



## **REPORT PD-2015-014**

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### INFORMATION REPORT

FROM: Kelly Patzer, Development Coordinator

DATE: June 17, 2015

SUBJECT: Public Meeting - Rezoning Application File D14/DEM  
Adriaan & Brenda Demmers, Concession 5, Rear Part Lot 13, municipally  
known as 4855 Pioneer Trail

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### **BACKGROUND:**

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

This report is to advise Council and the Public of the application for a Zoning By-law Amendment located at 4855 Pioneer Trail. The proposed amendment seeks to rezone the property from Agricultural (A-2) Zone to a site specific Agricultural (A-\_) Zone to address the following three items:

- Remove the A-2 designation from the property which permits a kennel;
- Set a minimum rear yard setback of 45.7 metres for the proposed parcel to be severed
- Set a minimum frontage of 14.7 metres for the proposed parcel to be severed.

#### **2. Application**

The zoning amendment application has been submitted to satisfy conditions of County of Wellington consent file B18/13. The property currently has A-2 zoning which allows a dog kennel in addition to the permitted uses of the Agricultural Zone. When the property is severed, the retained parcel and the severed parcel will not meet the minimum lot size of 3 acres to permit a dog kennel. The rezoning will remove the kennel permission from both the retained and severed parcels.

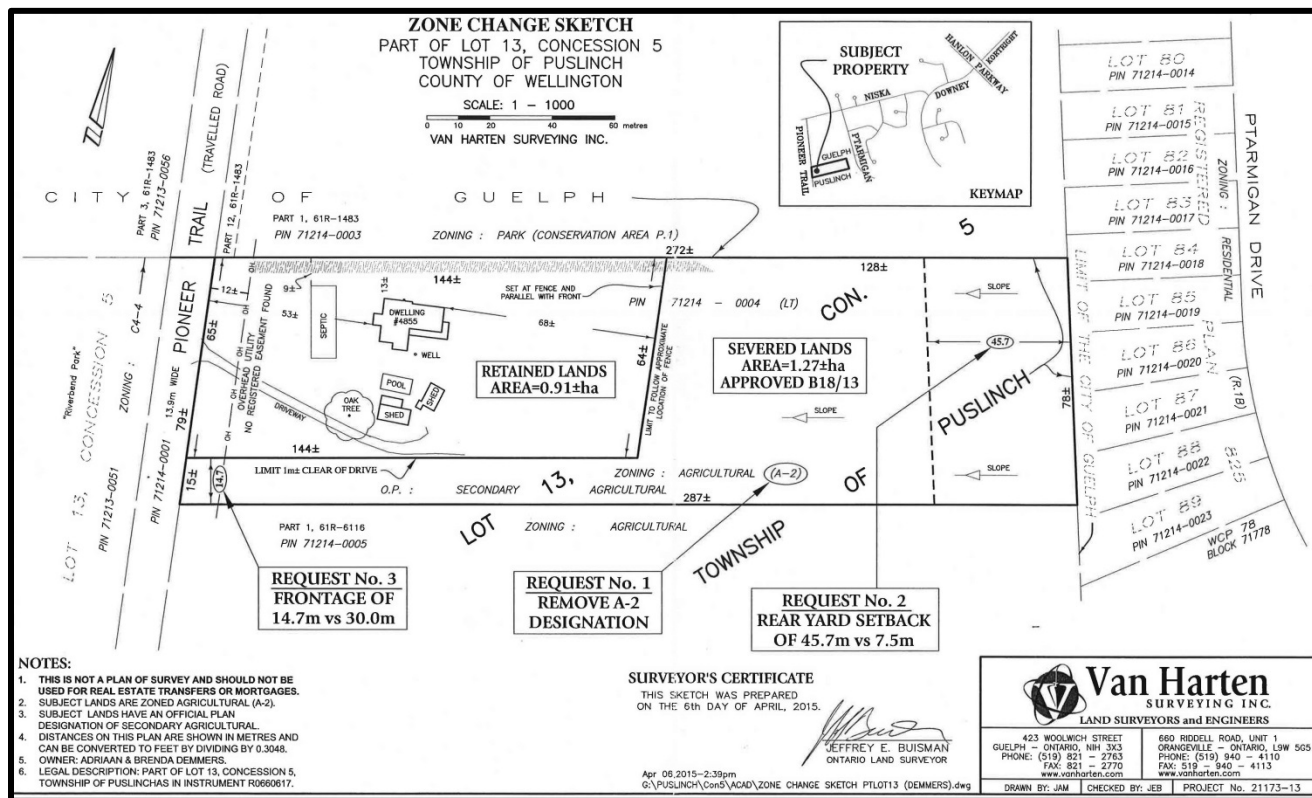
The severed parcel requires a 45.7 metre rear yard setback from the City of Guelph boundary, a City of Guelph requirement when new development is proposed that is adjacent to their municipal boundary.

