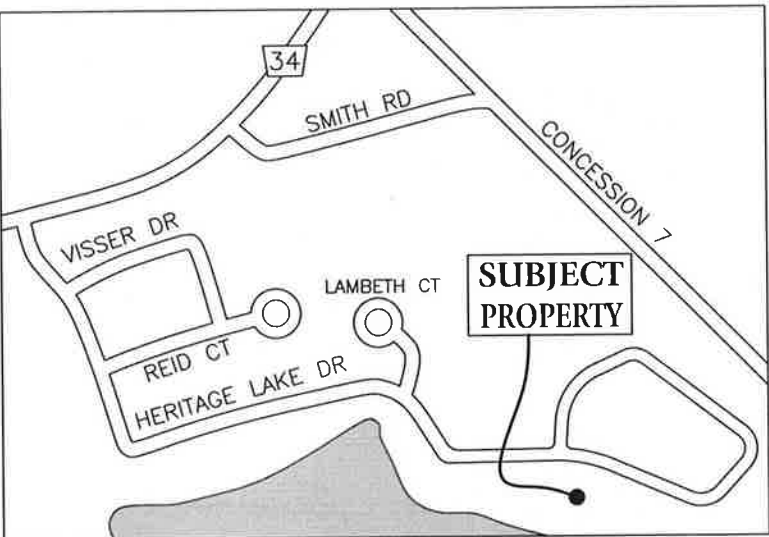
UNIT 71,
WELLINGTON VACANT LAND
CONDOMINIUM PLAN No. 172
TOWNSHIP OF PUSLINCH
COUNTY OF WELLINGTON

SCALE 1 : 500



VAN HARTEN SURVEYING INC.

KEYMAP



NOTES:

- 1. THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
- 2. SUBJECT LANDS ARE ZONED RURAL RESIDENTIAL RUR (SP31).
- 3. SUBJECT LANDS HAVE AN OFFICIAL PLAN DESIGNATION OF SECONDARY AGRICULTURAL AND POLICY AREA (PA7-3).
- 4. DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
- 5. DIMENSIONS ON THIS SKETCH ARE BASED ON THE DIMENSIONS OF WVLC No. 172 AND HAVE NOT BEEN VERIFIED BY SURVEY.

THIS SKETCH WAS PREPARED ON
THE 9th DAY OF SEPTEMBER 2020



MINOR VARIANCE
REQUEST:

A UNIT 71

TO PERMIT A MAXIMUM LOT
COVERAGE OF 23.7% INSTEAD OF 20%
AS REQUIRED IN SECTION RUR (SP31)
OF THE ZONING BY-LAW.

APPROVED MINOR
VARIANCE APP. D13/TIM
TO PERMIT A MAXIMUM
LOT COVERAGE TO BE
22.2%.

UNIT 71
LOT AREA
= 2,300m²
LAND

REQUEST

23.7% COVERAGE VS 20.0%

PIN 71872-0072

PIN 71872-0071

PIN 71872-0070

EXCLUSIVE USE
AREA = 1,225m²

71A

RESIDENTIAL

RUR

(SP31)

UNIT 69

69A

70A

AREAS

USE

21±

GREENLANDS

HERITAGE LAKE

ENVIRONMENT

PROTECTION

OVERLAY

EXCLUSIVE

ZONING :

72A

73A

WELLINGTON

POLICY

O.P. :

AREA

RESIDENTIAL

(PA7-3)

UNIT 70
CONDOMINIUM

PLAN

172

HERITAGE LAKE DRIVE

A=46±
R=150±

PART 13,
PLAN 61R-11398

ESTABLISHED BY WVLC 172

PART 18, PLAN 61R-11398

UNIT 62

13.5m WIDE

#105

UNIT 72

#109
PROPOSED
DWELLING
AREA = 545.0m²
(NOT INCLUDING
UNCOVERED PORCH)

COVERED PORCH

COVERED PORCH

COVERED PORCH

UNCOVERED PORCH

#117

SUBJECT
PROPERTY

LAMBETH CT

VISSER DR

REID CT

HERITAGE LAKE DR

CONCESSION 7

34

SMITH RD

O.P. : CORE GREENLANDS
ZONING: ENVIRONMENTAL PROTECTION OVERLAY



September 10, 2020

22105-14

Jeff.Buisman@vanharten.com

Township of Puslinch
7404 Wellington Road 34
R.R. #3
Guelph, Ontario
N1H 6H9

Attention: Lynne Banks

Dear Ms. Banks:

**Re: Minor Variance Application & Sketch
Unit 71, Wellington Vacant Land Condominium Plan No. 172
"Heritage Lake"
PIN 71872-0071
Township of Puslinch**

Please find enclosed an application for a minor variance on the above-mentioned property. Included with this submission are copies of the minor variance sketch, completed application forms, and a cheque in the amount of \$1,221.00 to the Township of Puslinch.

Proposal

The proposed variance is being requested for Unit 71 of the Wellington Vacant Land of Condominium Plan No. 172 in order to permit a maximum lot coverage for the proposed dwelling. The Minor Variance request is as follows:

A. To permit a maximum lot coverage for Unit 71 to be 23.7% instead of 20% as required in Section RUR(sp31) of the Zoning By-law.

The subject property is part of Heritage Lake (Wellington Vacant Land Condominium No. 172) and Timberworx Custom Homes has been the primary house constructor in this development. Timberworx has taken great effort to meet customer requirements for these upper-end homes. The proposed home on the UNIT requires a slightly higher footprint due to specific requirements. The proposed dwelling is very similar to other Timberworx Homes in the development except that a little more space is required for the garages. The proposed house for Unit 71 has an area of 545.0m² and the lot size is 2,300m². The lot coverage will be 23.7%.

572 Weber Street North, Unit 7
Waterloo ON N2L 5C6
519-742-8371

Elmira, ON:
519-669-5070

423 Woolwich Street
Guelph, ON N1H 3X3
519-821-2763

660 Riddell Road, Unit 1
Orangeville, ON L9W 5G5
519-940-4110

Collingwood, ON:
249-499-8359

www.vanharten.com



LAND SURVEYORS and ENGINEERS

Please note that the house will be a bungalow which requires a larger footprint than a two-story dwelling. The total house area could have been a lot more if this was a two-story dwelling such as a few others in this development. Bungalows are, however, more suited to these lots in terms of aesthetics and fitting in with the surrounding development.

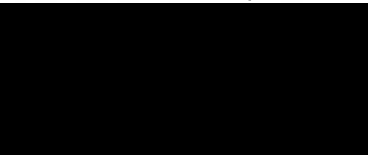
Although the UNIT has an area 2,300 m², it has the benefit of an Exclusive Use Area. An Exclusive Use Area is that part of the Common Element of the Condominium that can only be used the owners of the respective properties. The Exclusive Use Area for Unit 71 (shown as 71A on the sketch) is 1,225m². If this area was included in the percentage coverage calculation, then the lot coverage for the dwelling would be 15.5%. This value is much less than the 20% maximum coverage requirement.

The proposed dwelling maintains the required yard setbacks and demonstrate functionality with adequate room for a septic and well, given the slight increase in lot coverage.

In summary, we feel that this proposal will allow for a desirable dwelling size that is in unison with the dwellings on the surrounding parcels. We provide the opinion that the minor variance request meets the four tests for a minor variance, especially given the additional yard space of the Exclusive Use Area.

Please call me if you or the Planning Staff have any questions.

Very truly yours,
Van Harten Surveying Inc.



Jeffrey E. Buisman B.E.S, B.Sc.
Ontario Land Surveyor

cc Timberworx Construction Inc. c/o Shawn Marsh

Lynne Banks

From: Alex Serwaczek <[REDACTED]>
Sent: Tuesday, October 20, 2020 1:46 PM
To: Lynne Banks; 'Jeff Buisman'; 'Shawn Marsh'; 'Susan Serwaczek'
Subject: Minor Variance D13-TIM

Hello Lynne & good afternoon.

We are withdrawing our objection. We have spoken with Shawn and the issues are resolved.

Please accept this email as your authority to withdraw the objection to Minor Variance D13-TIM.

Thank you for all your kind assistance and our thankyou to the members of the committee.

Cheers!

Alex & Susan Serwaczek
105 Heritage Lake Drive
Puslinch, On
N0B 2J0
[REDACTED]



PLANNING REPORT for the TOWNSHIP OF PUSLINCH

Prepared by the County of Wellington Planning and Development Department

DATE: November 10th, 2020
TO: Lynne Banks, Development and Legislative Coordinator
Township of Puslinch
FROM: Zach Prince, Planner
County of Wellington
SUBJECT: **MINOR VARIANCE APPLICATION D13 TIM (Timberworx)**
109 Heritage Lake Drive, Unit 71

We have reviewed the application for minor variance and provide the following comments. Please be advised that these comments were formulated without the benefit of a site visit.

Planning Opinion

The variance request would provide relief from Section 9(4)(e)(viii) of the Zoning By-law requesting permission for an increase in total maximum lot coverage for a single detached dwelling.

There are no major concerns with this proposal provided that the Grand River Conservation Authority (GRCA) services has no concerns. Planning staff note that a detailed septic design will have to be submitted as part of the Building permit process and will have to address any impacts of the larger dwelling and increased lot coverage. It is planning staff's opinion that this variance is minor in nature and that it meets the intent of the Zoning Bylaw and County Official Plan and is desirable and appropriate.

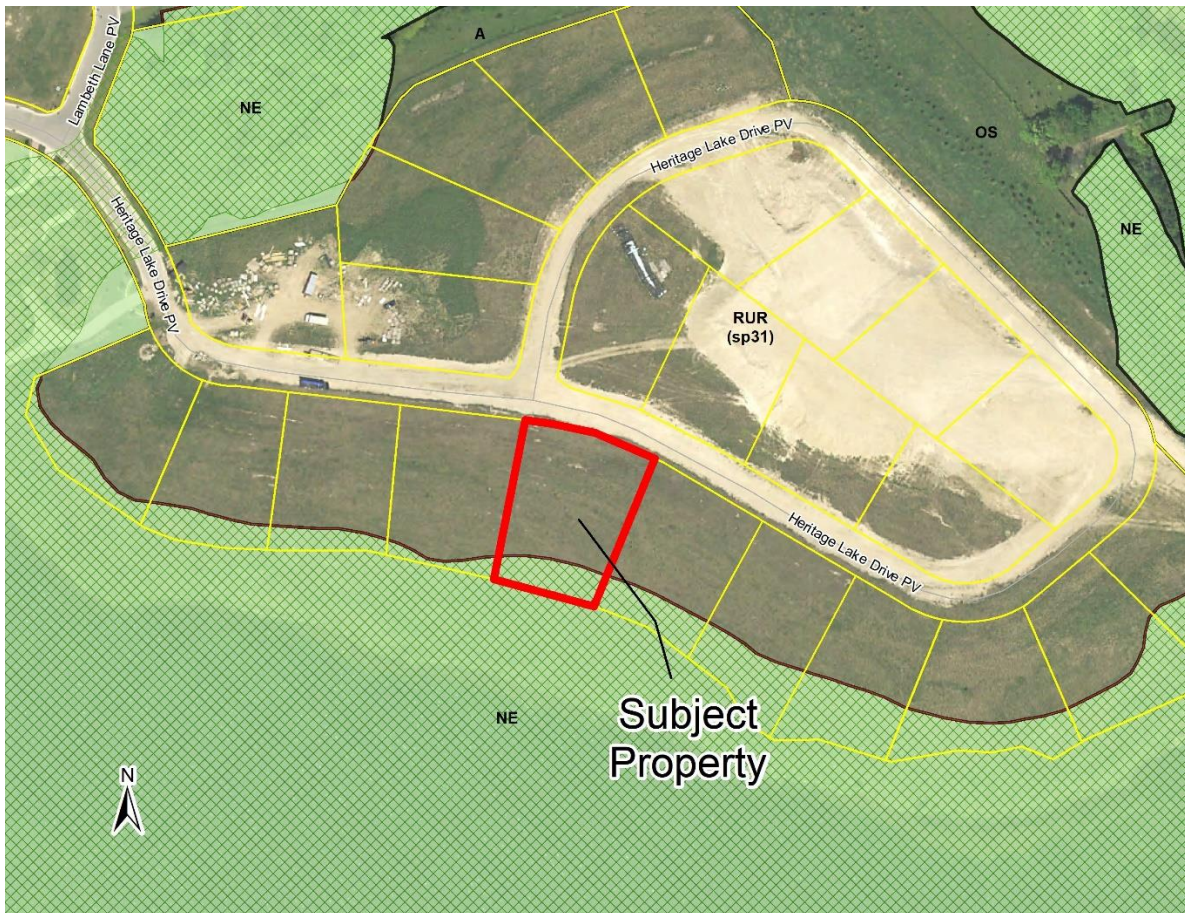
The details of the minor variance application are included in the table below.

Section of By-law	Required	Proposed	Relief
Section 9(4)(e)(viii) Special Provisions Zone Requirements	Within any designated ER2-5 zone, the maximum lot coverage shall not exceed 20 percent.	Requesting that the proposed total lot coverage be increased to 23.7 percent.	3.7%

Our discussion of this application relative to the four tests under the Planning Act is as follows:

Four Tests	Discussion
That the requested variance is minor in nature	<ul style="list-style-type: none">We would consider the variance minor in terms of impact and context with the surrounding neighbourhood
That the intent and purpose of the Zoning By-law is maintained	<ul style="list-style-type: none">The subject lands are zoned Estate Residential (Heritage Lake) (ER2-5).A single detached dwelling unit is permitted within the Estate Residential (Heritage Lake) (ER2-5) zone.
That the general intent and purpose of the Official Plan is maintained	<ul style="list-style-type: none">The property is designated Special Policy Area (PA7-3) and Secondary Agricultural in the County Official Plan.Dwelling units are permitted within the Special Policy Area (PA7-3)A portion of the property is located within a GRCA Floodplain.Comments of GRCA should be considered regarding the

	appropriateness of the location of the proposed dwelling.
That the variance is desirable for the appropriate development and use of the land, building or structure	<ul style="list-style-type: none"> • The subject lands are located in an area that has a number of large estate lots and homes. • The intent of the maximum lot coverage is to ensure that servicing can be accommodated and a portion of the property is landscaped for proper drainage and setbacks and that the size and massing of the dwelling is compatible with the neighborhood. • The proposed variance is appropriate development and desirable for the use of the land.



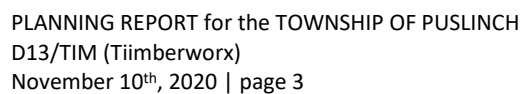
In conclusion, planning staff is of the opinion that the requested variance **does meet the four tests** of the *Planning Act*. I trust that these comments will be of assistance to the Committee in their consideration of this matter. We would appreciate a copy of the Committee’s decision with respect to this application.

Respectfully submitted
County of Wellington Planning and Development Department

[Redacted Signature]

Zach Prince MCIP RPP, Planner

Sketch provided by applicant





Township of Puslinch
7404 Wellington Road 34
Puslinch, ON, N0B 2J0
T: (519) 763 – 1226
F: (519) 763 – 5846
www.puslinch.ca

Minor Variance or Permission Application

General Information:

1. Applicant Information:

Registered Owner's Name(s): A David Brewer

Address: 7204 Concession 1

City: Puslinch, ON

Postal Code: N0B2J0

E-mail Address: [REDACTED]

Telephone Number: [REDACTED]

Fax:

Applicant (Agent) Name(s): Jen Baker, Hamilton Naturalists' Club

Address: 50 Macdonald Ave

City: Hamilton, ON

Postal Code: L8P 4N7

E-mail Address: land@hamiltonnature.org

Telephone Number: 905-524-3339

Fax:

Name, address, and phone number of all persons having any mortgages, charges, or encumbrances on the property.

David Brewer
7204 Concession 1
Puslinch, ON N0B2J0
[REDACTED]

Send correspondence to: Owner: ☒ Agent ☒ Other: _____

2. Provide a description of the "entire" property:

Municipal address: 7204 Concession 1

Concession: 1 Lot: Pt Lot 27

Registered Plan Number: 61r376

Area: 13.33 ha Depth: 313.79 m Frontage: 31.36 m
32.95 ac 1029.514 ft 102.91 ft

Width of road allowance (if known): _____

Reason for Application:

3. Please indicate the Section of the Planning Act under which this application is being made. Select one:

☒ Section 45(1) relates to a change to a by-law standard (e.g. setbacks, frontage, height, etc.); or

☐ Section 45(2) relates to a change to or expansion of an existing legal non-conforming use.

4. What is the nature and extent of the relief that is being applied for? (please specifically indicate on sketch).

The landowner is donating a large portion of hit lot to the Hamilton Naturalists' Club resulting in a reduced lot frontage of the retained lot of 92.91 metres that does not meet the minimum standard of 120 metres.
Please see the attached sketch.

**5. Why is it not possible to comply with the provisions of the by-law?
(please specifically indicate on sketch).**

Reduced lot frontage

6. What is the current Official Plan and zoning status?

Official Plan Designation: Rural

Zoning Designation: Vacant residential

7. What is the access to the subject property?

Provincial Highway: ☐

Continually maintained municipal road: ☒

Seasonally maintained municipal road: ☐

Other: ☐ (please specify below)

8. What is the name of the road or street that provides access to the subject property?

Concession 1

9. If access is by water only, please describe the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land to the nearest public road.

Existing and Proposed Service:**10. Indicate the applicable water supply and sewage disposal:**

Water Supply/Sewage Disposal:	Existing:	Proposed:
Municipal Water:	<input type="checkbox"/>	<input type="checkbox"/>
Communal Water:	<input type="checkbox"/>	<input type="checkbox"/>
Private Well:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other Water Supply:	<input type="checkbox"/>	<input type="checkbox"/>
Municipal Sewers:	<input type="checkbox"/>	<input type="checkbox"/>
Communal Sewers:	<input type="checkbox"/>	<input type="checkbox"/>
Private Septic:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other Sewage Disposal:	<input type="checkbox"/>	<input type="checkbox"/>

11. How is storm drainage provided?Storm Sewers: ☐Ditches: ☒Swales: ☐Other means: ☐ (explain below)

Existing Subject and Abutting Property Land Uses, Buildings and their Locations:**12. What is the existing use of:**The subject property? Rural residentialThe abutting properties? Rural residential, agricultural, vacant land**13. Provide the following details for all buildings on or proposed for the subject land: (please use a separate page if necessary)**

Type of Building(s)/ structures			
Main Building height	m	ft.	m ft.
*Percentage lot coverage	m	ft.	m ft.
*Number of parking spaces			
*Number of loading spaces			
Number of floors			
Total floor area	m ²	ft ²	m ² ft ²
Ground floor area (exclude basement)	m ²	ft ²	m ² ft ²

14. What is the location of all buildings existing and proposed for the subject property? (specify distances from front, rear and side lot lines)

Front Yard	m	ft.	m	ft.
Rear Yard	m	ft.	m	ft.
Side Yards	m	ft.	m	ft.

15. What are the dates of acquisition and construction of subject property and building property?

Date of acquisition of subject property: landowner is in the process of severing and donating property to Hamilton Naturalists' Club

Date of construction of buildings property: _____

16. How long have the existing uses continued on the subject property? ____**17. Has the owner previously applied for relief in respect of the subject property?**

Yes ☐ No ☒

If the answer is yes, please indicate the file number and describe briefly:

--

Other Related Planning Applications:**18. Has an application for any of the following on the subject lands?**

Planning Application:	Yes:	No:	File Number:	Approval Authority:	Subject Lands	Purpose:	Status:
Official Plan Amendment	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Zoning By-Law Amendment	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Plan of Subdivision	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Consent (Severance)							
Site Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Minor Variance	<input type="checkbox"/>	<input type="checkbox"/>					

Authorization for Agent/Solicitor to act for Owner:

(If affidavit is signed by an Agent/Solicitor on Owner's behalf, the Owner's written authorization below shall be completed)

I (we) Arthur Brewer of the
township Puslinch of County/Region of

wellington do hereby authorize
Jennifer Baker to act as my agent in this application.

[REDACTED] 10/16/2020
Signature of Owner(s) Date

Sworn (or Affirmed or Declared) remotely by Arthur Brewer
of (City, Town, etc.) of Puslinch
in the (County, Regional Municipality, etc.) of wellington
before me at the (City, Town, etc.) of Puslinch
in the (County, Regional Municipality, etc.) of wellington
on 10/16/2020 (date) in accordance with O.Reg. 431/20, Administering Oath or Declaration Remotely

[REDACTED]
Commissioner for Taking Affidavits
Township of Puslinch
County of Wellington



Sealed by: The Corporation of the Township of Puslinch
Sealed Time: 10/16/2020

Sworn (or Affirmed or Declared) remotely by Jennifer Baker
of (City, Town, etc.) of City
in the (County, Regional Municipality, etc.) of Hamilton
before me at the (City, Town, etc.) of Puslinch
in the (County, Regional Municipality, etc.) of wellington
on 10/16/2020 (date) in accordance with O.Reg. 431/20, Administering Oath or Declaration Remotely

[REDACTED]
Commissioner for Taking Affidavits
Township of Puslinch
County of Wellington



Sealed by: The Corporation of the Township of Puslinch
Sealed Time: 10/16/2020

[REDACTED]

Agreement to Post Sign and Permit Site Visits:

A form is included in the Zoning By-law Amendment application to agree to erect a sign on the subject lands and to permit Township employees/representatives to enter the lands for site visits.

The applicant is required to erect and maintain a sign on the proposed lands within one week of the application being deemed complete by staff and to remove the sign when the application has been given final approval. The sign shall be a minimum of 1.2 x 1.2 metres on posts 0.5 metres above grade and include the following wording to be approved by Township staff:

A PROPOSAL HAS BEEN MADE
ON THIS SITE FOR: (50 mm text height)
A ZONING BY-LAW AMENDMENT TO xxx (100 mm text height)
FOR FURTHER INFORMATION
PLEASE CONTACT THE TOWNSHIP OF PUSLINCH 7404 WELLINGTON ROAD 34
(519) 763 - 1226 (30-50 mm text height)

For Administrative Purposes Only:

Application fee of \$_____received by the municipality

Date Fee Received: _____

Date Application Filed: _____

File Number: _____

Application deemed complete:

Signature of Municipal Employee

Date

Personal information on this form is collected under the authority of the Planning Act. The information is used for the purpose of processing this application and administering the legislation and is maintained in accordance with the Municipal Freedom of Information and Protection of Privacy Act. Questions regarding the collection of this information may be directed to the Township Clerk's office.

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7204 Concession 1, Puslinch, ON

Approx severed
property to be
donated

Property to
be retained

House

Retained property yard and shed
that would be impacted if the 10m
width was kept to the back parcel



PLANNING REPORT for the TOWNSHIP OF PUSLINCH

Prepared by the County of Wellington Planning and Development Department

DATE: November 3rd, 2020
TO: Lynne Banks, Secretary-Treasurer
Township of Puslinch
FROM: Meagan Ferris, Senior Planner
County of Wellington
SUBJECT: **MINOR VARIANCE APPLICATION D13/BRE (A. David Brewer)**
7204 Concession 1
Part Lot 27, Concession 1

We have reviewed the application for minor variance and provide the following comments. These comments are offered without the benefit of a site visit.

Planning Opinion

The variance requested would provide relief from Section 11.3 of the Zoning By-law by requesting permission for a reduction in the minimum lot frontage. A lot frontage of 92.91 metres (304.8 feet) is proposed whereas the by-law requires a minimum lot frontage of 120 metres (393.7 feet) for properties that are greater than 4 hectares in size.

This application is related to consent application **B12/20**, which was conditionally approved at the May 14th, 2020 Land Division Committee meeting. The related consent sought to sever the natural features from the balance of the lands for conservation purposes and retain a larger lot with all the existing structures including the existing dwelling. The severed lands are approximately 8.9 hectares (22 acres) with a frontage of 10 metres (32.8 feet) and the retained lands are approximately 4.4 hectares (10.9 acres) in size. The subject frontage relief is related to the retained lands. **Figure 1 & Figure 2** depicts the subject property and the reduced lot frontage for the retained lands in relation to the consent application.

It is noted that the intent is that the severed lands are to be placed within the Natural Environment (NE) Zone, through the municipalities housekeeping by-law amendments, to reflect that these lands are intended for conservation purposes only. It is also noted that the NE Zone does not establish a minimum lot frontage requirement.

Planning staff have no major objections with the requested relief and the Committee should be satisfied that a safe entrance for the severed and retained lands can be achieved.

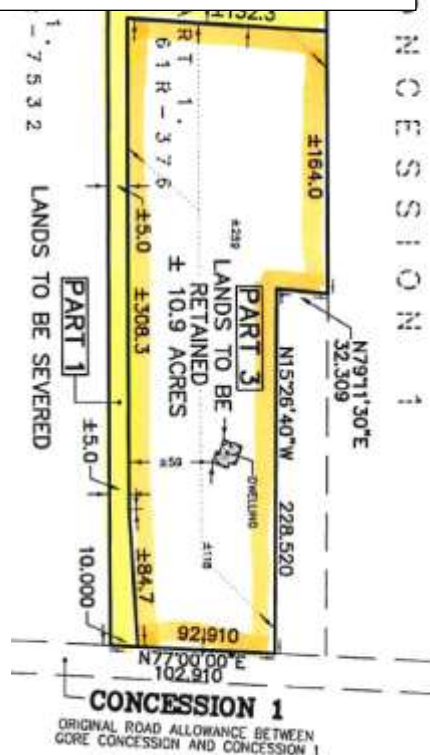
Proposal:

Regulation	By-law Section	Required	Proposed	Relief Requested
Agricultural Zone Requirements, Frontage	11.3 (Table 11.2)	The by-law requires a minimum lot frontage of 120 metres for properties greater than 4 hectares.	Requesting a lot frontage of 92.91 metres.	27.09 m

Figure 1: Consent Mapping



Figure 2: Consent Survey Sketch



Our discussion of this application relative to the four tests under the *Planning Act* is as follows:

Four Tests	Discussion
That the requested variance is minor in nature	<ul style="list-style-type: none"> The minimum lot area is met for both the severed and retained parcel. There is appropriate access maintained for the severed parcel via the existing driveway; however, a new entrance will be required for the retained lands. If the retained lands were less than 4 hectares, the required minimum lot frontage would be 25 metres. If approved, this will facilitate the severed lands being used for conservation purposes by the Hamilton Naturalists Club.
That the intent and purpose of the Zoning By-law is maintained	<ul style="list-style-type: none"> The subject lands are zoned Agricultural (A) and subject to the Environmental Protection Overlay (EP) zone. A farm and a single detached dwelling is a permitted use within the Agricultural (A) zone. It is noted that the severed lands are intended to be preserved for conservation purposes, as such will be placed under the Natural Environment (NE) Zone to reflect the features on site and to limit future development. Based on aerial photos and the natural features identified the subject lands are not farmed. The requirement for a 120 metres (393.7 feet) lot frontage for an agricultural property is partially due to historical lot configuration and sizes of farms; however, the overall intent of lot frontage is to maintain safe access and provide some separation between uses.

That the general intent and purpose of the Official Plan is maintained	<ul style="list-style-type: none"> • The subject property is designated Greenlands and Secondary Agriculture in the County Official Plan. There are significant wooded areas on a majority of the subject lands. • A single detached dwelling is generally permitted within the Secondary Agriculture designation. • The related consent application was approved by the Land Division Committee in May of this year. The subject relief will address a non-compliance with the zoning by-law that was created due to this consent.
That the variance is desirable for the appropriate development and use of the land, building or structure	<ul style="list-style-type: none"> • The reduced frontage for the retained parcel is created as a result of the related consent. The related consent intends to create an area to be protected and used for conservation purposes. • The retained lot meets the minimum lot area for the Agricultural (A) zone. • The primary intent of the minimum lot frontage is to ensure that a safe entrance/access is available to a site. • The Committee should be satisfied that safe access. As a condition of the related consent application a new entrance permit will need to be approved by the Township, which will address any potential concerns regarding safety.

I trust that these comments will be of assistance to the Committee in their consideration of this matter. We would appreciate a copy of the Committee's decision with respect to this application.

Respectfully submitted

Development Department

Meagan Ferris, RPP MCIP
Senior Planner



Township of Puslinch
7404 Wellington Road 34
Puslinch, ON, N0B 2J0
T: (519) 763 – 1226
F: (519) 763 – 5846
www.puslinch.ca

Minor Variance or Permission Application

General Information:

1. Applicant Information:

Registered Owner's Name(s): Malkiat Judge and Jagraj Judge

Address: 19 Visser Drive

City: Puslinch, Ontario

Postal Code: N0B 2J0

E-mail Address:

Telephone Number:

Fax:

Applicant (Agent) Name(s):

Address:

City:

Postal Code:

E-mail Address:

Telephone Number:

Fax:

Name, address, and phone number of all persons having any mortgages, charges, or encumbrances on the property.

Malkiat Judge and Jagraj Judge
19 Visser Dr, Puslinch, On, N0B 2J0

Mortgages with TD Bank.

Send correspondence to: Owner: ☒ Agent ☐ Other: _____

2. Provide a description of the “entire” property:

Municipal address: 19 Visser Drive PV

Concession: _____ Lot: _____

Registered Plan Number: WVLCP 172 LEVEL 1 UNIT 21

Area: _____ ha Depth: N/A m Frontage: _____ m
0.51 ac 210 ft 105.6 ft

Width of road allowance (if known): 14 feet approximately

Reason for Application:

3. Please indicate the Section of the Planning Act under which this application is being made. Select one:

☒ Section 45(1) relates to a change to a by-law standard (e.g. setbacks, frontage, height, etc.); or

☐ Section 45(2) relates to a change to or expansion of an existing legal non-conforming use.

4. What is the nature and extent of the relief that is being applied for? (please specifically indicate on sketch).

Storage shed 8x14 feet is built by 3.5 feet from property line instead of 6 feet as per provisions. I didn't know about the law until months after it was built.

**5. Why is it not possible to comply with the provisions of the by-law?
(please specifically indicate on sketch).**

It has concrete base and it is already built.

6. What is the current Official Plan and zoning status?

Official Plan Designation: PA 7-3

Zoning Designation: RUR (sp31)

7. What is the access to the subject property?

Provincial Highway: ☐

Continually maintained municipal road: ☐

Seasonally maintained municipal road: ☒

Other: ☐ (please specify below)

8. What is the name of the road or street that provides access to the subject property?

Visser Drive PV

9. If access is by water only, please describe the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land to the nearest public road.

N/A

Existing and Proposed Service:**10. Indicate the applicable water supply and sewage disposal:**

Water Supply/Sewage Disposal:	Existing:	Proposed:
Municipal Water:	<input type="checkbox"/>	<input type="checkbox"/>
Communal Water:	<input type="checkbox"/>	<input type="checkbox"/>
Private Well:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other Water Supply:	<input type="checkbox"/>	<input type="checkbox"/>
Municipal Sewers:	<input type="checkbox"/>	<input type="checkbox"/>
Communal Sewers:	<input type="checkbox"/>	<input type="checkbox"/>
Private Septic:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other Sewage Disposal:	<input type="checkbox"/>	<input type="checkbox"/>

11. How is storm drainage provided?Storm Sewers: ☒Ditches: ☐Swales: ☐Other means: ☐ (explain below)

Storm sewers going to community pond. This shed is 40 feet far from Septic bed and 50 feet far from house wall.

Existing Subject and Abutting Property Land Uses, Buildings and their Locations:**12. What is the existing use of:**The subject property? ResidentialThe abutting properties? Residential**13. Provide the following details for all buildings on or proposed for the subject land: (please use a separate page if necessary)**

Type of Building(s)/ structures	Shed in back yard		
Main Building height	3.6m m	ft.	m ft.
*Percentage lot coverage	0.5% m	ft.	m ft.
*Number of parking spaces	N/A		
*Number of loading spaces	N/A		
Number of floors	1		
Total floor area	10.4 m ²	ft ²	m ² ft ²
Ground floor area (exclude basement)	10.4 m ²	ft ²	m ² ft ²

14. What is the location of all buildings existing and proposed for the subject property? (specify distances from front, rear and side lot lines)

Front Yard	>6 m ft.		m ft.
Rear Yard	1.34 m	ft.	m ft.
Side Yards	1.04 m	ft.	m ft.

15. What are the dates of acquisition and construction of subject property and building property?Date of acquisition of subject property: Jul/01/2020Date of construction of buildings property: Jul/01/2020**16. How long have the existing uses continued on the subject property?** ^{3 M} **17. Has the owner previously applied for relief in respect of the subject property?**Yes ☐ No ☒**If the answer is yes, please indicate the file number and describe briefly:**

<p>Reached out to City but City of Puslinch wants us to full-fill 'minor variance' application because we haven't left 6 feet distance from property side line.</p>

Other Related Planning Applications:**18. Has an application for any of the following on the subject lands?**

Planning Application:	Yes:	No:	File Number:	Approval Authority:	Subject Lands	Purpose:	Status:
Official Plan Amendment	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Zoning By-Law Amendment	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Plan of Subdivision	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Consent (Severance)		<input checked="" type="checkbox"/>					
Site Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Minor Variance	<input type="checkbox"/>	<input checked="" type="checkbox"/>					

Sworn (or Affirmed or Declared) remotely by Jagraj Judge
of (City, Town, etc.) of Puslinch
in the (County, Regional Municipality, etc.) of Wellington County
before me at the (City, Town, etc.) of Cambridge
in the (County, Regional Municipality, etc.) of Waterloo

on 10/14/2020 (date) in accordance with O.Reg. 431/20, Administering Oath or Declaration Remotely

Commissioner for Taking A
Township of Puslinch
County of Wellington



Sealed by: The Corporation of the Township of Puslinch

Sealed Time: 10/14/2020

Sworn (or Affirmed or Declared) remotely by Malkiat Judge
of (City, Town, etc.) of PUSLINCH
in the (County, Regional Municipality, etc.) of wellington
before me at the (City, Town, etc.) of Cambridge
in the (County, Regional Municipality, etc.) of Waterloo

on 10/14/2020 (date) in accordance with O.Reg. 431/20, Administering Oath or Declaration Remotely

Commissioner for Taking A
Township of Puslinch
County of Wellington



Sealed by: The Corporation of the Township of Puslinch

Sealed Time: 10/14/2020

Agreement to Post Sign and Permit Site Visits:

A form is included in the Zoning By-law Amendment application to agree to erect a sign on the subject lands and to permit Township employees/representatives to enter the lands for site visits.

The applicant is required to erect and maintain a sign on the proposed lands within one week of the application being deemed complete by staff and to remove the sign when the application has been given final approval. The sign shall be a minimum of 1.2 x 1.2 metres on posts 0.5 metres above grade and include the following wording to be approved by Township staff:

A PROPOSAL HAS BEEN MADE
ON THIS SITE FOR: (50 mm text height)
A ZONING BY-LAW AMENDMENT TO xxx (100 mm text height)
FOR FURTHER INFORMATION
PLEASE CONTACT THE TOWNSHIP OF PUSLINCH 7404 WELLINGTON ROAD 34
(519) 763 - 1226 (30-50 mm text height)

For Administrative Purposes Only:

Application fee of \$ 733.62 received by the municipality

Date Fee Received: 09/21/2020

Date Application Filed: 09/21/2020

File Number: **D13-JUD**

Application deemed complete:

Signature of Municipal Employee

10/8/2020

Date _____

Personal information on this form is collected under the authority of the Planning Act. The information is used for the purpose of processing this application and administering the legislation and is maintained in accordance with the Municipal Freedom of Information and Protection of Privacy Act. Questions regarding the collection of this information may be directed to the Township Clerk's office.

The Township of Puslinch is committed to providing accessible formats and communication supports for people with a disability. If another format would work better for you, please contact the Township Clerk's office for assistance.



