



The Corporation of the Township of Perry

MINUTES
PUBLIC MEETING
Zoning By-law Amendment

Part of Lot 25, Concession 6
designated as Part 2 on Plan 42R-12257
accessed from Bay Lake Road (Core)
Wednesday, August 4th, 2021 – 7:15 p.m.
Council Chambers and Electronic Attendance
(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 Chambers:

Mayor Norm Hofstetter
Beth Morton, Clerk-Administrator

Electronic Attendance:

Councillors: Margaret Ann MacPhail,
Joe Lumley, Paul Sowrey and Jim Cushman
Staff: Mike Wilmon, Chief Building Official
Kim Seguin, Treasurer-Tax Collector
Dan Marshall, Fire Chief

Members of the Public:

Ken Core, George Turner, Jaime Brown,
Hailey Bender, Bill Reynolds, John Kirby,
Catherine Dallas Boudreau

Resolution No. 2021-287

Moved by: Joe Lumley

Seconded by: Margaret Ann MacPhail

Be it resolved that the Council of the Corporation of the Township of Perry does hereby now adjourn from this Regular Meeting at 7:15 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 25, Concession 6, Township of Perry, designated as Part 2 on Plan 42R-12257 (Core)

Carried

Resolution No. 2021-288

Moved by: Paul Sowrey

Seconded by: Joe Lumley

Be it resolved that the Council of the Corporation of the Township of Perry

receives the Planning Report prepared by Beth Morton, Clerk-Administrator for proposed Zoning By-law Amendment for lands legally described as Part of Lot 25, Concession 6, Township of Perry, designated as Part 2 on Plan 42R-12257 (Core)

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 25, Concession 6, Township of Perry, designated as Part 2 on Plan 42R-12257, which is accessed from Bay Lake Road via a right of way shown as Part 4 on Plan 42R-12257.

He outlined how the Public Meeting would be conducted. He stated that the Clerk/Administrator, Beth Morton, would advise as to when, how and to whom notice of the public meeting was circulated and outline the purpose of the proposed By-law.

He noted that the public meeting is not a public debate on the matter. The public will be afforded the opportunity to provide their comments or questions. He outlined that persons in favour of the application would go first. Those in opposition to the application would follow. 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 agents. He also advised that Council will consider the Zoning By-law Amendment at the September 1st, 2021, 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/Administrator, Beth Morton advise as to how and to whom notice of the public meeting was circulated.

The Clerk/Administrator, Beth Morton, advised that Notice of this Public Meeting was given by posting the application on the Township's website, www.townshipofperry.ca on June 28th, 2021; posted at the property; and forwarding it to all persons and public bodies as prescribed under the *Ontario Planning Act* Regulation, including owners within 120 metres of the applicant's property; and to those requested.

The Clerk/Administrator further explained the purpose of the proposed By-law. The proposed By-law is to rezone the lands from the Rural Residential (RR) Zone to the Rural Residential – Exception Eight (RR-8) Zone to allow for a 223 square metre accessory building to be placed on the lot as the principle building. In all other respects, the provisions of Zoning By-law 2014-21 shall apply.

A full report was presented to Council and staff are recommending approval of the application.

Mayor Hofstetter then declared this to be a public meeting to deal with the proposed Zoning By-law amendment.

The applicant, Ken Core, was in attendance. Mr. Core advised the reason for the rezoning is to permit a 24' x 36' accessory building (garage) on the lot for storage. He is moving full-time to the area in September and needs the storage space and would like to utilize the property he has owned for 23 years.

Members of the public were in attendance to comment on the proposed zoning by-law amendment. Comments are noted below:

George Turner (229 Churchill Gardens Road):

- Has had numerous discussions with Mr. Core, including the transfer of additional easement from his property at 229 Churchill Gardens Road;
- Not objecting completely to the application, have some general concerns to be addressed including size of building and access to said building;
- Storage of boats, ATV's, and gas operated vehicles is a concern as how are these items being brought into the property with only a 10' right of way. If there was a fire, fire services cannot access the lot safely;
- Size of the proposed building, 223 square feet, is equal to a large 2,500 square foot or 50'x50' building which is very large;
- Concerns from neighbours who abut 10' easement, Mr. Core should respect the neighbours;
- Will be seeking legal advice on the matter.

