

THE CORPORATION OF THE TOWNSHIP OF HORTON

**PUBLIC MEETING**

**TSAROUCHAS ZONING AMENDMENT**

**DECEMBER 02, 2014 – 6:30 p.m.**

Present were Mayor Bob Kingsbury, Deputy Mayor Robert A. Johnston, Councillor Glen Campbell, Councillor Dave Bennett and Councillor Jamey Larone. Staff present was CAO/Clerk Mackie McLaren and Receptionist/Clerk Christina Mulcahey.

1. Call to Order

Mayor Kingsbury called the meeting to order at 6:30 p.m.

2. Declaration of Pecuniary Interest

There was no declaration of pecuniary interest.

3. Clerk's Report on Notice

CAO/Clerk Mackie McLaren stated that as required by the Planning Act all property owners within 400 feet (120 meters) were mailed notice of this Public Meeting. This resulted in 23 property owners receiving notice and in addition 5 agencies were also sent notice for their comments.

4. i ) Purpose of Amendment

Mayor Kingsbury stated that the purpose of the amendment is to rezone the severed lands in applications for consent B166/12(1) and B167/12(2), which are applications for lot additions, so that the enlarged lots will consist entirely of the Limited Service Residential (LSR) Zone. The LSR Zone recognizes that access is by private road. The effect of the amendment is to rezone the subject lands from Rural (RU) to Limited Service Residential (LSR).

ii ) Reading of Written Comments

The CAO/Clerk stated that there were no written comments received.

iii) Public Participation

a) Questions from Public

Rick Mercer – Owns property next to the applicant and has had major problems with flooding of his property. He said Mr. Tsarouchas does whatever he feels and he has brought in many loads of fill. CAO/Clerk asked Mr. Mercer if he is aware of his rights under the Drainage Act.

Don Banes – 79 McManus Lane – Stated that there was a meeting held on September 18<sup>th</sup> 2000, between the neighbouring property owners and Mr. Tsarouchas. At that time the main access road had been changed. Mr. Tsarouchas indicated he would deed the new road way to the neighbours. Nothing was followed through on.

The CAO/Clerk read aloud the minutes from the September 18<sup>th</sup> 2000 meeting that was held at the Township. The CAO/Clerk stated that the Township only facilitated this meeting between Mr. Tsarouchas, the neighbouring property owners and their lawyers.

Diane Rathwell – The severances did not indicate that Mary Ann Lane was included in this application. What about the issues that will arise in

the future with new property owners? They will have to deal with two owners instead of one as the right of way will be in two parcels. She said this makes things more complex. The CAO/Clerk stated that the rights would carry forward with the new owners.

The CAO/Clerk said the severances B166/12 and B167/12 were granted on February 24<sup>th</sup> 2014. The reason we are here tonight is for the zoning amendment which was a condition of approval of the severances. The new lots would have two different zones on each; therefore we need to rezone to create one zone per lot being LSR.

The CAO/Clerk presented the map showing locations of the severances.

Deputy Mayor Johnston informed the neighboring property owners that they should be going back to the lawyer and requesting that the original agreement between the two parties be finalized.

Mayor Kingsbury suggested Council not grant the rezoning until the neighbouring property owners are satisfied, and Council has had a further opportunity to investigate. Council agreed.

- b) Comments in Support – There were none.
  - c) Comments in Opposition – Hands in the public were raised as they had already expressed their concerns.
5. Information on who is entitled to appeal Council's decision to the Ontario Municipal Board under Sections 34(11) and (19) of O.Reg 545/06

The CAO/Clerk stated:

*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 notice of passing of the by-law the applicant, any person or public body who made oral submission at the public meeting or made written submission to the Council, before the by-law 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 Larone stated that he did not realize that there was an issue already existing in this area but as he can see tonight with the public present there definitely is and he would like to see the original agreement be met before proceeding.

Councillor Bennett agreed that there is an issue that needs to be dealt with here and this needs to be resolved. He would like to go and view the property before making any decisions.

7. Resolution to Support Zoning Bylaw Amendment

**The resolution failed to gain a mover or seconder.**

8. Close Meeting

Mayor Kingsbury declared the meeting closed at 7:02 p.m.