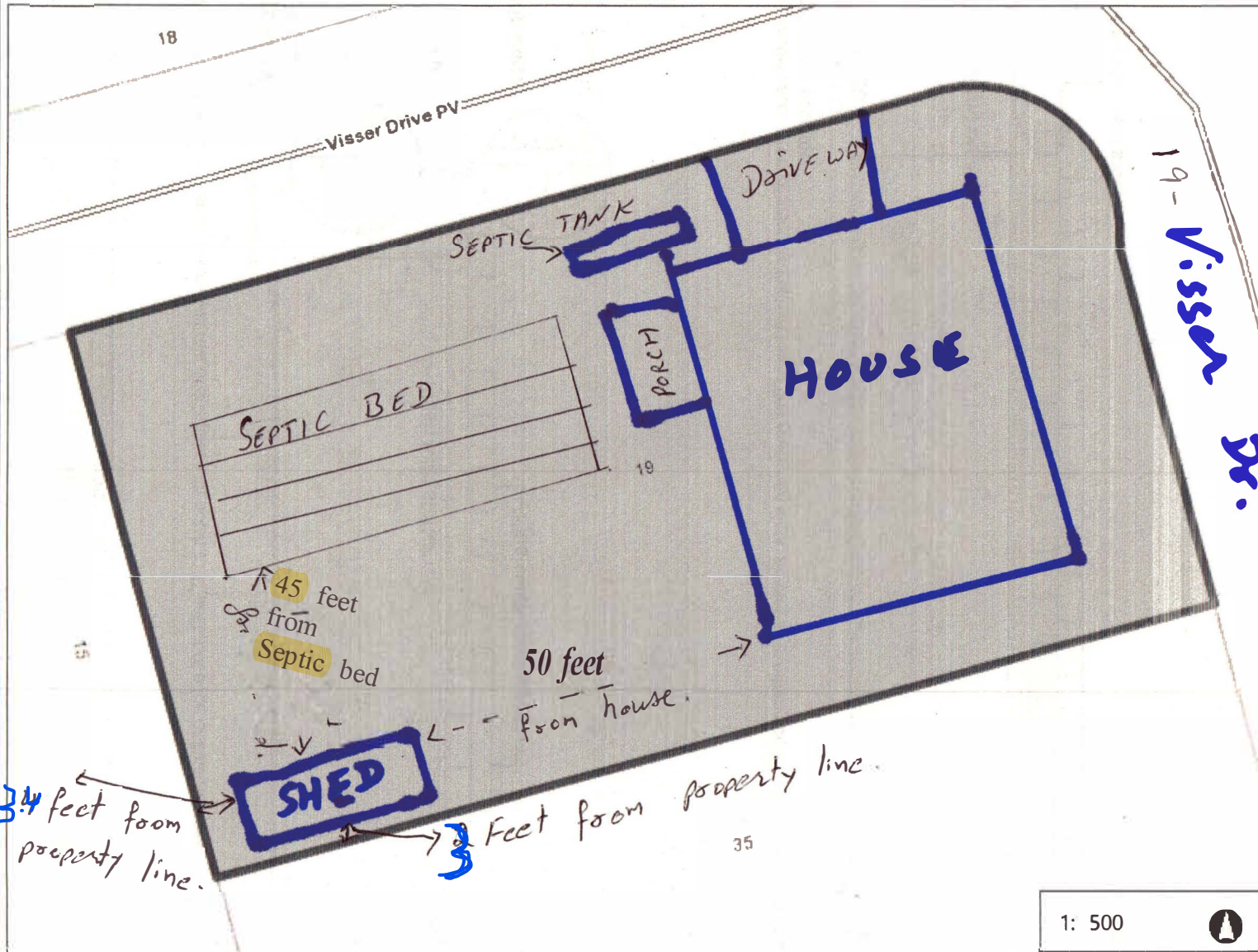
Wellington

Map of Wellington County



Legend

- Municipal Offices
- OPP Stations
- Hospitals
- Fire Stations
- Information Centres
- Schools
- Post Offices
- Arenas
- Community Centres
- Curling Rinks
- Libraries
- Museums
- Park Parking Lots
- County Garages
- Parcels
- Roads
 - Local Road
 - County Road
 - Highway
- Railways
- Trails
- Waterbodies
- Watercourses
- Parks
- Municipalities
- Ontario Urban Centres



0.0 0 0.01 0.0 Kilometers

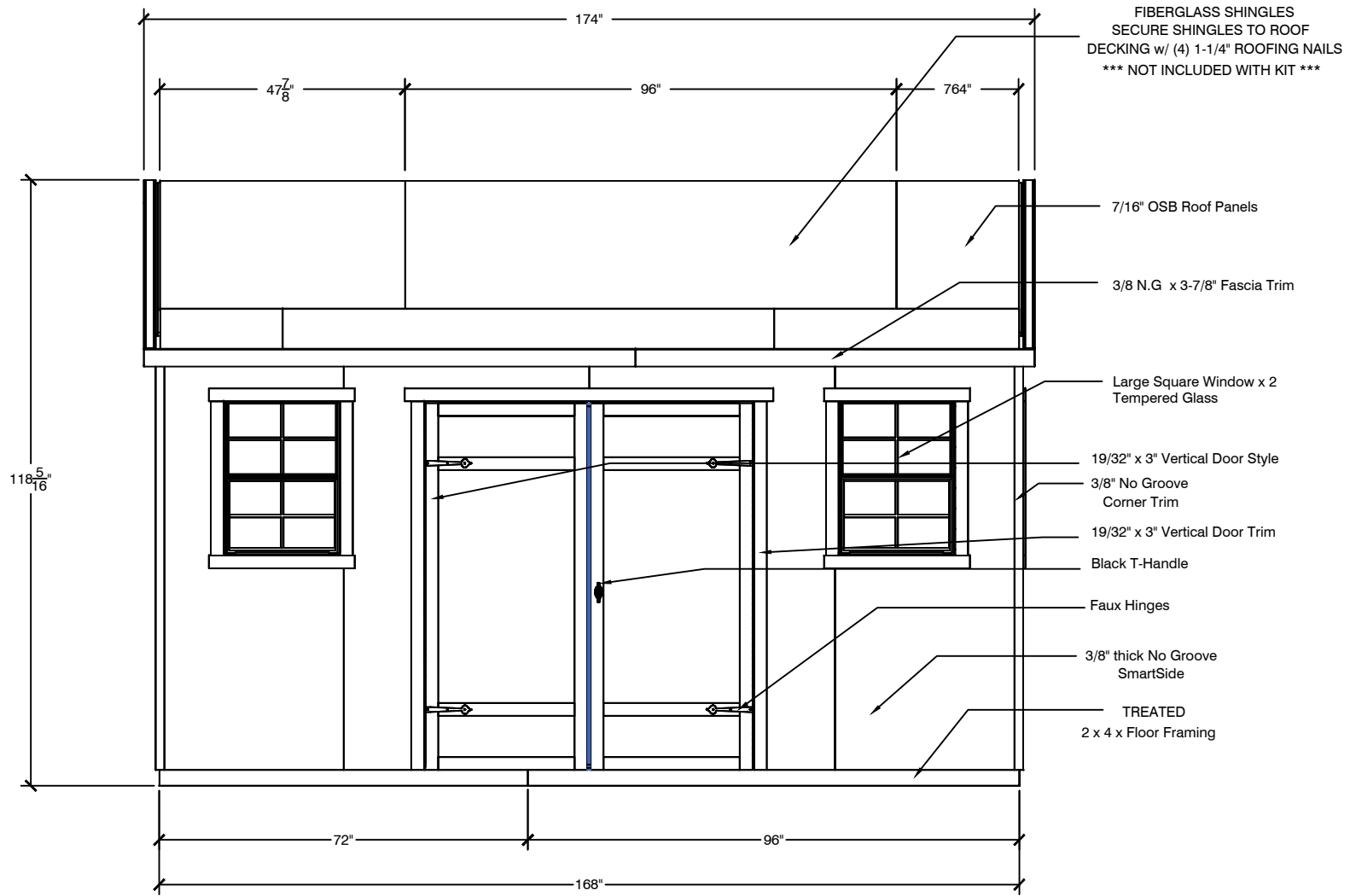
WGS_1984_Web_Mercator_Auxiliary_Sphere
Includes material © 2016 of the Queen's Printer for Ontario. All rights reserved.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Produced using information under License with the Grand River Conservation Authority. Copyright © Grand River Conservation Authority, 2016.

THIS IS NOT SURVEY DATA. Parcels - Teranet 2002, Wellington County 2018

Notes



EAVE ELEVATION w/ DOOR

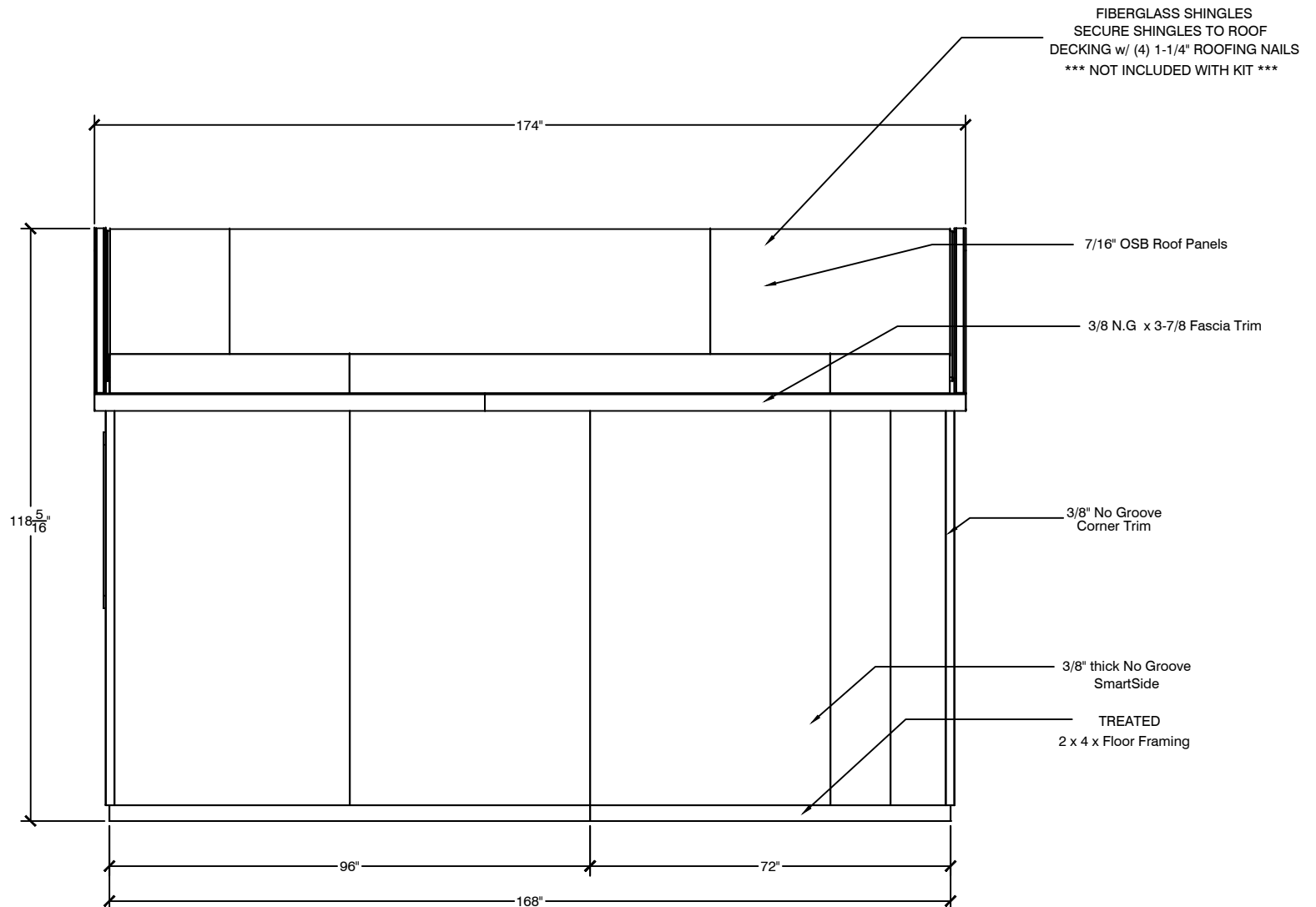
SCALE: 3/8" = 1'-0"

ITEM #s 33516 & 33658



14' x 8' Berkdale
FRONT ELEVATION

SIZE	ADDRESS	DWG BY:	RM/UB	Last Revision
A	1000 Ternes Drive Monroe, MI 48162	WB ROBERTS	RM/UB	8-7-2017
SCALE	As Noted	(800) 221-1849	SHEET	1 of 11



BACK EAVE ELEVATION

SCALE: 3/8" = 1'-0"

ITEM #s 33516 & 33658



14' X 8' Berkdale BACK ELEVATION

SIZE: A	ADDRESS: 1000 Ternae Drive Monroe, MI 48162	DWG BY: WB ROBERTS	Last Revision: 8-7-2017
SCALE: As Noted	(800) 221-1849	CHK BY: RM/JB	SHEET 2 of 11

FIBERGLASS SHINGLES
 SECURE SHINGLES TO ROOF
 DECKING w/ (4) 1-1/4" ROOFING NAILS
 *** NOT INCLUDED WITH KIT ***

Gable Window
 Tempered Glass

3/8 N.G x 3-7/8" Fascia Trim

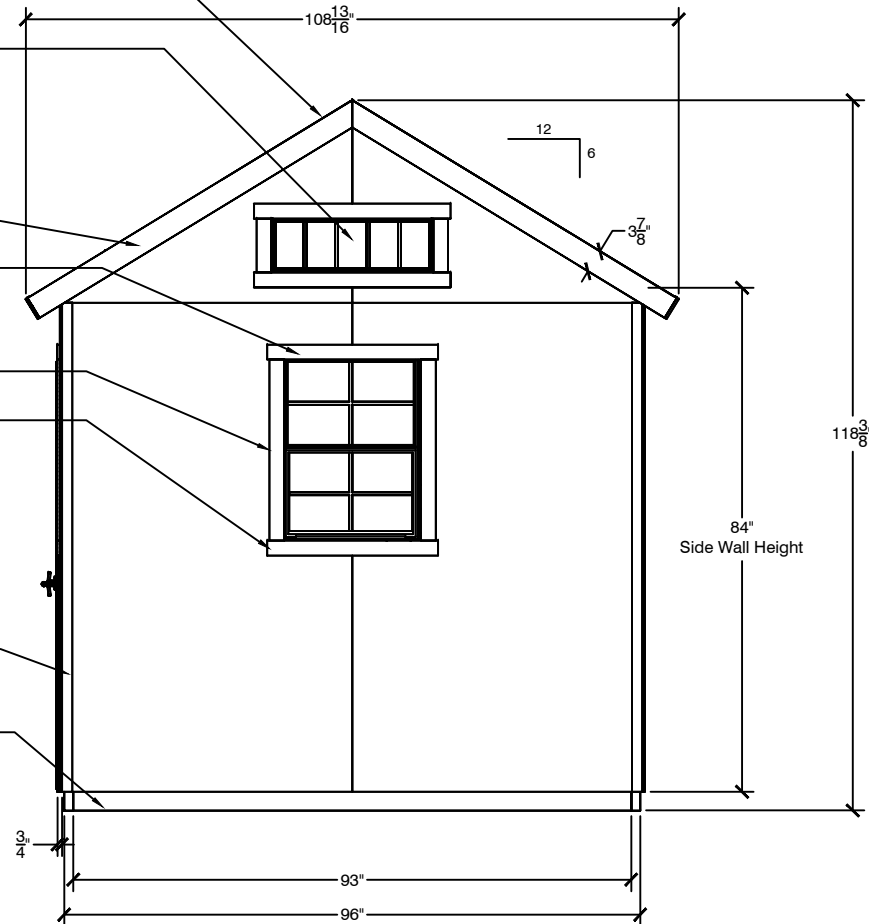
19/32 x 2-1/2" Horizontal Trim

19/32 x 2-1/2" Vertical Trim

19/32 x 2-1/2" Horizontal Trim

3/8" No Groove
 Corner Trim

TREATED
 2 x 4 x Floor Framing



GABLE ELEVATION W/ WINDOWS

SCALE: 3/8" = 1'-0"

ITEM #s 33516 & 33658



14' X 8' Berkdale
 GABLE ELEVATION WINDOWS

SIZE: A	ADDRESS: 1000 Ternae Drive Monroe, MI 48162	DWG BY: WB ROBERTS	Last Revision: 8-7-2017
SCALE: As Noted	(800) 221-1849	CHK BY: RM/UB	SHEET 3 of 11

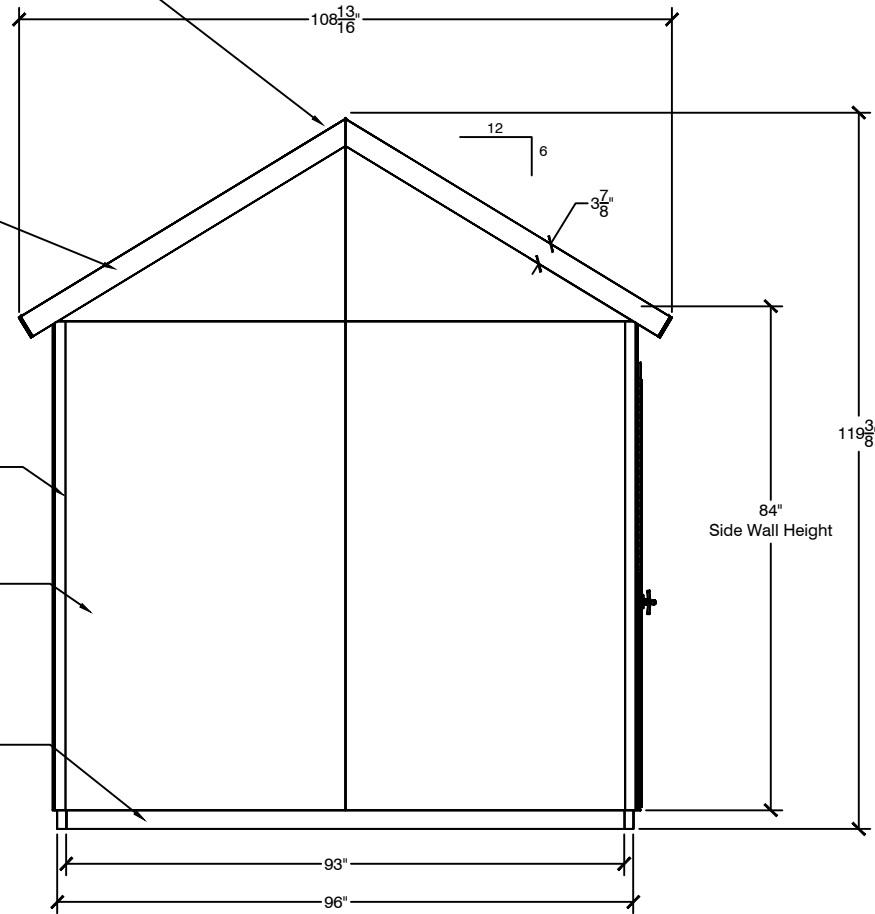
FIBERGLASS SHINGLES
 SECURE SHINGLES TO ROOF
 DECKING w/ (4) 1-1/4" ROOFING NAILS
 *** NOT INCLUDED WITH KIT ***

3/8 N.G x 3-7/8" Fascia Trim

3/8" No Groove
 Corner Trim

3/8" thick No Groove
 SmartSide

TREATED
 2 x 4 x Floor Framing



GABLE ELEVATION

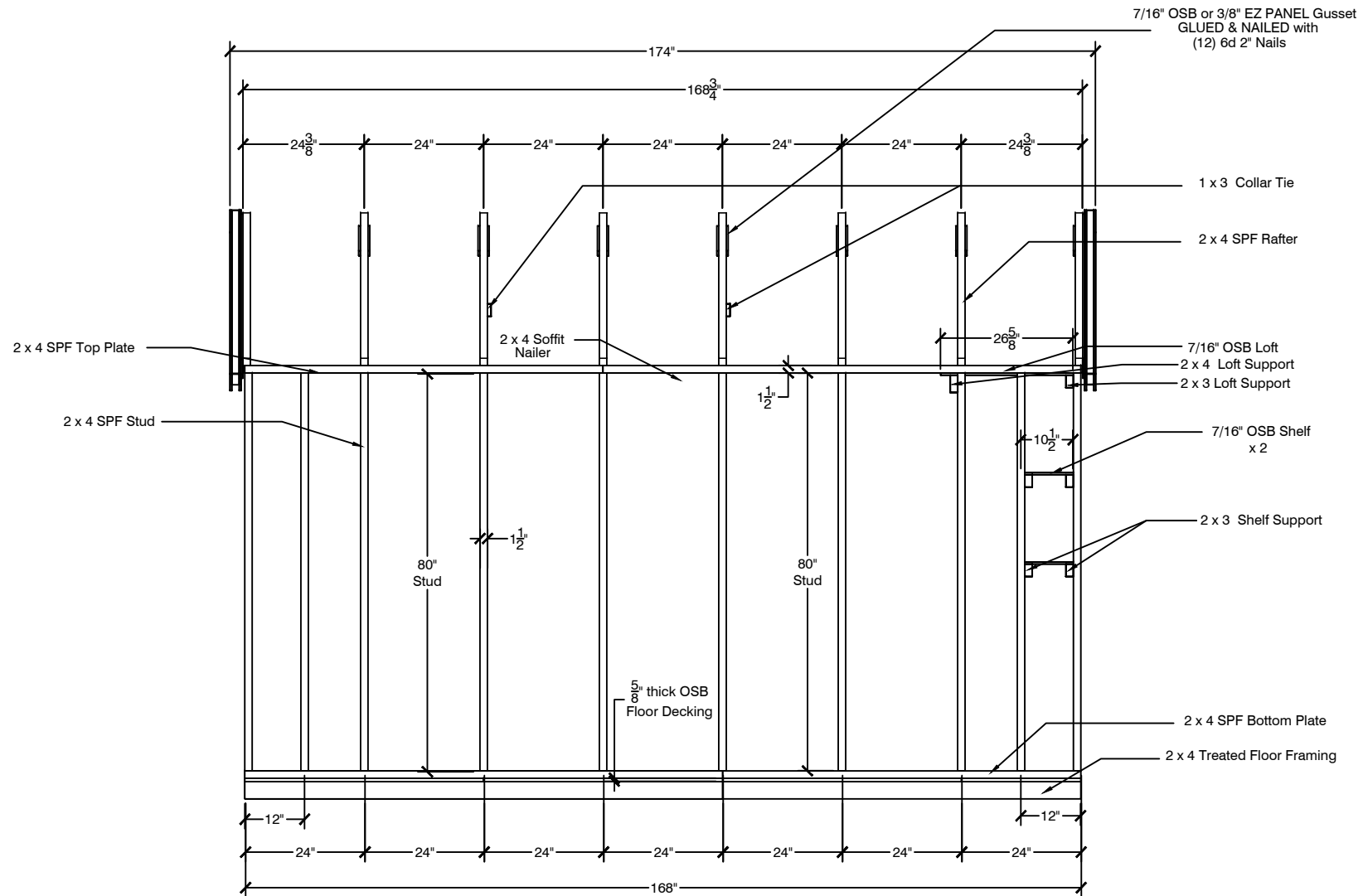
SCALE: 3/8" = 1'-0"

ITEM #s 33516 & 33658



14' X 8' Berkdale
 GABLE ELEVATION

SIZE: A	ADDRESS: 1000 Ternae Drive Monroe, MI 48162	DWG BY: WB ROBERTS	Last Revision: 8-7-2017
SCALE: As Noted	(800) 221-1849	CHK BY: RM/JB	SHEET 4 of 11



EAVE SIDE WALL FRAMING

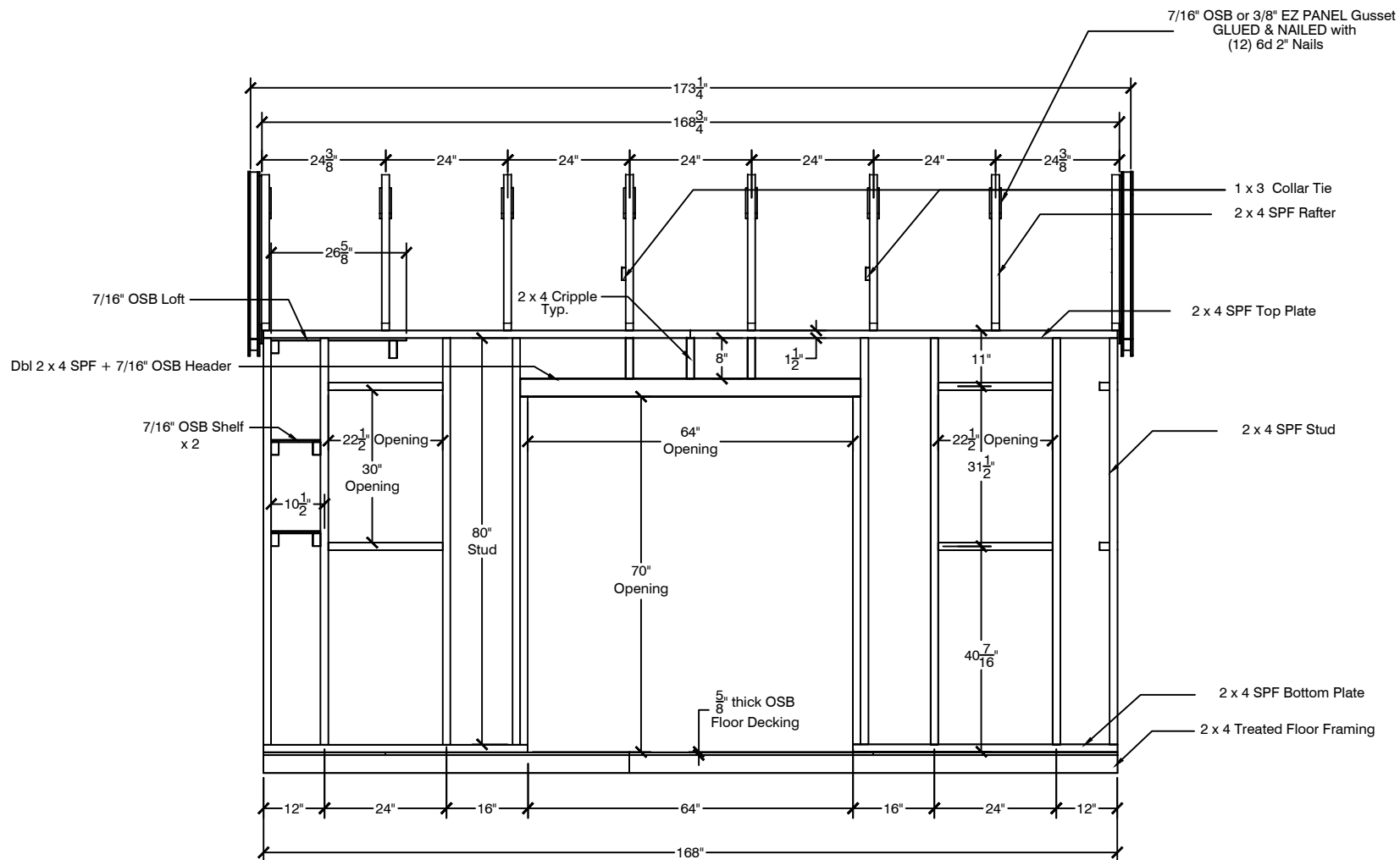
SCALE: 3/8" = 1'-0"

ITEM #s 33516 & 33658



14' X 8' Berkdale
FRAMING EAVE BACK

SIZE	ADDRESS	DWG BY:	CHK BY:	Last Revision
A	1000 Terres Drive Monroe, MI 48162	WB ROBERTS	RM/JB	8-7-2017
SCALE	As Noted	(800) 221-1849	SHEET	5 of 11



EAVE SIDE WALL FRAMING WITH DOOR

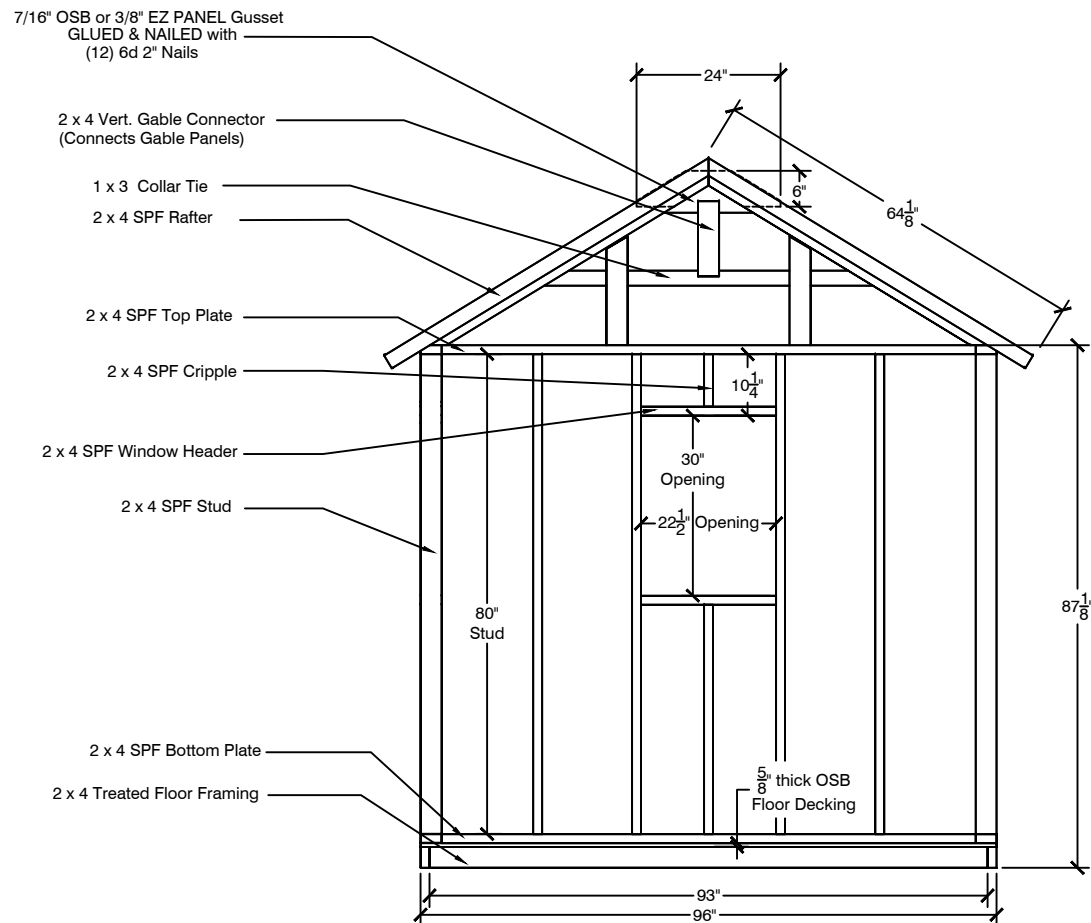
SCALE: 3/8" = 1'-0"

ITEM #s 33516 & 33658



14' X 8' Berkdale
FRAMING EAVE WITH DOOR

SIZE: A	ADDRESS: 1000 Terres Drive Monroe, MI 48162	DWG BY: WB ROBERTS	Last Revision: 8-7-2017
SCALE: As Noted	(800) 221-1849	CHK BY: RM/JB	SHEET 6 of 11



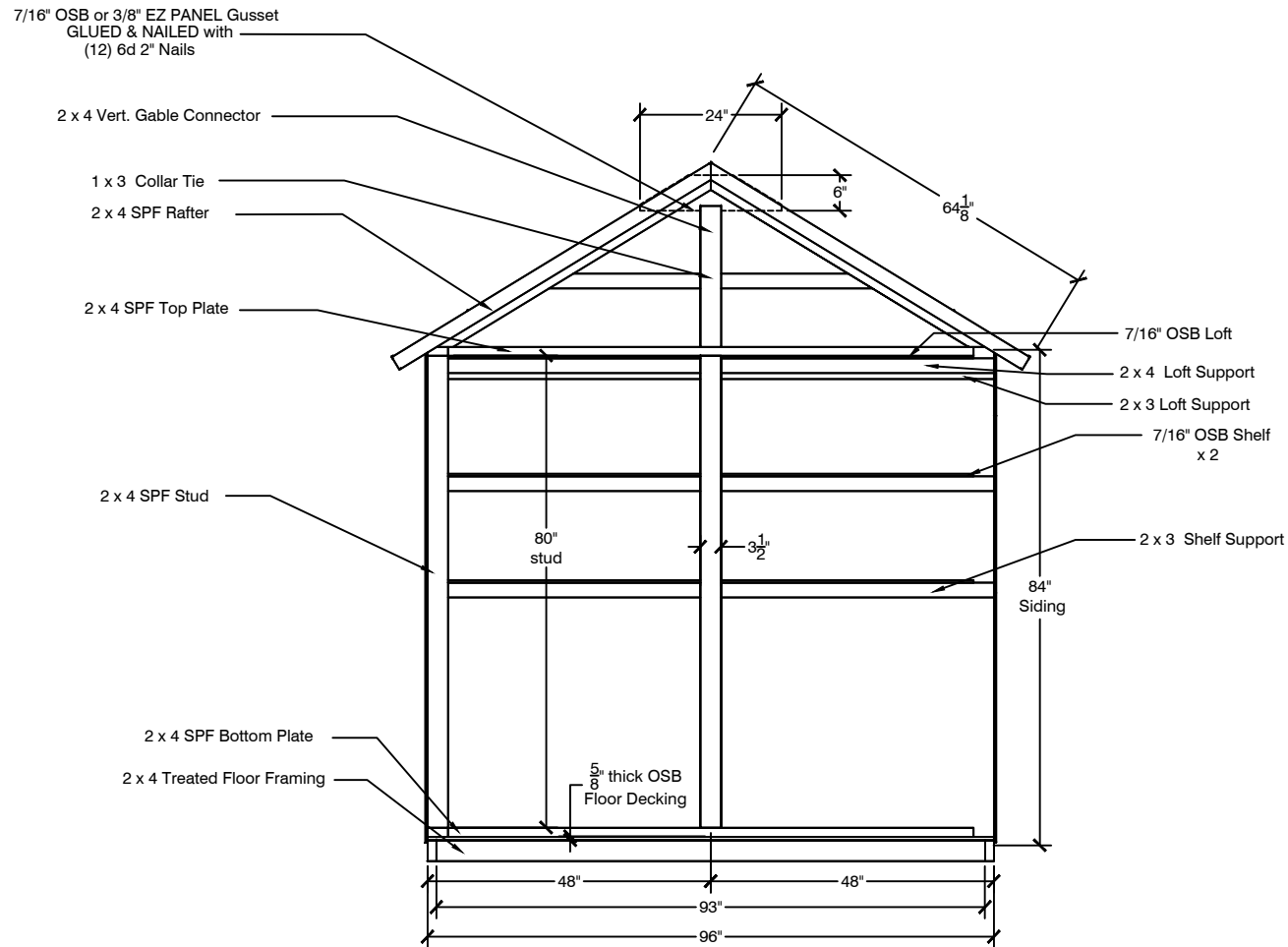
GABLE WALL FRAMING WITH WINDOWS

SCALE: 3/8" = 1'-0"

ITEM #s 33516 & 33658



14' X 8' Berkdale FRAMING GABLE w/ WINDOWS			
SIZE	ADDRESS	DWG BY:	Last Revision
A	1000 Termes Drive Monroe, MI 48162	WB ROBERTS	8-7-2017
SCALE	As Noted	CHK BY:	SHEET
		RM/UB	7 of 11



GABLE WALL FRAMING

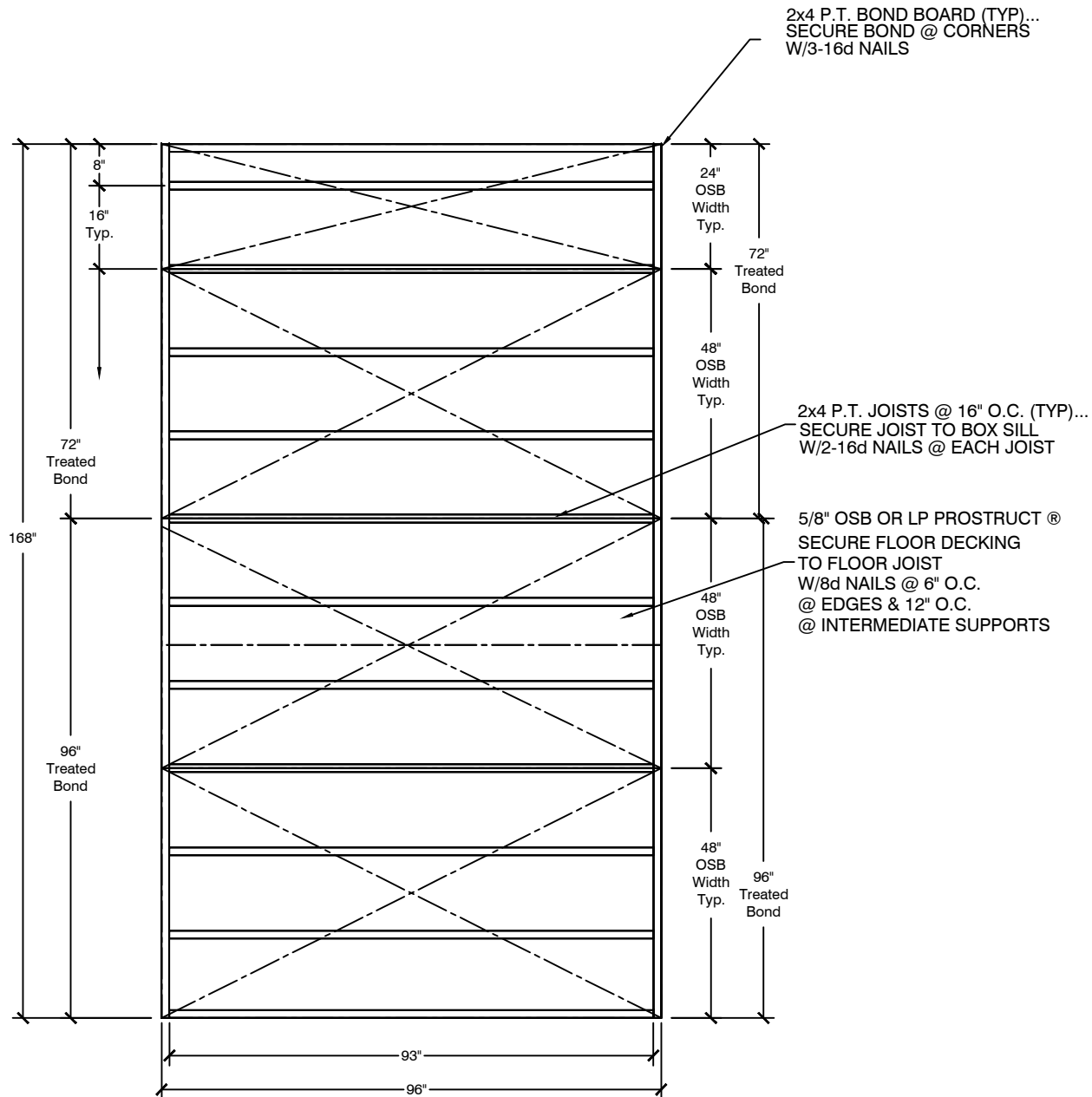
SCALE: 3/8" = 1'-0"

ITEM #s 33516 & 33658



14' X 8' Berkdale
FRAMING GABLE

SIZE	ADDRESS	DWG BY:	WB ROBERTS	Last Revision
A	1000 Terns Drive Monroe, MI 48162	CHK BY:	RM/UB	8-7-2017
SCALE	As Noted	(800) 221-1849	SHEET	8 of 11



WOOD FLOOR FRAMING

SCALE: 3/8" = 1'-0"

NOTES

1. WHEN CONCRETE SLAB IS USED, THIS FLOOR FRAMING IS NOT REQUIRED
2. ALL MATERIALS AND LABOR SHALL MEET OR EXCEED APPLICABLE LOCAL CODES.
3. ALL LUMBER TO BE NO. 2 GRADE SPRUCE PINE FIR OR EQUIVALENT.
4. THIS FLOOR FRAMING PLAN IS FOR THE BACKYARD PRODUCTS, LLC. 14' X 8' WIDE BERKDALE STYLE BUILDING
5. IN THE EVENT OF A DIMENSIONAL OR MATERIAL DISCREPANCY, NOTIFY BACKYARD PRODUCTS, LLC.