The severed parcel also proposes a minimum frontage of 14.7 metres due to the flag shape configuration of the parcel. The Township of Puslinch Committee of Adjustment approved application for Minor Variance D13/DEM on August 12<sup>th</sup>, 2014 to a permit a

minimum lot width of 14.0 +/- metres whereas the by-law requires a 24.3 metre minimum lot width, a relief of 10.3 +/- metres subject to the following condition:

1. That the applicant enters into an agreement with the Township, registered on title, to have the A-2 Zoning provision for a kennel removed from the proposed severed and retained parcels.

The site specific rezoning will include the minimum 45.7 metre rear yard setback and the minimum 14.7 metre front yard width on the severed parcel as well as satisfy the condition of approval to remove the A-2 kennel permission from the severed and retained parcels. The proposed survey sketch is shown below:

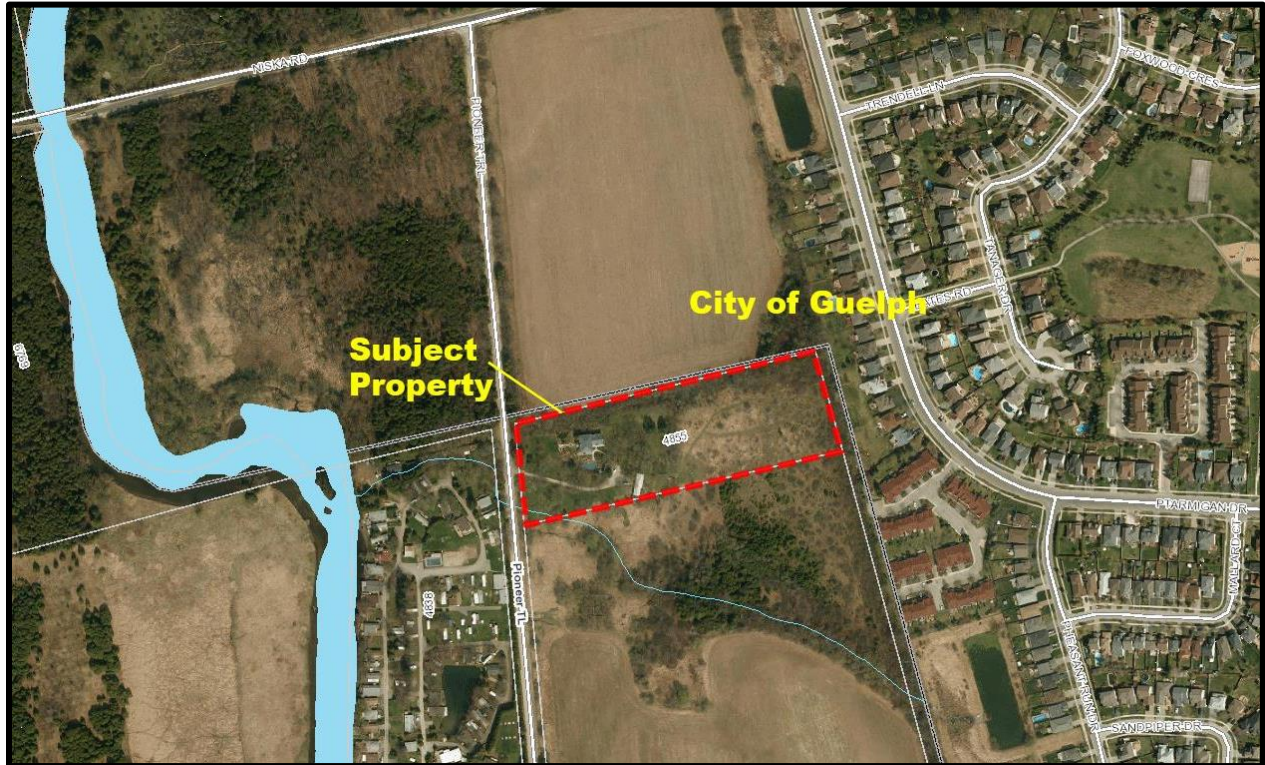


A Planning Justification letter (Attachment "A") has been submitted as part of the application package.

### 3. Location & Site Characteristics

The subject site, known municipally as 4855 Pioneer Trail, is located on the east side of Pioneer Trail, south of Niska Road and on the west side of the City of Guelph boundary. Riverbend Park is located to the west of the property across Pioneer Trail.

The existing parcel is approximately 2.18 ha (5.39 acres). When severed, the retained parcel will have an area of 0.91 ha (2.25 ac) and the severed parcel will have an area of 1.27 ha (3.14 ac).



## **APPLICATION CHRONOLOGY:**

### **1. Township of Puslinch Zoning Application**

The application was submitted April 9<sup>th</sup>, 2015 and deemed complete May 1, 2015.

