



The Corporation of the Township of Perry

MINUTES
PUBLIC MEETING
Zoning By-law Amendment

Part of Lot 6, Plan 169, Township of Perry
Located at 222 Churchill Gardens Road (Aitkin)
Wednesday August 3rd, 2022 – 7:07 p.m.
Municipal Office 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:

Municipal Office:

Mayor Norm Hofstetter
Beth Morton, Clerk-Administrator
Kim Seguin, Treasurer-Tax Collector
Erica Cole, Deputy Clerk

Electronic Attendance:

Councillors: Margaret Ann MacPhail, Joe Lumley, and Jim Cushman

Staff: Mike Wilmon, Chief Building Official

Members of the Public:

Ron Morris, Nathan Zimmer, Haily Bender, Ken Core, Brodie Aitkin, Nick Borgdorff, Jeff Marshall, Jessica Boyes, Herb Schellhorn, Don Harper, Daniel Peace, Amy Lee Marshall, Dean Hellam, Gloria Clark

Absent:

Councillor Paul Sowrey

Resolution No. 2022-305

Moved by: Joe Lumley

Seconded by: Margaret Ann MacPhail

Be it resolved that the Council of the Corporation of the Township of Perry does now adjourn from this Regular Meeting at 7:07 p.m. to commence a 'Public Meeting' for the purpose of hearing comments from members of the public with regards to a proposed Zoning By-law Amendment for lands legally described as Part of Lot 6, Plan 169, Township of Perry, located at 222 Churchill Gardens Road (Aitkin)

Carried

Resolution No. 2022-306

Moved by: Margaret Ann MacPhail

Seconded by: Jim Cushman

Be it resolved that the Council of the Corporation of the Township of Perry receives the report prepared by Beth Morton, Clerk-Administrator, for lands legally described as Part of Lot 6, Plan 169, Township of Perry, located at 222 Churchill Gardens Road (Aitkin)

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 6, Plan 169, Township of Perry, located at 222 Churchill Gardens Road.

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 7th, 2022, 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 Norm 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 July 11th, 2022 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 that the application affects an existing non-complying lot approximately 0.50 hectares in area with 30 metres lot frontage, located at 222 Churchill Gardens Road. The applicant has proposed to amend the Zoning By-law to allow for the redevelopment of the shoreline vegetative buffer by permitting armour stone retaining walls up to 3.3 metres in height, together with ornamental perennial gardens with an average height up to 1 metre, and a beach area. The applicant has requested an exception to Section 3.29 to allow for 100% of the shoreline buffer to be interrupted to allow for the armour stone retaining walls, beach area, and ornamental perennial gardens; and an additional exception

to Section 3.2.4. Table 3.1 to allow for the armour stone retaining walls in excess of 1 metres to encroach into the required yard.

A full report was presented to Council and staff are recommending that the proposed Zoning By-law Amendment be refused on the basis that it does not conform with the Official Plan and it does not reflect appropriate planning for this area.

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

The applicant, Mr. Brodie Aitkin, and his agent, Nick Borgdorff were in attendance. Mr. Borgdorff highlighted that there are two key factors with the application. One is to protect the natural vegetation and erosion of the shoreline as listed under Section B.2.3.7. The other is to help preserve an old pine tree located on the shoreline area of the property by delaying the significant erosion of the shoreline. The planted gardens are to rehabilitate the shoreline to promote growth and sustainability. The applicant is seeking to follow the intent of the Township's Zoning By-law.

Members of the public in attendance made the following comments:

Ken Core, 220 Churchill Gardens Road

- In support of the proposed Zoning By-law Amendment as presented. The work will aid in resolving the erosion into the lake, as the property is quite sloped towards the water.

Council made the following comments regarding the proposed Zoning By-law Amendment. Council has concerns with the applicant making the application after the work has been completed. Regardless of the replanting of flowers, the natural vegetation has already been removed. The height of the retaining wall is also a concern. Would like to see the erosion of the shoreline slowed, but completed under the appropriate processes. The decision surrounding this application is precedent setting as it goes against the Township's Official Plan.

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

Clerk-Administrator Beth Morton advised the following comments have been received by the Township:

Haily Bender, 207 Churchill Gardens Road

- Believes it was irresponsible as a property owner in Perry Township to not familiarize themselves with the bylaws prior to completing a large construction project. Would like to be notified of the decision of the Township upon passing.

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 7th, 2022 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. 2022-307

Moved by: Jim Cushman

Seconded by: Joe Lumley

Be it resolved that the Council of the Corporation of the Township of Perry hereby now adjourn from this Public Meeting at 7:28 p.m. in order to recommence the Regular Meeting of Council of August 3rd, 2022.

Carried

Dated this 7th day of September, 2022.

"Originally Signed"
Norm Hofstetter, Mayor

"Originally Signed"
Beth Morton, Clerk-Administrator