ITEM #s 33516 & 33658



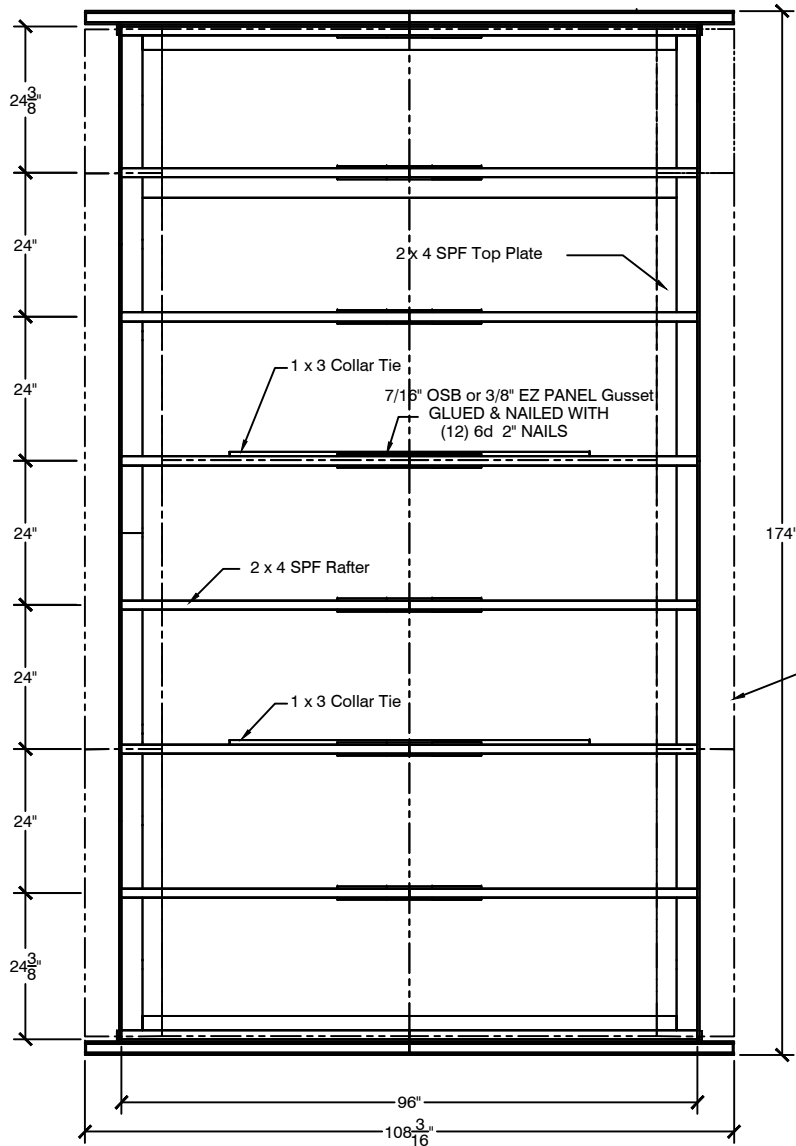
14' X 8' Berkdale
FLOOR FRAMING

SIZE: A	ADDRESS: 1000 Terres Drive Monroe, MI 48162	DWG BY: WB ROBERTS CHK BY: RM/UB	Last Revision: 8-7-2017
SCALE: As Noted	(800) 221-1849	SHEET	9 of 11



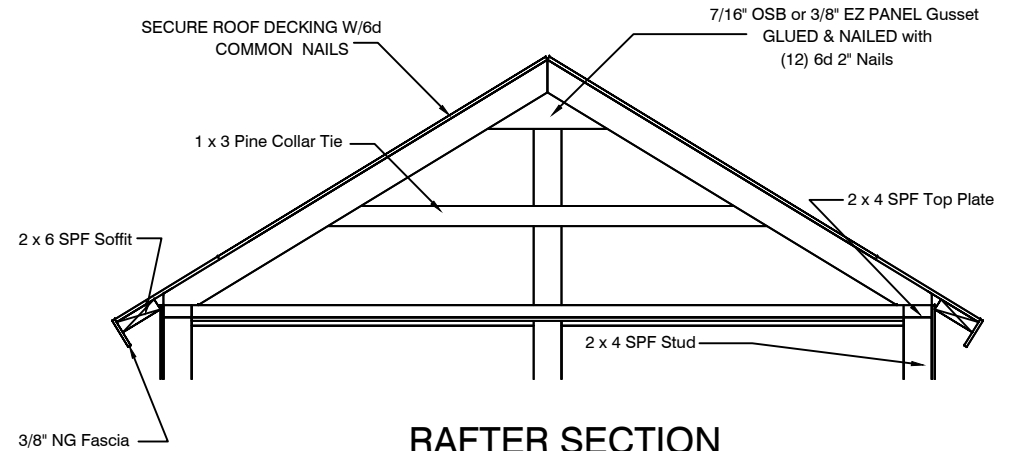
NOTE:

1. THIS ROOF PLAN IS GOOD FOR THE 14' X 8' WIDE BERKDALE ONLY. ALL MATERIAL AND LABOR SHALL MEET OR EXCEED APPLICABLE LOCAL CODES.



ROOF FRAMING PLAN

SCALE: 3/8" = 1'-0"



RAFTER SECTION

SCALE: 1/2" = 1'-0"

7/16" OSB ROOF PANELS -Typ.

NOTES:

1. Approved Shingles installed per manufactures instructions with 4 nails per shingle
2. If using dripedge, it must overlap 2" and be nailed every 12" max.

ITEM #s 33516 & 33658



14' X 8' Berkdalee
ROOF / SECTION

SIZE: A	ADDRESS: 1000 Termes Drive Monroe, MI 48162	DWG BY: WB ROBERTS	Last Revision: 8-7-2017
SCALE: As Noted	(800) 221-1849	CHK BY: RM/JB	SHEET 11 of 11

Lynne Banks

From: Robert Tyszko [REDACTED]
Sent: Thursday, November 5, 2020 11:06 AM
To: Lynne Banks
Subject: LETTER OF OBJECTION

Dear Committee,

As the homeowners of 34 Visser Drive, we wish to submit our objection to the application our neighbor, Malkiat Judge has submitted. We all have large lots and feel there is no need to change the setback for any reason. He should have checked with the township and obtained a permit, checked the bylaws, and communicate with all neighbors and the condo board before beginning his construction.

We live directly across from Malkiat and we see his shed every day. I don't understand why he built it without obeying bylaws. His shed is not very attractive and does not fit in with the quality and style of our homes.

His application to change the setback is extreme and unreasonable. I respectfully request that he move his shed to be in accordance with the current bylaws already established.

Attaching view from my front door:





Robert & Elisabeth Tyszko
34 Visser Drive
Puslinch, ON



PLANNING REPORT for the TOWNSHIP OF PUSLINCH

Prepared by the County of Wellington Planning and Development Department

DATE: November 10th, 2020
TO: Lynne Banks, Secretary-Treasurer
Township of Puslinch
FROM: Zach Prince, Planner
County of Wellington
SUBJECT: **MINOR VARIANCE APPLICATION D13 JUD (Judge)**
19 Visser Drive (Heritage Lake)
SCHEDULES: **1 - Applicant's site plan**

We have reviewed the application for minor variance and provide the following comments. Please be advised that these comments are provided without the benefit of a site visit.

Planning Opinion

The applicant is requesting relief for an existing shed constructed too close to the side yard and rear yard. The variance requested would provide relief from Table 4.1 to permit a reduced side yard setback of 0.91m and a 1.09m rear yard setback where the by-law requires a minimum 2 m side yard and rear yard setback for accessory structures.

Staff recommend that the proposed relief only apply to the existing structure, if any future alterations are proposed zoning compliance will be required.

Planning staff have no major concerns with this proposal. It is our opinion that this variance is minor in nature and that it meets the intent of the Zoning Bylaw and County Official Plan and is desirable and appropriate.

The details of the minor variance application are included in the table below.

Section of By-law	Required	Proposed	Relief
Table 4.1	Minimum side yard setback requirements is 2 m.	Requesting reduced side yard setback of 1.03 m	0.91 m (3 ft)
Table 4.1	Minimum rear yard setback requirements is 2 m.	Requesting reduced rear yard setback of 0.91 m	1.09 m (3.6 ft)

Our discussion of this application relative to the four tests under the Planning Act is as follows:

Four Tests	Discussion
That the requested variance is minor in nature	<ul style="list-style-type: none">The accessory structure has been constructed closer to the lot line than permitted.The structure maintains a reduced setback of approximately 3 ft setback from the lot line on each side and is approximately 10.4 m² (112ft²).

That the intent and purpose of the Zoning By-law is maintained	<ul style="list-style-type: none"> • The subject lands are zoned RUR (sp31). • Accessory structures are permitted subject to the regulations in Section 4.4.2 and Table 4.1.
That the general intent and purpose of the Official Plan is maintained	<ul style="list-style-type: none"> • The property is designated Secondary Agricultural and Special Policy Area PA7-3 in the County Official Plan. • Accessory uses are permitted in these designations.
That the variance is desirable for the appropriate development and use of the land, building or structure	<ul style="list-style-type: none"> • The setback allows for a reduced side yard to recognize the existing shed. • The applicant has indicated the shed sits on a poured concrete foundation which would otherwise be required to be removed and relocated to meet the By-law. • 3ft would generally provide access to be maintained around the building. • County Staff are satisfied that the minor variance is desirable, and appropriate for the development and use of the land.



In conclusion, planning staff is of the opinion that the requested variance **does meet the four tests** of the *Planning Act*. I trust that these comments will be of assistance to the Committee in their consideration of this matter. We would appreciate a copy of the Committee's decision with respect to this application.

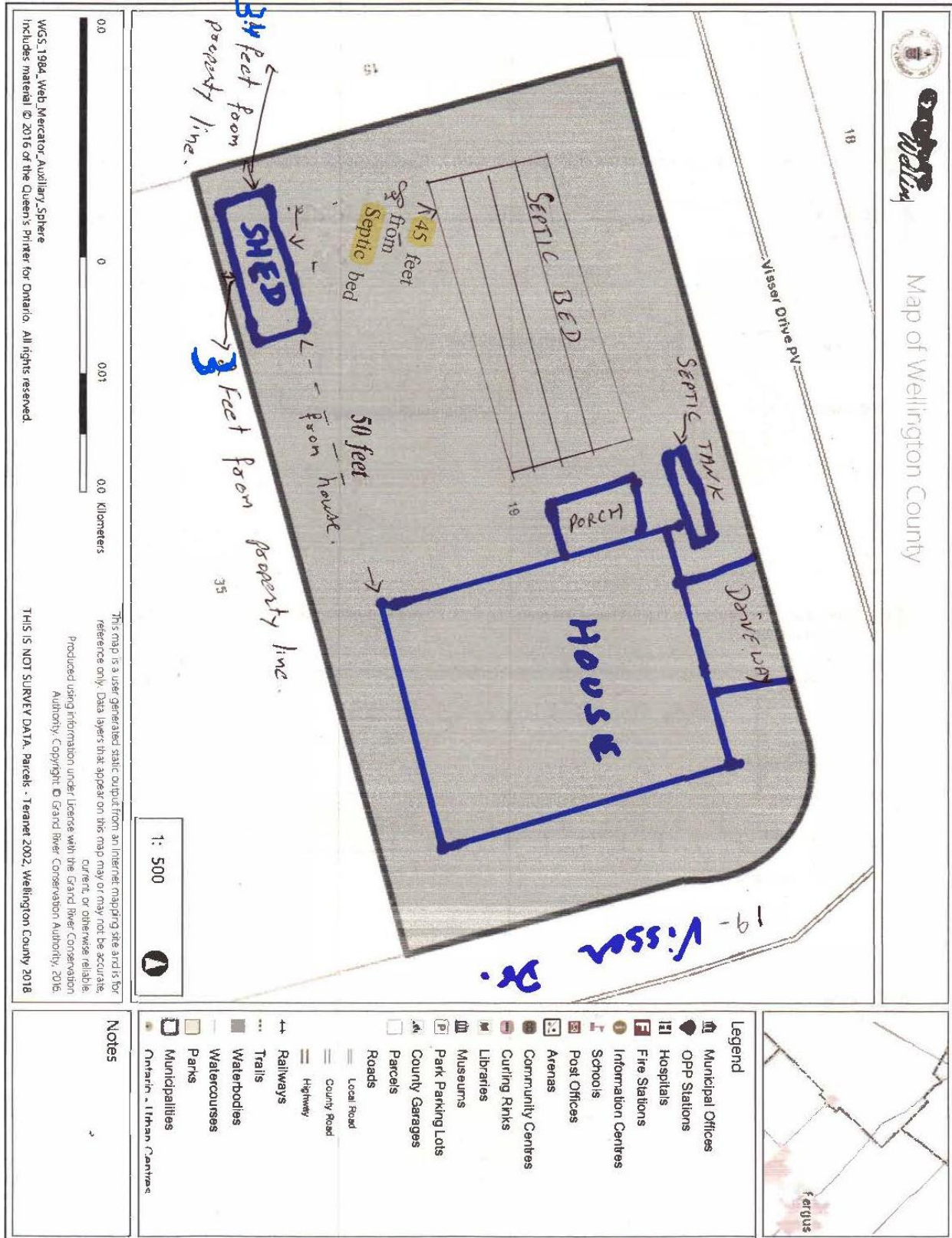
Respectfully submitted

[Redacted Signature] Planning and Development Department

Zach Prince MCIP RPP, Planner

SCHEDULE 1

Site plan provided by the applicant





Township of Puslinch
7404 Wellington Road 34
Puslinch, ON, N0B 2J0
T: (519) 763 – 1226
F: (519) 763 – 5846
www.puslinch.ca

Minor Variance or Permission Application

General Information:

1. Applicant Information:

Registered Owner's Name(s): Manu and Pooja Kaushik

Address: 9 Currie Drive

City: Puslinch, Ontario

Postal Code: N0B 2C0

E-mail Address: [REDACTED]

Telephone Number: [REDACTED]

Fax: _____

Applicant (Agent) Name(s): Michael Trussell, OAA, Edge Architects Ltd.

Address: _____

City: _____

Postal Code: _____

E-mail Address: mtrussell@edgeltd.ca

Telephone Number: 519-841-0483

Fax: _____

Name, address, and phone number of all persons having any mortgages, charges, or encumbrances on the property.

① Manu Kaushik, 9 CURRIE DRIVE, MORRISTON, ON. NOB200

② Pooja Kaushik, 9 CURRIE DRIVE, MORRISTON, ON. NOB200

Send correspondence to: Owner: ☐ Agent ☐ Other: _____

2. Provide a description of the "entire" property:

Municipal address: Brock Road South & Telfer Glen Street

Concession: _____ Lot: 18

Registered Plan Number: Plan 784

Area: 2.3963 ha Depth: 189.76 m Frontage: 115.95 m
_____ ac _____ ft _____ ft

Width of road allowance (if known): _____

Reason for Application:

3. Please indicate the Section of the Planning Act under which this application is being made. Select one:

☒ Section 45(1) relates to a change to a by-law standard (e.g. setbacks, frontage, height, etc.); or

☐ Section 45(2) relates to a change to or expansion of an existing legal non-conforming use.

4. What is the nature and extent of the relief that is being applied for? (please specifically indicate on sketch).

Relief from the zoning by-law minimum building height requirement of 2 storeys and not less than 6.6 m is requested. The proposed building height is 1 storey and minimum 4.72 m tall. This is considered appropriate given that the property abuts a single family residential property to the West.

**5. Why is it not possible to comply with the provisions of the by-law?
(please specifically indicate on sketch).**

A 2 storey building is not conducive to the intended use as physicians offices and a pharmacy. A 1 storey building form is preferred for maximum barrier free accessibility for patients with mobility issues. Future development of the site nearer to the intersection of Telfer Glen and Highway No. 6 is contemplated to be 2 storeys with urban design best practice in mind (see Phase 2 – Concept Site Plan for reference).

6. What is the current Official Plan and zoning status?

Official Plan Designation: Paris Galt Moraine Policy Area

Zoning Designation: Core Mixed Use (CMU)

7. What is the access to the subject property?

Provincial Highway:

☐

Continually maintained municipal road:

☒

Seasonally maintained municipal road:

☐

Other: ☐ (please specify below)

8. What is the name of the road or street that provides access to the subject property?

Telfer Glen

9. If access is by water only, please describe the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land to the nearest public road.

N/A

Existing and Proposed Service:**10. Indicate the applicable water supply and sewage disposal:**

Water Supply/Sewage Disposal:	Existing:	Proposed:
Municipal Water:	<input type="checkbox"/>	<input type="checkbox"/>
Communal Water:	<input type="checkbox"/>	<input type="checkbox"/>
Private Well:	<input checked="" type="checkbox"/> <i>error</i>	<input checked="" type="checkbox"/> <i>/me</i>
Other Water Supply:	<input type="checkbox"/>	<input type="checkbox"/>
Municipal Sewers:	<input type="checkbox"/>	<input type="checkbox"/>
Communal Sewers:	<input type="checkbox"/>	<input type="checkbox"/>
Private Septic:	<input checked="" type="checkbox"/> <i>error</i>	<input checked="" type="checkbox"/> <i>/me</i>
Other Sewage Disposal:	<input type="checkbox"/>	<input type="checkbox"/>

11. How is storm drainage provided?Storm Sewers: ☐Ditches: ☒Swales: ☒Other means: ☐ (explain below)

Existing Subject and Abutting Property Land Uses, Buildings and their Locations:**12. What is the existing use of:**

The subject property? The subject property (Block 42, Puslinch) is currently vacant land.

The abutting properties? Residential

13. Provide the following details for all buildings on or proposed for the subject land: (please use a separate page if necessary)

Type of Building(s)/ structures	Medical Centre (Proposed)		
Main Building height	4.72 m	15.5 ft.	m ft.
*Percentage lot coverage	2% m	- ft.	m ft.
*Number of parking spaces	20	-	
*Number of loading spaces	1	-	
Number of floors	1	-	
Total floor area	459.9 m ²	4950 ft ²	m ² ft ²
Ground floor area (exclude basement)	459.9 m ²	4950 ft ²	m ² ft ²

14. What is the location of all buildings existing and proposed for the subject property? (specify distances from front, rear and side lot lines)

Front Yard	26.00 m	85.3 ft.	m	ft.
Rear Yard	135.18 m	443.5 ft.	m	ft.
Side Yards	22.51 m	73.9 ft.	m	ft.

15. What are the dates of acquisition and construction of subject property and building property?Date of acquisition of subject property: AUGUST 14, 2020Date of construction of buildings property: Proposed for 2021**16. How long have the existing uses continued on the subject property?** N/A**17. Has the owner previously applied for relief in respect of the subject property?**Yes ☐ No ☒

If the answer is yes, please indicate the file number and describe briefly:

Other Related Planning Applications:**18. Has an application for any of the following on the subject lands?**

Planning Application:	Yes:	No:	File Number:	Approval Authority:	Subject Lands	Purpose:	Status:
Official Plan Amendment	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Zoning By-Law Amendment	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Plan of Subdivision	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Consent (Severance)		<input checked="" type="checkbox"/>					
Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>					Pending
Minor Variance	<input type="checkbox"/>	<input checked="" type="checkbox"/>					

Sworn (or Affirmed or Declared) remotely by Manu Kaushik

of (City, Town, etc.) of Morriston

in the (County, Regional Municipality, etc.) of Wellington

before me at the (City, Town, etc.) of Cambridge

in the (County, Regional Municipality, etc.) of Waterloo

on 10/15/2020 (date) in accordance with O.Reg. 431/20, Administering Oath or Declaration Remotely

Coutenay Hoyt

Commissioner for Taking Affidavits
Township of Puslinch
County of Wellington



Sealed by: The Corporation of the Township of Puslinch

Sealed Time: 10/15/2020

Sworn (or Affirmed or Declared) remotely by Pooja Kaushik

of (City, Town, etc.) of Morriston

in the (County, Regional Municipality, etc.) of Wellington

before me at the (City, Town, etc.) of Cambridge

in the (County, Regional Municipality, etc.) of Waterloo

on 10/15/2020 (date) in accordance with O.Reg. 431/20, Administering Oath or Declaration Remotely

Coutenay Hoyt

Commissioner for Taking Affidavits
Township of Puslinch
County of Wellington



Sealed by: The Corporation of the Township of Puslinch

Sealed Time: 10/15/2020

Agreement to Post Sign and Permit Site Visits:

A form is included in the Zoning By-law Amendment application to agree to erect a sign on the subject lands and to permit Township employees/representatives to enter the lands for site visits.

The applicant is required to erect and maintain a sign on the proposed lands within one week of the application being deemed complete by staff and to remove the sign when the application has been given final approval. The sign shall be a minimum of 1.2 x 1.2 metres on posts 0.5 metres above grade and include the following wording to be approved by Township staff:

A PROPOSAL HAS BEEN MADE
ON THIS SITE FOR: (50 mm text height)
A ZONING BY-LAW AMENDMENT TO xxx (100 mm text height)
FOR FURTHER INFORMATION
PLEASE CONTACT THE TOWNSHIP OF PUSLINCH 7404 WELLINGTON ROAD 34
(519) 763 - 1226 (30-50 mm text height)

For Administrative Purposes Only:

Application fee of \$_____received by the municipality

Date Fee Received: _____

Date Application Filed: _____

File Number: _____

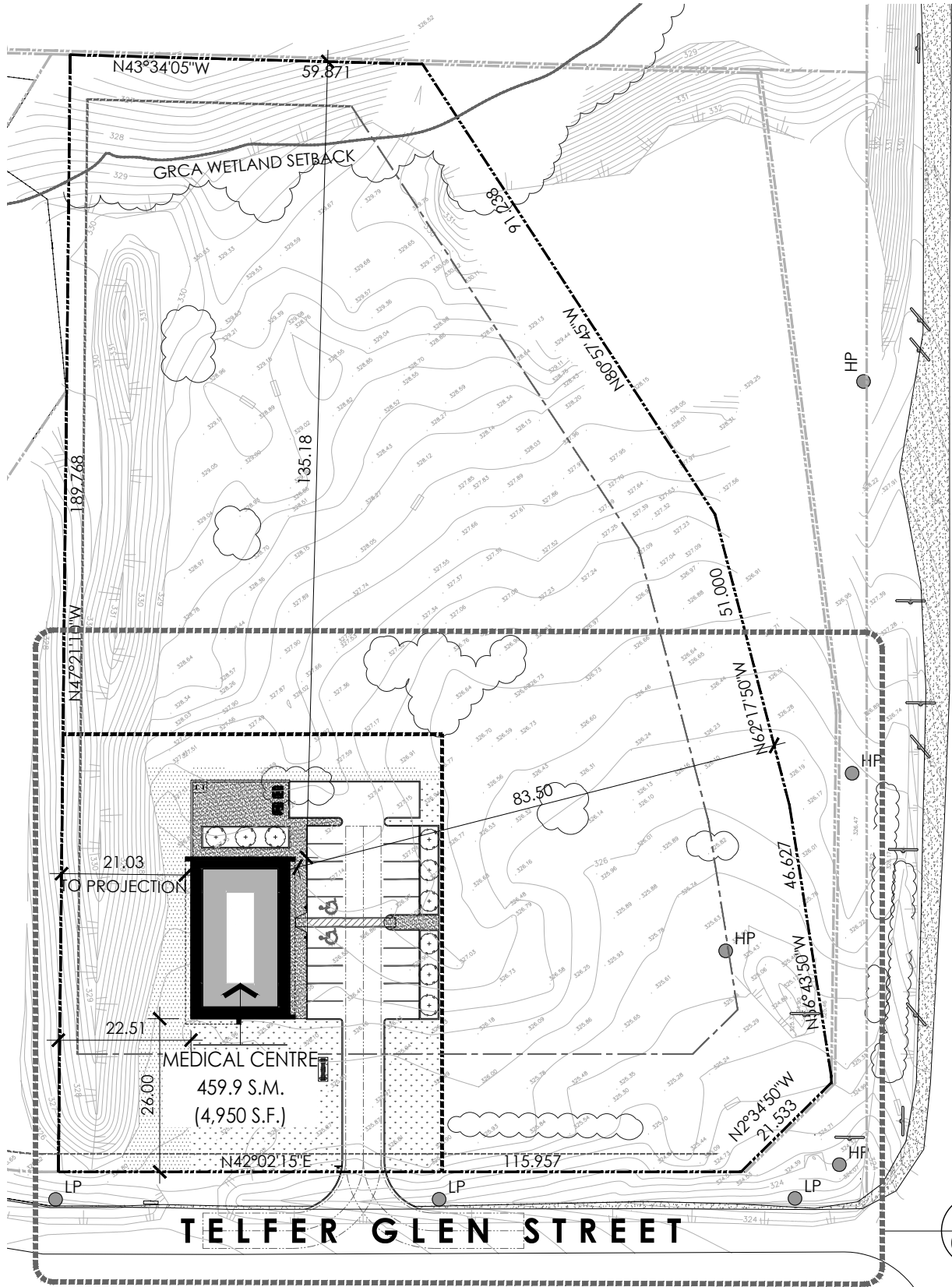
Application deemed complete:

Signature of Municipal Employee

Date

Personal information on this form is collected under the authority of the Planning Act. The information is used for the purpose of processing this application and administering the legislation and is maintained in accordance with the Municipal Freedom of Information and Protection of Privacy Act. Questions regarding the collection of this information may be directed to the Township Clerk's office.

The Township of Puslinch is committed to providing accessible formats and communication supports for people with a disability. If another format would work better for you, please contact the Township Clerk's office for assistance.



THE KING'S HWY No. 6 - BROCK RD

1
02-05



ZONING DATA CHART

LOT 42 - REGISTERED PLAN 802 - TOWNSHIP OF PUSLINCH
MORRISTON, ONTARIO

PROPOSED SITE PLAN

PREPARED BY EDGE ARCHITECTS LTD.
SEPTEMBER 14, 2020

ZONING COMPLIANCE CHART

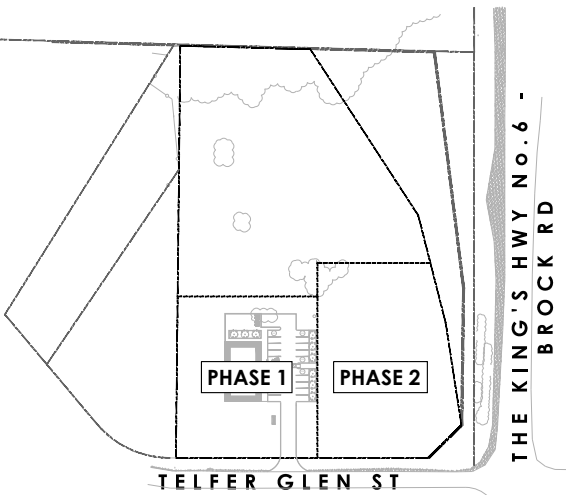
CURRENT ZONING: CORE MIXED USE (CMU) ZONING - BY-LAW No. 40-91

USE	OFFICE, MEDICAL	
	REQUIRED	PROVIDED
MINIMUM LOT AREA	4,000 m ² (0.40 ha)	23,963 m ² (2.3963 ha)
MINIMUM LOT FRONTAGE	20.00 m	115.95 m
MINIMUM FRONT YARD	0 m	26.00 m
MAXIMUM FRONT YARD	3.00 m	26.00 m
MINIMUM INTERIOR SIDE YARD	3.00 m	21.03 m (TO ARCHITECTURAL PROJECTION) 22.51 m (TO BUILDING)
MINIMUM EXTERIOR SIDE YARD	0.00 m	83.00 m +/-
MINIMUM REAR YARD	7.50 m	135.00 m +/-
MINIMUM WETLAND SETBACK	30.00 m (GRCA REQUIREMENT)	135.00 m +/-
MAXIMUM PERMITTED BUILDING HEIGHT	3 STOREY NOT MORE THAN 11.00 m	1 STOREY @ 4.72 m
MINIMUM BUILDING HEIGHT	2 STOREY NOT LESS THAN 6.6 m	1 STOREY @ 4.72 m (*)
MINIMUM PARKING (MEDICAL OFFICE)	1 SPACE / 25.0 m ² NFA = 459 m ² / 25.0 m ² = 19 SPACES	1 SPACE / 25.0 m ² NFA = 459 m ² / 25.0 m ² = 19 SPACES (REQUIRED) = 20 SPACES (PROVIDED)
BARRIER-FREE PARKING	3-25 SPACES REQ'D = 1	2 SPACES
MINIMUM BICYCLE PARKING	THE GREATER OF 2 SPACES OR 1 SPACE/ 1,000 m ²	2 SPACES

(*) VARIANCE REQUIRED

- NOTE(S):
- LEGAL DESCRIPTION : BLOCK 42 REGISTERED PLAN 802 TOWNSHIP OF PUSLINCH COUNTY OF WELLINGTON.
 - INFORMATION REGARDING SITE FEATURES BASED ON VAN HARTEN SURVEYING TOPOGRAPHICAL SURVEY DATED APRIL 21, 2020.
 - STANDARD PARKING STALL DIMENSIONS SHALL BE 3.00m x 6.00m.
 - BARRIER FREE PARKING STALL DIMENSIONS SHALL BE 3.60m x 6.00m AND MEET ALL TOWNSHIP OF PUSLINCH REQUIREMENTS.
 - BICYCLE PARKING SPACE SHALL BE MINIMUM 0.60m WIDE x 1.8m LONG

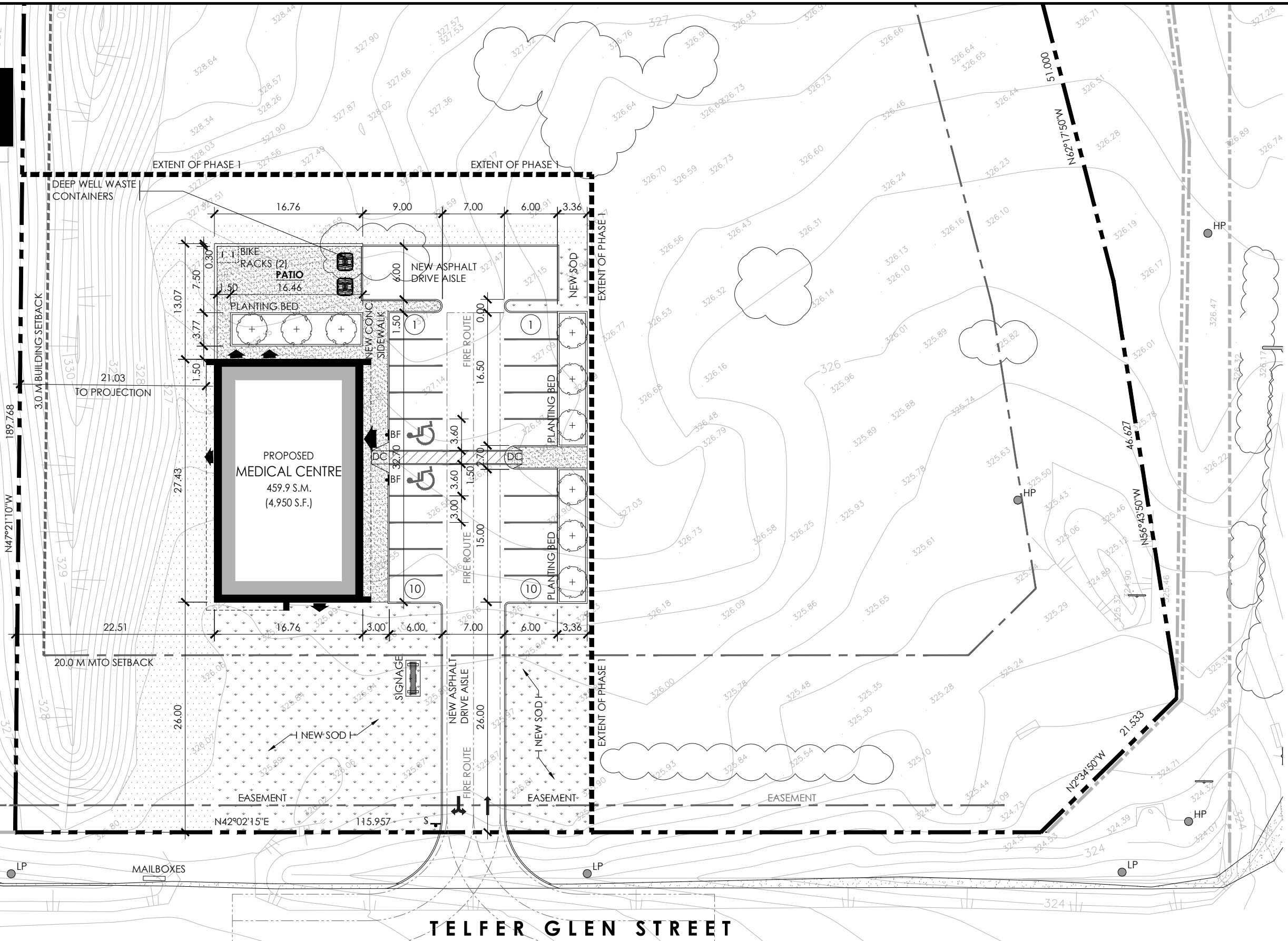
SITE KEY MAP



SITE LEGEND

- BARRIER FREE PARKING SPACE
- HP HYDRO POLE
- LP LIGHT POLE
- BF BARRIER FREE PARKING SIGNAGE
- S STOP SIGNAGE
- PROPERTY LINE
- BUILDING SETBACK
- MTO SETBACK
- FIRE FIGHTERS ENTRANCE/
BARRIER FREE ENTRANCE/EXIT
- TREE
- PYLON SIGN LOCATION
- 1 PARKING SPACES COUNT

2020.09.24







PLANNING REPORT for the TOWNSHIP OF PUSLINCH

Prepared by the County of Wellington Planning and Development Department

DATE: November 10th, 2020
TO: Lynne Banks, Secretary-Treasurer
Township of Puslinch
FROM: Zach Prince, Planner
County of Wellington
SUBJECT: **MINOR VARIANCE APPLICATION D13 KAU (Manu and Pooja Kaushik)**
Part of Block 42, Plan 803
SCHEDULES: **1 - Site plan provided by applicant**
2 - Phasing plan provided by applicant

We have reviewed the application for minor variance and provide the following comments. These comments are offered without the benefit of a site visit.

Planning Opinion

The applicant is proposing to construct a medical office that is 1 storey in height. The proposed building height is 4.72 m (15.5 ft) and 1 storey where the Zoning By-law requires a minimum height of 6.6 m (21.6 ft) and 2 storeys. The variance requested would provide relief from Section 7.3 to allow a smaller building to be constructed on the site.

The intent of the height requirement is to support the Township's Urban Design guidelines in regards to 'defining the street edge.' The applicant's site is large and provides an opportunity to develop in phases. This minor variance would only apply to the building proposed and the remainder of the site would be required to meet the zoning by-law. Planning staff recommend that the variance for reduced height only apply to the proposed phase 1 building.

Subject to the inclusion of the recommended condition Planning Staff have no concerns. The minor variance application maintains the general intent and purpose of the Official Plan and Zoning By-law, and is minor in nature and appropriate for the development of the subject property.

The details of the minor variance application are included in the table below.

