



*The Corporation of the Township of Perry*

**MINUTES**

**PUBLIC MEETING**

Part of Lot 15, Concession 11,  
Including Part 3 on Plan 42R-2805, Township of Perry  
2294 Hwy 592 (Marshall)

Wednesday, October 4<sup>th</sup>, 2017  
7:02 p.m.

Council Chambers  
(1695 Emsdale Road, Emsdale, ON)

Any and all Minutes are to be considered Draft until approved by Council at a  
Regular Meeting of Council

**In Attendance:**

**Council Members:**

Mayor Norm Hofstetter  
Councillors: Jeff Marshall, Margaret Ann  
MacPhail and Les Rowley Absent: Jim  
Cushman

**Municipal Staff:**

Beth Morton, Clerk-Administrator  
Melinda Torrance, Deputy Clerk  
Dave Creasor, Manager of Public Works &  
Facilities

**Members of the Public:**

Adam Marshall

**Resolution No. 2017-384**

**Moved by: Les Rowley**

**Seconded by: Jeff Marshall**

***Be it resolved that*** the Council of the Township of Perry does hereby now  
adjourn from this Regular Meeting at 7:02 p.m. to commence a 'Public Meeting'  
for the purpose of hearing comments from members of the public with regard to  
a proposed Zoning By-law Amendment for lands legally described as Part of Lot  
15, Concession 11, including Part 3 on Plan 42R-2805, located at 2294 Hwy 592.

**Carried**

**Resolution No. 2017-385**

**Moved by: Margaret Ann MacPhail**

**Seconded by: Jeff Marshall**

***Be it resolved that*** the Council of the Township of Perry hereby accepts the report  
submitted by Beth Morton, Clerk-Administrator for a Zoning By-law Amendment  
for Part of Lot 15, Concession 11, located at 2294 Hwy 592 (Marshall)

**Carried**

Mayor Hofstetter as the Chair advised that this is a Public Meeting to hear public comments and answer questions regarding the proposed Zoning By-law Amendment for lands legally described as Part of Lot 15, Concession 11, including Part 3 on Plan 42R-2805 in the Township of Perry located at 2294 Hwy 592. The purpose of the application is rezone the Residential Type One (R1) Zone to the General Industrial Exception (M2-X) Zone to recognize the existing legal non-complying structures and uses and additional proposed uses on the lands; and recognize a reduction in yard requirements for existing legal non-complying structures situated on the lands. He outlined how the Public Meeting would be conducted. He stated that the Clerk would advise as to when, how and to whom notice of the public meeting was circulated and confirm proper notice was given.

He noted that the public will be afforded the opportunity to provide their comments or questions. He also advised that people providing comments or questions are asked to present them through him as the Chair.

He then noted that Council will have the opportunity to question the applicants, planning consultants or Clerk. He also advised that Council will consider the Zoning By-law Amendment at a future Regular Meeting of Council. He stated that all persons addressing Council must state their full name, full mailing address and postal code and must direct their comments through the Chair.

Mayor Hofstetter then requested that the Clerk advise as to how and to whom notice of the public meeting was circulated.

The Clerk advised that Notice of this Public Meeting was given by posting the application on the Township's website, [www.townshipofperry.ca](http://www.townshipofperry.ca) on September 11, 2017; forwarding it to all persons and public bodies as prescribed under the Ontario Planning Act Regulation, including owners within 600' feet of the applicant's property; and to those requested.

The property is legally described as Part of Lot 15, Concession 11, including Part 3 on Plan 42R-2805, in the Township of Perry. The purpose of the application is to rezone the lands from the R1 – Residential Type One zoning to the General Industrial – Exception One (M2-1) Zone to recognize the legal non-complying and proposed uses on the property and reduced setbacks for the existing structures on the lands.

The lands are designated "Mixed Use" by the Municipality's Official Plan and do not have any identified Natural Heritage Features. The lands are zoned "Residential Type One" (R1) by the Municipality's Zoning By-law 2014-21.

The lands are 0.60 hectares (1.5 acres) in size. Existing development on the property includes a single detached dwelling, two garages, wood processing shed, miscellaneous storage, along with heavy equipment float and trailer parking, and metal and wood storage. A detailed 'draft' site plan has been provided to Council for consideration. There is also a mobile home situated within the front yard, which is being removed and therefore is not on the site plan. The subject lands are located at 2294 Hwy 592.

The Provincial Policy Statement (PPS) is a document that provides policy direction on matters of provincial interest concerning land use planning. These policies set out to provide for appropriate development while also protecting resources of provincial interest, the quality of the environment and the public's health and safety. When making land use planning decisions, Planning Authorities must be consistent with the PPS in their decision making.

Section 1.1.3.1 outlines that Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

Land use must efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

The legal non-complying and proposed uses on the property efficiently use land and resources and no further infrastructure is required for this application.

The lands are located within the hamlet of Emsdale and located on Hwy 592. The development meets the requirements of the Provincial Policy Statement.

The Township of Perry Official Plan provides policy direction for growth within the Township. The intent of the Official Plan is to support innovative and sustainable development policies and practices to protect the natural environment. The lands are designated "Mixed Use" by the Township's Official Plan.

