



The Corporation of the Township of Perry

MINUTES

PUBLIC MEETING

**Part of Lot 23, Concession 7, in the Township of Perry,
Parts 39 to 41, Plan 42R-10459
49A Silver Birch Lane (Boniface)
Wednesday, April 15th, 2015
7:02 p.m.**

Council Chambers, 1695 Emsdale Road, Emsdale, Ontario

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

IN ATTENDANCE

Mayor: Norm Hofstetter
Councillors: Jim Cushman; Margaret Ann MacPhail; Jeff Marshall & Les Rowley
Clerk/Administrator: Beth Morton
Members of the Public: See Visitors List for Regular Meeting, April 15th, 2015

Resolution No. 2015-161

Moved by: Jeff Marshall

Seconded by: Jim Cushman

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 located at 49A Silver Birch Lane, legally described as Lot 23, Concession 7, Parts 39 to 41, Plan 42R-10459, in the Township of Perry (Boniface).

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 at 49A Silver Birch Lane to allow for the construction of a deck on the front of the single detached dwelling. He noted that the Planning Act requires that a statutory Public Meeting be held to receive these comments and to allow for public input before Council decides whether or not to pass the By-law.

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 meeting is not a public debate on a 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 then have the opportunity to question the applicants, their consultants or planning consultants. He also advised that Council will consider the Zoning By-law at the May 6th 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 on March 19th, 2015; 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. Notice was also posted at the Municipal Office.

Mayor Hofstetter then declared this to be a public meeting to deal with the proposed Zoning By-law amendment. He requested that the Clerk, describe the proposal and provide a summary of the planning report that has been received by Council.

The Clerk advised that the purpose of the application submitted is to permit the construction of a deck at 49A Silver Birch Lane. The dwelling is situated approximately 9.3 metres from the shoreline. The proposed deck would reduce the setback from the shoreline to 5.5 m and add approximately 57 square metres of coverage to the required front yard.

She noted that the Township's Planner, Jim Dymont of MHBC Planning has submitted a full report on the application. He noted within the report that the purpose of the Township's Official Plan and Zoning By-law are to protect the shoreline environment and character. There are provisions within the Zoning By-law that enable expansion to existing buildings and new accessory buildings within defined limits which were established to limit both environmental and visual impacts. Development in the Shoreline areas is subject to Site Plan Control. Through that process, the Township can impose conditions and enter into agreements to ensure that the municipal planning objectives are met.

Based on a full review of the application, Mr. Dymont has recommended that approval of the application be conditional upon the following:

1. That Section 3.29 of the By-law shall not apply to permit any further development of the lands including expansion to the existing dwelling or any new accessory buildings;
2. That the applicant enter into a Site Plan Agreement with the Township to ensure on-going preservation of the existing vegetation on the waterfront; and
3. Approximately 9.0 sq. m of existing docking shall be removed from the front yard vegetative buffer area.

Mayor Hofstetter then invited the applicant and/or their representative to provide their comments on the proposal. The applicant nor a representative was in attendance.

Mayor Hofstetter then invited members of the public to speak on the proposed Zoning By-law Amendment. No one in the public spoke on the matter.

Mayor Hofstetter then asked the Clerk what letters have been received by Council with respect to the application.

The Clerk advised that as of 4:30 p.m. today, the Municipality has received the Municipality has received one letter dated March 30th, 2015 from Jan Forgett who is not in support of the application; and a response from MTO advising that they have no objections to the application.

Mayor Hofstetter asked if there were any questions or comments from Council on the proposed Zoning By-law Amendment. Council had no questions or comments.

Mayor Hofstetter advised that those wishing to receive further notice of the passing of the Zoning By-law must make a written request as per previous instruction. He advised that Council will consider the by-law at the May 6th Regular Council Meeting. He outlined that once Council makes a decision on the by-law, there is a 20-day appeal period from the date of notice of passage of the by-law during which time any person may appeal the decision of Council to the Ontario Municipal Board.

Having received questions and comments from the public and Council, Mayor Hofstetter declared this public meeting to be concluded and presented the following resolution:

Resolution No. 2015-162

Moved by: Margaret Ann MacPhail

Seconded by: Les Rowley

Be it resolved that Council of the Township of Perry does hereby now adjourn from this Public Meeting for lands located at located at 49A Silver Birch Lane, legally described as Lot 23, Concession 7, Parts 39 to 41, Plan 42R-10459, in the Township of Perry (Boniface) at 7:08 p.m. in order to reconvene the Regular Meeting of Council on Wednesday, April 15th, 2015.

Carried.

Dated this 6th day of May, 2015



Norm Hofstetter, *Mayor*



Beth Morton, *Clerk/Administrator*