Section of By-law	Required	Proposed	Relief
Section 7.3 Zone Requirements (Table 11.2)	Minimum building height of 2 storeys and not less than 6.6 m	To permit a new 1 storey building with a height of 4.72 m.	1 Storey and 1.88 m in height

Our discussion of this application relative to the four tests under the *Planning Act* is as follows:

Four Tests	Discussion
That the requested variance is minor in nature	<ul style="list-style-type: none">The height relief requested is to allow for the construction of a 1 storey medical clinic.The applicants have included a site plan showing the location of the building away from Main Street (Phase 1) and a plan showing how the remainder of the site can be constructed (Phase 2).
That the intent and purpose of the Zoning By-law is maintained	<ul style="list-style-type: none">The subject lands are zoned as Commercial Mixed Use (CMU) Zone.A medical office is a permitted use in the zone.The intent of the height requirement is to support the Township's Urban Design guidelines in regards to 'defining the street edge.' The applicants' site is large and provides an opportunity to develop in

	phases. This minor variance would only apply to the building proposed and the remainder of the site would be required to meet the zoning by-law.
That the general intent and purpose of the Official Plan is maintained	<ul style="list-style-type: none"> • The subject lands are located in the Urban Centre of Morriston and designated as Central Business District (CBD) in the County Official Plan. • The CBD designation permits a number of commercial uses including a medical office.
That the variance is desirable and appropriate for the development and use of the land, building or structure	<ul style="list-style-type: none"> • The subject lands are approximately 2 ha (5 ac) in size and there is an existing vegetative buffer on the West property line which the applicant has indicated is intended to be maintained. • The phasing plan allows for the smaller building to be constructed adjacent to the existing residential lots and the taller building to be constructed along main street. • A site plan will be required prior to the issuance of a building permit which will confirm the required setbacks and landscaping requirements. • The variance is considered to be appropriate within the context of this area.



In conclusion, planning staff is of the opinion that the requested variance application **meets the four tests** of the *Planning Act*. I trust that these comments will be of assistance to the Committee in their consideration of this matter. We would appreciate a copy of the Committee's decision with respect to this application.

Respectfully submitted

C [REDACTED] Planning and Development Department

Zach Prince MCIP RPP, Planner

SCHEDULE 1

Site Plan Provided by applicant

EDGE
ARCHITECTS

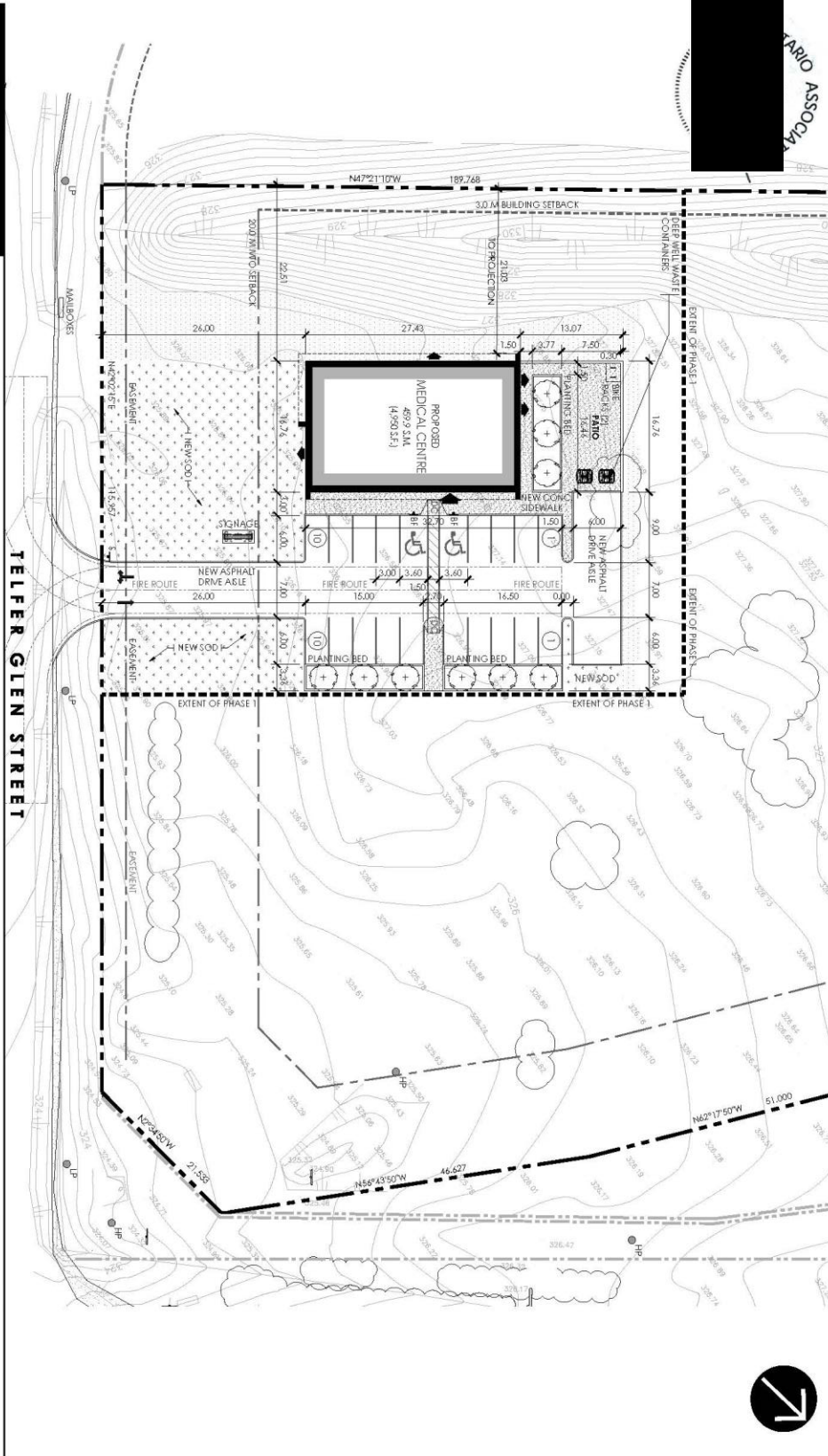
20/020 - MORGENTHAU MEDICAL CENTRE
SCHEMATIC DESIGN REPORT - 20/020/16

TELFER GLEN STREET

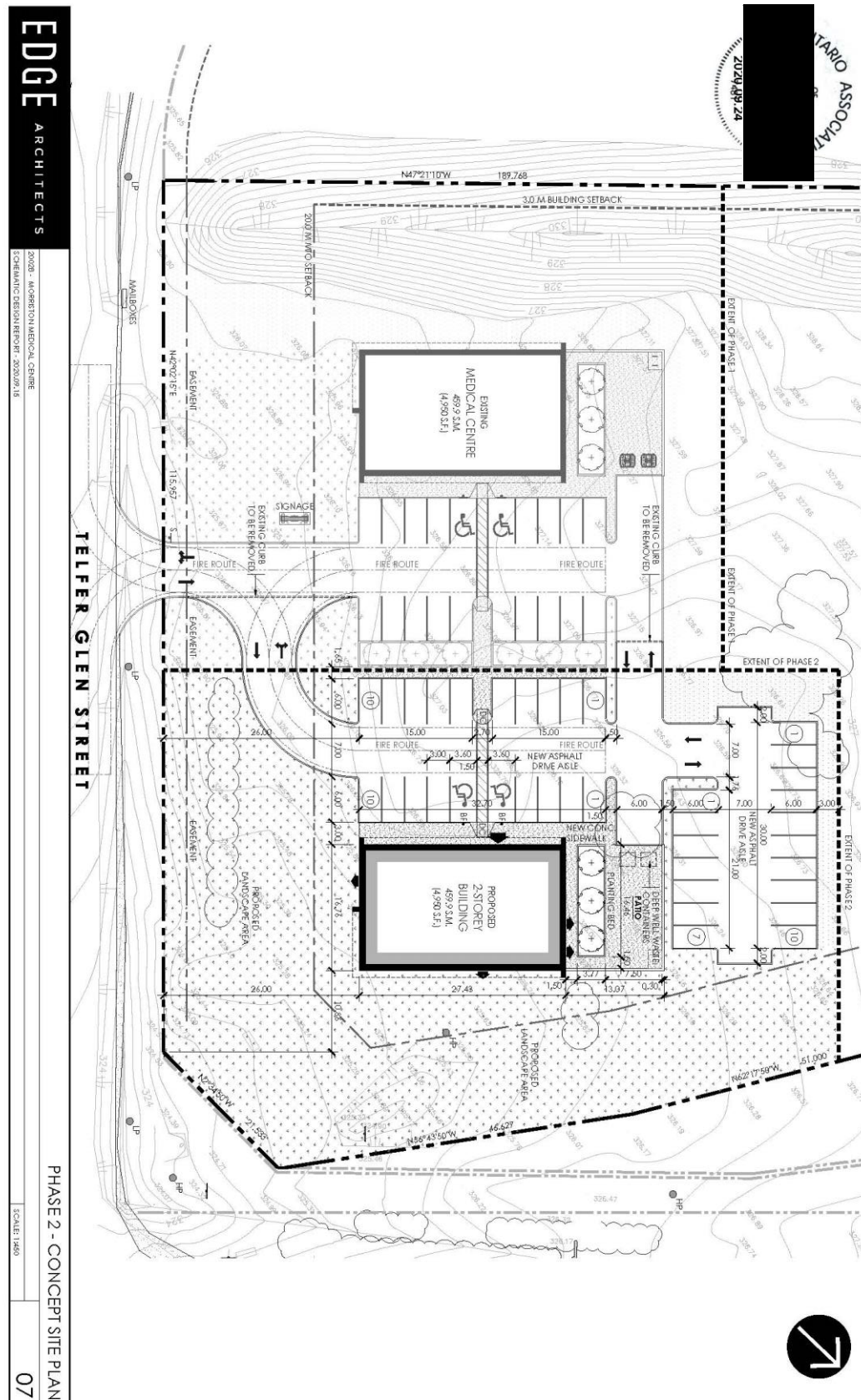
ENLARGED PROPOSED SITE PLAN

SCALE: 1:500

05



Phasing Plan provided by applicant





Township of Puslinch
7404 Wellington Road 34
Puslinch, ON, N0B 2J0
T: (519) 763 – 1226
F: (519) 763 – 5846
www.puslinch.ca

Minor Variance or Permission Application

General Information:

1. Applicant Information:

Registered Owner's Name(s): _____

Address: _____

City: _____

Postal Code: _____

E-mail Address: _____

Telephone Number: _____

Fax: _____

Applicant (Agent) Name(s): _____

Address: _____

City: _____

Postal Code: _____

E-mail Address: _____

Telephone Number: _____

Fax: _____

Name, address, and phone number of all persons having any mortgages, charges, or encumbrances on the property.

Send correspondence to: Owner: ☐ Agent ☐ Other: _____

2. Provide a description of the “entire” property:

Municipal address: _____

Concession: _____ Lot: _____

Registered Plan Number: _____

Area: _____ ha Depth: _____ m Frontage: _____ m
 _____ ac _____ ft _____ ft

Width of road allowance (if known): _____

Reason for Application:

3. Please indicate the Section of the Planning Act under which this application is being made. Select one:

☐ Section 45(1) relates to a change to a by-law standard (e.g. setbacks, frontage, height, etc.); or

☐ Section 45(2) relates to a change to or expansion of an existing legal non-conforming use.

4. What is the nature and extent of the relief that is being applied for? (please specifically indicate on sketch).

**5. Why is it not possible to comply with the provisions of the by-law?
(please specifically indicate on sketch).**

6. What is the current Official Plan and zoning status?

Official Plan Designation: _____

Zoning Designation: _____

7. What is the access to the subject property?

Provincial Highway: ☐

Continually maintained municipal road: ☐

Seasonally maintained municipal road: ☐

Other: ☐ (please specify below)

8. What is the name of the road or street that provides access to the subject property?

9. If access is by water only, please describe the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land to the nearest public road.

Existing and Proposed Service:

10. Indicate the applicable water supply and sewage disposal:

Water Supply/Sewage Disposal:	Existing:	Proposed:
Municipal Water:	<input type="checkbox"/>	<input type="checkbox"/>
Communal Water:	<input type="checkbox"/>	<input type="checkbox"/>
Private Well:	<input type="checkbox"/>	<input type="checkbox"/>
Other Water Supply:	<input type="checkbox"/>	<input type="checkbox"/>
Municipal Sewers:	<input type="checkbox"/>	<input type="checkbox"/>
Communal Sewers:	<input type="checkbox"/>	<input type="checkbox"/>
Private Septic:	<input type="checkbox"/>	<input type="checkbox"/>
Other Sewage Disposal:	<input type="checkbox"/>	<input type="checkbox"/>

11. How is storm drainage provided?

Storm Sewers: ☐

Ditches: ☐

Swales: ☐

Other means: ☐ (explain below)

Existing Subject and Abutting Property Land Uses, Buildings and their Locations:

12. What is the existing use of:

The subject property? _____

The abutting properties? _____

13. Provide the following details for all buildings on or proposed for the subject land: (please use a separate page if necessary)

Type of Building(s)/ structures			
Main Building height	m	ft.	m ft.
*Percentage lot coverage	m	ft.	m ft.
*Number of parking spaces			
*Number of loading spaces			
Number of floors			
Total floor area	m ²	ft ²	m ² ft ²
Ground floor area (exclude basement)	m ²	ft ²	m ² ft ²

14. What is the location of all buildings existing and proposed for the subject property? (specify distances from front, rear and side lot lines)

Front Yard	m	ft.	m	ft.
Rear Yard	m	ft.	m	ft.
Side Yards	m	ft.	m	ft.

15. What are the dates of acquisition and construction of subject property and building property?

Date of acquisition of subject property: _____

Date of construction of buildings property: _____

16. How long have the existing uses continued on the subject property? ____

17. Has the owner previously applied for relief in respect of the subject property?

Yes ☐ No ☐

If the answer is yes, please indicate the file number and describe briefly:

--

Other Related Planning Applications:

18. Has an application for any of the following on the subject lands?

Planning Application:	Yes:	No:	File Number:	Approval Authority:	Subject Lands	Purpose:	Status:
Official Plan Amendment	<input type="checkbox"/>	<input type="checkbox"/>					
Zoning By-Law Amendment	<input type="checkbox"/>	<input type="checkbox"/>					
Plan of Subdivision	<input type="checkbox"/>	<input type="checkbox"/>					
Consent (Severance)							
Site Plan	<input type="checkbox"/>	<input type="checkbox"/>					
Minor Variance	<input type="checkbox"/>	<input type="checkbox"/>					

Authorization for Agent/Solicitor to act for Owner:

(If affidavit is signed by an Agent/Solicitor on Owner's behalf, the Owner's written authorization below shall be completed)

I (we) _____ of the
_____ of _____ County/Region of
_____ do hereby authorize
_____ to act as my agent in this application.

Signature of Owner(s) Date

Affidavit:

I (we) _____ of the
_____ of _____ County/Region of
_____ solemnly declare that all the statements
contained in this application are true, and I, (we), make this solemn declaration
conscientiously believing it to be true, and knowing that it is of the same force and effect
as if made under oath and by virtue of the CANADA EVIDENCE ACT. DECLARED
before me at the _____ of _____ in the
County/Region of _____ this _____ day of
_____, 20_____.

Signature of Owner or authorized solicitor or agent Date

Signature of Commissioner Date

Agreement to Post Sign and Permit Site Visits:

A form is included in the Zoning By-law Amendment application to agree to erect a sign on the subject lands and to permit Township employees/representatives to enter the lands for site visits.

The applicant is required to erect and maintain a sign on the proposed lands within one week of the application being deemed complete by staff and to remove the sign when the application has been given final approval. The sign shall be a minimum of 1.2 x 1.2 metres on posts 0.5 metres above grade and include the following wording to be approved by Township staff:

A PROPOSAL HAS BEEN MADE
ON THIS SITE FOR: (50 mm text height)
A ZONING BY-LAW AMENDMENT TO xxx (100 mm text height)
FOR FURTHER INFORMATION
PLEASE CONTACT THE TOWNSHIP OF PUSLINCH 7404 WELLINGTON ROAD 34
(519) 763 - 1226 (30-50 mm text height)

For Administrative Purposes Only:

Application fee of \$_____received by the municipality

Date Fee Received: _____

Date Application Filed: _____

File Number: _____

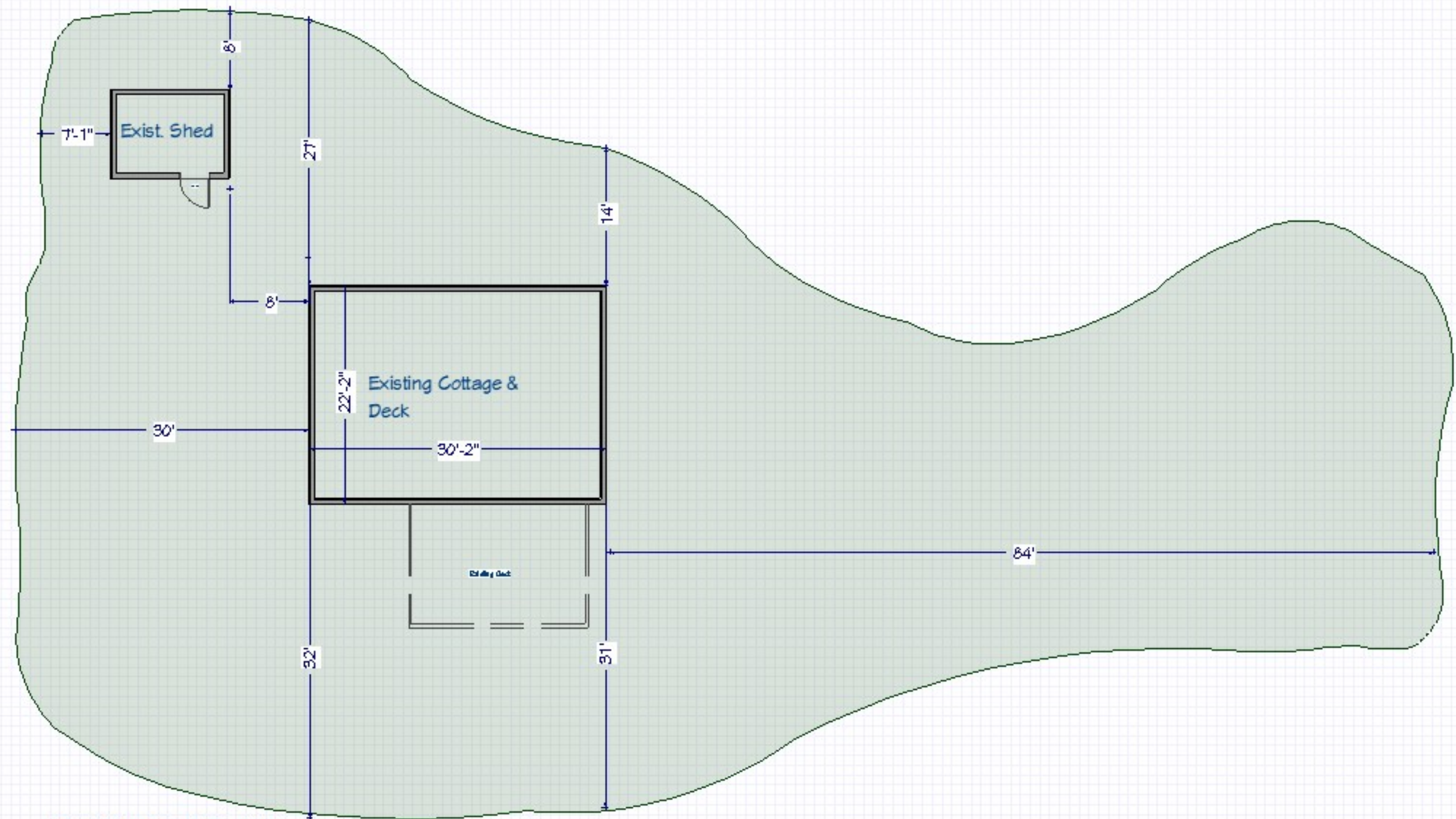
Application deemed complete:

Signature of Municipal Employee

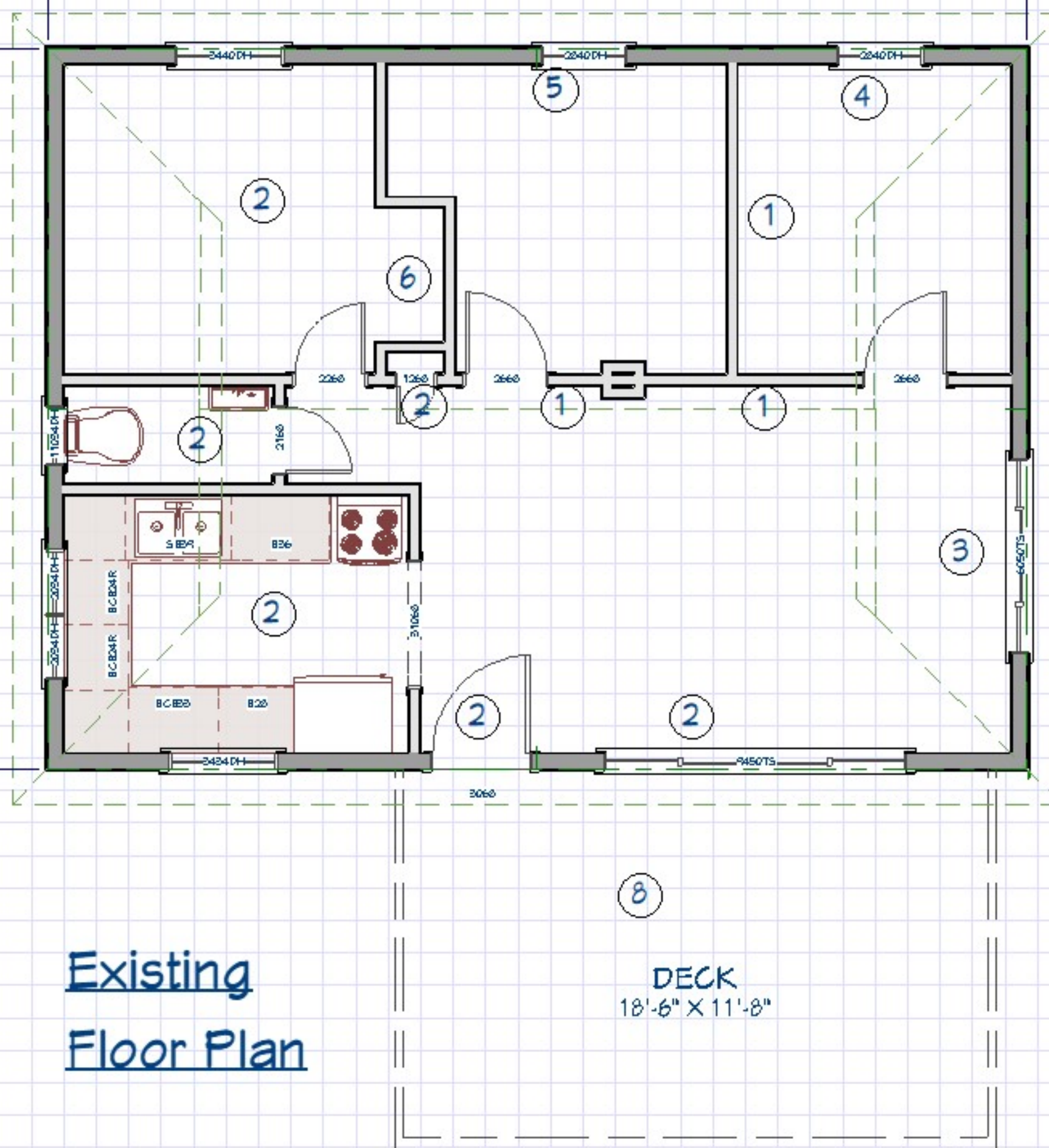
Date

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ISLAND SITE PLAN



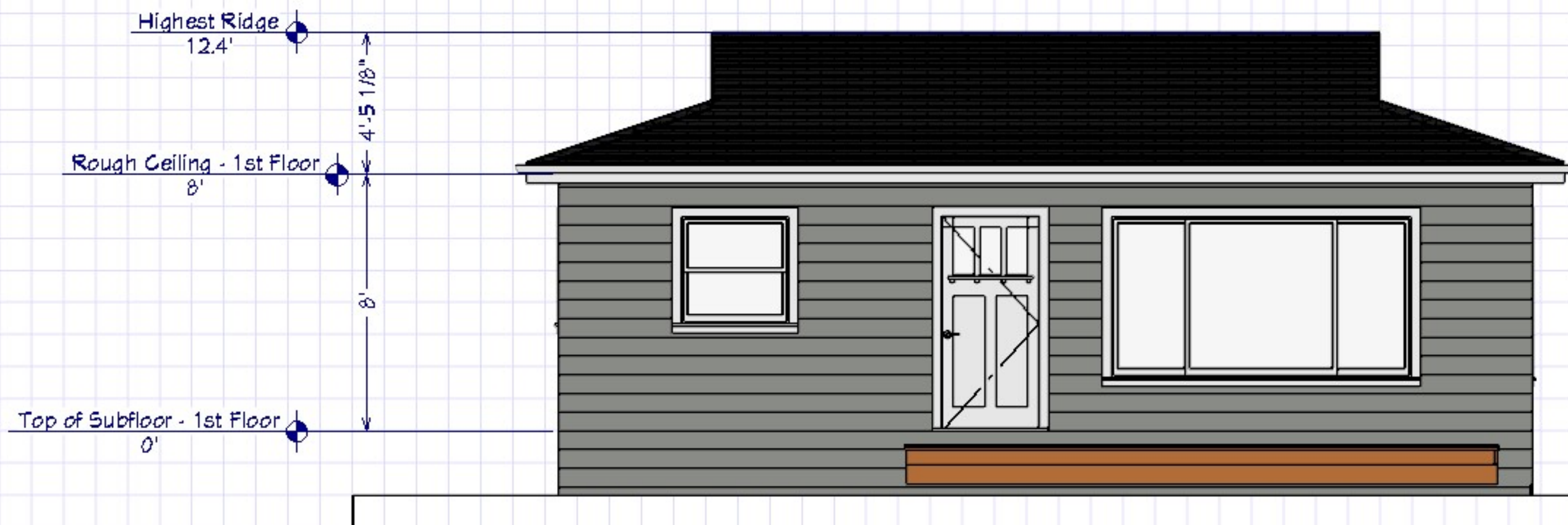
Existing
Floor Plan

NOTES

- ① REMOVE EXISTING WALLS AND DOORS
- ② EXISTING TO REMAIN
- ③ RELOCATE EXISTING WINDOW (SEE NOTE 4)
- ④ INSTALL EXISTING WINDOW (NOTE 3) WITH NEW HEADER/LINTEL
- ⑤ INSTALL NEW DOOR IN PLACE OF WINDOW
- ⑥ MODIFY TO SUIT UNDER NEW STAIR ABOVE
- ⑦ NEW SLIDING GLASS DOOR WITH NEW HEADER/LINTEL
- ⑧ EXISTING DOOR TO REMAIN

GENERAL NOTES

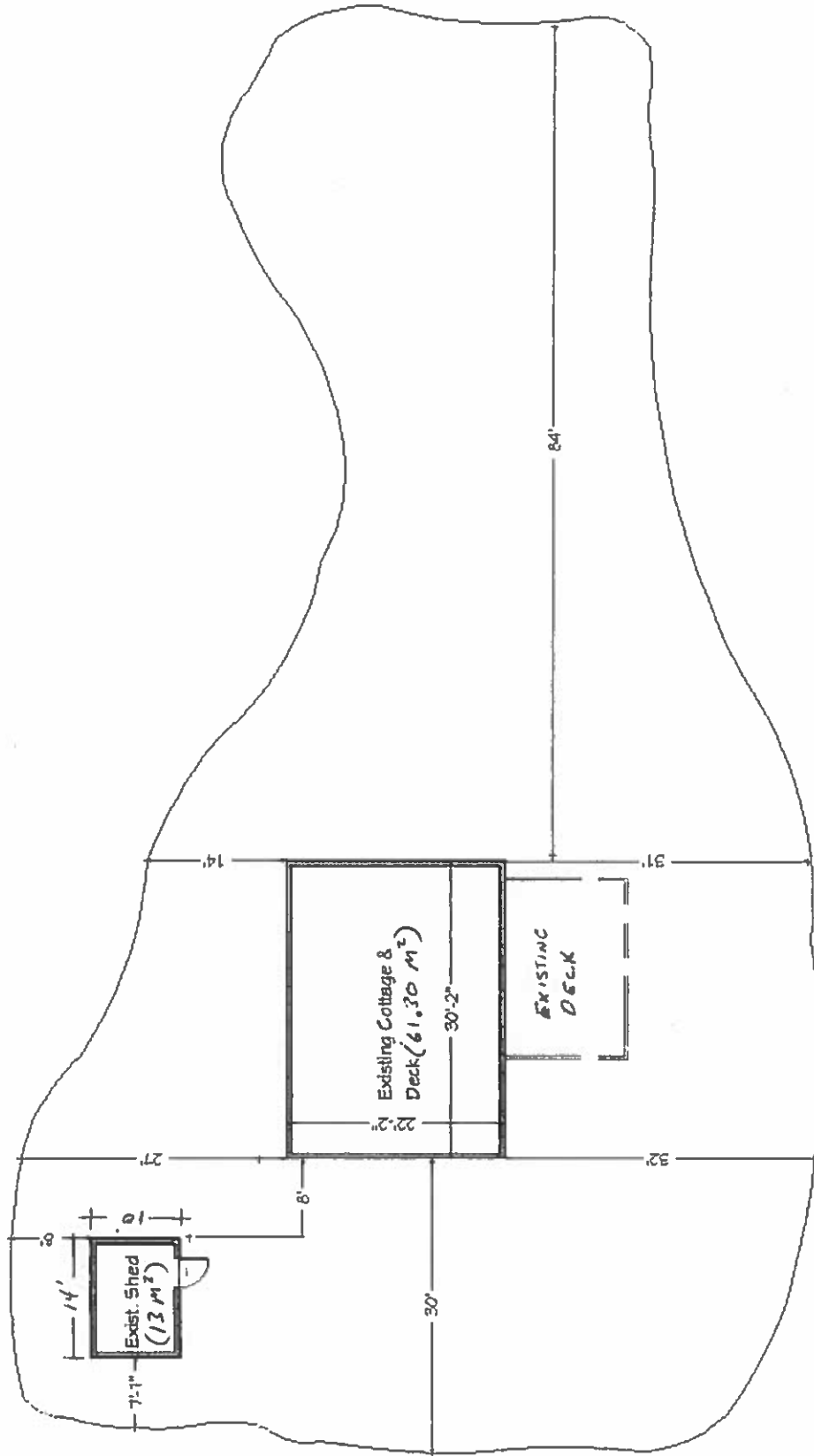
- ALL EXISTING SIDING TO BE RETAINED AND NEW OPENINGS SHALL BE CUT INTO EXISTING AND FINISHED AS IF ORIGINAL
- ALL NEW SIDING TO BE EXACT MATCH WITH EXISTING



Existing
North Elevation



Proposed
North Elevation



SITE PLAN

SITE AREA: .21 ACRES (849.84 m²)

COTTAGE AREA: 61.3 m²

SHED AREA: 13.0 m²

TOTAL AREA 74.3 m²

SITE COVERAGE: COTTAGE

SHED

TOTAL SITE COVERAGE

7.21%

1.52%

8.73%

Lynne Banks

From: Brent Smith
Sent: Friday, October 30, 2020 10:25 AM
To: Lynne Banks
Cc: Luis Gomes
Subject: RE: Minor Variance Application - St. Helens Island, Puslinch Lake

Sensitivity: Confidential

Hi Lynne,

The Puslinch Fire Department has no concerns providing the applicants are aware that a response to a fire on St. Helens Island will be limited due to access concerns of fighting a fire on an island. Additional provisions should be considered such as fire extinguishers, possibly a small fire pump and hose/nozzle, possibly a sprinkler system to help reduce potential loss should a fire occur.

Brent Smith

CFPO

Puslinch Fire Department

From: Lynne Banks <lbanks@puslinch.ca>
Sent: Tuesday, October 27, 2020 12:00 PM
To: municipal.circulations@ugdsb.on.ca; LandUsePlanning@HydroOne.com; Executivevp.lawanddevelopment@opg.com; Source Water <sourcewater@centrewellington.ca>; planification <planification@csmiamonde.ca>; Brent Smith <bsmith@puslinch.ca>; Building <building@puslinch.ca>; Services <services@puslinch.ca>; Heritage Committee <Heritage@puslinch.ca>
Subject: Minor Variance Application - St. Helens Island, Puslinch Lake
Sensitivity: Confidential

Attached please find the public notice re the above minor variance application for your review and comment. Please provide any comments you may have by **Friday, November 6, 2020**.

Thanks –

Lynne



Lynne Banks
Development and Legislative Coordinator
Township of Puslinch
7404 Wellington Rd. 34, Puslinch, ON N0B 2J0
P: 519-763-1226 ext. 226/Fax: 519-763-5846 www.puslinch.ca
Email: lbanks@puslinch.ca



PLANNING REPORT for the TOWNSHIP OF PUSLINCH

Prepared by the County of Wellington Planning and Development Department

DATE: November 10th, 2020
TO: Lynne Banks, Secretary-Treasurer
Township of Puslinch
FROM: Zach Prince, Planner
County of Wellington
SUBJECT: **MINOR VARIANCE APPLICATION D13/WAY (Alven Way)**
St. Helens Island, Puslinch Lake
SCHEDULES: **1 – Site Plan provided by applicant**

We have reviewed the application for minor variance and provide the following comments. These comments are offered without the benefit of a site visit.

Planning Opinion

The variance requested would provide relief from Section 4.17.1.b of the Zoning By-law expanding a legal non-conforming use. The applicants are proposing to construct a second storey on an existing dwelling.

Planning staff have no concerns with this proposal provided that the Conservation Authority has no concerns. It is our opinion that this variance is minor in nature and that it meets the intent of the Zoning Bylaw and County Official Plan and is desirable and appropriate.

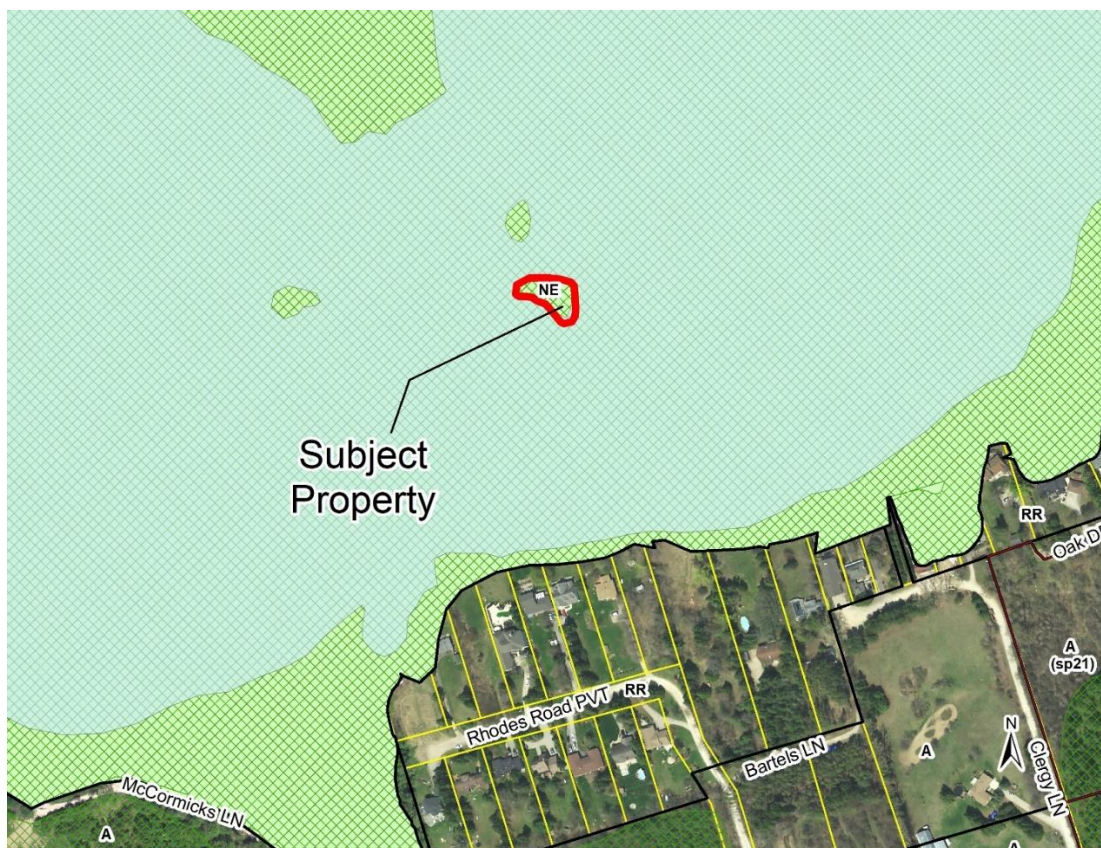
Relief Requested:

Regulation	By-law Section	Required	Proposed
General Provisions – Legal Non-conformity	4.14.1b	Nothing in this By-law shall apply to prevent the restoration, repair or renovation, or the replacement of any lawfully constructed building or structure existing prior to the passing of this By-law, provided that such restoration, repair or renovation, or replacement will not increase the height, size, volume or change the use of such building or structure unless in compliance with this By-law.	Requesting a second storey addition on an existing dwelling.

Our discussion of this application relative to the four tests under the Planning Act is as follows:

Four Tests	Discussion
That the requested variance is minor in nature	<ul style="list-style-type: none">The applicants have indicated that the dwelling will maintain the existing building footprint.The Zoning By-law recognizes legal non-conforming uses; this application would be considered an expansion of a legal non-conforming use while maintaining the existing setbacks.
That the intent and purpose of the Zoning By-law is maintained	<ul style="list-style-type: none">The subject lands are zoned Environmental Protection Overlay (EP) zone.A singled detached dwelling would not be permitted in the zone, but the Zoning By-law does allow for legal non-conforming uses.