The Mixed-Use designation as shown on Schedule 'A' to the Official Plan applies to existing commercial uses abutting or in proximity to Highways 518, 592 and Emsdale Road.

The non-complying and proposed uses with the accessory single detached dwelling are in line with the Mixed Use permitted uses within the Official Plan.

The application is consistent with the Official Plan.

The Township of Perry Official Plan is implemented through the Township of Perry Zoning By-law 2014-21. The lands are zoned "Residential Type One" (R1) within the Zoning By-law.

The lands include a single detached dwelling, a mobile home, two garages, wood processing shed, miscellaneous storage, along with heavy equipment float and trailer parking, and metal and wood storage all outlined on a 'draft' Site Plan (except the trailer).

The applicant has applied to rezone the lands to the General Industrial Exception One (M2-1) Zone to recognize the legal non-complying and proposed uses on the lands to ensure that the lot is compliant with Zoning By-law 2014-21.

The applicant has confirmed that the mobile home will be removed from the property to bring the lot into compliance.

Once the Amendment is approved, the uses on the lands will be in compliance with the Zoning By-law, provided the mobile is removed. The Site Plan will also ensure that the uses on the property are situated as outlined on the plan, ensuring that the property will be maintained in an orderly fashion.

The purpose and intent of the Official Plan and Zoning By-law are to provide policy direction for growth within the Township and support innovative and sustainable development policies and practices to protect the natural environment while also ensuring healthy, sustainable quality of living is sustained for its residents.

Based on the information provided to Council in this report, it is my recommendation that Council support the application as submitted to the Township by Lori Meeks and Adam Marshall, on behalf of the estate of Madeline Marshall to rezone the lands from the R1 – Residential Type One zoning to the General Industrial – Exception One (M2-1) Zone to recognize the legal non-complying and proposed uses on the property and reduced setbacks for the existing structures on the lands. Mayor Hofstetter then declared this to be a public meeting to deal with the proposed Zoning By-law amendment.

Mayor Hofstetter asked the applicant and/or their representatives to provide their comments on the proposal. The applicant's agent Adam Marshall was in attendance, but had no further comments to provide.

Mayor Hofstetter then invited members of the public to speak on the proposed Zoning By-law Amendment. There were no members of the public present for the Public Meeting.

As of 4:30 p.m. today, the Municipality has received two letters. The first dated September 25, 2017 from Sandra Ezeard of 2301 Hwy 592 N, Emsdale, Ontario. Ms. Ezeard's letter is as follows: I am writing this letter in response to Public Meeting on October 4<sup>th</sup>, 2017 regarding rezoning By-law for 2294 Hwy 592 in Emsdale. I have seen the site plans and I think it looks great. Adam has been working hard trying to get his business growing and seems to have succeeded. It would not benefit anyone if he were to lose it when all it will take is some tweaking to the said property. I think his site plan is well thought out and professional looking. I am a definite yes in letting it pass. Good luck Adam. Sorry I could not be there in person, but medical reasons have kept me at home.

The second dated October 2nd, 2017 was provided by Valerie McEachern of the Ministry of Transportation (MTO) providing their comments. The letter read as follows:

This is in response to your September 19, 2017 Notice of a Proposed Zoning By-law Amendment to rezone a portion of the lands from Residential Type One (R1) to the General Industrial Exception (M2-X) Zone, to recognize existing non-complying structures and uses and additional proposed uses on the lands, and recognize a reduction in yard requirements for existing legal non-complying structures located on the lands.

The property in question currently has an existing residential entrance, as well as an existing commercial entrance. At this time the MTO would not object to the rezoning provided that the Township restricts the uses on site to the type of commercial activities currently operating on the property. Any intensification or change in use will require prior approval from the Ministry. In addition, the residential component can remain at this time, however future residential uses will not be permitted once/if this dwelling is removed.

Ministry policy permits only one entrance per property, and as this property is proposed to be entirely zoned General Industrial, the Ministry will require the residential entrance to be closed up and removed. The Highway right of way must be restored to original or better condition. An Encroachment permit is required for the entrance removal.

All access to the property shall be via the existing commercial entrance to the north. The commercial entrance shall be brought up to current standards. The uses for this entrance are restricted to the current commercial activities outlined on this rezoning application. For any additional uses or change in use of the property the owner shall secure a new Commercial Entrance Permit.

The subject property is located within the MTO's permit control area. Any future site alterations, buildings, fencing, gates, etc. will require approvals and permits from the Ministry. Additionally, the Ministry requests that the studies mentioned below, as well as a detailed site plan including the number of units and parking spaces, be prepared and submitted for review and approval prior to the issuance of MTO permits and the start of any construction or site alterations.

### Traffic Impact

Prior to the issuance of a Building and Land Use Permit any change in use will also require the submission of a traffic impact statement confirming that there will be no impact to traffic on Highway 592 and no improvements are required to the highway system to accommodate the changes. Traffic reports submitted in support of development must be prepared by a firm qualified by the Ministry to undertake such work and must be stamped and signed by a qualified engineer. A list of consultants qualified by the Ministry can be found at the following web site link: [www:raqsb.mto.gov.on.ca](http://www.raqsb.mto.gov.on.ca).

