



## TOWNSHIP OF DRUMMOND/NORTH ELMSLEY

### #3 COUNCIL MEETING OF FEBRUARY 12, 2013 Township Council Chambers

## MINUTES

**CALL TO ORDER:** Reeve Churchill called the meeting to order at 6:00 p.m.

**PRESENT:**

Reeve	Aubrey Churchill
Deputy Reeve	Gail Code
Councillor	Ray Scissons
Councillor	Ken Fournier
Councillor	Peter Wagland
Clerk-Administrator	Cindy Halcrow
Planner	Karl Grenke

### **MEMBERS WISHING TO DISCLOSE A PECUNIARY INTEREST DO SO NOW.**

Reeve Churchill asked if any member wished to disclose a pecuniary interest at this time. No pecuniary interests were disclosed.

#### **1.0 MINUTES**

##### **1.1 Regular Minutes of January 22, 2013**

**Moved By: Ken Fournier**  
**Seconded By: Gail Code**

**BE IT RESOLVED THAT the Council of the Corporation of the Township of Drummond/North Elmsley does hereby approve the minutes of the Regular Meeting of January 22, 2013, as amended:**

- Amend Peter Wagland's name as being present to being absent.

**Carried**  
**13-021**

#### **2.0 ADDITIONS & APPROVAL OF AGENDA**

##### **2.1 Approval of Agenda**

**Moved By: Ray Scissons**  
**Seconded By: Gail Code**

**BE IT RESOLVED THAT the Council of the Corporation of the Township of Drummond/North Elmsley does hereby adopt the agenda for the meeting of February 12, 2013 as presented.**

**Carried  
13-022**

**3.0 DELEGATIONS:**

**3.1 6:00 p.m. Public Meeting – C. Morgan Zoning By-law Amendment**

**MINUTES OF PUBLIC MEETING  
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PUBLIC MEETING  
CONCERNING  
PROPOSED ZONING BY-LAW AMENDMENT**

**Christopher Morgan  
310 Ebbs Bay Drive  
February 12, 2013**

**ATTENDING:**

Chair: Reeve Aubrey Churchill  
Councillors: Gail Code (Deputy Reeve)  
Ken Fournier  
Ray Scissons  
Peter Wagland  
Staff: Karl Grenke, Planner  
Cindy Halcrow, Clerk Administrator  
Public (signed in): Judy Wilson, Russ Wilson, Brian Toth, Chris Morgan, Graham Moyer

**A. Call to Order**

Reeve Aubrey Churchill called the meeting to order at 6:00 p.m.

**B. Purpose of Meeting**

Reeve Churchill introduced the purpose of the meeting, which was to hear an application by Chris Morgan under Section 34 of the Planning Act for an amendment to the Zoning By-Law.

**C. Report on Notice**

Mr. Grenke reported that zoning amendments are subject to Section 34 of the Planning Act, and this application was processed in compliance with the Act, including the posting of the notice on site and mailings to prescribed persons and public bodies at least 20 days before the hearing.

**D. Presentations on Zoning By-law Amendment**

Mr. Grenke presented a PowerPoint overview of the proposed amendment including a summary of the proposed RU-78 Zone. He noted that this rezoning is necessary to accommodate a proposed garage on the property that would be 21 feet in height and 1,536 sq.ft. in. footprint, which would exceed the maximum allowable size for an accessory structure. The rezoning would also recognize the continuation of the existing legally non-conforming residential use, in order to allow the new construction. Mr. Grenke mentioned that the existing residential development is legally non-conforming because it fronts on a private road and does not constitute LSR development (although abuts an LSR neighbourhood). Mr. Grenke described the planning process (including summarizing the Planning Act requirements and how the application was evaluated). He then discussed the applicable policies of the Official Plan. He noted that

accessory storage buildings for personal goods and vehicles are common and reasonable on large rural lots, provided that large buildings are adequately buffered and that no commercial uses are permitted. He noted that the building would be set back 180 feet from Ebbs Bay Drive and there are existing wooded buffers on three sides of the property. He noted that the increase is not very substantial over what would be allowed as of right and mentioned that a slightly smaller building permitted as of right on a much smaller lot would likely have a much larger impact than this proposed building. He suggested that while zoned separately, for planning purposes the Morgan property was effectively part of this residential neighbourhood. He recommended that Council approves this application, subject to amendments clarifying the lack of commercial uses permissible on the property and enforcing the 180 foot front yard setback.