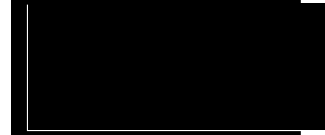
<p>That the general intent and purpose of the Official Plan is maintained</p>	<ul style="list-style-type: none"> • The subject property is designated Greenlands in the County Official Plan. • Section 13.8.3 of the Official Plan allows for legal non-conforming uses to be extended or a similar use subject to the criteria of Section 13.8.2 which identifies the following factors to be considered: <ul style="list-style-type: none"> a) the need for the change or extension of use; b) the proposed use is not offensive with regard to noise, vibration, smoke, dust, fumes, odour, lighting and complies with the Health Protection and Promotions Act; c) compatibility; d) the need for landscaping, screening, buffering and setbacks; e) traffic impacts and parking; f) the adequacy of services; g) impacts on the natural environment; h) impacts on groundwater and surface water quality and quantity in accordance with Sections 4.9.5 and 4.9.5.13 of this Plan. • The application meets the intent of the Official Plan.
<p>That the variance is desirable for the appropriate development and use of the land, building or structure</p>	<ul style="list-style-type: none"> • The applicant has provided an approved GRCA permit for the proposed works. • The building department has indicated that the proposed septic (compostable toilet and grey water system) will function appropriately given the location of the island. • County Staff are satisfied that the minor variance is desirable, and appropriate for the development and use of the land.



In conclusion, planning staff is of the opinion that the requested variance application **meets the four tests** of the *Planning Act*. I trust that these comments will be of assistance to the Committee in their consideration of this matter. We would appreciate a copy of the Committee's decision with respect to this application.

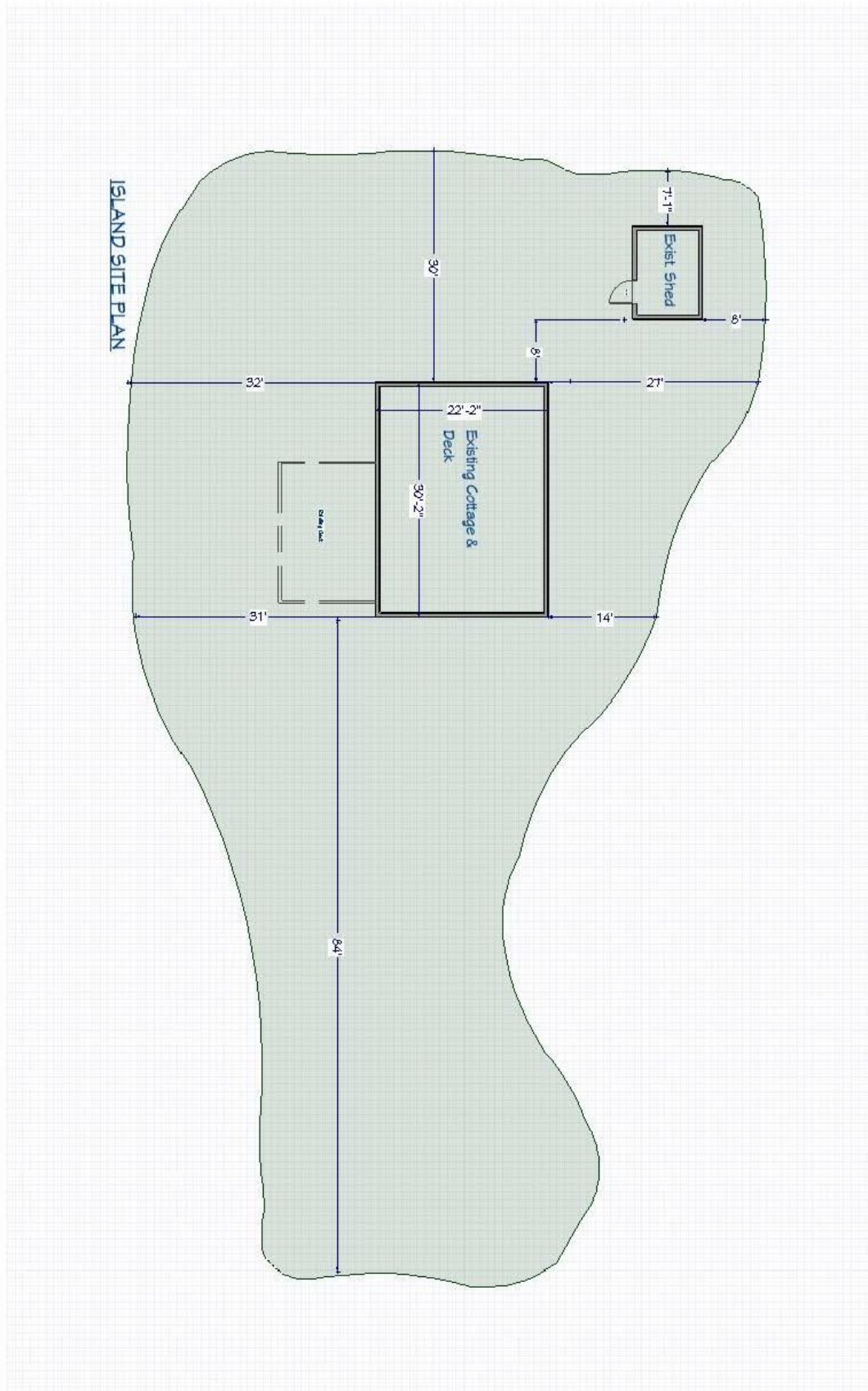
Respectfully submitted

County of Wellington Planning and Development Department

A black rectangular box redacting the signature of Zach Prince.

Zach Prince MCIP RPP
Planner

SCHEDULE 1
Site Plan provided by applicant





Township of Puslinch
7404 Wellington Road 34
Puslinch, ON, N0B 2J0
T: (519) 763 – 1226
F: (519) 763 – 5846
www.puslinch.ca

Minor Variance or Permission Application

General Information:

1. Applicant Information:

Registered Owner's Name(s):

DHIREN KUMAR TRIVEDI
KIRTIBEN TRIVEDI

Address:

11 FOX RUN DRIVE

City:

PUSLINCH

Postal Code:

ON N0B 2J0

E-mail Address:

Telephone Number:

Fax:

Applicant (Agent) Name(s):

Address:

City:

Postal Code:

E-mail Address:

Telephone Number:

Fax:

Name, address, and phone number of all persons having any mortgages, charges, or encumbrances on the property.

* DHIREN KUMAR TRIVEDI - [REDACTED]
11 FOX RUN DRIVE, PUSLINC ON NOB 2JO
* KIRTIBEN TRIVEDI - [REDACTED]
11 FOX RUN DRIVE, PUSLINC ON NOB 2JO

Send correspondence to: Owner: ☒ Agent ☐ Other: _____

2. Provide a description of the "entire" property:

Municipal address: 11 FOX RUN DRIVE, PUSLINC ON NOB 2JO

Concession: _____ Lot: 52

Registered Plan Number: 795

Area: _____ ha Depth: _____ m Frontage: ~~273.87~~ m
0.50 to 1.99 ac _____ ft 278.87 ft

Width of road allowance (if known): _____

Reason for Application:

3. Please indicate the Section of the Planning Act under which this application is being made. Select one:

- ☐ Section 45(1) relates to a change to a by-law standard (e.g. setbacks, frontage, height, etc.); or
- ☒ Section 45(2) relates to a change to or expansion of an existing legal non-conforming use.

4. What is the nature and extent of the relief that is being applied for? (please specifically indicate on sketch).

The regular approved height for the proposed carriage building is 5 meters. We are applying to make the building 8.02 meter as it will match our main property and also provide additional storage area.

**5. Why is it not possible to comply with the provisions of the by-law?
(please specifically indicate on sketch).**

Extra approval steps are necessary for
increasing the height.

6. What is the current Official Plan and zoning status?

Official Plan Designation: PLAN 795 LOT 52

Zoning Designation: RES

7. What is the access to the subject property?

Provincial Highway:

☐

Continually maintained municipal road:

☒

Seasonally maintained municipal road:

☐

Other: ☐ (please specify below)

**8. What is the name of the road or street that provides access to the
subject property?**

FOX RUN DRIVE

**9. If access is by water only, please describe the parking and docking facilities
used or to be used and the approximate distance of these facilities from the
subject land to the nearest public road.**

Existing and Proposed Service:**10. Indicate the applicable water supply and sewage disposal:**

Water Supply/Sewage Disposal:	Existing:	Proposed:
Municipal Water:	<input type="checkbox"/>	<input checked="" type="checkbox"/> [REDACTED]
Communal Water:	<input type="checkbox"/>	<input checked="" type="checkbox"/> [REDACTED]
Private Well:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other Water Supply:	<input type="checkbox"/>	<input type="checkbox"/>
Municipal Sewers:	<input type="checkbox"/>	<input type="checkbox"/>
Communal Sewers:	<input type="checkbox"/>	<input type="checkbox"/>
Private Septic:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other Sewage Disposal:	<input type="checkbox"/>	<input type="checkbox"/>

11. How is storm drainage provided?Storm Sewers: ☐Ditches: ☒Swales: ☐Other means: ☐ (explain below)

Existing Subject and Abutting Property Land Uses, Buildings and their Locations:**12. What is the existing use of:**The subject property? Live in the propertyThe abutting properties? Yes**13. Provide the following details for all buildings on or proposed for the subject land: (please use a separate page if necessary)**

Type of Building(s)/ structures				
Main Building height	m	ft.	m	ft.
*Percentage lot coverage	m	ft.	m	ft.
*Number of parking spaces	23			
*Number of loading spaces				
Number of floors	2			
Total floor area	m ²	4800 6832 ft ²	m ²	ft ²
Ground floor area (exclude basement)	m ²	4800 ft ²	m ²	ft ²

14. What is the location of all buildings existing and proposed for the subject property? (specify distances from front, rear and side lot lines)

Front Yard	m	ft.	m	ft.
Rear Yard	m	ft.	m	ft.
Side Yards	m	ft.	m	ft.

15. What are the dates of acquisition and construction of subject property and building property?Date of acquisition of subject property: 25th July 2016Date of construction of buildings property: 5th Sept. 2001**16. How long have the existing uses continued on the subject property?** 20 years**17. Has the owner previously applied for relief in respect of the subject property?**Yes ☐ No ☒

If the answer is yes, please indicate the file number and describe briefly:

Other Related Planning Applications:**18. Has an application for any of the following on the subject lands?**

Planning Application:	Yes:	No:	File Number:	Approval Authority:	Subject Lands	Purpose:	Status:
Official Plan Amendment	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Zoning By-Law Amendment	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Plan of Subdivision	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Consent (Severance)							
Site Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Minor Variance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					



Sworn (or Affirmed or Declared) remotely by Dhirenkumar Tri [REDACTED]
of (City, Town, etc.) of Puslinch [REDACTED]
in the (County, Regional Municipality, etc.) of wellington [REDACTED]
before me at the (City, Town, etc.) of Cambridge [REDACTED]
in the (County, Regional Municipality, etc.) of waterloo [REDACTED]
on 10/20/2020 (date) in accordance with O.Reg. 431/20, Administering Oath or Declaration Remotely

Co [REDACTED]
Commissioner for Taking A [REDACTED]
Township of Puslinch
County of Wellington



Sealed by: The Corporation of the Township of Puslinch

Sealed Time: 10/20/2020

[REDACTED]

Sworn (or Affirmed or Declared) remotely by Kirtiben Tri [REDACTED]
of (City, Town, etc.) of puslinch [REDACTED]
in the (County, Regional Municipality, etc.) of wellington [REDACTED]
before me at the (City, Town, etc.) of Cambridge [REDACTED]
in the (County, Regional Municipality, etc.) of waterloo [REDACTED]
on 10/20/2020 (date) in accordance with O.Reg. 431/20, Administering Oath or Declaration Remotely

Co [REDACTED]
Commissioner for Taking A [REDACTED]
Township of Puslinch
County of Wellington



Sealed by: The Corporation of the Township of Puslinch

Sealed Time: 10/20/2020

[REDACTED]

Agreement to Post Sign and Permit Site Visits:

A form is included in the Zoning By-law Amendment application to agree to erect a sign on the subject lands and to permit Township employees/representatives to enter the lands for site visits.

The applicant is required to erect and maintain a sign on the proposed lands within one week of the application being deemed complete by staff and to remove the sign when the application has been given final approval. The sign shall be a minimum of 1.2 x 1.2 metres on posts 0.5 metres above grade and include the following wording to be approved by Township staff:

A PROPOSAL HAS BEEN MADE
ON THIS SITE FOR: (50 mm text height)
A ZONING BY-LAW AMENDMENT TO xxx (100 mm text height)
FOR FURTHER INFORMATION
PLEASE CONTACT THE TOWNSHIP OF PUSLINCH 7404 WELLINGTON ROAD 34
(519) 763 - 1226 (30-50 mm text height)

For Administrative Purposes Only:

Application fee of \$ _____ received by the municipality

Date Fee Received: _____

Date Application Filed: _____

File Number: _____

Application deemed complete:

Signature of Municipal Employee

Date

Personal information on this form is collected under the authority of the Planning Act. The information is used for the purpose of processing this application and administering the legislation and is maintained in accordance with the Municipal Freedom of Information and Protection of Privacy Act. Questions regarding the collection of this information may be directed to the Township Clerk's office.

The Township of Puslinch is committed to providing accessible formats and communication supports for people with a disability. If another format would work better for you, please contact the Township Clerk's office for assistance.

REPORT:

PREPARED FOR **SLOOT CONSTRUCTION LIMITED**
SIGNED ACCEPTS NO RESPONSIBILITY
FOR PARTIES.

DATE REPRESENTS CURRENT SITE
ALL TITLE INFORMATION PERTINENT TO THE
CITY ON AUGUST 17, 2001.

IF PROPERTY:

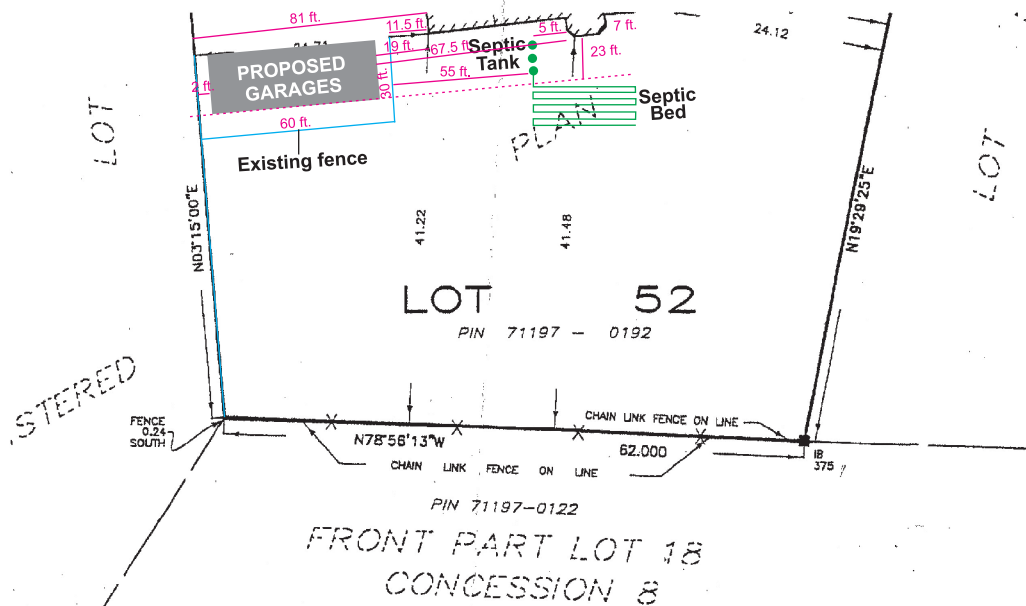
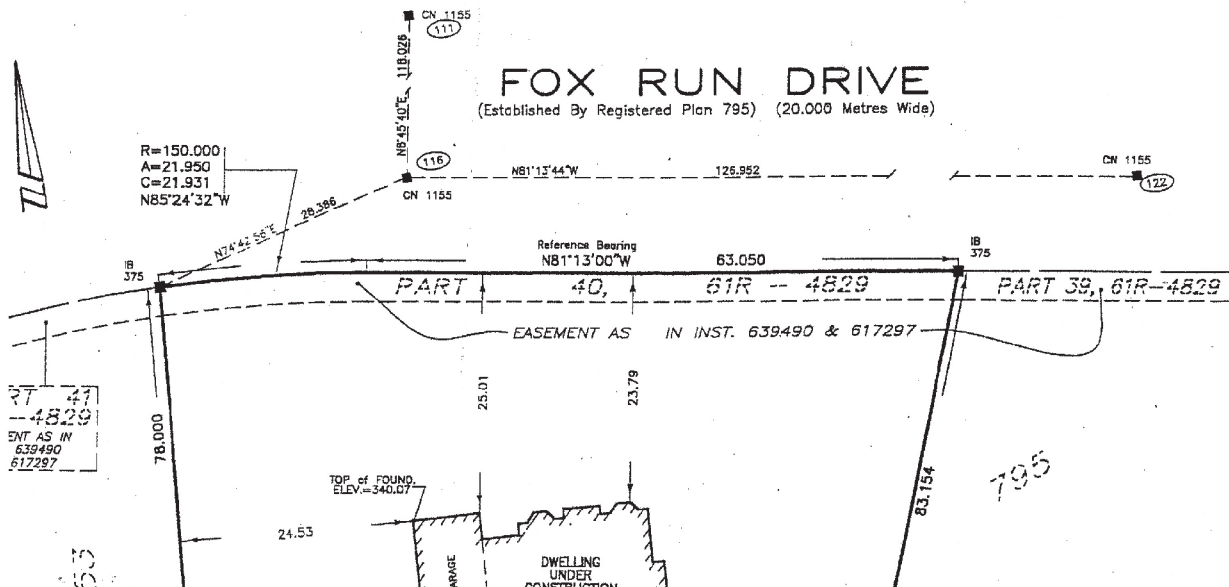
RED PLAN 795
PUSLINCH, COUNTY OF WELLINGTON

EASEMENT OVER PART 40, PLAN 61R-4829,
ELL CANADA AS IN INST 639490 AND
COUNTY OF ONTARIO HYDRO, AS IN INST 617297.

SURVEYOR'S REAL PROPERTY REPORT
PLAN OF
LOT 52, REGISTERED PLAN 795
TOWNSHIP OF PUSLINCH
COUNTY OF WELLINGTON

SCALE: 1 - 500

0 10 20 30 metres
VAN HARTEN SURVEYING INC.



ING INC.

NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF VAN HARTEN SURVEYING INC.

METRIC : DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTE : ALL MEASUREMENTS SHOWN TO BUILDING ARE TO THE CONCRETE FOUNDATION UNLESS INDICATED OTHERWISE.

Sep 14, 2001-9:51am
G:\PUSLINCH\795\ACAD\B52.dwg

IB IRON BAR
1155 VAN HARTEN SURVEYING INC., O.L.S.'s
UND (100) CONTROL POINT
CC CUT CROSS
BAR 375 BLACK ET AL., O.L.S.'s

NOTE:

BEARINGS ARE REFERRED TO THE SOUTHERLY LIMIT FOX RUN
DRIVE, HAVING AN ASTRONOMIC COURSE OF N81°13'00\"W, AS
SHOWN ON REGISTERED PLAN 795.

PROJ. NO. 11229-93

CHECKED BY J.M.L.

DRAWN BY M.A.M.

VAN HARTEN SURVEYING INC.
LAND SURVEYORS

STREET - GUELPH, ONTARIO

19) 821-2763 FAX 821-2770

MAIL: info@vonharten.com

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN
ACCORDANCE WITH THE SURVEYS ACT AND THE SURVEYORS
ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON
17th DAY OF AUGUST, 2001.

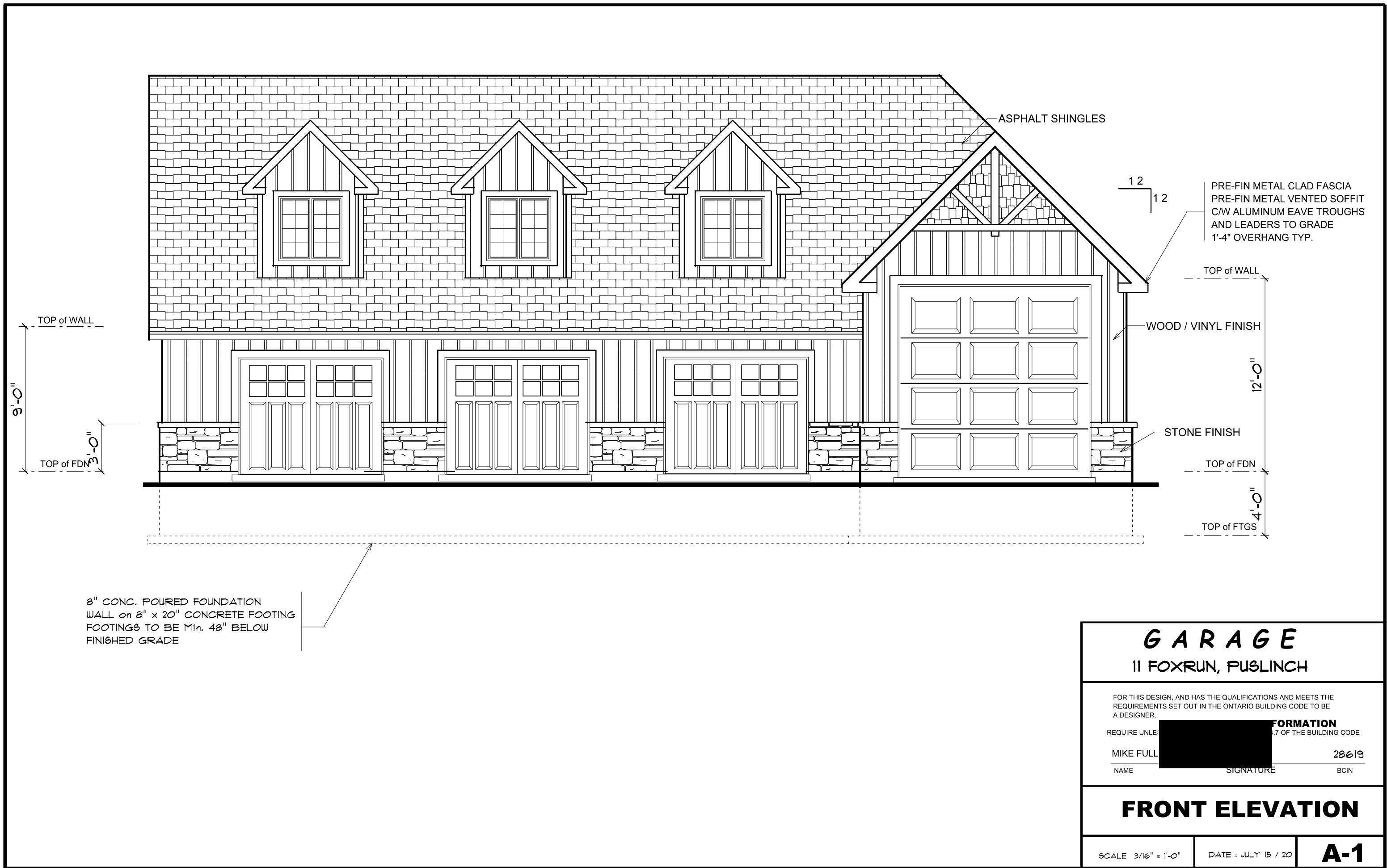
DATE: SEPTEMBER 6, 2001

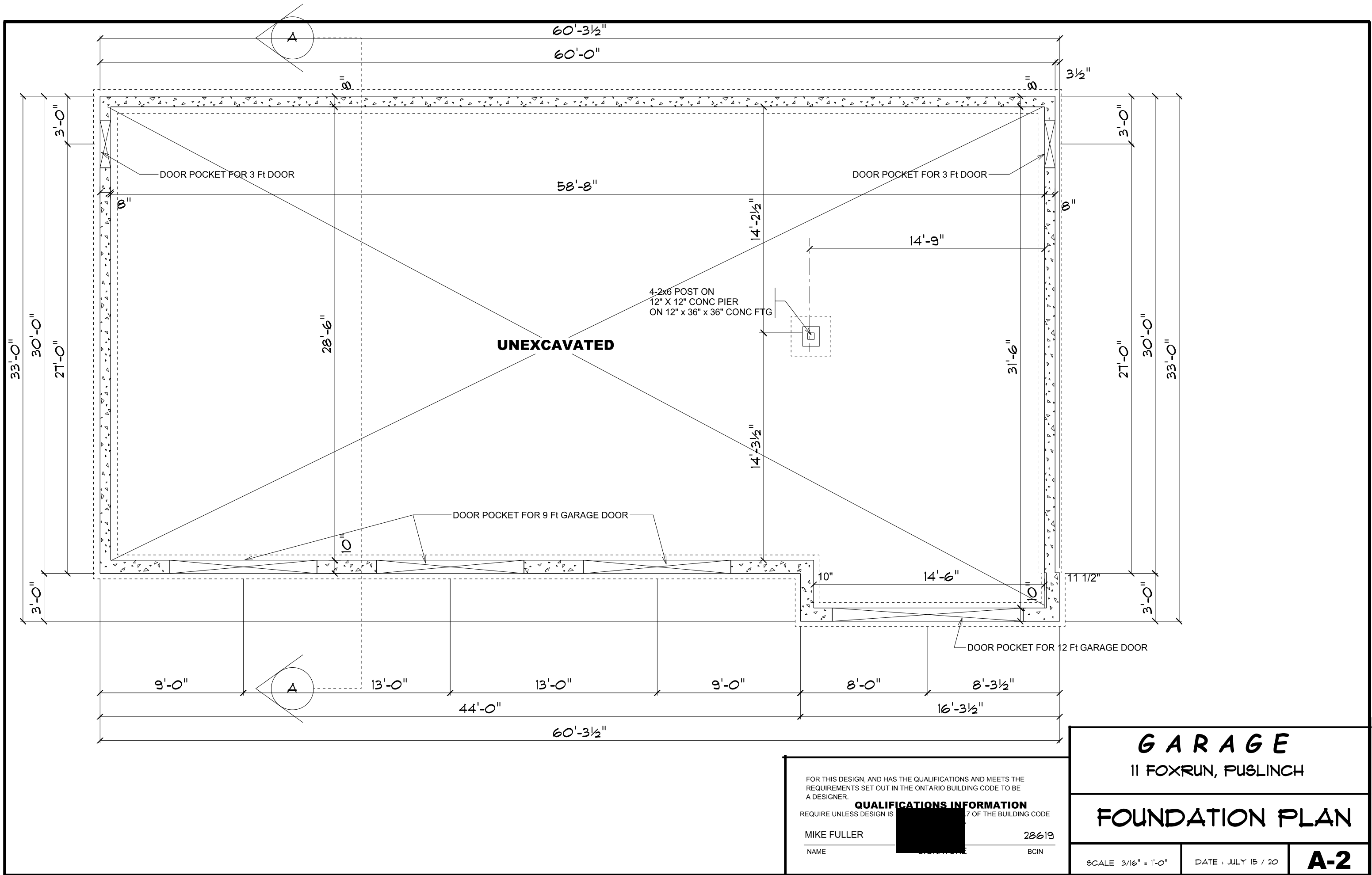
ASSOCIATION OF ONTARIO
LAND SURVEYORS.
PLAN SUBMISSION FORM

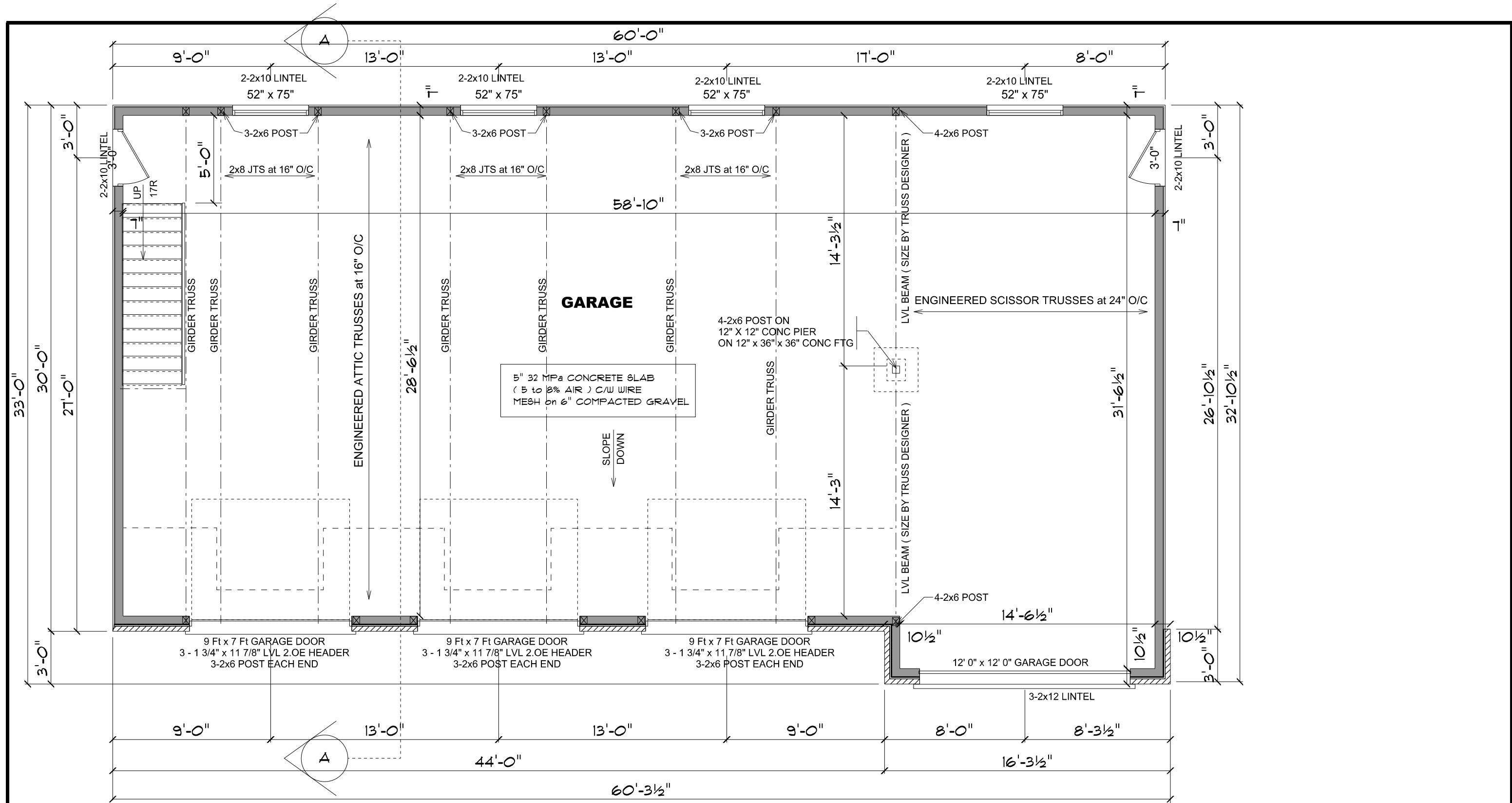
1372018



THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
In accordance with
Regulation 1026, Section 29(3)

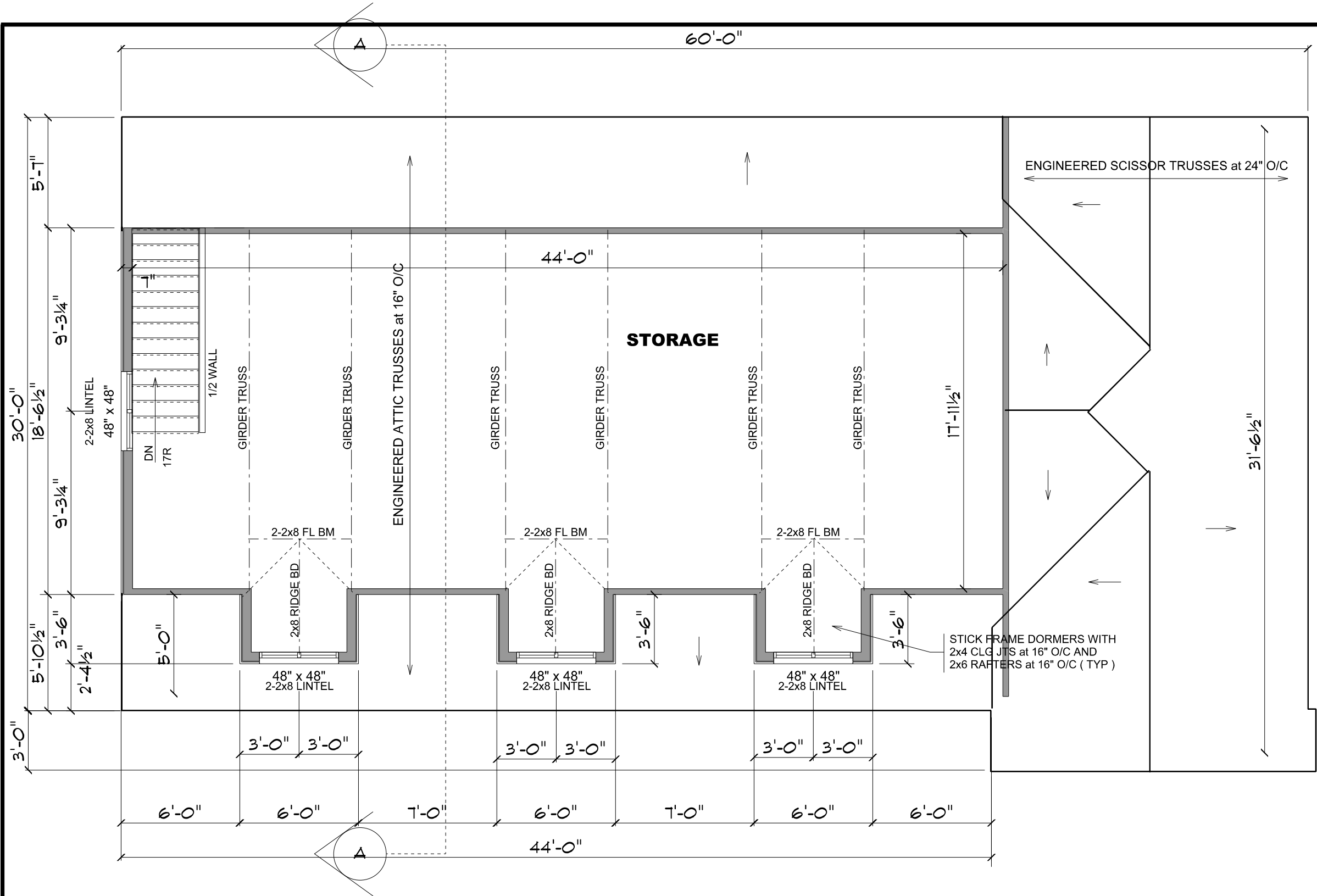






FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.	
QUALIFICATION	INFORMATION
REQUIRE UNLESS DESIGNATED OTHERWISE	THE BUILDING CODE
MIKE FULLER	28619
NAME	BCIN

