# REPORT SUMMARY

**OWNER, APPLICANT or AGENT SHOULD ATTEND THE CONSIDERATION OF THIS APPLICATION**

**Date of Consideration:** **May 14, 2015** **TIME: 9:15 A.M.**

**File Number:** **B138/14**

**Applicant:** **Estate of Bryan Speers**

**Subject Lands:** TOWNSHIP OF PUSLINCH – Part Lot 7, Concession 4

**Proposal is a request for consent to convey** fee simple for a proposed severance 31m fr x 132m = 0.4 hectares (0.99 acres) in the TOWNSHIP OF PUSLINCH – Part Lot 7, Concession 4, existing and proposed rural residential use with existing storage shed; retained lands are 0.4 hectares (0.99 acres)

**ISSUES:** Prime Agricultural – does not conform to County Official Plan
Previously deferred by agent to a future meeting to allow for consideration by full Committee

## SUMMARY of FILED REPORTS and COMMENTS:

**Township of Puslinch** - in support of application; conditions to apply ***updated comment – February 10/15*** **– condition #8 regarding existing shed Note the applicant will be responsible for all costs incurred by the Township related to the minor variance and the agreement preparation and registration.**

**County Planning** - notice cards were posted; Residential lot creation is not permitted within the Prime Agricultural area – application not consistent with Provincial Policy Statement and would not conform to the County Official Plan; see Planner's report – Justification Table - in answer to the attached cover letter from Jeff Buisman (agent for applicant); if approved – shed on severed to be demolished and safe driveway access to the satisfaction of Township.

**Conservation Authority (GRCA) –** no objection to severance

**City of Guelph –** no comments received at time of circulation

**Other –** Jeff Buisman, agent - requested application come back to committee

## ***PROPOSED CONDITIONS of APPROVAL***

**1) THAT** the Owner's solicitor, in preparation for the issuance of the Certificate of Consent, provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee a printed copy of the "completed electronic transfer document in preparation".
**2) THAT** the Solicitor for the Owner give an undertaking in writing to provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee within 30 days of the date of registration in the Land Registry/Land Titles Office for Wellington (No. 61) a copy of the receipted and registered electronic transfer document including the Form 2 Certificate for Consent B138/14.
**3) THAT** the Owner, as provided for under Section 69 of the Planning Act, R.S.O. 1990, shall pay to the Treasurer of the County of Wellington the administrative fee which is in effect at the time of the payment of the fee for the review and issuance of the Certificate of Consent for the severed parcel.
**4) THAT** the transfer for registration with respect to description complies with Ontario Regulation 43-96; and if that description contains a reference to a Reference Plan(s), the Owner's solicitor **shall provide a full print of that deposited reference plan(s)** to the secretary-treasurer of the Planning and Land Division Committee.
**5) THAT** the Owner receive approval from the applicable road authority in a manner deemed acceptable to that road authority for an entrance to the retained parcel; and further that the applicable authority file a letter of clearance of this condition with the Secretary-Treasurer of the Planning and Land Division Committee as written proof of fulfillment of this condition.
**6) THAT** the Owner satisfy all the requirements of the Township of Puslinch, financial and otherwise (included but not limited to Taxes paid in full) which the Township of Puslinch may deem to be necessary at the time of issuance of the Certificate of Consent for the proper 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.
**7) THAT** the Owner satisfy the requirements of the Local Municipality in reference to parkland dedication as provided for in the Planning Act, R.S.O. 1990; and that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
**8) THAT** the existing shed located on the lands to be severed shall be demolished prior to final consent approval, or the owner shall obtain a minor variance and enter into an agreement with the Township of Puslinch, registered on title, regarding the terms to the security deposit and the issuance of an occupancy permit for a residential dwelling on the severed lands and/or the demolition of the accessory building, prior to final consent approval; and further that the Township of Puslinch file a letter of clearance of this condition with the Secretary-Treasurer of the Planning and Land Division Committee as written proof of fulfilment of this condition.

*****Conditions may be deleted, added to, or changed at meeting*****

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

April 30, 2015

**NOTICE OF CONSIDERATION IN PUBLIC FORUM**

**Pursuant to SECTION 53 of the ONTARIO PLANNING ACT and applicable Regulations**

**with respect to Application for consent,**

**File B138/14**

**APPLICANT**

Estate of Bryan Speers
c/o Brett & Corey Speers
38 Arthur St. N
Guelph ON N1E 4T8

**LOCATION OF SUBJECT LANDS:**

TOWNSHIP OF PUSLINCH
Part Lot 7
Concession 4

Proposal is to sever a lot 31m fr x 132m = 0.4 hectares, existing and proposed rural residential use with existing storage shed.

Retained parcel is 31m fr x 132m = 0.4 hectares, existing and proposed rural residential use with existing dwelling.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, May 14, 2015**

**AT 9:15 A.M.** for the purpose of considering this matter.

**CONSIDERATION WILL BE HELD IN THE:** 3A (Keith Room)
County of Wellington Administration Centre
74 Woolwich Street
Guelph, Ontario N1H 3T9

**NOTICE** is being sent to you for your information. **THE OWNER, APPLICANT OR AUTHORIZED AGENT, OR AUTHORIZED SOLICITOR SHOULD ATTEND THIS CONSIDERATION**. Any person may be represented by counsel who has been duly authorized for that purpose.

