

THE CORPORATION OF THE TOWNSHIP OF HORTON

PLANNING COMMITTEE

October 22, 2008

There was a meeting of the Planning Committee held in the Upstairs Meeting Room of the Township Fire Hall on Wednesday October 22, 2008. Present were Chair Dave Bennett, Bob Kingsbury, John Wilson, Jim Ferguson, Mae Craig, Don Eady, Robert A. Johnston, Bob Hall and Rene Labreque. Expressing regrets due to other business were Bill Winters, John Berkhout and Bob Lockwood.

1. CALL TO ORDER

Chair Bennett called the meeting to order at 4:00 p.m.

2. WELCOME TO NEW MEMBERS

Chair Bennett welcomed Rene Labreque to his first meeting. He informed the Committee when new members John Berkhout and Bob Lockwood were informed of this meeting date they advised that they had other commitments already booked for this date. They will attend the next meeting.

3. DECLARATION OF PECUNIARY INTEREST

There was no declaration of pecuniary interest.

4. MEETING MINUTES: JULY 15, 2008 COMMITTEE OF ADJUSTMENT
SEPT 16, 2008 PLANNING COMMITTEE
SEPT 16, 2008 COMMITTEE OF ADJUSTMENT
SEPT 23, 2008 COMMITTEE OF ADJUSTMENT

The Committee Members reviewed the Committee Minutes which had already been approved by Council.

5. BUSINESS ARISING

There was no business arising.

6. DELEGATIONS

4:05 Lydia & Bernie Pleau – Zoning Amendment Application

Mr. & Mrs. Pleau were present and informed the Committee that they have made an application for a zoning amendment to permit an expansion to a cottage. Chair Bennett asked if this was the cottage that received a building permit for a Sleep Cabin in 1987. The Pleau's said yes. This Sleep Cabin was converted some time ago to a full cottage.

Mrs. Pleau noted that the septic was installed in 1992 and it is a separate system for this one cottage.

Chair Bennett expressed concern that this creates two residences on one lot, which is against the zoning by-law and asked if there was a reason why the cottage could not be severed off from the other cottage.

Mr. & Mrs. Pleau said that they did start the severance process several years ago but because of the road access problem they did not complete the application. Survey work was carried out.

Chair Bennett said that he is concerned about rezoning to permit a second cottage, if this was non-conforming he would not have a concern, but evidence is that the building in question had a permit for a Sleep Cabin. A Sleep Cabin is not to include a washroom or kitchen facilities. He expressed concern that someone else could avoid our Zoning By-law regulations by applying for an accessory building and then

converting it into a cottage or a second residence and then applying to make it legal. He said that a severance to create a new parcel with this cottage on it will resolve the zoning without going through a zoning amendment.

Mrs. Pleau asked what the process would be.

Chair Bennett said that the process would be to take the application back and the application fee of \$500 and use the money towards the severance costs for the property.

Mayor Johnston asked if the property was surveyed.

Mr. Pleau said that a survey was started by Kasprzaks but stopped several years ago.

Rene Labreque asked if Sleep Cabin is permitted in the Zoning By-law.

The CAO/Clerk said not in the 1994 By-law, which is our current by-law. He was asked to check what the 1981 Zoning By-law said, which was in effect at the time the Building Permit was taken out in 1987.

John Wilson informed the Committee he agreed with the position that the Committee should not support a Zoning Amendment to permit two residences on one lot.

After consideration Mrs. Pleau said that they would apply for a severance and the \$500.00 fee would be returned.

4:20 Frances Shea – Minor Variance Appeal

Chair Bennett informed the Committee that the neighbour to the Shea property, Michael Smart, has appealed to the Ontario Municipal Board the decision of the Committee of Adjustment, which reduced the water setbacks from twenty metres (66 feet) to fourteen metres (46 feet). Chair Bennett said that there will be costs born by Sheas for defending the appeal and there will be costs born by the Township for defending the decision and these costs are to be paid by the Sheas, as applicants. He asked if this twenty foot reduction in setback was worth the cost of an estimated \$5,000 for the hearing.

Mrs. Shea said she received a copy of the appeal at the start of this meeting and she questions what grounds there would be for the appeal.

John Wilson suggested that points 2, 5, and 6 of the Appeal would set out the applicants concerns.

Bob Hall suggested that winning this would only be a fifty/fifty outcome.

Don Eady asked if our Lawyer could provide input into possible legal costs.

The CAO/Clerk was requested to contact Janet Bradley for suggested costs for a day's hearing.

Mrs. Shea agreed to discuss these concerns with her husband and will let us know if she wants to withdraw the application, and build the cottage back at the 66 foot mark.

7. MEMBERSHIP IN ONTARIO EAST ECONOMIC DEVELOPMENT COMMISSION

The Township received an application for the Ontario East Economic Development Commission while at the Eastern Ontario Municipal Conference. Ontario East Economic Development Commission along with the Ministry of Municipal Affairs organizes that conference every year in Kingston. Mae Craig informed the Committee that she researched the Commission website and reported that it was a very good site. Properties for development are listed for sale.

John Wilson added that this is a good Convention that members of the Township attend annually.

Moved by Mae Craig, seconded by John Wilson

That Planning Committee recommends to Council that the Township take out an annual membership with the Ontario East Economic Development Commission in the amount of \$275.00.

Carried.