**E. Reading of Written Comments**

Mr. Grenke reviewed the written submissions regarding this application noting Mississippi Valley Conservation has no concerns. Additionally, he noted that Judy and Russ Wilson, Lori and Dominic Cinanni, Thomas Uhryniw and Jack Rothwell all provided written comments that objected to the size of the proposed structure and there was also concern mentioned about possible commercial use.

**F. Oral and Written Presentations by those in Favour**

Chris Morgan spoke in favour of his application, mentioning that he owns a lot of boats and vehicles. He stated that he needs a structure slightly larger than a regular garage in order to have them moved inside and stored. He mentioned that he planted a hedge along Ebbs Bay Drive to improve privacy and also wants to make the new building blend in as best as possible. He had no intention to use the structure commercially.

**G. Oral and Written Presentations by those in Opposition**

Brian Toth (259 Ebbs Bay Drive) asked how it is possible to enforce a requirement for no commercial development. He also asked how the Township can ensure that the building is designed attractively. Mr. Morgan responded that he intends to ensure the building is designed very nicely. Mr. Grenke noted that site plan control is the usual planning tool to administer design standards however this application does not trigger that requirement and as such the applicant would have to work with the Township through the building permit process.

Mr. Grenke further noted that the Rural exception zone implicitly excludes commercial as a prohibited use and the suggested amendment to specifically disallow commercial uses on this property provides a very strong and clear legal protection. While the applicant can register an agreement on title promising to never use the property commercially, that would not put additional legal protection above what is there through the zoning. It would be the responsibility of the property owner to ensure that his using the property in conformity with the Zoning By-law and complaints would have to be addressed to the Township and the Township would need to enforce its by-law using the tools at its disposal.

Russ Wilson mentioned that he has no problem with the accessory structure but wonders why Mr. Morgan requires a commercially sized structure. Councillor Wagland asked why the structure had to be 21 feet tall if it would just be used to store boats. Mr. Morgan mentioned that he has a boat that needs an especially high clearance. The main walls will be 12 feet tall and then there will be a peaked roof that allows enough space for an upper loft to allow additional storage.

Judy Wilson noticed a discrepancy in the total floor area for accessory buildings identified in the application compared to the measurements indicated on Mr. Morgan's site sketch. There was some discussion about the dimensions of the outbuildings and what would be included in the calculation.

Graham Moyer asked if the roof will be a peak roof or a flat roof and how the 21 feet is measured. Mr. Morgan indicated that it will be a peak roof and only about 5 feet taller than the existing house on the lot. Mr. Moyer indicated that his primary concern was the potential for commercial use, not necessarily the size.

There were no further questions or comments by the public or Council.

**G. Reminder to audience to leave their name if they want formal notice**  
Reeve Churchill reminded the audience to leave their name if they want formal notice.

**H. The Public Meeting for this Zoning Amendment was closed at 6:45 p.m.**

#### **4.0 COMMITTEE & BOARD REPORTS**

##### **4.1 Committee of the Whole Report to Council**

- **February 5, 2013**

Councillor Ray Scissons presented and read Report #2 CoW-February 5, 2013 to Council on behalf of the Committee of the Whole.

**Moved By: Ray Scissons**

**Seconded By: Gail Code**

##### **“A” 1 Recycling Tender 2013-01**

**“B” 1 THAT the Council of the Corporation of the Township of Drummond/North Elmsley** accepts the annual tendered price from Matrec Inc. of \$270,502.96 plus HST to provide services for curbside collection of recyclable materials as per the requirements of Tender 2013-01.

##### **“A” 2. Ireton/Balfour Road Closure**

**“B” 2. THAT the Council of the Corporation of the Township of Drummond/North Elmsley** does hereby declare that the portion of the public street right-of-way located at the southwest corner of Drummond School Road and Drummond Conc. 7 (part of the 14<sup>th</sup> Lot of the 6<sup>th</sup> Concession of Drummond) be declared surplus to the Township's needs; and

**FURTHERMORE THAT** the Planner be authorized to work with the applicant to process the application in accordance with the Township's road closure procedures.