GARAGE		
11 FOXRUN, PUSLINCH		
FLOOR PLAN		
SCALE 3/16" = 1'-0"	DATE : JULY 15 / 20	A-3



FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATIONS INFORMATION

REQUIRE UNLESS DESIGNATED OTHERWISE THE BUILDING CODE

MIKE FULLER [REDACTED] 28619

NAME SIGNATURE BCIN

G A R A G E

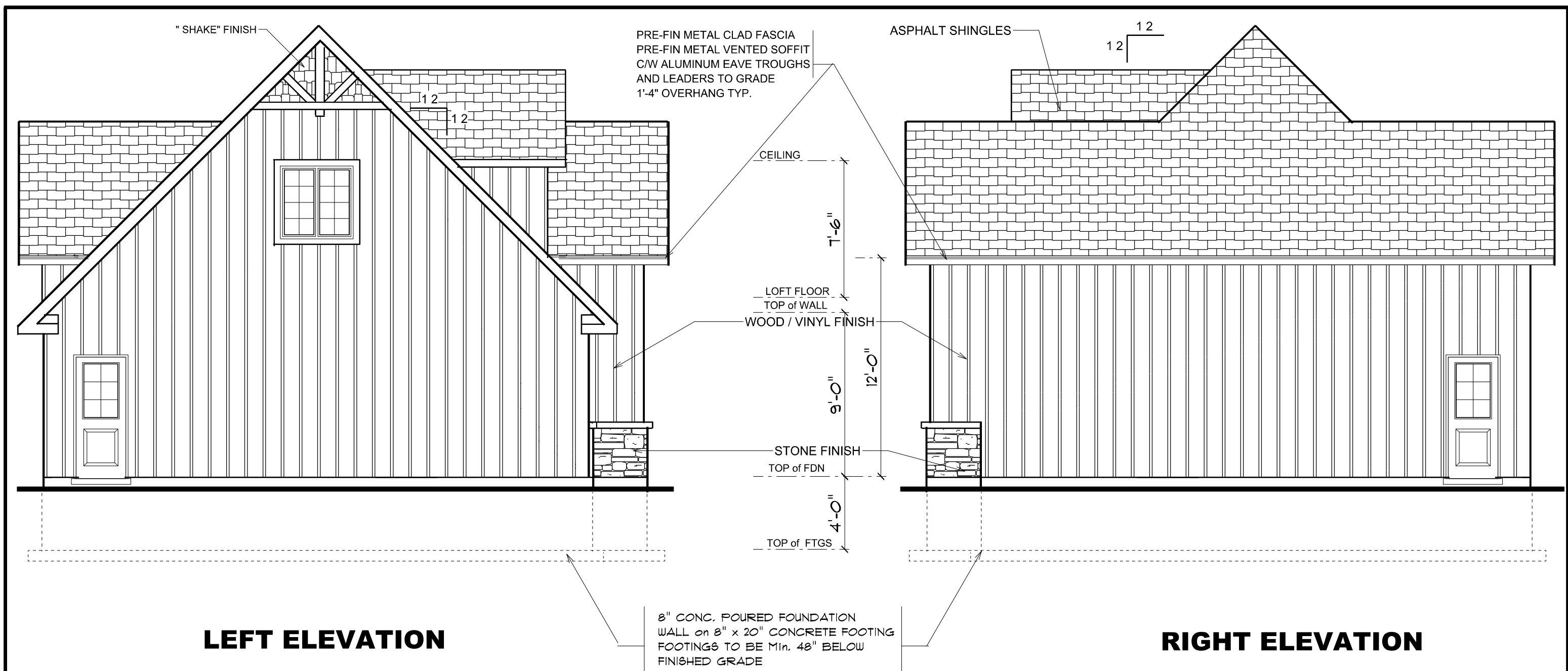
11 FOXRUN, FUSLINCH

LOFT PLAN

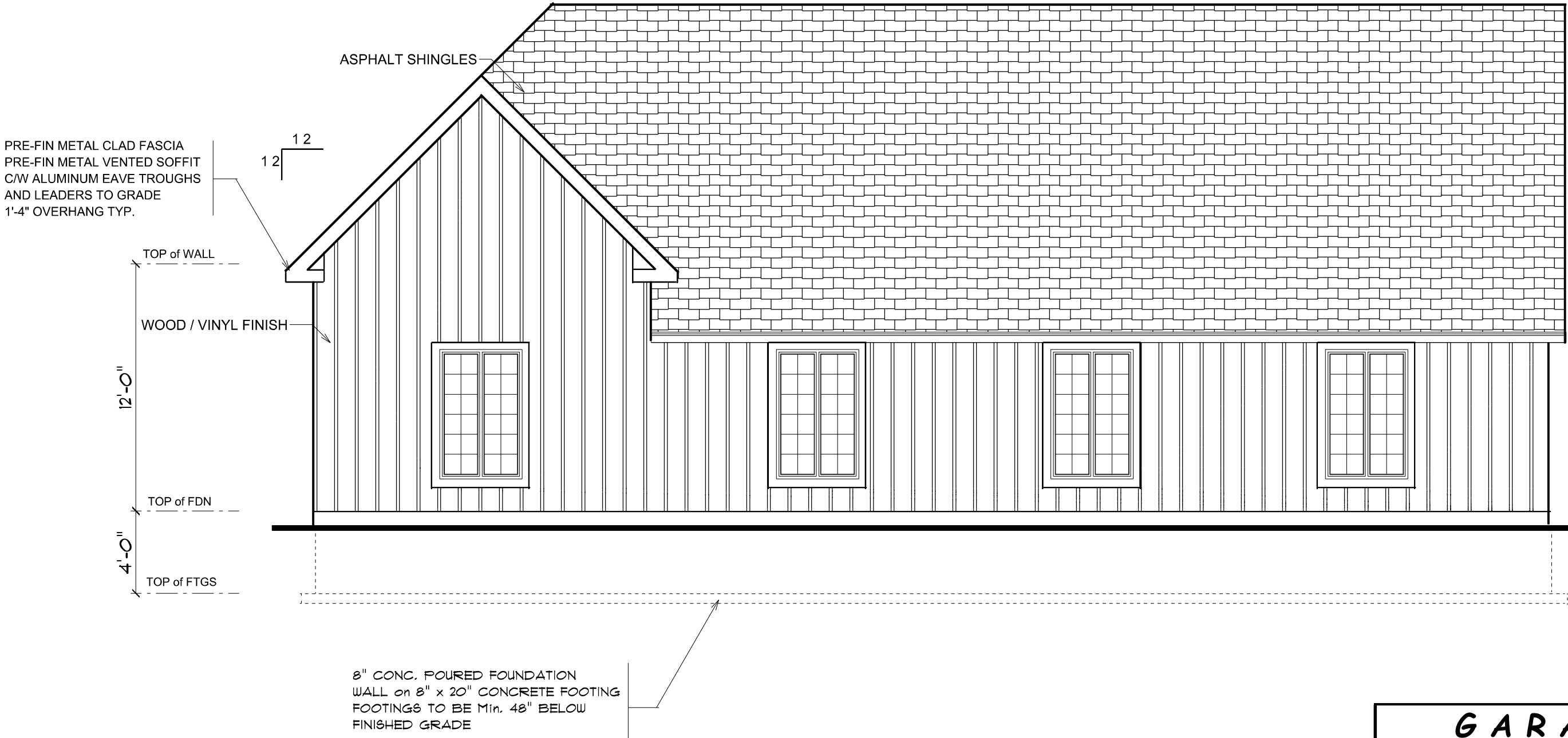
SCALE 3/16" = 1'-0"


DATE : JULY 15 / 20

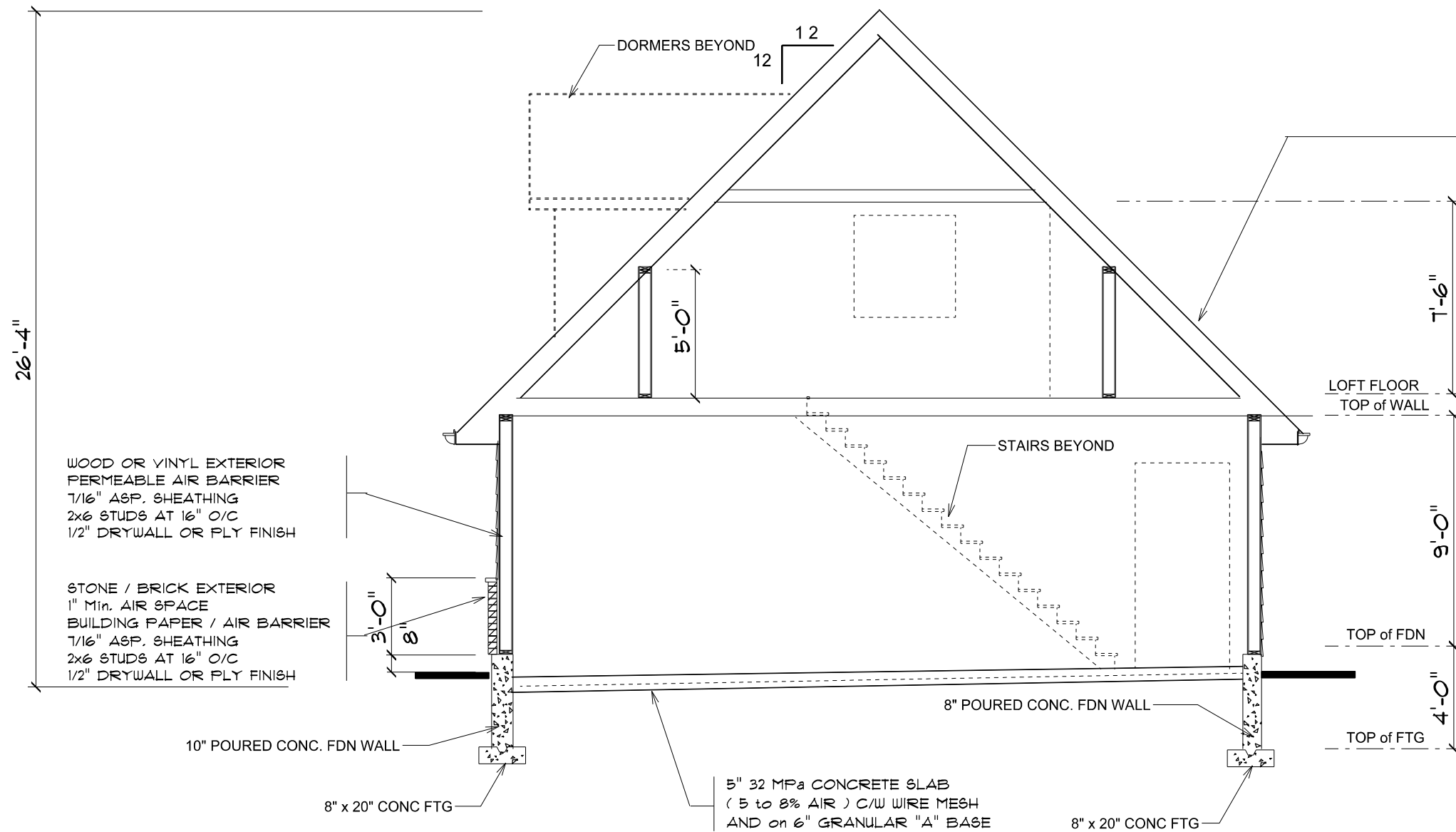
A-4



G A R A G E		
11 FOXRUN, PUSLINCH		
FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.		
QUALIFICATIONS INFORMATION		
REQUIRE UNLESS DESIGN	THE BUILDING CODE	
MIKE FULLER		28619
NAME	SIGNATURE	BCIN
SIDE ELEVATIONS		
SCALE 3/16" = 1'-0"	DATE : JULY 15 / 20	A-5



G A R A G E		
11 FOXRUN, PUSLINCH		
FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.		
QUALIFICATIONS INFORMATION		
REQUIRE UNLESS DESIGNER SPECIFIES OTHERWISE 2.4.7 OF THE BUILDING CODE		
MIKE FULLER		28619
NAME	SIGNATURE	BCIN
REAR ELEVATION		
SCALE 3/16" = 1'-0"	DATE : JULY 15 / 20	A-6



ASPHALT SHINGLES (Min 210 lb.)
Min 36" WIDE EAVE PROTECTION
EAVE STARTER STRIP
VALLEY FLASHINGS TO BE 36" WIDE
ROOF VENTS AT HIGH POINT OF ROOF
(Min FREE AREA = 1 / 300 S.F. FLOOR
AT VENTED SOFFIT PANELS AND AT
ROOF VENTS)
1/2" PLY. SHEATHING
PRE-ENG. ATTIC TRUSSES AT 24" O/C

GARAGE

11 FOXRUN, FUSLINCH

FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATIONS INFORMATION

REQUIRE UNLESS DESIGNER OTHERWISE

MIKE FULLER

NAME

28619

BCIN

SECTION 'A-A'

SCALE 3/16" = 1'-0"

DATE : JULY 29 / 20

A-7



PLANNING REPORT for the TOWNSHIP OF PUSLINCH

Prepared by the County of Wellington Planning and Development Department

DATE: November 3rd, 2020
TO: Lynne Banks, Secretary-Treasurer
Township of Puslinch
FROM: Meagan Ferris, Senior Planner
County of Wellington
SUBJECT: **MINOR VARIANCE APPLICATION D13/TRI (Dhirenkumar and Kirtiben Trivedi)**
11 Fox Run Drive, Puslinch
Lot 52, Registered Plan 795

ATTACHMENTS: 1. Architectural Plans

We have reviewed the application for minor variance and provide the following comments. These comments are offered without the benefit of a site visit.

Planning Opinion

The applicant is proposing to construct an accessory building on the subject property that is proposed to be taller than what is permitted within the Township's Zoning By-law. Through planning staff's review of the application, it was also identified that the proposed building size is also larger than what is permitted within the Township's Zoning By-law. Therefore, the variance relief required is from Section 4.4.2 (Table 1) to allow an accessory structure building height that exceeds the 5 metres (16.4 feet) maximum height and exceeds that maximum lot coverage of 200 m² (2 152.8 ft²) as permitted for accessory buildings.

It is also noted that the application does not clearly confirm the exact total floor area for the proposed accessory structure nor was a concept plan submitted confirming where the proposed building is intended to be located. Based on planning staff's rough calculations of the architectural plans provided, it does appear that the proposed building does exceed the 200 m² size cap.

A copy of the architectural elevation plans has been included within **Attachment 1** to this report. The site location can also be seen in **Figure 1**.

Planning Staff have concerns regarding the subject proposal, specifically in terms of the proposed accessory building height and the uncertainty regarding the final total floor area size and where the building is proposed to be located on-site and in relation to on-site servicing. Due to these concerns, Planning staff recommends that this application be deferred to allow the applicant time to provide a detailed concept plan and confirm the total floor area.

The details of the minor variance application are included in the table below. It is noted that as part of the planning review that an additional item of relief was identified as being potentially required with regards to maximum lot coverage.

Regulation	By-law Section	Required	Proposed	Relief Requested
Accessory Buildings and Structures – Maximum Permitted Height	4.4.2 (Table 4.1)	5 m	8.02 m	3.02 m
Accessory Buildings and Structures – Maximum Permitted Lot Coverage	4.4.2 (Table 4.1)	Maximum of 200 m ² (2 152.8 ft ²) total floor area	<i>Approximate</i> total area of all storeys: 253.4 m ² (2 727.63 ft ²)	<i>Approximate</i> 53.4 m ² (574.8 ft ²)

Figure 1: Aerial Map



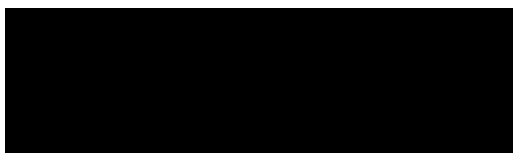
Our discussion of this application relative to the four tests under the *Planning Act* is as follows:

Four Tests	Discussion
That the requested variance is minor in nature	<ul style="list-style-type: none"> The subject property is approximately 0.58 ha (1.43 ac) in size and is located within a rural subdivision. A concept plan showing the building location has not been provided so staff cannot fully evaluate the impacts of the subject proposal. It is further noted that there are concerns that the proposed size and height may not be minor in nature.

That the intent and purpose of the Zoning By-law is maintained	<ul style="list-style-type: none"> • The subject property is zoned Rural Residential (RUR) and also subject to a site specific provision (SP27). • The RUR Zone allows a single detached dwelling and an accessory building to the main dwelling is permitted within Section 4.4.2 of the Zoning By-law. • The site specific provision on-site and establishes that any buildings, structures or septic tank on lots 13-27 within the plan of subdivision are required to maintain a 15 m rear yard setback. • The Zoning By-law establishes minimum size and height requirements for accessory buildings and structures. • A concept plan has not been provided to allow for staff to complete a fulsome review of the zoning provisions.
That the general intent and purpose of the Official Plan is maintained	<ul style="list-style-type: none"> • The property is designated as Country Residential within the County Official Plan. • Low density residential uses are permitted as are (generally) accessory buildings and structures.
That the variance is desirable for the appropriate development and use of the land, building or structure	<ul style="list-style-type: none"> • The intent of the subject application is to facilitate the construction of an accessory structure on-site that will be designed to match the principle dwelling height and provide storage. • Planning staff have concerns with the subject proposal and the relief requested; however, without additional information cannot conclude whether this proposal represents appropriate development.

In conclusion, planning staff is of the opinion that the requested variance application **should be deferred**. I trust that these comments will be of assistance to the Committee in their consideration of this matter. We would appreciate a copy of the Committee's decision with respect to this application.

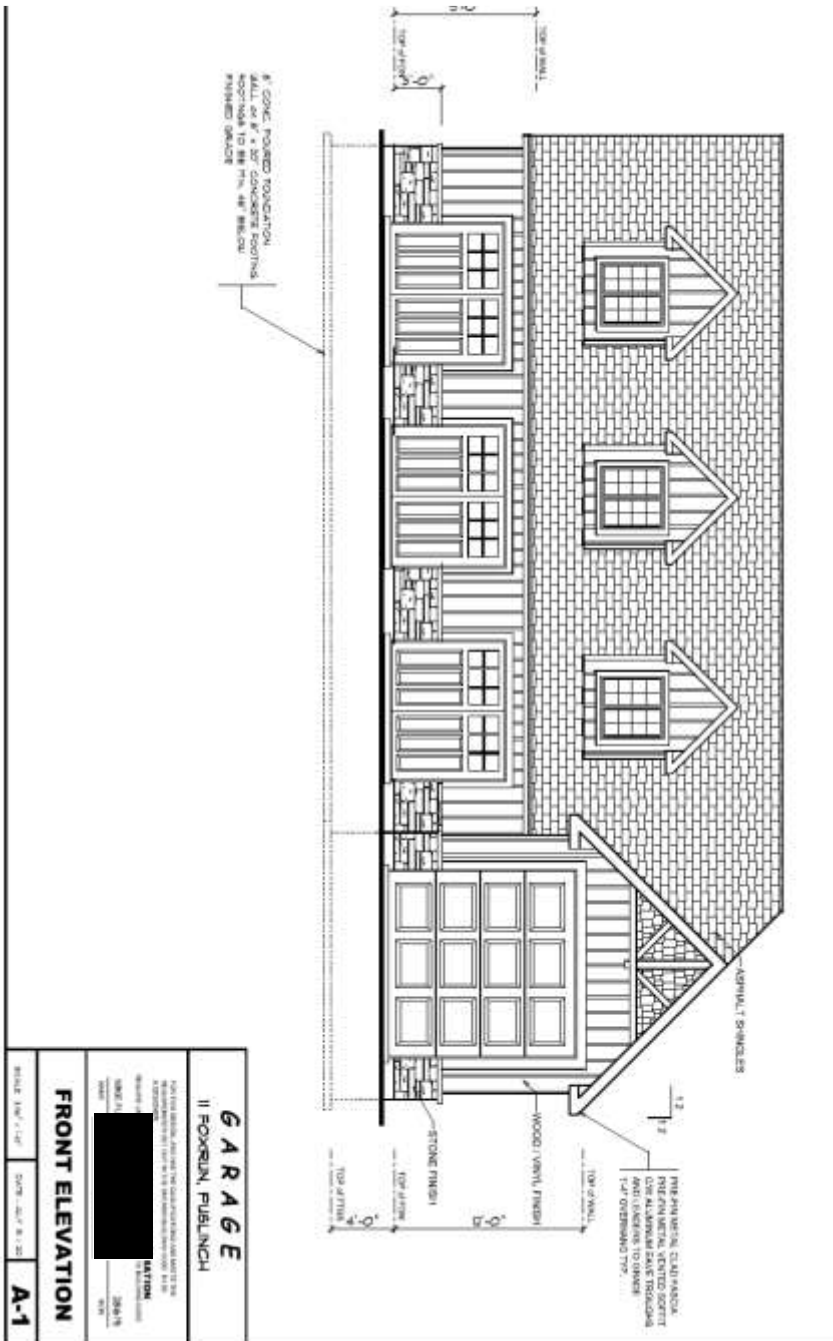
Respectfully submitted
County of Wellington Planning and Development Department

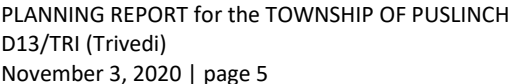


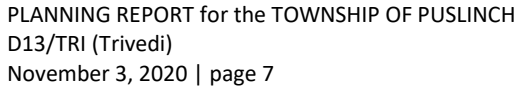
Meagan Ferris, RPP MCIP
Senior Planner

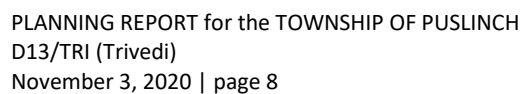
ATTACHMENT 1

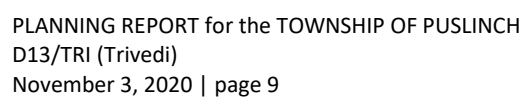
Architectural Plans

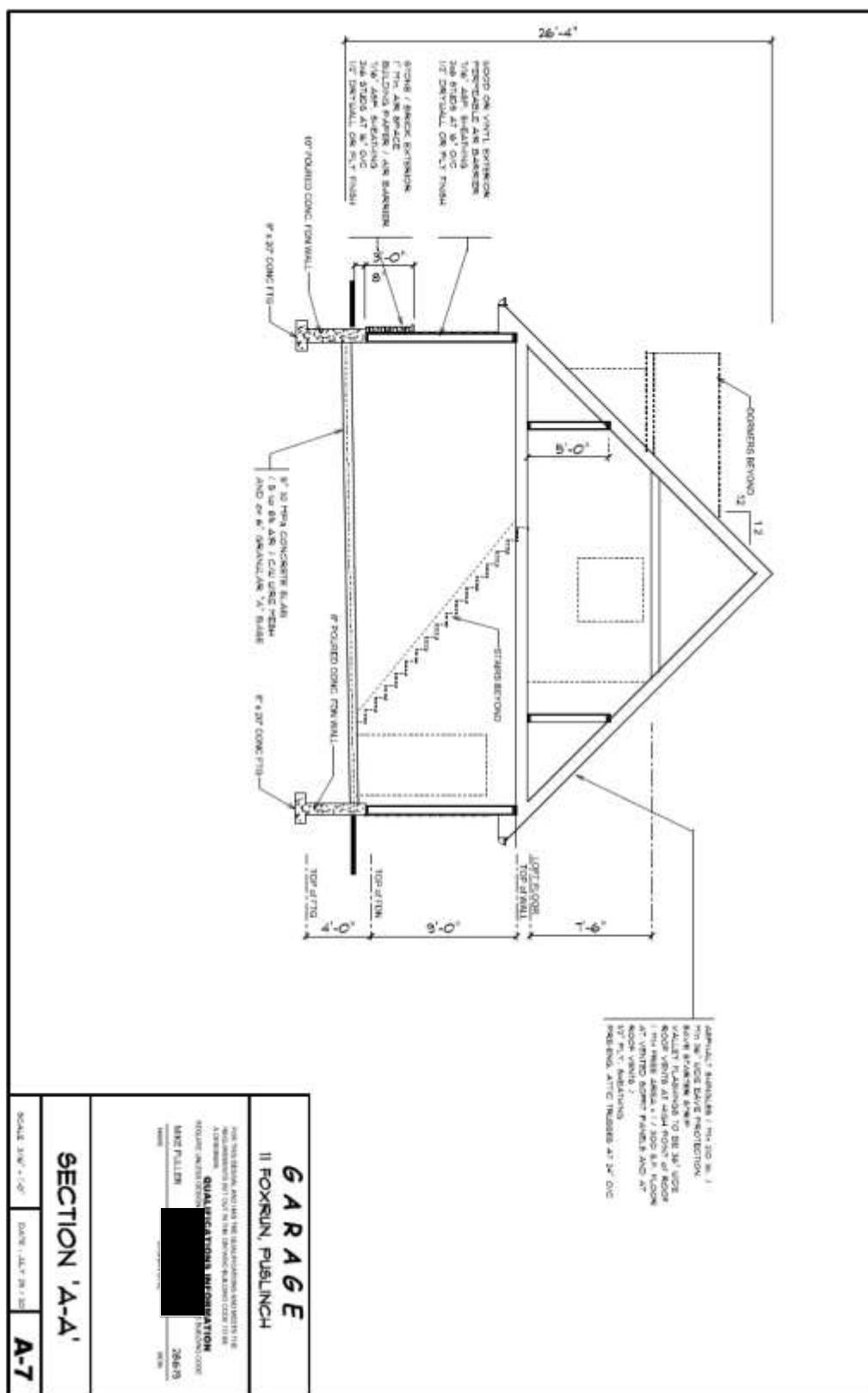








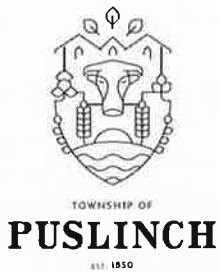












Township of Puslinch
7404 Wellington Road 34,
Puslinch, ON, N0B 2J0
T: (519) 763 – 1226
F: (519) 763 – 5846
www.puslinch.ca

Zoning By-law Amendment Application

Date submitted: _

The Amendment:

Type of amendment:

Site specific:

☒

Other (specify):

☐

RECEIVED

JUN 31 2020

Township of Puslinch

Purpose of and reasons for the proposed amendment(s):

Change the zoning on a small part of the Victoria Park Valley Golf Course from Resort Commercial - RC (sp51) to Agricultural (A) to permit the development of a single detached residential dwelling

General Information:

1. Applicant Information:

Registered Owner's Name(s): _ Diodoro Enterprises Limited (David DeCorso)

Address: _ 47 Old Ruby Lane

City: _ Puslinch

Postal Code: _ N0B2J0

Email Address: _ [REDACTED]

Telephone Number: _ [REDACTED]

Fax: _

Applicant (Agent) Name(s): - Black, Shoemaker, Robinson & Donaldson Limited
Address: 257 Woodlawn Road East, Unit 101
City: Guelph
Postal Code: N1H 8J1
Email Address: nancy@bsrd.com
Telephone Number: 519-822-4031
Fax:

Other Name(s):
Address:
City:
Postal Code:
Email Address:
Telephone Number:
Fax:

Name, address, and phone number of all persons having any mortgages, charges, or encumbrances on the property.

Send correspondence to: Owner: ☒ Agent: ☒ Other: _____

When did the current owner acquire the subject land? Date: September 30, 2005

4. What does the amendment cover?

The "entire" property: ☐

A "portion" of the property: ☒

(This information should be illustrated on the required drawing under item 24 of this application)

5. Provide a description of the "entire" property:

Municipal address: 7660 Maltby Road East

Concession: 9 Lot: SW 1/2 Lot 15
Registered Plan Number: Part of Part 6, Plan 61R-7691
Area: 52.666 ha Depth: 800 +/- m Frontage: 156.7 m
133.1 ac 2,625 +/- ft. 514.2 ft.

6. Provide a description of the area to be amended if only a "portion" of the property:

Area: 0.87 ha Depth: 85 +/- m Frontage: 99.2 m
2.15 ac 278.8 +/- ft. 325.4 ft.

7. Is the application to amend the zoning by-law consistent with the Provincial Policy Statement?

Yes: ☒ No: ☐

8. Is the subject land within an area of land designated under any provincial plan or plans?

Greenbelt Plan: ☐ Places to Grow: ☒ Other: (specify): _____

If yes, does the application conform to and not conflict with the application provincial plan or plans?

Yes: ☒ No: ☐

9. County Official Plan

What is the current County Official Plan designation of the subject property?

Recreational - seeking Official Plan Amendment to designate property as Secondary Agricultural

List land uses permitted by the current Official Plan designation:

Once the Official Plan Amendment is approved, the following uses will be permitted: agriculture & agricultural related uses, single detached homes, small scale commercial, industrial and institutional uses; and public service facilities.

How does the application conform to the Official Plan?

The resignation would allow for a severance of an appropriately sized parcel of land to permit the construction of one single detached residential dwelling. The new lot configuration maximizes the use of lands surplus to the golf course while ensuring only one new residential dwelling will be created in this area. The land has access to an open public road allowance. There is no potential for agricultural or mineral aggregate operations on this small parcel of land. The surrounding lands have been developed for residential or golf course thereby precluding any future use for agricultural or mineral extraction. A residential dwelling is compatible with the existing residential dwellings along both the north and south side of Maltby Road East in this area.

If the application is to implement an alteration to the boundary of an area of settlement or to implement a new area of settlement, provide details of the Official Plan or Official Plan amendment that deals with the matter.

N/A

If the application is to remove land from an area of employment, provide details of the Official Plan or Official Plan amendment that deals with the matter.

N/A

If the subject land is within an area where zoning with conditions may apply, provide an explanation of how the application conforms to the Official Plan policies relating to zoning with conditions.

N/A

10. Zoning:

What is the current zoning of the property? Resort Commercial - RC (sp51)

Golf course, Golf driving range, an existing single detached dwelling, Club House

What uses are permitted? Pro-Shop, Maintenance building and works yard, Practice putting greens, Passive recreational uses such as cross country skiing and walking trails

If the subject land is within an area where zoning with conditions may apply, provide an explanation of how the application conforms to the Official Plan policies relating to zoning with conditions.

N/A

If the subject land is within an area where the municipality has pre-determined minimum and maximum density requirements or the minimum and maximum height requirements provide a statement of these requirements.

N/A

Existing and Proposed Land Uses and Buildings:

11. What is the "existing" use(s) of the subject land?

vacant land - surplus to Victoria Park Valley Golf Club

12. How long has the "existing" use(s) continued on the subject land?

Land has never been developed

13. What is the "proposed" use(s) of the subject land?

Single Detached Residential dwelling

14. Provide the following details for all buildings or structures on the subject land:

Building Details	Existing		Proposed	
Type of Building(s) or structures	None		Single Detached Dwelling	
Date of construction			Yet to be determined	
Building height	m	ft	m	ft
Number of floors				
* Total floor area	m ²	ft ²	m ²	ft ²
Ground floor area (exclude basement)	m ²	ft ²	m ²	ft ²
Distance from building structure to the:				
Front lot line	m	ft	m	ft
Side lot line	m	ft	m	ft
Other side lot line	m	ft	m	ft
Rear lot line	m	ft	m	ft

Building Details	Existing		Proposed	
*Percentage lot coverage				
*Number of parking spaces				
*Number of loading spaces				

Existing and Proposed Services:

15. What is the access to the subject property?

Provincial Highway:

☐

Continually maintained municipal road:

☒

Right-of-way:

☐

Seasonally maintained municipal road:

☐

Water access:

☐

Other (please specify):

☐

16. What is the name of the road or street that provides access to the subject property.

Maltby Road East

17. If access is by water only, please describe the parking and docking facilities used or to be used and the approximate distance of these facilities from subject land to the nearest public road.

N/A

(This information should be illustrated on the required drawing under item 24 of this application)

18. Indicate the applicable water supply and sewage disposal:

Water Supply	Existing		Proposed	
Municipal water				

Water Supply	Existing	Proposed
Communal water		
Private well		x
Other water supply		
Water sewers		
Municipal sewers		
Communal sewers		
Private septic		x
Other sewage disposal		

19. If the application would permit development on privately owned and operated individual or communal septic systems, would more than 4500 litres of effluent be produced per day as a result of the development being completed?

Yes: ☐ No: ☒

If yes, the following reports are required:

Servicing options report

A hydrogeological report

20. How is storm drainage provided?

Storm Sewers: ☐

Ditches: ☒

Swales: ☐

Other: ☐ (explain below)

Other Related Planning Applications:

21. Has the current owner (or any previous owner) made application for any of the following, either on the subject property or within 120 metres of the subject lands?

Planning Application	Yes	No	*File Number	Approval Authority	Subject Lands	Purpose	*Status
Official Plan Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	OP-2006-07	County	Yes	Change to Recreational for Golf Course	Approved
Zoning By-Law Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	P5/2007	Puslinch Twp.	Yes	Permit Golf Course	Approved
Minor Variance	<input type="checkbox"/>	<input type="checkbox"/>					
Plan of Subdivision	<input type="checkbox"/>	<input type="checkbox"/>					
Consent (Severance)	<input type="checkbox"/>	<input type="checkbox"/>					
Site Plan Control	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Puslinch Twp.	Yes	Permit 27 hole Golf courses	Approved

22. Has the subject land ever been the subject of a Minister's Zoning Order?

Yes: ☐ No: ☒

If yes, provide the Ontario Regulation number of that order, if known: _____

Other Supporting Information

23. Please list the titles of any supporting documents: (e.g. Environmental Impacts Study, Hydrogeological Report, Servicing Options Report, Traffic Study, Market Area Study, Aggregate Licence Report, Stormwater Management Report, etc.)

Planning Justification Report

Application Drawing

24. Please provide an accurate drawing of the proposal, preferably prepared by a qualified professional. In some cases, it may be more appropriate to submit additional drawings at varying scales a lot better illustrate the proposal. The drawing must include the following information (see on following page):

- Owner/applicant's names;
- Legal description of the property;
- Boundaries and dimensions of the subject and its current land use;
- Dimensions of area of amendment (if not, the entire property);
- The size and use of all abutting land;
- All existing and proposed parking and loading areas, driveways, and lanes;
- The location and nature of any easements or restrictive covenants on the property;
- The location of any existing drains or award drains;
- Woodlots, forested areas, ANSIs, ESAs, wetlands, floodplain, and all natural watercourses (rivers, stream banks, etc.);

The location, size, and type of all existing and proposed buildings and structures on the subject land, indicating their distance from the front lot line, rear lot line, and side lot lines;

The name, location, and width of each abutting public or private road, unopened road allowance or right-of-way;

- If access to the subject land is by water only, provide the location of the parking and docking facilities to be used;
- Other features both on site or nearby that in the opinion of the applicant will have an effect on the application (such as bridges, railways, airports, roads, drainage ditches, wells, septic systems, springs, slopes, gravel pits); and
- The drawing should also include the scale, north arrow, and date when the drawing was prepared.

Authorization for Agent/Solicitor to act for Owner

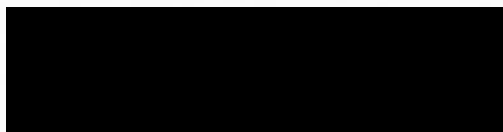
(If affidavit is signed by an Agent/Solicitor on Owner's behalf, the Owner's written authorization below shall be completed)

I (we) Diodoro Enterprises Limited of the

Township of Puslinch County/Region of

Wellington do hereby authorize

Black, Shoemaker, Robinson & Donaldson Limited to act as my agent in this application.



July 27, 2020
Date

Affidavit

I (we) Nancy Shoemaker of the
City of Guelph County/Region of
Wellington solemnly declare that all the statements
contained in this application are true, and I, (we), make this solemn declaration
conscientiously believing it to be true, and knowing that it is of the same force and effect
as if made under oath and by virtue of the CANADA EVIDENCE ACT. DECLARED
before me at the City of Guelph in the
County/Region of Wellington this 27th day of
July, 20 20

 Authorized
solicitor or agent

July 27, 2020
Date

 Commissioner, etc.,
Signature of Commissioner, etc.,
Expires March 28, 2022

July 27, 2020
Date

Agreement to Post Sign and Permit Site Visits

For the purpose of public notification and staff identification, I agree to erect a sign in accordance with the Township of Puslinch's sign requirements within one week of the date Township staff has deemed that the application is complete, and remove the sign when the application has been given final approval.

Furthermore, for the purposes of processing this application, I permit staff/representatives of the Township of Puslinch to enter onto my lands and inspect my property at the following times (please check one of the following boxes):

Any and all times: ☒ Certain days as specified: ☐ By appointment only: ☐


Signature

July 27, 2020
Date

For Administrative Purposes Only:

Application fee of \$_____received by the municipality

Date Fee Received: _____

Date Application Filed: _____

File Number: _____

Application deemed complete: ☐

Signature of Municipal Employee

Date

Personal information on this form is collected under the authority of the Planning Act. The information is used for the purpose of processing this application and administering the legislation and is maintained in accordance with the Municipal Freedom of Information and Protection of Privacy Act. Questions regarding the collection of this information may be directed to the Township Clerk's office.

The Township of Puslinch is committed to providing accessible formats and communication supports for people with a disability. If another format would work better for you, please contact the Township Clerk's office for assistance.



July 27, 2020

Project: 19-14-077

Ms. Lynne Banks
Development Coordinator
Township of Puslinch
7404 Wellington Road 34
Puslinch, Ontario
N0B 2J0

RECEIVED

JUL 31 2020

Township of Puslinch

Dear Ms. Banks:

**Re: Proposed Zone Change
7660 Maltby Road East
Part of Victoria Park Valley Golf Course
Southwest Half of Lot 15, Concession 9, Township of Puslinch
Owner: Diodoro Enterprises Limited**

The owner of the above-noted property is seeking an Official Plan amendment and Zone change to permit a future severance accommodating a new rural residential dwelling on the vacant, surplus lands, associated with the existing Victoria Park Valley Golf Course. The subject land is located along Maltby Road East.

In 2008, the Official Plan designation for the lands associated with the Victoria Park Valley Golf Course was changed from Secondary Agricultural to Recreational. This course opened in 2012 and over the past 8 years, the 27-hole course has been fully developed. Once part of the property was an existing residential dwelling which was to accommodate either the owner or staff. This house was later determined to be unsuitable for accommodation and was removed to provide additional parking on the site. The owner still desires to live near the golf course and is requesting consideration of a residential lot along Maltby Road East, just west of the golf course entrance, on lands deemed to be surplus to the golf course.

The golf course is currently zoned Specialized Resort Commercial (sp51). While this zoning permits a number of recreational uses, as well as the single detached residential dwelling that was located on the property in 2008; a new residential dwelling is not permitted. The purpose of the zone change would be to rezone 0.8 hectares of land located along the Maltby Road frontage of the golf course to Agricultural to permit 1 new residential dwelling.

Please find enclosed the following:

- a cheque in the amount of \$14,842.00 payable to the Township of Puslinch to cover the Township's application fee.
- 10 copies of the completed Zoning By-law Amendment Application;
- 10 copies of a Plan showing the property, surrounding ownerships and the area of the amendment;
- 10 copies of the Planning Justification Report; and
- a USB drive that includes a PDF of the Planning Justification Report and Plan, as well as an AutoCAD file of the plan.

I would appreciate the Township's assistance in preparing the list of property owners within 120 metres of the application and forward to the County.

At the same time as the filing of this Zone Change application with the Township of Puslinch, we are filing an Official Plan Amendment application with the County.

Should you have any questions, or require additional information, please do not hesitate to call me.

