

THE CORPORATION OF THE TOWNSHIP OF HORTON

PUBLIC MEETING

WES WALLACE ZONING AMENDMENT

December 4, 2007

There was a Public Meeting held in the Municipal Council Chambers on Tuesday December 4, 2007 to hear public input into a zoning by-law application. All members of Council were present.

1. CALL TO ORDER

Mayor Johnston called the meeting to order at 7:00 p.m.

2. DECLARATION OF PECUNIARY INTEREST

There was no declaration of pecuniary interest.

3. CLERK' S REPORT ON NOTICE

The CAO/Clerk reported to Council and the public present that as required by the Planning Act all property owners within 400 feet (120 metres) were mailed a notice of the Public Meeting. This resulted in twelve property owners receiving notice. In addition eight agencies were also sent a notice for their comments.

4. i) Purpose of Amendment

Mayor Johnston stated that the purpose of the amendment is to rezone approximately .68 hectares (1.7 acres) of land to reduce the required water set back from 20 metres to 11.5 metres for an existing foundation of a single detached dwelling.

The effect of the amendment is to rezone the lands from Rural to Rural-Exception thirty Six (RU-E36). All other provisions of the Rural-Exception Thirty Six (RU-E36) Zone shall apply to the subject lands.

The lands affected by this amendment are located on Part Lot 18, Concession 6, Township of Horton.

ii) Reading of Written Comments

There were no written comments received.

iii) Public Participation

a) Questions from the Public

The question was asked "what is the criteria to get an exemption?" The CAO/Clerk answered that the Planning Committee and Council consider each application and the County of Renfrew prepares the documentation for a zoning amendment.

b) Comments in Support

Gail Cole, sister of Wes Wallace, read the following statement: "I think it is important for this Council to know that there has been no conscious attempt to circumvent municipal bylaws. It appears that one corner of Wesley's new house exceeds the setback currently allowed within your municipality.

Apparently, a complaint was received.

The Ministry of Natural Resources was consulted. In the opinion of the District Supervisor at MNR the water in question is a "small water course".

To resolve this case – he supports the zoning amendment and suggests adding a good buffer of trees and shrubs between the dwelling and the stream – with no further disruption of the "small water course.

Wes is prepared to comply with this condition to protect the integrity of this small water course.

The MNR District Supervisor is satisfied with this course of action. If this Council concurs then, hopefully, the zoning amendment can proceed without more delays and additional cost to Wes. It appears to be a reasonable solution, both for the Municipality and for Wes”.

Hugh Stevenson suggested that it would be a great hardship to turn back now as Mr. Wallace has a lot of money invested in his house.

c) Comments in Opposition

A letter was submitted from Barb Emard – objecting to the amendment and questioning how the house was allowed to be there?

Councillor Bennett replied that when the Application for a Building Permit was received, the Building Inspector checked the site. The creek was not visible, it appears that it was buried and filled in with logging debris, there was no record of a stream on the property and a tour of the property showed no sign of water, so the building permit was issued

The house which was prefabricated had been ordered and a delivery date set, so Council and the Planning Committee felt it should be allowed to be placed on the foundation and a ‘stop work order’ then issued.

The By-law requires 20 metres (66 feet) between the house and water. It appears that a previous owner had done some grubbing and put wood waste into the water which was not visible under the stumps and debris.

Application was made to MNR to realign the stream – which was unsuccessful, so the second choice was a zoning amendment.

There was a lengthy discussion by members of the public with emphasis on the environmental impact that the house had and would continue to have on the stream. Finally the members of the public agreed that they would be satisfied if an engineer was hired to give assurance that leaving the house in its present position will not cause erosion to the creek or further damage to the environment.

5. Information on who is entitled to appeal Council’s decision to the Ontario Municipal Board under Section 34(1) and (19) of O.Reg 545/06

The CAO/Clerk read the following:-

Section 34(11) - If Council decides to refuse an application or refuses or neglects to make a decision on an application within 120 days of the municipal clerk receiving the application, the applicant or the Minister of Municipal Affairs and Housing, may appeal to the Ontario Municipal Board by filing an appeal with the clerk of the municipality.

Section 34 (19) – Not later than 20 days after the giving of notice of passing of the by-law, the applicant, any person or public body who made oral submission at the public meeting or made a written submission to the Council, before the by-law was passed or the Minister of Municipal Affairs and Housing, may appeal to the Ontario Municipal Board by filing an appeal with the clerk of the municipality.

6. **COUNCIL MEMBERS CONCERNS**

Councillor Kingsbury said that he had heard a lot of concerns expressed tonight but it is up to Council to make a decision.

Councillor Eady said that Council as a whole has concerns for environmental issues. He has no problem having an engineer report on any impact the house will have.

Deputy Mayor Hall commented that in the Forest Industry the last thing your want is someone trespassing on your property.

Mayor Johnston asked if there was a consensus from the public present to bring in an engineer to review the house and property and report what future impact the house will have on the stream? The members of the public were in agreement and the following resolution was put forward.

Moved by Bob Kingsbury, seconded by Dave Bennett **Resolution No. 07-469**

That Council engage Jp2g Consulting Engineers to conduct a review of the location of the Wes Wallace home and report on it effect, if any, to the adjoining stream, and report what future impact the house will have on the stream.

Carried.

7. CLOSE MEETING.

Moved by Don Eady, seconded by Dave Bennett

Resolution No. 07-470

That this Public Meeting be adjourned at 8:36 p.m.

Carried.

Chair

CAO/Clerk