**“A” 3. Joint 200<sup>th</sup> Anniversary Committee**

**“B” 3. THAT the Council of the Corporation of the Township of Drummond/North Elmsley does hereby support in principle a Joint 200<sup>th</sup> Anniversary Committee.**

**Carried  
13-023**

**3.0 BY-LAWS:**

**3.1 2013-009 – C. Morgan Zoning By-law Amendment**

**Moved By: Ken Fournier  
Seconded By: Peter Wagland**

**WHEREAS** Council of the Corporation of the Township of Drummond/North Elmsley held a public meeting on February 12th 2013 to consider a proposed zoning by-law under Section 34 of the Planning Act, RSO 1990, as amended;

**AND WHEREAS** Council deems it advisable to change the proposed zoning by-law, prior to its final passing, to further clarify the permitted uses and front yard setback requirements of the proposed accessory structure;

**NOW THEREFORE BE IT RESOLVED** that no further notice is to be given in respect of the proposed zoning by-law, pursuant to Section 34 (17) of the Planning Act, RSO, 1990, as amended.

**Carried  
13-024**

The By-law was amended to replace “there is no” with “there shall be no” in paragraph 2.

**Moved By: Peter Wagland  
Seconded By: Ken Fournier**

**BE IT RESOLVED THAT By-law #2013-009**, being a By-law to mend By-law No. 2012-060 of the Township of Drummond/North Elmsley for prohibiting the use of land for or except for such purposes as may be set out in this By-law and for prohibiting the erection, location or use of buildings or structures for or except for such purposes as may be set out in this By-law within the said lands; and for regulating the character of buildings or structures to be erected or located on the said lands and entitled, “C. Morgan Zoning By-law Amendment”, be read a first, second and third time and finally passed in open Council.

**Carried  
13-025**

**3.2 2013-010 – All Terrain Vehicles By-law**

**Moved By: Peter Wagland  
Seconded By: Ken Fournier**

**BE IT RESOLVED THAT By-law #2013-010**, being a By-law to regulate the operation of all-terrain vehicles on all highways under the jurisdiction of the Township of Drummond North/ Elmsley; and entitled, “All-Terrain Vehicles By-law”, be read a first, second and third time and finally passed in open Council.

**Carried  
13-026**

**3.3 2013-011 – Acquire and Assume Perth Street, By-law**

The by-law was amended to replace Sheridan Estates with Rideau Ferry.

**Moved By: Peter Wagland  
Seconded By: Ken Fournier**

**BE IT RESOLVED THAT By-law #2013-011**, being a By-law to acquire land described as Parts 1, 2, 3, 4 and 11 on Plan 27R-10129, North Elmsley and assume said property into the municipal road system for the purpose of the Corporation of the Township of Drummond/North Elmsley and entitled “By-law for Assumption of Roads in Rideau Ferry”, as amended be read a first, second and third time and finally passed in open Council.

**Carried  
13-026**

**5.0 RESOLUTIONS/NOTICE OF MOTIONS - None**

**6.0 CLOSED SESSION - None**

**7.0 BUDGET CONSIDERATIONS - None**

**8.0 COMMUNICATIONS/CORRESPONDENCE - None**

**9.0 NEW BUSINESS – None**

**10.0 CONFIRMATION OF COUNCIL PROCEEDINGS**

**Moved By: Ray Scissons  
Seconded By: Gail Code**

**BE IT RESOLVED THAT By-law #2013-008** being a By-law to confirm the proceedings of Council at its meeting of February, 2013, be read a first, second and third time and finally passed in open Council.

**Carried  
13-027**

**11.0 ADJOURNMENT**

**Moved By: Ray Scissons**  
**Seconded By: Gail Code**

**BE IT RESOLVED THAT the Council of the Corporation of the Township of Drummond/North Elmsley adjourn their regular meeting of Council.**

Adjourned at 6:58 p.m.

**Carried**  
**13-029**

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**REEVE**

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**CLERK ADMINISTRATOR**