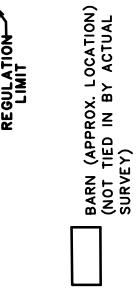
Yours very truly

BLACK, SHOEMAKER, ROBINSON & DONALDSON LIMITED

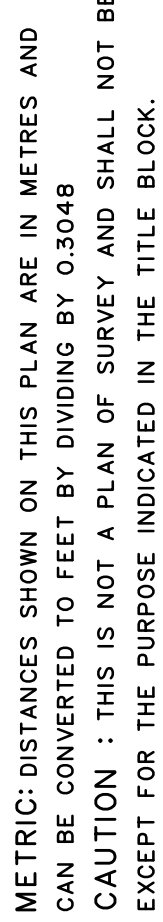

Nancy Shoemaker, B.A.A., R.P.P.

Attachments

Copy: Diodoro Enterprises Limited (David DeCorso)
Deborah Turchet, County of Wellington
Meagan Ferris, County of Wellington



PREPARED FOR OFFICIAL PLAN AMENDMENT AND ZONE CHANGE
PART SOUTHWEST HALF LOT 15, CONCESSION 9
TOWNSHIP OF PUSLINCH



I. THIS PLAN REPRESENTS A COMPILATION OF VARIOUS PLANS AND REGISTRY OFFICE RECORDS AND IS SUBJECT TO VERIFICATION BY A CURRENT FIELD SURVEY.

**GOLF COURSE: RECREATIONAL AND GREENLANDS
AMENDMENT PARCEL: RECREATIONAL**

GOLF COURSE : RC (SP51) ZONE
AMENDMENT PARCEL : PROPOSED AGRICULTURAL (A)

5674

DENOTES MUNICIPAL ADDRESS

DENOTES WETLANDS (FROM GRCA MAPPING) AND CORE GREENLANDS

Continued on next page

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BSRD
Ontario Land Surveyors
Urban and Rural Planners
& A wholly owned subsidiary of J.D.Barnes Ltd.

DATE:	JULY 28, 2020	KS	DM	PROJECT	19-14-077-00-C
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Planning Justification Report for an Official Plan Amendment and Zone Change

**Part of
7660 Maltby Road East
Township of Puslinch**

**Prepared By: Black, Shoemaker, Robinson & Donaldson Limited
July 2020**

Surveying | Mapping | GIS
Unit 101- 257 Woodlawn Road West | Guelph | Ontario | N1H 8J1
T: [519] 822-4031 | F: [519] 822-1220
www.jdbarnes.com

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1.0 INTRODUCTION

This report provides background information in support of an application for an Official Plan Amendment and Zone Change for a part of the property identified as 7660 Maltby Road East. The subject property is located on the north side of Maltby Road East and is surplus land to the Victoria Park Valley Golf Course. The land is owned by Diodoro Enterprises Limited.

The property is currently designated Recreational in the County of Wellington Official Plan and zoned Specialized Resort Commercial RC (sp51) in the Township of Puslinch Zoning By-law. Permitted uses include golf course, golf driving range, an existing single detached dwelling, club house, pro-shop, maintenance building and works yard, practice putting greens, passive recreational uses such as cross-country skiing and walking trails and accessory buildings, structures and uses.

The owner is seeking an Official Plan amendment and Zone change to permit a future severance accommodating a new rural residential dwelling on the vacant surplus lands associated with the golf course and located along Maltby Road East.



FIGURE 1: LOCATION PLAN

2.0 BACKGROUND INFORMATION

The subject lands are legally described as Part of the Southwest Half of Lot 15, Concession 9, in the Township of Puslinch.

In 2006, the subject lands were designated Secondary Agricultural in the County's Official Plan and zoned Agricultural in the Township of Puslinch Zoning By-law.

The DeCorso family acquired this property late in 2005 with the intent of creating a 27 hole golf course to replace the existing Victoria Park West Golf Course in Guelph. That course had been closed and slated for residential development. With the new course, the family hoped to provide affordable golf to their existing customer base and potential new customers from south Wellington and surrounding communities.

The Wellington County Official Plan allowed for consideration of new recreational areas within the Rural System. Golf courses were considered an appropriate land use within recreational areas. After numerous studies and public meetings, an Official Plan Amendment (OPA 60) and a Zone Change (51/08) were approved for the golf course property in 2008.

The new course opened in 2012 and over the past 8 years the 27-hole course has been fully developed. Once part of the property was an existing residential dwelling which was to accommodate either the owner or staff. This house was determined to be unsuitable for accommodation and was removed to provide additional parking on the site.

The owner still desires to live near the golf course and is requesting consideration of a residential property along Maltby Road East, just west of the golf course entrance on lands deemed to be surplus to the golf course.

In February of 2020, the applicant met with the Township and County to discuss a proposed consent for surplus land associated with the Victoria Park Valley Golf Course. At that time, it was determined that an Official Plan Amendment and Zone change would be required prior to proceeding with an application for consent.

3.0 SITE ANALYSIS AND EXISTING CONDITIONS

3.1 EXISTING CONDITIONS

The property is part of the Victoria Park Valley 27 hole golf course.

The part of the golf course under consideration in this application includes a parcel of land approximately 0.8 hectares in size with frontage of 99 metres along Maltby Road East.

This land is surplus to the golf course facility. It is vacant land and partially covered with trees and shrubs.

3.2 SURROUNDING USES

The surrounding land uses include rural residential dwellings along both the north and south sides of Maltby Road East and the Victoria Park Valley Golf Course abutting the northerly and easterly property lines.

4.0 DEVELOPMENT PROPOSAL

As noted previously, it is the owner's intention to sever this parcel from the commercial golf course ownership and to build his residence on the proposed newly created parcel.

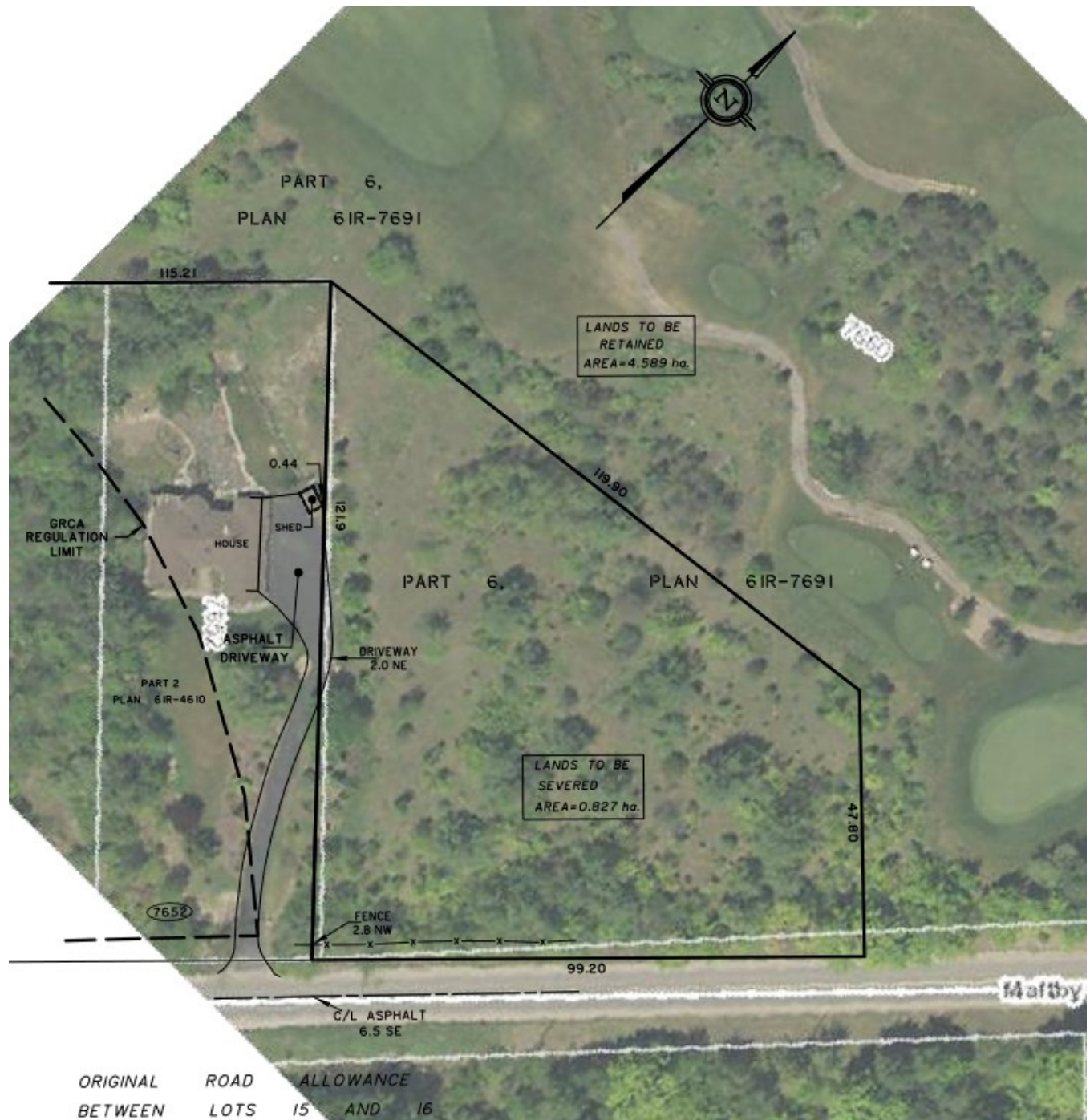


FIGURE 2: PARCEL SETTING

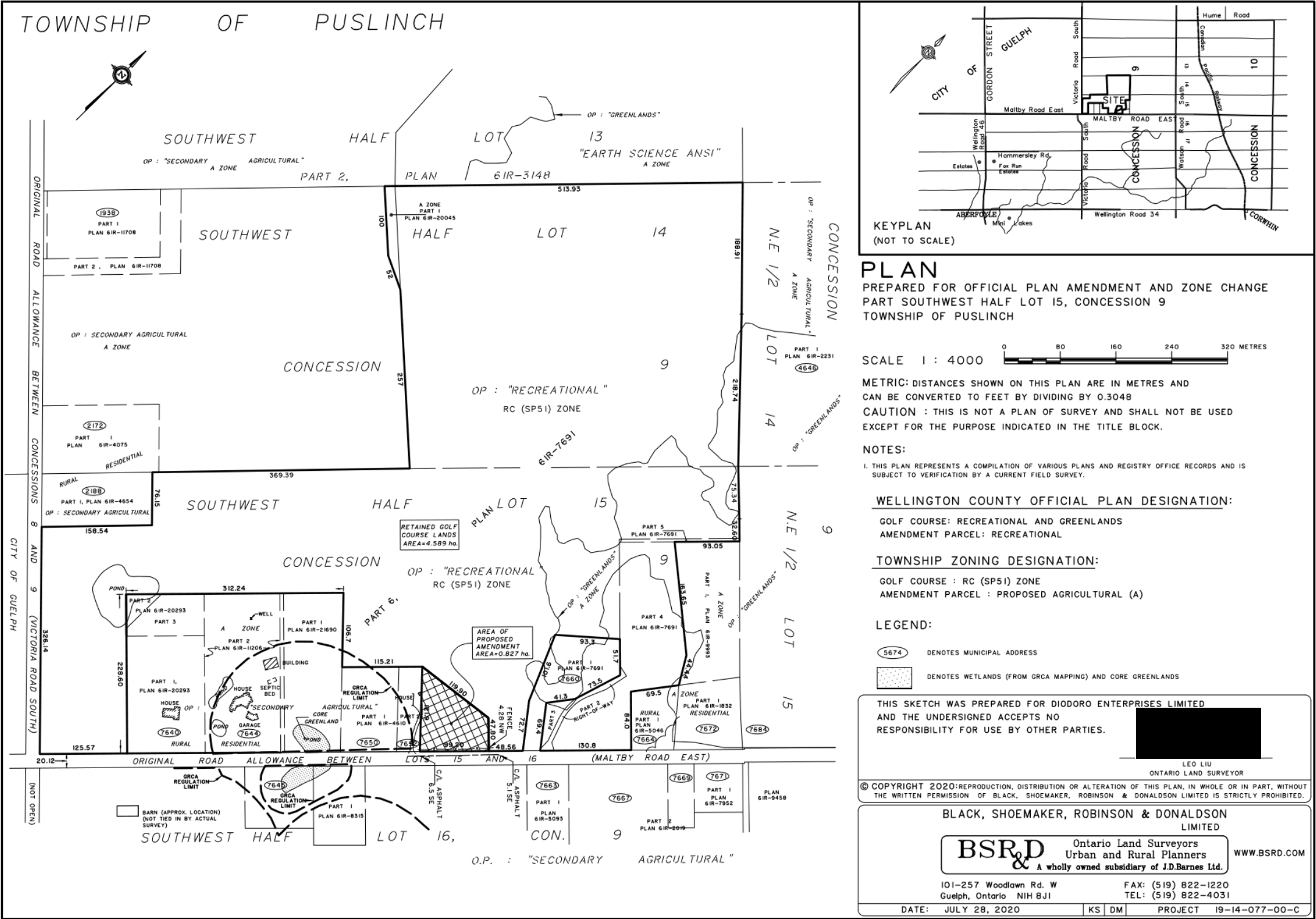


FIGURE 3: PROPOSED
DEVELOPMENT

5.0 PLANNING AND POLICY FRAMEWORK

This section reviews the policies and guidelines that have been considered as part of the overall analysis of the site development of this property.

5.1 PROVINCIAL STATUTES

5.1.1 **Places to Grow Act, 2005**

This legislation creates the legal framework necessary for the government to designate a geographic area of the province as a growth plan area and subsequently to develop a growth plan for that area. It enables the government to plan population growth, economic expansion, and the protection of environmental and agricultural land.

5.1.1a) A Place to Grow, 2019

A Place to Grow May 2019 was approved by the Lieutenant Governor in Council, Order in Council No 641/2019. "The Growth Plan for the Greater Golden Horseshoe 2019" was prepared and approved under the Places to Grow Act, 2005 to take effect on May 16, 2019. This Plan applies to the area designated by Ontario Regulation 416/05 as the Greater Golden Horseshoe growth plan area. All decisions made on or after May 16, 2019 in respect of the exercise of any authority that affects a planning matter will conform with this Plan, subject to any legislative or regulatory provisions providing otherwise.

The subject property is located within the "Rural Area" designation of the Growth Plan. The following specific policies are of some relevance to the subject proposal:

Section 2.2.9.3 notes that development outside of settlement areas may be permitted on rural lands for, among other things, resource-based recreational uses.

In addition, Section 2.2.9.6 states that new multiple lots or units for residential development will be directed to settlement areas, but may be allowed on rural lands in site-specific locations with approved zoning or designation in an official plan that permitted this type of development as of June 16, 2006.

PLANNING RESPONSE: *The subject property is designated Recreational on the County's Official Plan to permit the development of a 28-hole golf course. This designation occurred in 2008. In June of 2006, the lands were designated Secondary Agricultural, permitting the development of rural residential dwellings. A portion of the golf course lands is considered surplus to the design and layout of the existing golf course. Returning this small area to the original Secondary Agricultural designation is appropriate and conforms to the policies of the Growth Plan*

5.1.2 **The Planning Act**

The Planning Act establishes the ground rules for land use planning in Ontario and describes how land uses may be controlled, and who may control them.

Section 3 (1) of the Planning Act, R.S.O. 1990, and c.P.13, as amended establishes that policy statements may be issued by the Minister on matters related to municipal planning to deal with matters of provincial interest.

Section 3(5) of the Planning Act states that in exercising any authority that affects planning matters, every group who exercises such authority shall be:

- Consistent with the policy statement issued under 3 (1); and
- Shall conform to provincial plans or shall not conflict with them.

5.1.2.a) Provincial Policy Statement 2020

The 2020 Provincial Policy Statement was approved by the Lieutenant Governor in Council, Order in Council No. 229/2020. This Provincial Policy Statement was issued under section 3 of the Planning Act and came into effect May 1, 2020. It replaces the Provincial Policy Statement issued April 30, 2014.

The Provincial Policy Statement is intended to promote a policy-led system that recognizes that there are complex inter-relationships among environmental, economic and social factors in land use planning.

Section 1.1.4 addresses Rural Areas in Municipalities. It is noted that Rural areas are important to the economic success of the Province and our quality of life.

Section 1.1.5.2 notes permitted uses within rural areas. Resource-based recreation and residential lot creation that is locally appropriate are considered appropriate land uses.

Finally, the implementation provisions of the PPS (in section 4.6) acknowledges that Official Plans are "...the most important vehicle for implementation of this Provincial Policy Statement." As such, Official Plans "...shall identify provincial interests and set out appropriate land use designations and policies.

PLANNING RESPONSE: *The proposed development of the subject land is consistent with the goals and objectives of the Provincial Policy Statement. The redesignation of this surplus land from Recreational to Secondary Agricultural to permit an infill residential lot is appropriate.*

5.2 MUNICIPAL LEGISLATION

5.2.1 **County of Wellington Official Plan**

The 1999 Official Plan for the County of Wellington was approved by the Ministry of Municipal Affairs and Housing on April 13, 1999. The County of Wellington has undertaken a comprehensive 5-year review of its Official Plan (OPA 81) which was adopted by County Council on September 26, 2013 and approved by the Ministry of Municipal Affairs and Housing on April 29, 2014. OPA 81, in its entirety, was appealed to the Ontario Municipal Board. On December 19th, 2014, the Ontario Municipal Board approved, with modifications, Official Plan Amendment 81.

The Official Plan for the County of Wellington designates the subject lands as Recreational.

Section 6.7.1 defines Recreational areas as areas that are normally land associated with lakes, reservoirs, ponds, rivers or other scenic resources which have potential for the development of recreational or seasonal residential uses relying on recreational activities. Permitted uses and activities in Recreational Areas may include: a) seasonal recreational uses; b) active and passive recreational activities including golf courses; c) commercial activities related to and serving recreational activities; d) publicly-accessible built and natural settings for recreation, including parklands, open space areas, trails and, where practical and appropriate, water-based resources. Year round residential dwellings are not recognized as a permitted use.

To address this issue, the owner is seeking to redesignate a small parcel of land to the original Secondary Agricultural designation which applied to the property until Official Plan Amendment 60 was approved in 2008. This parcel has frontage on Maltby Road East, is adjacent to a rural residential dwelling and although currently part of the golf course property; it is not used as part of the golf course development.

Section 6.5 of the Official Plan addresses Secondary Agricultural Areas. These areas include lands within the Rural System which are determined to be non-prime agricultural areas but which can sustain certain agricultural activities. Permitted uses and activities in Secondary Agricultural Areas may include: a) all uses allowed in the Prime Agricultural Area; b) small scale commercial, industrial and institutional uses; c) public service facilities. In Secondary Agricultural Areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial. Single detached homes are recognized as a permitted use.

Section 10.4 addresses lot creation in Secondary Agricultural areas and notes that new lots for residential use may be permitted. Residential lots created under this section contribute to and are anticipated by the growth strategy of the Official Plan. One new lot for residential purposes may be allowed from a parcel of land existing on March 1, 2005, provided that:

a) the lot generally meets a 0.4 ha minimum lot size and is not larger than needed to accommodate the intended residential use; b) the accessory buildings referred to in a) above may include a hobby barn, subject to local regulations; c) the lot has access to an open public road; d) the residential use will not hinder or preclude the present use or future potential for agricultural or mineral aggregate operations; e) the residential use is compatible with surrounding development; f) the use is well removed from any settlement area boundary; g) the lands have been owned by the applicant for at least 5 years.

Section 10.4.7 outlines the requirements related to Minimum Distance Formula (MDS) The appropriate provincial minimum distance separation formula will be applied to all new lot creation. It is noted there are no barns within 500 metres of the proposed new lot.

PLANNING RESPONSE: *The proposed Official Plan Amendment to a Secondary Agricultural designation and the Zone change to Agricultural is in conformity with the Secondary Plan policies of the Official Plan for the County of Wellington. The subject lands were previously designated Secondary Agricultural prior to the Official Plan Amendment in 2008 to Recreational that allowed for the development of the 27 hole golf course. Now that that course is fully developed, this property has been deemed surplus and serves no purpose in the operation of the golf course.*

The resignation would allow for a severance of an appropriately sized parcel of land to accommodate the construction of one single detached residential dwelling. The new lot will meet all of the considerations set out in Section 10.4.4. of the Official Plan. The lot configuration maximizes the use of lands surplus to the golf course while ensuring only one new residential dwelling will be created in this area. The land has access to an open public road allowance. There is no potential for agricultural or mineral aggregate operations on this small parcel of land. Also, surrounding lands have been developed for residential or golf course thereby precluding any future use of this small parcel for agricultural or mineral extraction. A residential dwelling is compatible with the existing residential dwellings along both the north and south side of Maltby Road East in this area. The property is removed from any settlement area boundary and the owner has not severed any part of this property since owning the land in 2005. The application will meet Provincial Minimum Distance Formulae.

Figure 4 is the Land Use Schedule A7 from the County of Wellington Official Plan.

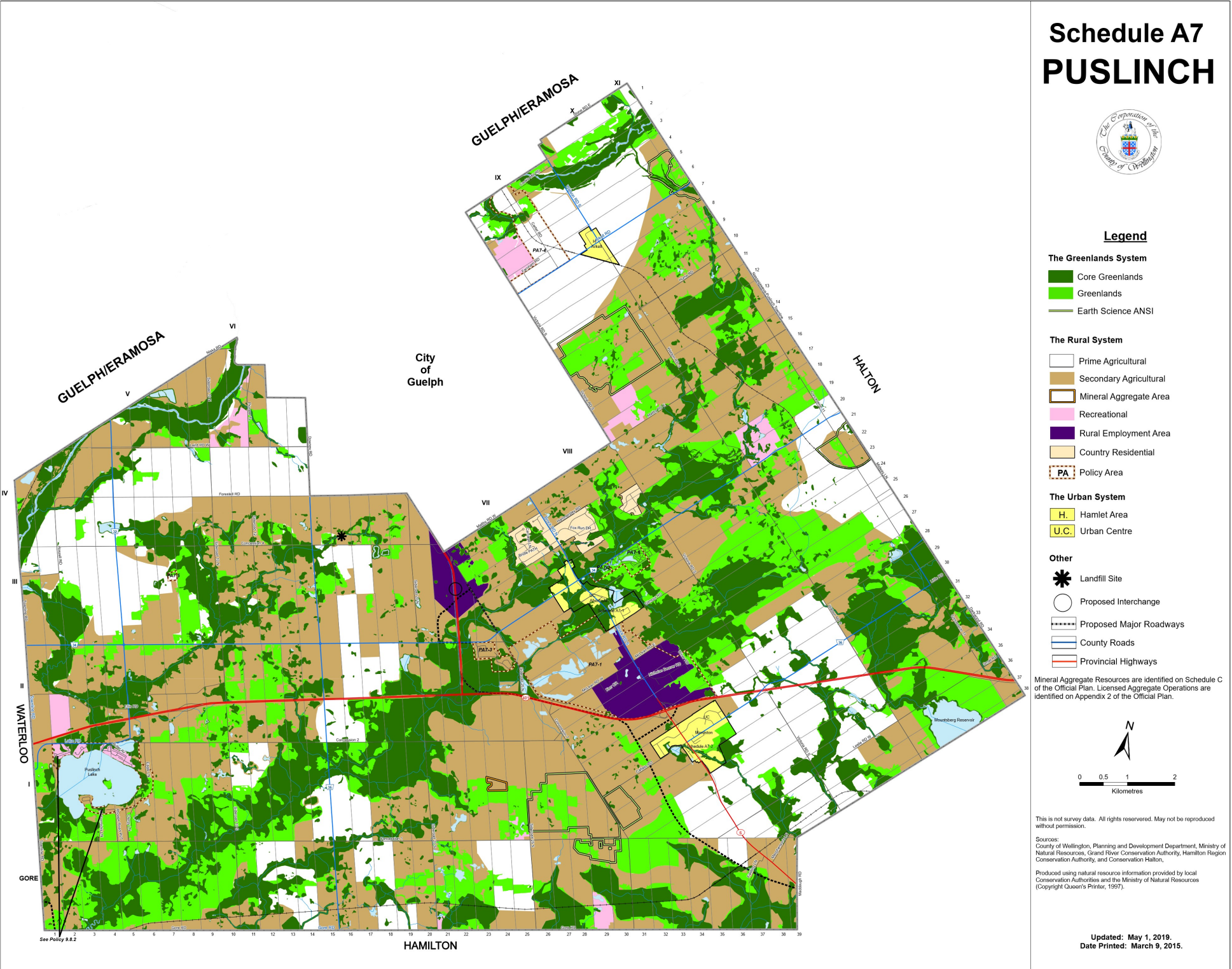


FIGURE 4: SCHEDULE A7 - PUSLINCH
WELLINGTON COUNTY OFFICIAL PLAN

5.2.1a) Proposed Official Plan Amendment

As noted above, the Official Plan Amendment would remove approximately 0.8 hectares of land from the Recreational designation and place the lands in the Secondary Agricultural designation.

Now that the golf course has been established for a number of years, the subject 0.8 hectares of land is deemed to be surplus to the layout of the golf course lands.

The amendment would place the property back into the original Secondary Agricultural designation and would allow the owner to proceed with a consent application enabling him to construct his home adjacent to the golf course.

See Appendix 1 for detailed amendment.



FIGURE 5: AREA OF PROPOSED OFFICIAL PLAN AMENDMENT

5.2.2 Township of Puslinch Zoning By-law 023/18

The subject lands are currently located in the Specialized Resort Commercial RC (sp51) Zone. This zone restricts the use and development of the site as follows:

Permitted Uses:

- Golf course
- Golf driving range
- An existing single detached dwelling
- Club house
- Pro-shop
- Maintenance building and works yard
- Practice putting greens
- Passive recreational uses such as cross-country skiing and walking trails
- Accessory buildings, structures and uses

Regulations:

- The max. floor area of the club house/pro shop building (including dining facilities) shall not exceed 350 m² (exclusive of basement).
- The clubhouse use may include an outdoor patio area with a max. floor area of 400 m².
- The max. floor area of the maintenance building shall not exceed 400 m².
- An outdoor storage area used for the storage of equipment or material shall be contained within a fenced or screened area that is not visible from any street or adjacent lot.
- Off-street parking shall be provided.

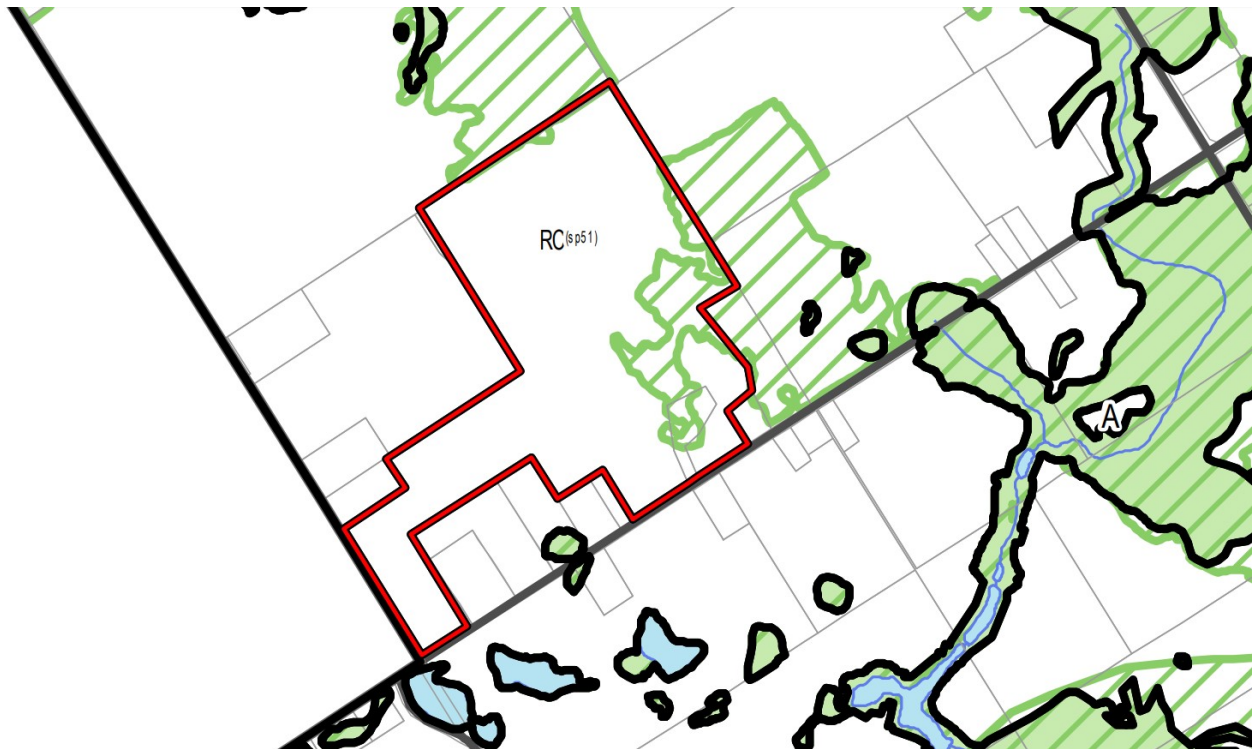


FIGURE 6: EXISTING ZONING

5.2.2a) Proposed Zoning Amendment

The Proposed Zoning By-law Amendment would remove approximately 0.8 hectares of land from the Specialized RC (sp51) Zone and place this area in the Agricultural (A) zone to permit the future severance and construction of a single detached residential dwelling.

Schedule 'A' of the Comprehensive Zoning By-law will require modification as shown on Figure 7. See Appendix 2 for detailed amendment

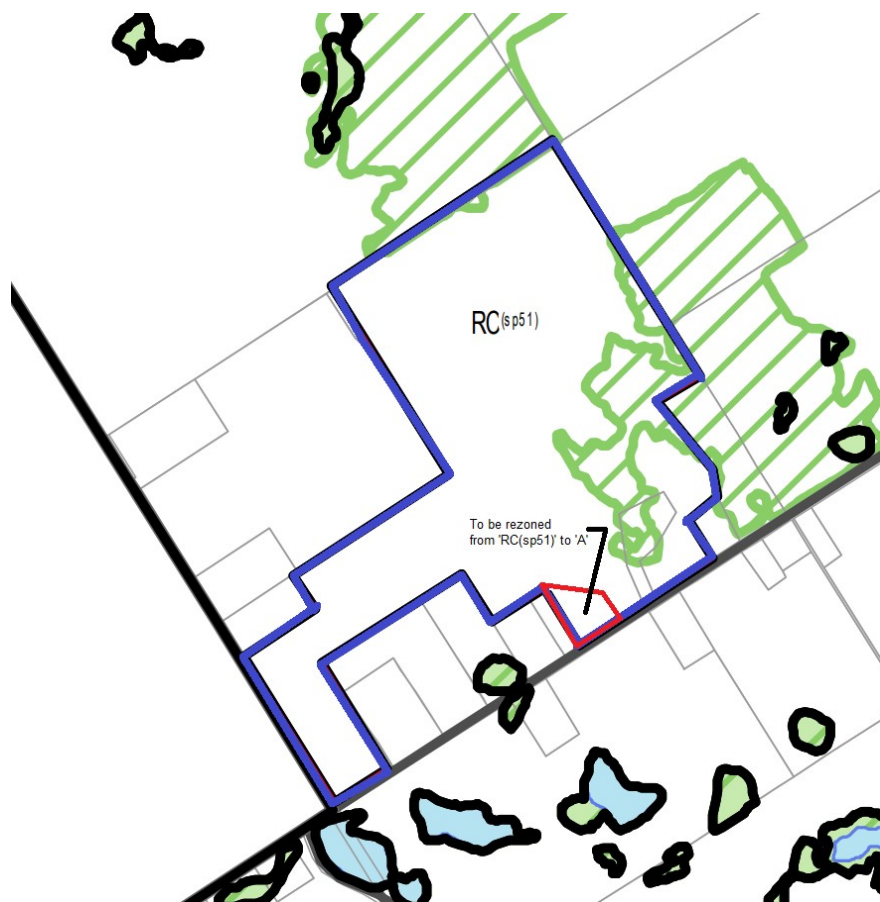


FIGURE 7: AREA OF PROPOSED ZONING AMENDMENT

6.0 CONCLUSION

The Official Plan Amendment to redesignate the subject lands from Recreational to Secondary Agricultural and to amend the zoning from Specialized Resort Recreational RC (sp51) to Agricultural to allow for a future severance and creation of one single detached residential dwelling is appropriate and in my opinion represents good planning.

Up until 2008, the lands were designated Secondary Agricultural. The change in designation to Recreational was to accommodate a 27 hole golf course. Now that the golf course has been fully developed, the subject parcel has been deemed surplus to the golf course operation so it is reasonable that the lands be redesignated Secondary Agricultural and the owner of the golf course can sever the land from the commercial operation and build their own dwelling.

Besides the golf course, abutting and adjacent land uses include a number of single detached residential dwellings along the north and south side of Maltby Road. This proposed amendment and zone change is compatible with the adjacent land uses.

The proposed Official Plan Amendment and Zone change conforms with the policies set out in the County of Wellington Official Plan, the Growth Plan and the Provincial Policy Statement.



July 27, 2020
Date:

APPENDIX 1: PROPOSED OFFICIAL PLAN AMENDMENT

**AMENDMENT NUMBER _____
TO THE OFFICIAL PLAN FOR THE
COUNTY OF WELLINGTON**

**Diodoro Enterprises Limited
Victoria Park Valley Golf Course
County File No. OP-2020- ____**

THE CORPORATION OF THE COUNTY OF WELLINGTON

BY-LAW NO. _____

A By-law to adopt Amendment No. _____ to the Official
Plan for the County of Wellington.

The Council of the Corporation of the County of Wellington, pursuant to the provisions of the Planning Act, R.S.O. 1990, as amended, does hereby enacts as follows:

1. THAT Amendment Number _____ to the Official Plan for the County of Wellington, consisting of text and the attached maps, and explanatory text, is hereby adopted.
2. THAT this By-law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST AND SECOND TIME THIS _____ DAY OF _____, 2020

READ A THIRD TIME AND PASSED THIS _____ DAY OF _____, 2020

WARDEN

CLERK

**AMENDMENT NUMBER _____
TO THE
COUNTY OF WELLINGTON OFFICIAL PLAN**

**AMENDMENT NUMBER _____
TO THE
COUNTY OF WELLINGTON OFFICIAL PLAN**

INDEX

PART A - THE PREAMBLE

The Preamble provides an explanation of the proposed amendment including the purpose, location, and background information, but does not form part of this amendment.

PART B - THE AMENDMENT

The Amendment describes the changes and/or modifications to the Wellington County Official Plan which constitute Official Plan Amendment Number ____.

PART C - THE APPENDICES

The Appendices, if included herein, provide information related to the Amendment, but do not constitute part of the Amendment.

PART A - THE PREAMBLE

PURPOSE

The purpose of County Official Plan Amendment No. _____ is to redesignate the subject lands from Recreational to Residential. The applicant is proposing to develop the lands with a single family dwelling. The amendment affects Schedule A7 – Puslinch and there are no proposed textual changes to the policies of the Official Plan.

LOCATION

The property includes approximately 0.8 hectares (2 acres) of land and is on land, surplus to the Victoria Park Valley Golf Course. It is located on the north side of Maltby Road East, east of Victoria Road South. The property will have 99 metres (325 feet) frontage Maltby Road East and is legally described as Part of the Southwest Half of Lot 15, Concession 9.



Figure 1.

The surrounding land uses include rural residential dwellings along both the north and south sides of Maltby Road East and the Victoria Park Valley Golf Course abutting the northerly and easterly property lines.

As noted above, the subject lands are currently vacant and have been determined to be surplus lands to the golf course.

The property is currently zoned Specialized Resort Commercial RC (sp51) in the Township of Puslinch Zoning By-law and designated Recreational in the County of Wellington Official Plan.

THE GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE 2019 (A PLACE TO GROW)

The subject property is located within the "Rural Area" designation of the Growth Plan. Development outside of settlement areas may be permitted on rural lands for, among other things, resource-based recreational uses.

New multiple lots or units for residential development may be allowed on rural lands in site-specific locations with approved zoning or designation in an official plan that permitted this type of development as of June 16, 2006.

The subject property is designated Recreational on the County's Official Plan to permit the development of a 27-hole golf course. This designation occurred in 2008. In June of 2006, the lands were designated Secondary Agricultural, permitting the development of rural residential dwellings. A portion of the golf course lands is considered surplus to the design and layout of the existing golf course. Returning this small area to the original Secondary Agricultural designation is appropriate and conforms to the policies of the Growth Plan.

PROVINCIAL POLICY STATEMENT 2020 (PPS)

It is noted that Rural areas are important to the economic success of the Province and our quality of life. Within rural area, resource-based recreation and residential lot creation that is locally appropriate are considered appropriate land uses.

The implementation provisions of the PPS acknowledges that Official Plans are the most important vehicle for implementation of this Provincial Policy Statement.

The proposed development of the subject land is consistent with the goals and objectives of the Provincial Policy Statement. The redesignation of this surplus land from Recreational to Secondary Agricultural to permit an infill residential lot is appropriate.

WELLINGTON COUNTY OFFICIAL PLAN

The Official Plan for the County of Wellington designates the subject lands as Recreational which does not permit year round residential dwellings.

To address this issue, the owner is seeking to redesignate a small parcel of land to the original Secondary Agricultural designation which applied to the property until Official Plan Amendment 60 was approved in 2008. This parcel has frontage on Maltby Road East, is adjacent to a rural residential dwelling and although currently part of the golf course property; it is not used as part of the golf course development.