### Stormwater Management

Before any permits will be issued, a stormwater management report must be submitted for review and approval by the ministry confirming that there will be no impact to the highway drainage system. The stormwater management report should also consider full build out as well as any interim phases, and must be completed in accordance with Ministry guidelines, which can be obtained at the following website link:

<http://www.mto.gov.on.ca/english/engineering/drainage/stormwater/>

### Exterior Illumination and Signage

Details of any proposed exterior illumination and illuminated signs are required to be reviewed to ensure that there will be no light spillage or glare that could create a safety issue for motorists.

Any signs visible from the highway require permits from the Ministry and must adhere to certain criteria.

Further information respecting MTO permit requirements may be obtained by contacting Valerie McEachern, Corridor Management Officer at our Huntsville Area Office at (705) 789-0416 (toll-free 1-800-255-7814) or by email at [Valerie.McEachern@ontario.ca](mailto:Valerie.McEachern@ontario.ca).

Any further information or reports being submitted to the Ministry for review should also be submitted to Valerie McEachern at the Huntsville Area Office located at 207 Main Street West, Huntsville, ON P1H 1Z9.

Valerie McEachern, Corridor Management Officer

In response to MTO's letter, the Clerk advised Valerie McEachern that Perry's M2 zone does allow for an accessory single detached dwelling. She requested further information on what it would mean if anything were to happen to the residence in the future, would Mr. Marshall be permitted to rebuild his residence?

The Clerk also noted that Mr. Marshall would like to put a screened porch on his house in the future. She understood that a permit application and drawings would need to be submitted to MTO, but would any renovations to the home be restricted in the future?

Valerie McEachern at MTO responded and advised that their understanding is that this property will be zoned, for all intents and purposes, as a commercial zoning. Once it is zoned commercial, the home can stay as per Perry's by law, but any additions to the home or property will require permits and approvals from the MTO, and minimum offsets of 14 meters from the highway property limit, or 32 meters from the centre line (whichever is the greater) will apply. She advised that if Perry's by-law permits residential use component, and something does happen to the home, it would be permitted to be rebuilt under the conditions outlined above.

The Clerk then provided Valerie with the draft By-law which outlines the proposed uses that will be permitted on the lands if approved. She outlined that the majority of the uses already are in place on the property, however the Township is trying to tie down the uses so that it doesn't grow to be more and remove the second residence established without a building permit. The owners have confirmed that the second dwelling will be removed from the property and our By-law Enforcement Officer has been monitoring its progress.

As per the entrance, it is the Clerk's understanding that the commercial entrance needs to be brought up to standard and the residential entrance removed. In doing so, she questioned Valerie McEachern if Mr. Marshall would need to complete the Traffic Impact and Stormwater Management? Her understanding was that this is only required for future development on the lands (ie screened porch, additional buildings, parking, etc.), but she wanted to ensure that she clearly understood their letter should there be questions this evening.

Valerie advised that had the mobile home been a permitted use, permits would have been required from the MTO for the placement of the mobile home.

She also added that at this time MTO is not asking for the studies – but any future additions to the property or additional or change of use of the land will require a new Entrance Permit with a Traffic Brief at a minimum. An addition onto the house (ie deck or porch) will not trigger a Traffic Brief, but these additions will be considered commercial, and commercial policies will apply. Additional buildings will trigger a requirement for a Traffic Brief and Stormwater. An additional or different business being run from the property will trigger a need for the Traffic Brief.

Mr. Marshall had questions concerning the entrance restrictions noted by MTO. The Clerk provided Mr. Marshall with the letter from MTO and directed that he follow-up with MTO to ensure that he understood what was required. He noted that he will likely want to do a wrap-around driveway meaning that the site plan will need changed. The Clerk commented that the Township will require further setback information to finalize the By-law as well.

Mayor Hofstetter asked if there were any questions or comments from Council on the proposed Zoning By-Law Amendment. No further questions or comments from Council came forward at this time.

Mayor Hofstetter advised that those wishing to receive further notice of the Notice of Decision of the Zoning By-law must make a written request as per previous instructions. He advised that Council will be consider the By-law at a future Regular Meeting of Council and outlined that once Council makes a decision on the by-law, there is a 20-day appeal period from the date of decision of the by-law during which time any person may appeal the decision of Council to the Ontario Municipal Board.

Having received no further questions or comments from the Public or Council members, Mayor Hofstetter declared this public meeting to be concluded and presented the following resolution:

**Resolution No. 2017-386**

**Moved by: Les Rowley**

**Seconded by: Margaret Ann MacPhail**

***Be it resolved that*** the Council of the Township of Perry does hereby now adjourn from this Public Meeting at 7:22 p.m. in order to recommence the Regular Council Meeting of October 4<sup>th</sup>, 2017.

**Carried**

Dated this 18<sup>th</sup> day of October, 2017.

Original Signed by Norm Hofstetter  
Norm Hofstetter, *Mayor*

Original Signed by Beth Morton  
Beth Morton, *Clerk-Administrator*