

PUBLIC MEETING**MUNICIPALITY OF HURON EAST****Tuesday, January 22nd, 2019 – 7:40 P.M.**

Huron East Municipal Council met in the Council Chambers of the Municipal Office, Seaforth on Tuesday, January 22nd, 2019 at 7:40 p.m. All members of Council were in attendance.

Also present for the public meeting were:

- Huron County Planning and Development Department Senior Planner Denise Van Amersfoort
- Don Sholdice, applicant of the proposed rezoning application and related consent application B85/18 on Part Lot 415, Part Park Lot 1 and Part Park Lot H, Plan 192, Brussels Ward
- Keith Mulvey, Jill Sholdice, Judy Somers, Ross Somers, Gary Pipe, Lori Pipe, Julena Pipe, Jamie Mitchell, Ryan Baker, Jenna Fischer and Andrew Baker, neighbouring property owners

CALL TO ORDER

Mayor Bernie MacLellan called the meeting to order at 7:40 p.m.

CONFIRMATION OF THE AGENDA

Moved by Raymond Chartrand and seconded by Larry McGrath:
That the Agenda for the Public Meeting for Zoning Amendment 4 for 2019 be adopted as circulated. Carried.

Adopt Agenda

DISCLOSURE OF PECUNIARY INTEREST – None declared.

ZONING BY-LAW AMENDMENT 4-2019

CAO/Clerk Brad Knight advised the following provisions are contained in Ontario Regulation 545/06, Section 5(11) 5;

- i. If a person or public body would otherwise have an ability to appeal the decision of the Council of the Municipality of Huron East to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at the public meeting or make written submissions to the Municipality of Huron East before the by-law is passed, the person or public body is not entitled to appeal the decision.
- ii. If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Municipality of Huron East before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal to the Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Part Lot 415, Part Park Lot 1 and Part Park Lot H, Plan 192, Brussels Ward

CAO/Clerk Brad Knight explained the purpose and intent of the proposed zoning by-law amendment. The Zoning By-Law proposes to change the zoning from ‘Future Development’ (FD) to ‘Residential Low Density’ (R1) for the portion of the property which contains an existing residence and ‘Residential Low Density-Special Zone’ (R1-38) for the remainder of the property. The purpose of the special zone is to permit two horses accessory to a single detached residence. The CAO also noted the zoning by-law amendment and consent application B85/18 will be considered together as they deal with the same property and planning reports were received on both applications.

He advised that Huron County Senior Planner Denise Van Amersfoort had provided comments concerning the proposed rezoning in a report to Council dated January 18th, 2019.

Huron County Planning and Development Department

Senior Planner Denise Van Amersfoort attended before Council to present her report to Council on the proposed zoning by-law amendment application on Part Lot 415, Part Park Lot 1 and Part Park Lot H, Plan 192, Brussels Ward. Ms. Van Amersfoort reviewed the report with the following points being noted:

The proposed zone changes the zoning from ‘Future Development’ (FD) to ‘Residential Low Density’ (R1) for the portion of the property which contains an existing residence and ‘Residential Low Density-Special Zone’ (R1-38) for the remainder of the property. The special zone will permit two horses specifically (no other types of livestock will be permitted) and will address how manure will be stored, the types of fencing that are permitted and the location of the proposed housing for the horses

on the property. The subject property is a largely undeveloped parcel which is approximately 4.75 acres in size. The property is surrounded by a community facility to the north, low density residential to the east and south and agricultural fields to the west. The application proposes to permit a single residence on this large parcel in addition a paddock to house two horses. In terms of development potential of the property the applicant has stated that the width of the parcel (69 metres) was challenging in that double sided development was not possible. It was also noted that there was a significant change in grade on the westerly side of the property and given the limited width and the grade change across the parcel, the development potential of the parcel is somewhat limited.

Council were also advised that in addition to the single dwelling, the area zoned R1-38 would permit two horses subject to very specific criteria:

- The horses are permitted to be housed within two stalls located within an accessory structure (shed) which is located no closer than 8 metres to any property line and an outdoor paddock.
- No manure may be stored on the property for more than fourteen (14) days.
- No outdoor storage of manure is permitted.
- No electric or barbed wire fences are permitted.

Ms. Van Amersfoort advised the applicant had stated he spoke to all abutting property owners about the horse proposal and received positive feedback.

The Planning Department is generally supportive of the application but due to a related severance application, it is recommended the zoning by-law amendment application be deferred until a decision on related severance application C85/18 is made. A subsequent report will be provided at a future Council meeting with a formal planning recommendation.

Consent Application B85/18

Ms. Van Amersfoort reviewed her report to Council on the proposed consent application B85/18 on Part Lot 415, Part Park Lot 1 and Part Park Lot H, Plan 192, Brussels Ward. The purpose of the application is to create a residential lot on Elizabeth Street in Brussels containing the existing residence. A new residence is proposed to be built on the retained lands which involve a related Zoning By-Law Amendment application. The retained lands would be accessed via a new laneway which is proposed to be established between the existing house and the property to the south. The proposed lots meet the requirements of the Zoning By-Law however the severed property is odd shaped due to the current extent of the Hawkes Street road allowance. She noted that it is being proposed to close the portion of Hawkes Street west of Elizabeth Street and convey it to the abutting property owners to square up the lots. There have been discussions between the applicants and the neighbours to the south in regard to their concerns. The main concern is that the proposed laneway to the retained lands creates the potential for land use conflict over the long term. Various options and mitigation measures have been discussed but no resolution has been reached to date. The Planning Department was recommending that Huron East Council consider the comments submitted by members of the public and defer a decision at this time. A second planning report containing a recommendation will be provided at a future meeting.

Jenna Fisher and Andrew Baker

Jenna Fisher and Andrew Baker attended before Council to express concerns with proposed severance application C85/18 and in particular the proposed location of the laneway adjacent to their property. The following concerns were expressed:

- laneway would be closer to their house than they would like
- with the length of long laneway back to field, vehicles able to pick up speed
- safety factor with small children
- noisy trucks and trailers, manure coming and going
- appearance of laneway between houses will devalue their property

Ms. Fisher suggested it would be more suitable to have current laneway on the north side of the subject property shared with the new owners and the Sholdice property to the west.

Don Sholdice

Don Sholdice attended before Council to answer questions concerning the proposed zoning by-law amendment and consent application C85/18. Mr. Sholdice advised the proposed laneway would be 15 feet wide and approximately 40 feet from the neighbours house to the edge of the laneway. Mr. Sholdice also advised he intends to erect a fence beside the laneway and plant trees. A 4 foot high fence will also be erected around the property located 5 feet from the property line to eliminate the horses from reaching any neighbouring trees. Mr. Sholdice also noted that sharing the driveway to the north of the property was not an option and also that the proposed purchasers of the property do not wish to share a driveway.

Moved by Dianne Diehl and seconded by Gloria Wilbee:
That the Public Meeting for Zoning By-Law Amendment No. 4 for 2019
be closed at 8:20 p.m. Carried.

Bernie MacLellan, Mayor

Brad Knight, CAO/Clerk