8. ZONING QUESTIONS

Two Commercial Trucks parked in Cotieville

The CAO/Clerk informed the Committee that he has received a complaint about an Ottawa Citizen contractor, who has two - five ton trucks parked along the road in front of his house. The complaint concerns the trucks leaving at midnight and arriving back at 4:30 am but it is mostly the 4:30 am arrival that is the concern.

Charles Cheesman was present for a later part on the Agenda, and he asked if this use would fit a home occupation, which restricts the outdoor storage of the equipment used in the home occupation i.e. trucks. He also informed the Committee that some municipalities prohibit vehicles over certain weights, in residential areas.

The Committee agreed to carry out more research and consider this further.

Outdoor Furnace installed inside Barn or Shed

The CAO/Clerk reported that he had a request from Mark Virgin on Goshen Road to install an outdoor furnace but put it in a barn that he has renovated. He asked if this would remove the requirements for the one hundred metre setback as Mr. Virgin's buildings are approximately sixty metres (200 feet) from the Lot Line. The CAO/Clerk presented information from the Wood Doctor Furnace, which Mr. Virgin would be installing, that references application could be indoors.

Chair Bennett pointed out that the Technical Safety Standards Association (TSSA) would require that CSA standard B365 be met which would require alterations to the furnace before it goes inside. If that was done, the furnace would not have to conform to the setbacks as long as it was inside a building.

9. DRAFT COMPREHENSIVE ZONING BY-LAW REVIEW

Charles Cheesman and Judith Jeffrey – County Planning Department

Charles and Judith were present to continue the review of the Township's draft Comprehensive Zoning By-law. This is the second meeting, the first meeting was held in April 2008. The Clerk informed the Committee that following the April Meeting there was one question that the Committee asked for a legal opinion on, concerning Section 3.3.1 Accessory Uses and the new clause which would permit an accessory building before a main use building with certain restrictions. The legal opinion referenced the fact that there was a possibility that the principal use would not be constructed at all and suggested wording that would require the demolition of the accessory use if the principal use was never constructed.

After discussion the Committee agreed to remove this part of the section and leave the wording as "no accessory use building structure shall be built on a lot until the principal or main use building has been built on the lot". This is the same wording that is in the current Zoning By-law.

The CAO/Clerk also informed the Committee that Chief Building Official Dennis Fridgen has reviewed the By-law and has offered several comments and questions.

Sub-section 3.22 "outdoor furnaces" – he asked if the 100 metre setback from a property should not be reduced to 50 metres.

The Committee questioned reducing the setback when smoke from outdoor furnaces causes concerns in the neighbourhood. Charles Cheesman noted that Mr. Fridgen is also Chief Building Official for two other municipalities, one being

Admaston-Bromley who are now developing a new policy which requires a minimum 50 metres from the lot line but also 100 metres to the nearest dwelling. After discussion the Committee agreed to leave it as drafted.

3.16.5(A) – Existing Buildings with inadequate lot or yard size.

The CAO/Clerk reported that this has been issue for some time and the concern is found generally in water front areas, where existing cottages are added to or converted into residences.

After discussion the Committee agreed to add the words “other setbacks or” to the sentence which would read “such enlargement, reconstruction, repair or renovation would not further contravene any other setbacks or provisions of this by-law”.

Section 3.27(d) – Water Setback

The second part of the paragraph notes that the Water Setback can be twenty metres rather than thirty metres, if the lot depth is 46 metres or less. Mr. Fridgen had suggested that twenty metres be reduced to fifteen metres which would tie into setbacks from water courses other than lakes and rivers as set out in paragraph 1.

After discussion the Committee agreed that the water setback in both instances be twenty metres, rather than thirty metres and fifteen metres, which are the current setbacks. Twenty metres would be the setback from a stream or a well.

Section 3.27 – Setbacks

Mr. Fridgen had suggested we add Section F which would concern setbacks from sewage systems. Mr. Fridgen suggested wording “where sewage systems are allowed it would be constructed three metres from any lot line”.

After discussion the Committee agreed that similar wording be included in the document.

Boarding Stable

The CAO/Clerk reported that the definition of “boarding stable” does not exist in the current draft, but the definition of “riding stable” does exist. Both theses uses are permitted in a rural zone for minimum two hectare property. Both these definitions are included the current Zoning By-law to permit boarding stable and riding stable as business but do not permit the use of horses for personal use and he suggested that the words “personal use or personal pleasure” be added to the definition.

Charles Cheesman noted that the definition for boarding stable seems to be missing from the by-law and that will be added to it and the Committee authorized additional wording for “personal use” to the definition.

As these were the concerns for immediate review this evening, Charles Cheesman said that he and Judith were in a position to prepare a new draft dated November which will include any changes that were set out in April and this evening and any mapping changes that will be reviewed later this meeting.

John Wilson questioned what decisions were made in April and Charles said he would review this.

Being 6:15 the Committee adjourned for a lunch and returned at 6:30 with the same members present and reviewed the mapping with Mr. Cheesman and several changes and recommendations were made.

10. OTHER BUSINESS
There was no other business.

11. NEXT MEETING
The Committee Meeting will be Tuesday November 18, 2008 at 4:30 p.m. at the Horton Community Centre.

12. CONFIRMING RESOLUTION

Moved by Mae Craig, seconded by Don Eady

That the Committee pass this confirming resolution to cover any actions or directions given during the open portion of this Committee Meeting which are minor in nature and which were not set out in By-law or Resolution.

Carried.

13. ADJOURNMENT

Moved by Jim Ferguson, seconded by John Wilson

That this Committee meeting be adjourned at 7:00 p.m.

Carried.

Chair

CAO/Clerk