**Even if the owner/applicant does not attend, the Committee will consider the application as scheduled, and the applicant, except as otherwise provided in the Planning Act, will not be entitled to any further notice in the Proceedings.**

**Please also be advised** that if a person or public body that filed 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 Ontario Municipal Board may dismiss the appeal.

A Copy of the **DECISION** of the Committee will be sent **to the applicant, and to each person or agency who filed with the Secretary-Treasurer a written request for Notice of Decision.**

**Additional 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

To view comments for this application on our website www.wellington.ca follow these steps:

- ⇨ **Government**
- ⇨ **Council and Standing Committees**
- ⇨ **Land Division Committee**
- ⇨ **choose month & year in drop down menus**
- ⇨ **Choose Land Division Committee in the drop down menu**
- ⇨ **open appropriate agenda**

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TO: **Agent – Jeff Buisman**

## Jana Poechman

**From:** Deborah Turchet
**Sent:** April 16, 2015 9:50 AM
**To:** Jeff Buisman
**Cc:** brett.speers@magna.com; Vincent J. Starratt; Jana Poechman
**Subject:** RE: Application B138/14 for Speers

Morning Jeff – I will schedule this one on the May 14 meeting

*Deborah Turchet*
**Secretary-Treasurer**
**Planning & Land Division**
**County of Wellington**

519 837 2600 x2160
519 837 3875 fax

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**From:** Jeff Buisman [mailto:Jeff.Buisman@vanharten.com]
**Sent:** Wednesday, April 15, 2015 3:08 PM
**To:** Deborah Turchet
**Cc:** brett.speers@magna.com; Vincent J. Starratt
**Subject:** Application B138/14 for Speers

Deb, we would like to bring this application back to the Committee for the next possible meeting.

Thanks.

**Jeff Buisman**, B.Sc., B.E.S., OLS, OLIP
*Ontario Land Surveyor*

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**County of Wellington Planning and Land Division Committee**
**Wellington County Administration Centre**
**74 Woolwich Street, Guelph, ON N1H 3T9**

## MINUTES

### ON APPLICATION B138/14

**APPLICANT**

Estate of Bryan Speers
c/o Brett & Corey Speers
38 Arthur St. N
Guelph ON N1E 4T8

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**COMMITTEE MEMBERS PRESENT:** **Andrew Lennox - Chairman**
**Councilors - Shawn Watters, Don McKay**

**ABSENT:** **George Bridge, Warden and Allan Alls**

**DATE:** **February 12, 2015**

**Appearing Before the Committee:** Brett & Corey Speers – owners; Jeff Buisman – agent
Sarah Wilhelm – P&D Staff

**Public Hearing Notes:** Land Division Committee considered aerial views and pictures of the site and written reports; J. Buisman – applicants are sons of Estate; designated Prime Agricultural; if located across road would have been fine in Secondary Agricultural boundary; all agree zero impact on subject area; land not used as a field; area is a cluster of homes (circulated map showing cluster) one more residential lot will not impact the surrounding area; 2007 – application to separate was granted (beside proposal); at the time Land Division Committee decided to approve – County comments were similar to existing comments regarding the Official Plan and Provincial Policy Statement; the County Plan removed infill process – at the time the Committee chose to look at what we have here – in an isolated area; slight different scenario but same as what is beside; slow down; nice community; share environment with another household; just fit the right size – taking advantage of same size; driveway to be shifted over; B. Speers – history – grew up here; owned 30 years; father passed away; had planned on severing but did not do it; have decided to take fathers residence and brother to build here; completes residential area; Sever – vision of this area; nice Country homes – infill; S. Watters- looking at bigger picture – adjacent lands have opportunity to do same thing? S. Wilhelm – there looks like room; S. Watters – potential – do we want this to happen in future? S. Wilhelm – could use argument that yes; J. Busiman – that would have taken out a field – this is not – would have told them not to come; D. McKay – had some concern that this could happen in a field – feel given that this would be a residence in this small pocket – would agree; whether sever or not – against policy but not an agricultural field; S. Wilhelm – Secondary Agriculture on one side of road – Prime Agriculture on other; removed infill in the O.P. policy – look County wide – concern is future and what would come from agent; compatible with farm area – not just taking land out of production; D. McKay – agree but - case by case decision; people living there and farming; there are those houses there; if it had been in the field – opposed; but there are residential and one more will not infringe upon agriculture; Township tax base; S. Watters – five houses there – potential of seven – would not support; A. Lennox – tend to agree with that as well – would not support; J. Buisman – can we defer? S. Watters – on what basis? J. Buisman – normally five Committee members instead of three

*Moved by Councilor Shawn Watters* *Seconded by Councilor Don McKay*

*THAT at the request of the applicant's agent, Jeff Buisman, application B138/14 be deferred to a future meeting to allow for consideration of this application with attendance of the full five members of the Land Division Committee.*

*Carried.*