Hailey Bender (207 Churchill Gardens Road):

- No comment.

John Kirby, Lawyer Representing Bill Reynolds (218 Bay Lake Road):

- No apparent record on how the lot was created (non-complaint). The application is not minor in nature;
- Making an accessory building the principle building sets precedent for the whole area;
- Existing uses should be phased out, however this application is phasing in additional non-complying use contrary to Township's Official Plan;
- Doesn't feel the application meets the definitions within the Township's Official Plan and Zoning By-law;
- Section 3.2.1: only permitted in support of a principle building, in conjunction of a building permit. This application does not meet this section;
- In his opinion, the application should be accompanied by an Official Plan Amendment application.

The Clerk-Administrator acknowledged receipt of Mr. Reynolds comments.

Catherine Dallas Boudreau (247 Churchill Gardens Road):

- Concerns regarding the use of the lot and what is to be placed in the proposed building;

- The items in the proposed building are very flammable material. What is the risk of explosion and/or Fire Department access to the building;
- The investment of nearby homes is at risk with flammable material close by.

Mr. Core highlighted that the building will be a 195 square meter steel, engineer stamped building.

Mayor Hofstetter noted that it is common practice to store vehicles, boats, tractors, etc. in steel buildings. Could install ventilation but this is a huge investment to protect the building.

Jaime Brown (228 Bay Lake Road)

- Concerns regarding the size of the proposed building and the access to the property. The property cannot obtain a 9-1-1 number because of the easement. Concerned on how services would find the property;
- A large portion of the property has been cut to allow for building;
- Does not believe permitting a by-law change for one person is a good idea.

Ken Core provided further information on the application:

- There will be no hydro to the building which will help reduce risk of fire;
- Advised the area cut is enough area for the proposed building, approximately a 60' x 120' area;
- Has approached the Turner's to assign the right-of-way from Bay Lake Road so there would be no access from Churchill Gardens Road. This re-assignment does not affect the zoning by-law amendment application.

The following questions and comments were provided from Council.

Councillor Lumley requested clarification on the location of the permanent residence Mr. Core will be residing in once moving full-time to the area. Mr. Core confirmed they will be living at his cottage and storing items on the lot.

Councillor Sowrey requested clarification on the size of the lot. Mr. Core advised 1.96 acres.

Councillor MacPhail requested clarification on how close the proposed building would be the nearest lot line. Mr. Core advised 7 metres.

Councillor Cushman noted that the square footage of the proposed building has changed from 50' x 50' or 223 square metres to 195 square metres.

Mayor Hofstetter then asked the Clerk/Administrator, Beth Morton, what correspondence has been received with respect to the application.

As of 4:30 p.m. today, the Township received written comments from the following members of the public:

- George and Lori Turner (223 Churchill Gardens Road)
- Bill Reynolds (218 Bay Lake Road/1285 Sandy Lane, Sarnia ON)
- Jaime Brown and Chelsea Legault (228 Bay Lake Road)

- Ken Core – (220 Churchill Gardens Road) – applicant provided a petition in support of the Zoning By-law Amendment application.

Mayor Hofstetter advised that those wishing to receive the Notice of Decision with respect to the application must make a written request as per previous instructions. He advised that Council will be considering the by-law at the September 1st, 2021 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 Local Planning Appeal Tribunal.

Having received no further questions or comments, Mayor Hofstetter declared this public meeting to be conducted and presented the following resolution:

Resolution No. 2021-289

Moved by: Jim Cushman

Seconded by: Paul Sowrey

Be it resolved that the Council of the Corporation of the Township of Perry does hereby now adjourn from this Public Meeting at 7:54 p.m. in order to recommence the Regular Meeting of Council of August 4th, 2021.

Carried

Dated this 1st day of September, 2021.

Norm Hofstetter, Mayor

Beth Morton, Clerk-Administrator