### **2. Notice:**

May 2015: Notice sign posted on subject property

May 19, 2015: Notice of a Complete Application & Public Meeting was mailed to property owners within 120 metres of the subject property and all required agencies.

May 29, 2015: Notice of a Complete Application & Public Meeting was published in The Wellington Advertiser.

June 17, 2015: Public Meeting to be held at Township of Puslinch

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

The application was circulated for review to the Township's consultants and External Agencies for comments. The comments provided to date by the consultants and agencies have been "no comments or objections". The County of Wellington Planning report is attached as a separate document titled Attachment "B" – County of Wellington Planning Report.

The Township has not received any comments from the public in support of or against the application.

### **APPLICABLE LEGISLATION & REQUIREMENTS:**

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

The Official Plan designates the subject property as Secondary Agricultural. Single detached homes are a permitted use within this designation.

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

The subject lands are zoned Agricultural (A-2) Zone. Permitted uses under the A-2 Zone include a kennel and a single detached dwelling.

### **CONCLUSION:**

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

## Attachment "A" - Planning Justification Letter



April 2, 2015  
Jeff.Buisman@vanharten.com  
21173-13

Township Of Puslinch  
7404 Wellington Road 34  
R.R. #3  
Guelph, ON  
N1H 6H9

RECEIVED

APR 09 2015

Attention: Kelly Patzer

Township of Puslinch

Re: **Zone Change Application**  
**4855 Pioneer Trail**  
**Part of Lot 13, Concession 5, as in Instrument RO660617**  
**PIN 71214-0004**  
**Township of Puslinch**  
**County of Wellington**

Please find enclosed an application for a Zone Change on the above-mentioned property. Included with this submission are copies of the Zone Change Sketch, completed application form, and a cheque to the Township of Puslinch for \$2,000.

This Zone Change application is being submitted as part of the process to complete Severance Application B18/13 which was approved by the County of Wellington Land Division Committee. The severance proposal is to create a "Flag-shaped" lot with a 15±m wide strip from the road leading to a 78± m wide by 128± m deep area for a new rural residence. The severed parcel is approximately 1.27 ha in size. The spacing between the new lot and the existing house will provide significant separation between the future dwelling on the severed parcel and the existing house on the retained parcel.

This Zone Change application requests three things which are as follows:

1. Remove the A-2 designation that allows for a dog kennel. This should be removed for both the severed and retained parcels.
2. Set a minimum rear yard setback of 45.7m for the severed parcel as required by condition 11 of the approved severance

3. Set a minimum frontage of 14.7m for the severed parcel. This has already been accomplished through Minor Variance D13/DEM, but it would be "tidier" to include this requirement in the site specific zoning. Please note that although the parcel will be 15m along the front, the perpendicular width of the parcel will be less, which is why the frontage of 14.7m has been requested.

The narrow frontage of the "Flag-shaped" lot was created in order to preserve the integrity of the original estate. The original estate was built in 1851, has been well maintained since, and has a number of mature trees. This configuration was deemed the best way to minimize the impact on the estate.

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

JEB:lb

c.c. Mr. Adriaan Demmers  
c.c. County of Wellington Planning Department, Linda Redmond



# Attachment "B" - County of Wellington Planning Report



## PLANNING REPORT for the TOWNSHIP OF PUSLINCH

Prepared by the County of Wellington Planning and Development Department

**DATE:** June 3, 2015  
**TO:** Kelly Patzer, Development Coordinator  
Township of Puslinch  
**FROM:** Sarah Wilhelm, Senior Planner  
County of Wellington  
**SUBJECT:** **FIRST CIRCULATION D14/DEM (Demmers)**  
**Zoning By-law Amendment**  
**4855 Pioneer Trail (Part Lot 13, Concession 5), Puslinch**

### SUMMARY

This zoning by-law amendment application was deemed complete by the Township of Puslinch and a public meeting scheduled for June 17, 2015. The purpose of this report is to provide our preliminary comments concerning the application materials submitted by the applicant's agent (Jeff Buisman, VanHarten Surveying). There were no comments or concerns identified by the public or applicable review agencies at the time of writing this report. We have no concerns with the application at this time.

### INTRODUCTION

The land subject to the proposed zoning by-law amendment (Application D14/DEM) is bounded by Pioneer Trail to the west (see Figure 1) and by the City of Guelph to the north and east. The property is legally described as Part of Lot 13, Concession 5. This rectangular shaped property has 80 m of frontage on Pioneer Trail and is 2.18 ha in size.

This is a rural residential property with treed areas throughout. Surrounding land uses include agricultural land in Guelph to the north and residential land in Guelph to the east. To the south is an agricultural parcel with wooded areas and to the west is Riverbend Camp.

