



The Corporation of the Township of Perry

MINUTES
PUBLIC MEETING
Zoning By-law Amendment

Part of Lots 22 and 23, Concession 7, Township of Perry
Parts 43 to 45 on Plan 42R-10459
Located at 35 Silver Birch Lane (Froese)
Wednesday April 17th, 2024 – 7:01 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:

Council Chambers:

Norm Hofstetter, Mayor
Councillor: Margaret Ann MacPhail, Paul
Sowrey, Jim Cushman, and Joe Lumley
Beth Morton, Clerk-Administrator
Kim Seguin, Treasurer-Tax Collector
Erica Cole, Deputy Clerk

Electronic Attendance:

Randy McLaren, Working Roads Supervisor

Kim Harvey, Randall Smart, Chris Tribble,
Lauren Jeffrey, Brian Isard, Cameron Sellars,
Randy Burger, Sue Porter, Kartik Singla,
Glenn Iverson

Members of the Public:

Josephine Robbins

Declaration of Pecuniary Interest

Nil

Resolution No. 2024-108

Moved by: Paul Sowrey

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 7:01 p.m. to commence a 'Public Meeting' for a proposed Zoning By-law Amendment for lands legally described as Part of Lots 22 and 23, Concession 7, Township of Perry, designated as Parts 43 to 45 on Plan 42R-10459, located at 35 Silver Birch Lane (Froese)

Carried

Resolution No. 2024-109

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, lands legally described as Part of Lots 22 and 23, Concession 7, Township of Perry, designated as Parts 34 to 45 on Plan 42R-10459, located at 35 Silver Birch Lane.

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 Lots 22 and 23, Concession 7, Township of Perry, designated as Parts 43 to 45 on Plan 42R-10459, located at 35 Silver Birch Lane.

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 May 1st, 2024 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 March 26th, 2024; 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 purpose of the proposed By-law is to rezone the lands from the Limited Service Residential (LSR) Zone to the Limited Service Residential –Exception Ten (LSR-10) Zone to recognize the legal non-conforming uses and permit site specific provisions on the lands to provide for the redevelopment of the seasonal dwelling and permit the existing secondary seasonal dwelling unit to remain, in addition to the construction of one new detached garage, and one new boathouse structure on the lands. Specific exceptions within the proposed By-law to be included are outlined as follows:

Limited Service Residential (LSR) Exception Number	Permitted/Prohibited Uses	Zone Regulations
LSR-10	<p>Notwithstanding Section 3.2.4, Table 3.1 to the contrary, an uncovered deck (greater than 1.2 metres in height above finished grade) may encroach 3.66 metres into the required front yard from the secondary seasonal dwelling and 3.60 metres from the seasonal dwelling.</p> <p>Notwithstanding Section 3.2.5 v. to the contrary, the maximum width of all shoreline structures, including docks, decks and boathouses shall be 9.45 metres.</p> <p>Notwithstanding Section 3.2.5 vi. to the contrary, the maximum area of a dock and decks within 30 metres of the shoreline shall be 99.4 m²</p> <p>Notwithstanding Section 3.29, to the contrary, a vegetative buffer of 30 metres shall be maintained between all buildings and structures and the shoreline or watercourse. This buffer may be interrupted for a width of 51 per cent of the shoreline frontage of the lot to provide for a pathway to the water and the seasonal dwelling and the secondary seasonal dwelling.</p> <p>In all other respects the provisions of the By-law shall apply.</p>	<p>Minimum front yard - 5.92 metres to the existing deck of the secondary seasonal dwelling and 9.55 metres to the secondary seasonal dwelling; and 8.12 metres to seasonal dwelling deck and 11.67 metres to seasonal dwelling</p> <p>Maximum lot coverage - 11.6% within 60 metres of the shoreline</p> <p>Maximum gross floor area - 418 m²</p>

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's agent and planner, Lauren Jeffrey, was in attendance and highlighted a prepared powerpoint presentation regarding the details of the proposed Zoning By-law Amendment for her client's property at 35 Silver Birch Lane and advised she would be happy to answer any questions.

There were members of the public present who wished to make comment.

Chris Tribble, [REDACTED] Churchill Gardens Road

- Has concerns about the vegetation and any proposed vegetation being removed;
- Is concerned about the burdens already on the lake and how the new build will affect the lake;
- Had a question regarding the total lot coverage permitted within the Township and what the lot coverage will be at this property;
- Recommends improvements to the septic to ensure that the current septic and proposed septic meets all requirements.

The Clerk-Administrator advised that any requirements or improvements to the septic system will be handled under the Site Plan Agreement process following the Zoning By-law amendment process. The lot coverage permitted in Township of Perry is 10%, and this Zoning By-law Amendment is to permit 11.6% lot coverage.

Additionally, the Clerk-Administrator noted that the property has 2 seasonal dwellings, and the proposed re-build is to replace 1 of the 2 seasonal dwellings. Further, the proposed Boathouse is not subject to the proposed Zoning By-law Amendment, as proposed it meets the current Zoning By-laws of the Township. Any redevelopment along the shoreline will not disrupt the natural vegetation.

Randy Smart, [REDACTED] Homeland Drive

- Has concerns on the impacts of the water quality on Clear Lake;
- Very concerned on the development along the shoreline.
- Wants to ensure that the controls are in place to ensure that the proposed seasonal dwelling, septic, and boathouse are completed properly.

Brian Isard, [REDACTED] Mayflower Lane

- With the proposed Boathouse, aware that it could potentially cause more boat traffic into the middle of the lake; and the lake is getting busier each year;
- Has serious issues with the water quality of Clear Lake;
- With the length of the existing dock system, how much further into the lake will the new boathouse sit and will it disturb vegetation?

Mayor Hofstetter highlighted that the boathouse will sit approximately 8 feet more into the lake, for a total of 26 feet from shore. Additionally, Mayor Hofstetter advised with all members of the public that the Clear Lake Association does receive a water monitoring grant from the Township each year to help with prevention and observing the quality of the lake and shoreline erosion.

Cameron Sellers, a second planner for the property owner, wish to reiterate the following on the proposed Zoning By-law Amendment:

- Position of the new cottage, replacing the 1 seasonal dwelling that has now been demolished, is further back from the lake than the old one;
- No more tree clearing is required, the vegetation along the shoreline will not be disturbed;
- A brand new septic system will be installed to serve the new seasonal dwelling, with the current septic system only serving the smaller seasonal dwelling still on the property;
- The current septic system will be reviewed during the Site Plan process;
- Any alteration of the shoreline will also be reviewed during the Site Plan process, but there is no proposal to alter the shoreline.

No other members of the public present wished to comment.

There were no questions or comments from Council.

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

Clerk-Administrator Beth Morton advised that no written comments have been received, but there have been general questions answered regarding the proposed Zoning By-law Amendment.

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 instruction. He advised that Council will be considering the by-law at the May 1st, 2024 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. 2024-110

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 7:46 p.m. in order to recommence the

Regular Meeting of Council of Wednesday April 17th, 2024.

Carried

Dated this day 1st of May, 2024.

"Originally Signed"
Norm Hofstetter, *Mayor*

"Originally Signed"
Beth Morton, *Clerk-Administrator*