Secondary Agricultural Areas include lands within the Rural System which are determined to be non-prime agricultural areas but which can sustain certain agricultural activities. New lots for single detached homes is recognized as a permitted use.

The subject lands were previously designated Secondary Agricultural prior to the Official Plan Amendment in 2008 to Recreational to allow for the development of the 27 hole golf course. Now that that use is fully developed, this property has been deemed surplus and serves no purpose in the operation of the golf course.

The resignation would allow for a severance of an appropriately sized parcel of land to accommodate the construction of one single detached residential dwelling. The new lot configuration maximizes the use on lands surplus to the golf course while ensuring only one new residential dwelling will be created in this

area. The land has access to an open public road allowance. There is no potential for agricultural or mineral aggregate operations on this small parcel of land. Also, the surrounding lands have been developed for residential or golf course thereby precluding any future use for agricultural or mineral extraction. A residential dwelling is compatible with the existing residential dwellings along both the north and south side of Maltby Road East in this area. The property is removed from any settlement area boundary and the owner has not severed any part of this property since owning the land in 2005. The application will meet Provincial Minimum Distance Formulae.

The proposed Official Plan Amendment to a Secondary Agricultural designation and the Zone change to Agricultural is in conformity with the Official Plan for the County of Wellington.

RELATED APPLICATIONS In addition to the Official Plan amendment application, a separate zoning amendment has been submitted to the Township of Puslinch for the purpose of rezoning the parcel of land from Specialized Resort Commercial (sp51) to Agricultural (A). A future consent application to sever one residential lot with an area of 0.8 ha (2 acres) and frontage of 99 m (325 ft.) will be submitted upon approval of the Official Plan Amendment and Zone change.

RECOMMENDATION

THAT a by-law adopting County of Wellington Official Plan Amendment _____ be approved.

Respectfully submitted _____

PART B - THE AMENDMENT

All of this part of the document entitled Part B - The Amendment, consisting of the following text constitutes Amendment No. _____ to the County of Wellington Official Plan.

DETAILS OF THE AMENDMENT

The Official Plan of the County of Wellington is hereby amended as follows:

1. THAT SCHEDULE A7 (Puslinch) is amended, as it relates to the subject land, by redesignating the land described as Part of the Southwest Half of Lot 15, Concession 9, Puslinch, as identified on Schedule "A" of this amendment, from "**Recreational**" to "**Secondary Agricultural**".

SCHEDULE 'A' OFFICIAL PLAN AMENDMENT NO. ____



Redesignate from "Recreational" to "Secondary Agricultural"

APPENDIX 2: DRAFT ZONING BY-LAW

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH BY-LAW NUMBER

BY-LAW NUMBER _____

**A BY-LAW TO AMEND BY-LAW NUMBER 023/18, AS AMENDED, BEING THE ZONING
BY-LAW OF THE TOWNSHIP OF PUSLINCH**

WHEREAS, the Council of the Corporation of the Township of Puslinch deem it appropriate and in the public interest to amend By-Law Number 023/18 pursuant to Sections 34 of the Planning Act, R.S.O. 1990 as amended;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF
PUSLINCH ENACTS AS FOLLOWS:**

1. That Schedule "A" of By-law 023/18 is hereby amended by rezoning Part of the Southwest Half of Lot 15, Concession 9, municipally known as 7660 Maltby Road East within the Township of Puslinch, from Site Specific **RC (sp51) ZONE** to the **AGRICULTURAL ZONE**, as shown on schedule "A" of this By-law.
2. That unless otherwise provided, the subject land as shown on Schedule "A" to this By-Law shall be subject to all applicable regulations of Zoning By-Law 19/85, as amended.
3. This By-law shall become effective from the date of passage by Council and come into force in accordance with the requirements of the Planning Act, R.S.O. 1990, as amended.

READ A FIRST AND SECOND TIME THIS _____ OF _____, 2020.

MAYOR

CLERK

READ A THIRD TIME AND PASSED THIS _____ OF _____, 2020.

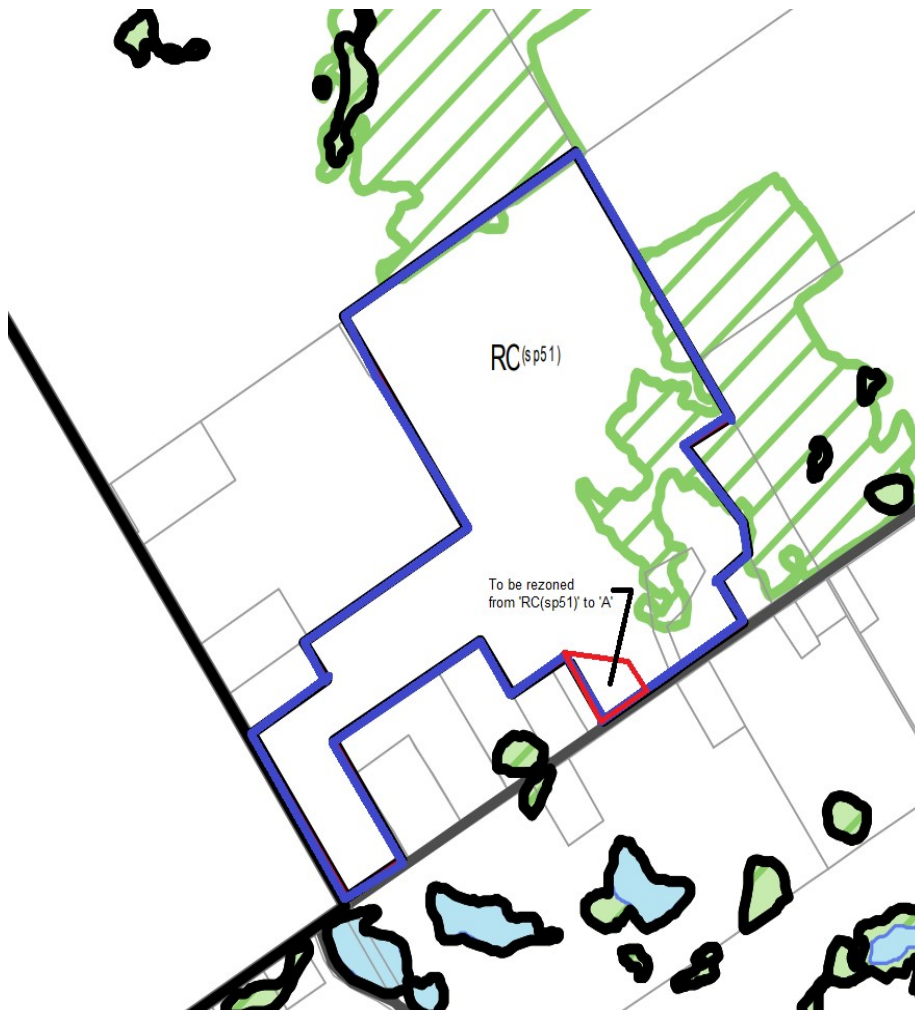
MAYOR

CLERK

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NUMBER _____

Schedule "A"



Highlighted area to be rezoned from "RC (sp51)" Zone to "A" Zone

This is Schedule "A" to By-law No. _____
Passed this _____ day of _____, 2020.

MAYOR

CLERK

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

EXPLANATION OF BY-LAW NO. _____

By-law Number _____ amends the Township of Puslinch Zoning By-law 23/18 by rezoning Part of the Southwest Half of Lot 15, Concession 9, within the Township of Puslinch, and municipally referred to as part of 7660 Maltby Road East, from a RC (sp51) ZONE to the AGRICULTURAL (A) ZONE.

The subject lands are a surplus property to the Victoria Park Valley Golf Course. The have been re-designated from Recreational to Secondary Agricultural lands in the County of Wellington Official Plan.

The purpose of the proposed zoning by-law amendment is to remove the Specialized Recreational Commercial zoning from the property and rezone to Agricultural to permit the severance and rezoning of this parcel to permit a single detached residential dwelling.

County of Wellington Planning and Land Division Committee
Deborah Turchet, Secretary-Treasurer
Wellington County Administration Centre
74 Woolwich Street, Guelph ON N1H 3T9

RECEIVED

OCT 19 2020

Township of Puslinch

October 9, 2020

NOTICE OF AN APPLICATION FOR CONSENT

Ontario Planning Act, Section 53(4)

The County of Wellington Planning and Land Division Committee requests your written comments on this application for consent.

APPLICATION SUBMITTED ON: September 30, 2020

FILE NO. B74-20

APPLICANT

Thomas & Barbara Forestell
6951 Forestell Rd
Guelph N1H 6J3

LOCATION OF SUBJECT LANDS

Township of Puslinch
Part Lot 18
Concession 4

Proposed severance is 0.4 hectares with 57m frontage, vacant land for proposed rural residential use.

Retained parcel is 3.6 hectares with 25m frontage, existing and proposed rural residential use with existing dwelling, shed & workshop.

**IF YOU WISH TO SUBMIT COMMENTS ON THIS APPLICATION,
WE MUST HAVE YOUR WRITTEN COMMENTS BEFORE**

November 10, 2020

Please note that if the Comments are not received by the requested date, the Planning and Land Division Committee may proceed to consider the application, and may assume that you have no objection to this Application for Consent.

Please also be advised that if a person or public body that files an appeal of a decision of the County of Wellington Planning and Land Division Committee in respect of the proposed consent has not made written submission to the County of Wellington Planning and Land Division Committee before it gives or refuses to give a provisional consent, then the Local Planning Appeal Tribunal may dismiss the appeal.

If you wish to be **NOTIFIED OF THE DATE AND TIME OF THE CONSIDERATION** of this application - **please make your request in writing** to the Planning and Land Division Committee before the "Comments Return Date" noted above.

If you wish to be **NOTIFIED OF THE DECISION** of the County of Wellington Planning and Land Division Committee in respect of this proposed consent, **you must make a request in writing** to the County of Wellington Planning and Land Division Committee. This will also entitle you to be advised of a possible Local Planning Appeal Tribunal. Even if you are the successful party, you should request a copy of the decision since the County of Wellington Planning and Land Division Committee's decision may be appealed to the Local Planning Appeal Tribunal by the applicant or another member of the Public.

INFORMATION REGARDING THE APPLICATION is available to the public during regular business hours, Monday to Friday at the County of Wellington Planning and Land Division Office- 74 Woolwich St. Guelph, ON N1H 3T9.
Phone: (519) 837-2600 x2170 Fax: (519) 837-3875

MAILED TO:

Local Municipality - Puslinch County Planning Conservation Authority - GRCA

Source Water Protection Neighbouring Municipality – City of Guelph

Bell Canada (email) County Clerk Roads/Solid Waste Civic Addressing

Neighbour - as per list verified by local municipality and filed by applicant with this application

APPLICATION FOR CONSENT

Ontario Planning Act

1. Approval Authority:

County of Wellington Planning and Land Division Committee
 County of Wellington Administration Centre
 74 Woolwich Street, GUELPH, Ontario N1H 3T9

Phone: 519-837-2600, ext. 2170 or 2160 Fax: 519-837-3875

Required Fee: \$

Fee Received:

File No.

Accepted as Complete on:

4430
 Sept 30/20
 B74-20
 Sept 30/20

A COPY OF YOUR CURRENT DEED MUST BE SUBMITTED WITH THIS APPLICATION

2. (a) Name of Registered Owner(s) Thomas Harry FORESTELL & Barbara Ruth FORESTELL

Address 6951 Forestell Road, Guelph, ON, N1H 6J3

Phone No.

Email:

(b) Name and Address of Applicant (as authorized by Owner)

Phone No.

Email:

(c) Name and Address of Owner's Authorized Agent:

Jeff Buisman of Van Harten Surveying Inc.

423 Woolwich Street, Guelph, ON, N1H 3X3

Phone No. 519-821-2763 x225

Email: Jeff.Buisman@vanharten.com

(d) All Communication to be directed to:

REGISTERED OWNER []

APPLICANT []

AGENT [X]

(e) Notice Cards Posted by:

REGISTERED OWNER []

APPLICANT []

AGENT [X]

3. Type and Purpose of Proposed Transaction: (Check off appropriate box & provide short explanation)

RURAL RESIDENTIAL[X] AGRICULTURAL[] URBAN RESIDENTIAL[] COMMERCIAL/INDUSTRIAL[]

To create a new parcel for rural residential purposes.

OR

EASEMENT []

RIGHT OF WAY []

CORRECTION OF TITLE []

LEASE []

(a) If known, the name of person to whom the land or an interest in the land is to be transferred, charged or leased.

Future owner is not known

4. (a) Location of Land in the County of Wellington:

Local Municipality: Township of Puslinch

Concession 4

Lot No. Part of Lot 18

Registered Plan No. _____

Lot No. _____

Reference Plan No. _____

Part No. _____

Civic Address 6951 Forestell Road

(b) When was property acquired: August 1985

Registered Instrument No. ROS402423

5. Description of Land intended to be SEVERED:

Metric []

Imperial []

Frontage/Width 57 ±

AREA

0.4 ha ±

Depth 76 ±

Existing Use(s)

Vacant Land

Existing Buildings or structures: None

Proposed Uses (s): A new rural residential dwelling

Type of access (Check appropriate space)

Existing []

Proposed [X]

[] Provincial Highway

[] Right-of-way

[] County Road

[] Private road

[X] Municipal road, maintained year round

[] Crown access road

[] Municipal road, seasonally maintained

[] Water access

[] Easement

[] Other

Type of water supply - Existing [] Proposed [X] (check appropriate space)

[] Municipally owned and operated piped water system

[X] Well [X] individual [] communal

[] Lake

[] Other

Type of sewage disposal - Existing [] Proposed [X] (check appropriate space)

[] Municipally owned and operated sanitary sewers

[X] Septic Tank (specify whether individual or communal): Individual

[] Pit Privy

[] Other (Specify):

6. Description of Land intended to be RETAINED: Metric ☒ Imperial ☐

Frontage/Width 25 / 82 ± AREA 3.6 ha ±
Depth 487 ± Existing Use(s) Rural Residential
Existing Buildings or structures: Dwelling, Shed and Workshop
Proposed Uses (s): No Change

Type of access (Check appropriate space) Existing ☒ Proposed ☐

- | | |
|---|--|
| <input type="checkbox"/> Provincial Highway | <input type="checkbox"/> Right-of-way |
| <input type="checkbox"/> County Road | <input type="checkbox"/> Private road |
| <input checked="" type="checkbox"/> Municipal road, maintained year round | <input type="checkbox"/> Crown access road |
| <input type="checkbox"/> Municipal road, seasonally maintained | <input type="checkbox"/> Water access |
| <input type="checkbox"/> Easement | <input type="checkbox"/> Other |

Type of water supply - Existing ☒ Proposed ☐ (check appropriate space)

- ☐ Municipally owned and operated piped water system
☒ Well ☒ individual ☐ communal
☐ Lake
☐ Other

Type of sewage disposal - Existing ☒ Proposed ☐ (check appropriate space)

- ☐ Municipally owned and operated sanitary sewers
☒ Septic Tank (specify whether individual or communal): Individual
☐ Pit Privy
☐ Other (Specify):

7. Is there an agricultural operation, (either a barn, manure storage, abattoir, livestock area or stockyard) within 500 metres of the Subject lands (severed and retained parcels)? YES ☐ NO ☒
*If yes, see sketch requirements and the application must be accompanied by a MINIMUM DISTANCE SEPARATION FORM.

8. Is there a landfill within 500 metres [1640 feet]? YES ☒ NO ☐

9. a) Is there a sewage treatment plant or waste stabilization plant within 500 metres [1640']? YES ☐ NO ☒

10. Is there a Provincially Significant Wetland (e.g. swamp, bog) located on the lands to be retained or to be severed or within 120 metres [394 feet]? YES ☒ NO ☐

11. Is there any portion of the land to be severed or to be retained located within a floodplain? YES ☒ NO ☐

12. Is there a provincial park or are there Crown Lands within 500 metres [1640']? YES ☐ NO ☒

13. Is any portion of the land to be severed or retained within a rehabilitated mine/pit site? YES ☐ NO ☒

14. Is there an active or abandoned mine, quarry or gravel pit within 500 metres [1640']? YES ☐ NO ☒

15. Is there a noxious industrial use within 500 meters [1640']? YES ☐ NO ☒

16. Is there an active or abandoned principal or secondary railway within 500 metres [1640']? YES ☐ NO ☒

Name of Rail Line Company: _____

17. Is there an airport or aircraft landing strip nearby? YES [] NO [X]

18. Is there a propane retail outlet, propane filling tank, cardlock/keylock or private propane outlet/container refill centre within 750 metres of the proposed subject lands? YES [] NO [X]

19. PREVIOUS USE INFORMATION:

a) Has there been an industrial use(s) on the site? YES [] NO [X] UNKNOWN []

If YES, what was the nature and type of industrial use(s)?

b) Has there been a commercial use(s) on the site? YES [] NO [X] UNKNOWN []

If YES, what was the nature and type of the commercial use(s)?

c) Has fill been brought to and used on the site (other than fill to accommodate septic systems or residential landscaping)? YES [] NO [X] UNKNOWN []

d) Has there been commercial petroleum or other fuel storage on the site, underground fuel storage, or has the site been used for a gas station at any time, or railway siding? YES [] NO [X] UNKNOWN []

If YES, specify the use and type of fuel(s)

20. Is this a **resubmission** of a previous application? YES [] NO [X]

If YES, is it identical [] or changed [] Provide previous File Number

21. a) Has any severance activity occurred on the land from the holding which existed as of March 1, 2005 and as registered in the Land Registry/Land Titles Office? YES [] NO [X]

b) If the answer in (a) is YES, please indicate the previous severance(s) on the required sketch and provide:
Transferee's Name, Date of the Transfer and Use of Parcel Transferred.

22. Has the parcel intended to be severed ever been, or is it now, the subject of an application for a plan of subdivision or other Consent or approval under the Planning Act or its predecessors?

YES [] NO [X] UNKNOWN []

23. Under a separate application, is the Owner, applicant, or agent applying for additional consents on this holding simultaneously with this application? YES [] NO [X]

24. Provide explanation of how the application is consistent with the Provincial Policy Statement.

This application is consistent with the PPS as per Section 2.3.3.3 where it states that new land uses, including the creation of lots shall comply with the minimum distance separation formula.

25. In addition to Places to Grow (Provincial Growth Plan), is the subject land within an area of land designated under the Greenbelt Plan? Provide explanation of how the application conforms or does not conflict with the Provincial plan or plans.

There are Natural Heritage System features located at the very rear of the property but the severance out of this area and will not be an issue.

26. a) Indicate the existing **County Official Plan** designation(s) of the subject land, and provide explanation of how the application conforms with the Official Plan (severed and retained).

The subject property is designated as Secondary Agricultural in the Official Plan. Section 10.4.4 of the Official Plan that states that lot creation for residential uses is permitted in lands designated as Secondary Agricultural provided the criteria is met.

b) Indicate the existing **Local Official Plan** (if any) designation(s) of the subject land, and provide explanation of how the application conforms with the Official Plan (severed and retained).

N/A

c) If this consent relates directly to an Official Plan Amendment(s) currently under review by an approval authority, please indicate the Amendment Number and the applicable file number(s).

Amendment Number(s): _____ File Number(s): _____

27. Is the subject land a proposed surplus farm dwelling?* YES [] NO [X]

*If yes, an application to sever a surplus farm dwelling must be accompanied by a FARM INFORMATION FORM.

28. What is the zoning of the subject lands? Agricultural

29. Does the proposal for the subject lands conform to the existing zoning? YES [X] NO []

- If NO,
- a) has an application been made for re-zoning?
YES [] NO [] File Number _____
- b) has an application been made for a minor variance?
YES [] NO [] File Number _____

30. Are the lands subject to any mortgages, easements, right-of-ways or other charges? YES [X] NO []

If the answer is YES, please provide a copy of the relevant instrument.
For mortgages just provide complete name and address of Mortgagee.

- **Mortgage as in Instrument No. WC277855 with the Bank of Nova Scotia located at 10 Wright Blvd., Stratford, ON, N5A 7X9**

Questions 31 – 34 must be answered for Applications for severance in the Rural/Agricultural Area -- Otherwise, if this is not applicable to your application, please state “not Applicable”

31. Type of Farm Operation conducted on these subject lands: None

Type: Dairy [] Beef Cattle [] Swine [] Poultry [] Other []

32. Dimensions of Barn(s)/Outbuildings/Sheds (that are to remain) Severed & Retained Lands

<u>Retained</u>	Width	<u>4±m</u>	Length	<u>6±m</u>	Area	<u>24±m²</u>	Use	<u>Shed</u>
	Width	<u>6±m</u>	Length	<u>8±m</u>	Area	<u>48±m²</u>	Use	<u>Workshop</u>
<u>Severed</u>	Width		Length		Area		Use	
	Width		Length		Area		Use	

33. **Manure Storage Facilities** on these lands: **None**

DRY	SEMI-SOLID	LIQUID
Open Pile []	Open Pile []	Covered Tank []
Covered Pile []	Storage with Buck Walls []	Aboveground Uncovered Tank []
		Belowground Uncovered Tank []
		Open Earth-sided Pit []

34. Are there any drainage systems on the retained and severed lands? YES [] NO [X]

Type	Drain Name & Area	Outlet Location
Municipal Drain []		Owner's Lands []
Field Drain []		Neighbours Lands []
		River/Stream []

35. **Source Water Protection Plan**

Is the subject land within a Wellhead Protection Area, Issue Contributing Area, or Intake Protection Zone of a Source Protection Plan in effect? YES [X] NO []

If YES, please complete the Source Water Protection Form and submit with your application.

36. Have you had a pre-consultation meeting with County Planning Staff before filling out this application form?

YES [] NO [X]

If yes, please indicate the person you have met/spoken to:

37. If you wish to provide some further information that may assist the Planning and Land Division Committee in evaluating your application, please provide by a letter and attach it to this application.

Please see covering letter.

NOTES:

1. **One original completed application and two original sketches must be filed with the County of Wellington Planning and Land Division office.** If original sketch is larger than 11" x 17", 8 additional copies are required plus one sketch reduced to a size of 11" x 17" (or smaller) for office photocopying and circulation to neighbours. Facsimile documents are not acceptable for reasons of the necessity of good photocopying.
2. The location of the lands (severed & retained) which are the subject of the application must also be shown on the Surveyor's sketch or on an attached "Key Map" and included with the application.
3. Since the filing fee for applications for consent change from time to time, please contact the Planning and Land Division office for current fee information. This fee may be paid in cash or by cheque payable to the County of Wellington.
4. Additional information about the process, about any particular application or obtaining application forms may be obtained by attending at the County of Wellington Administration Centre, 74 Woolwich Street, Guelph Ontario N1H 3T9, by telephone at 519-837-2600, ext. 2160 or 2170; or by facsimile (fax) at 519-837-3875.

OWNER'S AUTHORIZATION:

The Owner must complete the following to authorize applicant, agent or solicitor to act on their behalf.

NOTE: If more than one owner is listed in item #2 of this application, then all owners must sign this authorization section of the application form or by a letter of authorization duly signed.

If the Owner is a corporation, the authorization must be by an officer of the corporation who has authority to bind the corporation.

I, (we), Barbara Ruth FORESTELL & Thomas Harry FORESTELL the Registered Owners of
Part of Lot 18, Concession 4, as in INST No. ROS402423 Of the Township of Puslinch in the
County/-Region of Wellington severally and jointly, solemnly declare that
Jeffrey E. Buisman, OLS, of Van Harten Surveying Inc.

Is authorized to submit an application for consent on my (our) behalf

Signature(s) of Registered Owner(s) or Corporation's Officer

APPLICANT'S DECLARATION

This must be completed by the Applicant for the proposed consent

I, (we) Jeffrey E. Buisman, OLS, of Van Harten Surveying Inc. of the
City of Guelph In the County/-Region of
Wellington Solemnly declare that all
the statements contained in this application for consent for (property description) _____

Part of Lot 18, Concession 4, as in INST No. ROS402423 Of the Township of Puslinch

And all the supporting documents are true, and I, (we), make this solemn declaration conscientiously believing it to be true and complete, and knowing that it is of the same force and effect as if made under oath, and virtue of the CANADA EVIDENCE ACT.

DECLARED before me at the

City Of _____

Guelph In the _____

County/-Region of Wellington

This 30 day of Sept 20 20

Commissioner of Oaths

(Owner or Applicant)

(Owner or Applicant)

James Michael Laws,
a Commissioner, etc.,
Province of Ontario,
for Van Harten Surveying Inc. Name
Expires May 11, 2021.

APPLICANT'S CONSENT (FREEDOM OF INFORMATION):

In accordance with the provisions of the Planning Act, it is the policy of the County Planning and Development Department to provide public access to all development applications and supporting documentation. In submitting this development application and supporting documentation, I, Jeff Buisman of Van Harten Surveying Inc., the applicant, hereby acknowledge the above-noted and provide my consent in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act that the information on this application and any supporting documentation provided by myself, my agents, solicitors, and consultants will be part of the public record and will also be available to the general public.

Signature of Owner(s)



Date

Sept 30, 2020

THIS APPLICATION PACKAGE IS TO BE SUBMITTED TO:

Secretary-Treasurer
Planning and Development Department
County of Wellington
74 Woolwich Street
Guelph, Ontario
N1H 3T9

Phone (519) 837-2600 Ext. 2160

Jana Poechman

From: Source Water <sourcewater@centrewellington.ca>
Sent: Monday, October 5, 2020 2:22 PM
To: Jana Poechman
Cc: Source Water
Subject: RE: B74-20 - Screening Form
Attachments: WHPA_Map_Forestell_6951.pdf

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you know the contents to be safe.

Hi Jana,

Thank you for providing the above referenced application for review. Since this property is located in a vulnerable area (wellhead protection area, issues contributing area, intake protection zone etc.), but the activity(ies), as indicated, would not create a significant drinking water threat, the application can be screened out and it does not require a Section 59 notice under the *Clean Water Act*.

I have attached a map showing the property and Wellhead Protection Areas for your reference.

If you have any further questions regarding this application, or in the event of any technical problem with the email or attachments, please contact me.

Emily Vandermeulen | Risk Management Inspector / Source Protection Coordinator

Wellington Source Water Protection | 7444 Wellington Road 21, Elora, ON, N0B 1S0
519.846.9691 x365 | evandermeulen@centrewellington.ca | www.wellingtonwater.ca
Toll free: 1.844.383.9800

I have attached a map showing the property and Wellhead Protection Areas for your reference.

From: Jana Poechman [<mailto:janap@wellington.ca>]
Sent: October 2, 2020 9:50 AM
To: Emily Vandermeulen <EVandermeulen@centrewellington.ca>; Kyle Davis <KDavis@centrewellington.ca>
Cc: Source Water <sourcewater@centrewellington.ca>
Subject: B74-20 - Screening Form

Good Morning.

Please see the attached screening form for your review. We plan to circulate October 8th if possible.

Thanks.
Jana

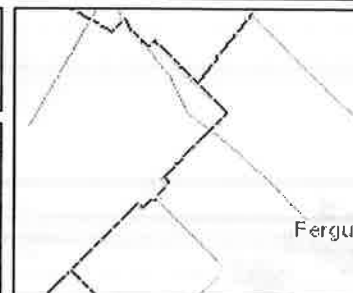
Jana Poechman
Planning Administrative Clerk
Planning and Development Department
County of Wellington
74 Woolwich Street
Guelph ON N1H 3T9
T 519.837.2600 x 2170
E janap@wellington.ca

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Explore
Wellington

695 Forestell Road, Puslinch



Legend

Parcels

Roads

- Local Road
- County Road
- Highway

Waterbodies

Watercourses



Ontario - Municipalities



Well Locations

Wellhead Protection Area Boundaries

- A
- B
- C
- D

Vulnerability Score

- 10
- 8
- 2, 4, 6 (A, B or C)
- 2, 4, 6 (D)

RoadsLookup

0.4 0 0.20 0.4 Kilometers

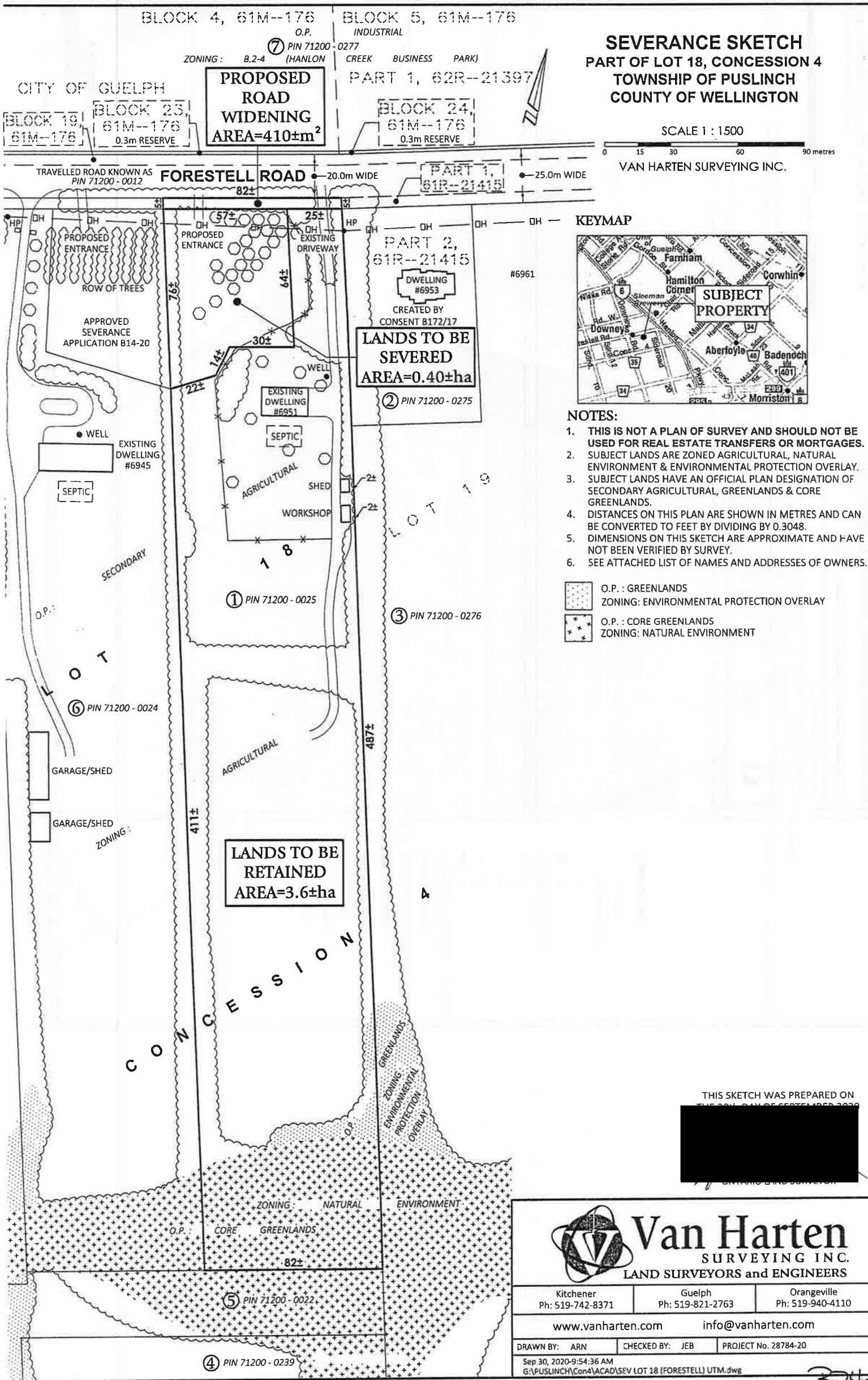
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Produced using information under License with the Grand River Conservation Authority. Copyright © Grand River Conservation Authority, 2016.

THIS IS NOT SURVEY DATA. Parcels - Teranet 2002, Wellington County 2018

WGS_1984_Web_Mercator_Auxiliary_Sphere
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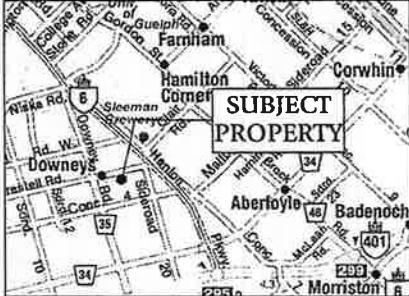
Notes



SEVERANCE SKETCH
PART OF LOT 18, CONCESSION 4
TOWNSHIP OF PUSLINCH
COUNTY OF WELLINGTON

SCALE 1 : 1500
0 15 30 60 90 metres
VAN HARTEN SURVEYING INC.

KEYMAP



NOTES:

1. THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
2. SUBJECT LANDS ARE ZONED AGRICULTURAL, NATURAL ENVIRONMENT & ENVIRONMENTAL PROTECTION OVERLAY.
3. SUBJECT LANDS HAVE AN OFFICIAL PLAN DESIGNATION OF SECONDARY AGRICULTURAL, GREENLANDS & CORE GREENLANDS.
4. DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
5. DIMENSIONS ON THIS SKETCH ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED BY SURVEY.
6. SEE ATTACHED LIST OF NAMES AND ADDRESSES OF OWNERS.

- O.P. : GREENLANDS
ZONING: ENVIRONMENTAL PROTECTION OVERLAY
- O.P. : CORE GREENLANDS
ZONING: NATURAL ENVIRONMENT

THIS SKETCH WAS PREPARED ON
THE 30th DAY OF SEPTEMBER 2020

[Redacted Signature]

Van Harten
SURVEYING INC.
LAND SURVEYORS and ENGINEERS

Kitchener Ph: 519-742-8371	Guelph Ph: 519-821-2763	Orangeville Ph: 519-940-4110
www.vanharten.com		info@vanharten.com
DRAWN BY: ARN	CHECKED BY: JEB	PROJECT No. 28784-20
Sep 30, 2020-9:54:36 AM G:\PUSLINCH\Con4\ACAD\SEV LOT 18 (FORESTELL) UTM.dwg		

Sep 30, 2020-9:54:36 AM
G:\P\SI\INCH\Con4\ACAD\SEV LOT 18 (FORESTELL) UTM.dwg

ONTARIO LAND SURVEYOR

September 30, 2020

28784-20

Jeff.Buisman@vanharten.com

County of Wellington Land Division Committee
74 Woolwich Street
Guelph, Ontario
N1H 3T9

Attention: Ms. Deborah Turchet

Dear Ms. Turchet:

Re: Severance Application & Sketch
6951 Forestell Road
Part of Lot 18, Concession 4
PIN 71200-0025
Township of Puslinch

RECEIVED

SEP 30 2020

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Please find enclosed an application for a severance on the above-mentioned property. Included with this submission are copies of the severance sketch, completed application form, PIN report and map, the required deeds, addresses of neighbouring properties, Source Water Protection Form, a cheque to the GRCA for \$420.00 and a cheque to Wellington County for \$4,430.00.

Proposal:

The proposal is to create a new rural residential parcel along Forestell Road with a frontage of 57±m and a depth of 76±m, for an area of 0.40±ha. A road widening has been presented along the entire frontage of the subject property as this requirement is expected from the City of Guelph. The road widening is 5m deep and 82m long with an area of 410±m². The retained parcel will have a frontage of 25±m, depth 487±m, for an area of 3.6±ha where the existing dwelling, shed and shop will remain.

The severed parcel consists of field grass and planted trees and the severance was configured to ensure that the minimum 25m lot frontage zoning requirement of the retained parcel could be met. The rear property line is angled to follow the natural features as well as increase the spatial separation to the existing dwelling on the retained parcel. The sight lines for the proposed driveway on the severed parcel were evaluated and safe sight lines are available as shown on the sketch.

There have been several similar severances on nearby parcels over the last 2 years including one to the immediate east and two to the immediate west – all of which were approved. The enclosed application is similar to these applications and this application will complement the other parcels.

572 Weber Street North, Unit 7
Waterloo ON N2L 5C6
519-742-8371

Elmira, ON:
519-669-5070

423 Woolwich Street
Guelph, ON N1H 3X3
519-821-2763

660 Riddell Road, Unit 1
Orangeville, ON L9W 5G5
519-940-4110

Collingwood, ON:
249-499-8359

www.vanharten.com



LAND SURVEYORS and ENGINEERS

The subject property is zoned Agricultural and the Reduced Lot Requirements listed in Table 11.3 of the Zoning By-law will be met for both the severed and retained parcels.

The parcel has a designation of Secondary Agricultural in the County of Wellington Official Plan which allows for a severance, provided that certain criteria (Section 10.4.4) are met. We reviewed this section and we provide the opinion that the relevant criteria are met including the following:

- The severed lands are designated Secondary Agricultural.
- Ownership is longer than 5 years.
- No severance since March 2005.
- Safe entrance is available.
- Adequate space for new dwelling and septic.
- No impacts on environmentally sensitive lands or woodlot.
- MDS requirements are met.
- Zoning requirements are met for the severed parcel.

In summary, this severance is a very practical and follows the relevant criteria for severances.

Please call me if you or the Planning Staff have any questions.

Very truly yours,
Van Harten Surveying Inc.



Jeffrey E. Buisman B.E.S, B.Sc.
Ontario Land Surveyor

cc Tom and Barbara Forestell

www.vanharten.com

R.P. Magahay, B.A. J.E. Buisman, B.E.S., B.Sc., O.L.S. R.M. Mak, B.Sc., O.L.S. J.M. Laws, B.Sc., O.L.S. J.M. Duffy, P.Eng