### BACKGROUND

This property has been the subject of an application to sever a 1.27 ha (3.1 ac) vacant flag-shaped rural residential lot with 14.7 m (48 ft) frontage (file B18/13). The retained lot includes a single detached dwelling and accessory buildings with an area of 0.91 ha (2.2 ac) and 65 m (213 ft) frontage. This rezoning would satisfy a condition of severance B18/13, which was provisionally approved by the County Land Division Committee. Conditions must be fulfilled by November 20, 2015.

### PROPOSAL

The purpose of the proposed zoning by-law amendment is three-fold:

1. To remove the current A-2 Zone which allows for a kennel on the entire property
2. To introduce a site specific provision on the severed lands to increase the minimum rear yard setback from 7.5 m (25 ft) to 45.7 m (150 ft).
3. To introduce a site specific provision on the severed lands to reduce the minimum required frontage for the severed lot from 24.3 m (80 ft) to 14.7 m (48 ft).

4855

4838

Pioneer Trl

Pioneer Trl

San Dr

Bates Rd

Pioneer Rd

SUBJECT PROPERTY





In support of the rezoning application, the proponent has filed the following information:

- Zone Change Sketch
- Explanation Letter by VanHarten Surveying

If approved, the severed lands would be used for rural residential purposes.

#### **PROVINCIAL PLANNING POLICY**

The Provincial Growth Plan (Places to Grow) provides for limited development within rural areas under Section 2.2.9. The Provincial Policy Statement (2014) provides for limited residential development in rural areas of municipalities.

#### **COUNTY OFFICIAL PLAN**

According to Schedule A7 (Puslinch) of the Official Plan, the property is designated SECONDARY AGRICULTURAL. Single detached homes are a permitted use within this designation.

#### **PUBLIC AND AGENCY COMMENTS**

At the time of writing this report we haven't heard from neighbouring property owners and Grand River Conservation Authority comments are not yet available. The Township advised us of "no comments" from the following:

- Township Heritage Committee, Building Services
- City of Guelph
- Harden Environmental Services Ltd., GM BluePlan Engineering
- County Emergency Management

#### **TOWNSHIP ZONING BY-LAW**

According to Schedule 'A' of Zoning By-law 19/85, the subject property is zoned Agricultural Exception (A-2) which allows for a kennel in addition to the other uses permitted in the Agricultural Zone. This rezoning request would amend the zoning as follows:

- From Agricultural Exception (A-2) to Agricultural (A) on the retained rural residential lot to remove the allowance for a kennel.
- From Agricultural Exception (A-2) to a new Agricultural Exception (A-\_\_) on the severed rural residential lot to remove the allowance for a kennel, increase the minimum rear yard setback to 45.7 m and to reduce the minimum frontage to 14.7 m.

#### **Kennel Zoning Removal**

Part V of the Township's Dog Licence By-law requires a minimum lot area of 3 acres for a kennel. As the retained parcel is below the minimum area a kennel could not be operated on the property.

Part V of the By-law also requires a minimum separation of 300 feet between a kennel and any residence or habitation on other property. Although the severed parcel is just over 3 acres in size, it would be difficult, if not impossible to site a kennel due to the proximity of higher density residential uses in the City of Guelph and the dwelling on the retained lands.

We have no concerns with the removal of the Kennel Zoning (A-2) from the severed and retained lands.

**Increased Rear Yard Setback**

This increased rear yard setback of 45.7 m (150 ft) was applied as a condition of the severance approval to address historical concerns of the City of Guelph when development is proposed adjacent to their borders. This approach was accepted by the Ontario Municipal Board at the time of the creation of another lot adjacent to the City and an OMB settlement agreement related to another appeal (both on Maltby Road). This aspect of the rezoning would satisfy a condition of the severance application and we would have no related concerns.

**Reduced Frontage**

The minimum lot frontage under the reduced lot regulations for the Agricultural (A) Zone is 24.3 m (80 ft), whereas 14.7 m (48 ft) is being provided. This aspect of the rezoning would satisfy a condition of the severance application and we would have no related concerns.

**MATTERS TO BE ADDRESSED BY THE APPLICANT**

We have not identified any additional matters to be addressed by the applicant at this time.

**NEXT STEPS**

The public meeting for this application is scheduled for June 17, 2015. Materials associated with the application should be available to the public at the Township's office prior to the public meeting date. Following the public meeting, Township Council may further consider the applicant's response to any matters raised by the public and any technical comments and concerns raised by review agencies and the Township's peer review consultants. We will be in attendance at the public meeting to hear public comments and the applicant's presentation.

Our planning recommendations will be provided following the public meeting and resolution of outstanding issues.

Respectfully submitted  
County of Wellington Planning and Development Department



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Sarah Wilhelm, BES, MCIP, RPP  
Senior Planner