

**THE CORPORATION OF NORFOLK COUNTY**

**PUBLIC MEETING**

**TUESDAY, JULY 13, 2010**

The following are the minutes of the Public Meeting held on Tuesday, July 13, 2010, at 5:00 pm in the Multipurpose Room, Talbot Gardens Arena, 10 Talbot Street North, Simcoe.

**MEMBERS PRESENT:**

Mayor Dennis Travale  
Councillor Michael Columbus  
Councillor Roger Geysens  
Councillor C.H. Luke  
Councillor James Oliver  
Councillor Harold Sonnenberg  
Councillor John Wells

**MEMBERS ABSENT:**

Councillor John Hunt  
Councillor Heidi Van Dyk

**ALSO PRESENT:**

Bill Allcock, County Manager  
Beverley Wood, Clerk/Manager of Council Services  
Cathy Balcomb, Deputy Clerk/Licensing Coordinator  
Kevin Lichach, General Manager, Community Services  
Patti Moore, General Manager, Health & Social Services  
Kandy Webb, General Manager, Human Resources & Staff Development  
Chris Baird, General Manager, Planning & Economic Development Services  
Bill Cridland, Manager of Roads  
Shirley Cater, Senior Planner  
Mary Elder, Senior Planner  
Eric Gilbert, Planner

**1. OFFICIAL OPENING OF THE PUBLIC MEETING**

Mayor Dennis Travale officially opened the Public Meeting. He advised Council and the Public in attendance that this meeting is being constituted as a Public Meeting, being held under the

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Planning Act for the purpose of hearing Applications and proposals and affording any person in attendance the opportunity to make representation to Council.

Mayor Travale further outlined the procedures to be followed during the Public Meeting.

Mayor Travale advised that the Ontario Municipal Board has the power under the Planning Act to dismiss an appeal to Zoning By-Law Amendments and Official Plan Amendments if the appellant does not make oral submission at the Public Meeting or does not make written submissions to Council before the Zoning By-Law is passed or the Official Plan Amendment is adopted.

### **2. DISCLOSURE OF A PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

None were reported.

### **3. PLANNING APPLICATIONS**

- A. Application to amend the City of Nanticoke Zoning By-Law NW 1-2000 affecting the lands described as Part Lot 12, Concession 5, Geographic Township of Woodhouse, Norfolk County to permit a garden suite as a temporary use. An error in Zoning By-law schedule A-4 is also to be addressed as the 'Rural Industrial (MR)' zone on the subject lands is to be changed to 'Agricultural (A)' zone.

Applicant: DEBRA ANN MCPHEE

Agent: LEEANNE VREUGDENHIL

(File No. ZNPL2010041 – Report No. P.E.D. 10-82)

Ms. Debra Ann McPhee, the Applicant, and Ms. Leeanne Vreugdenhil, the Agent, were in attendance to provide information and respond to questions of Council regarding this application.

Ms. Mary Elder, Senior Planner, Community Planning Services Division, advised Council that an application has been received to amend the City of Nanticoke Zoning By-Law NW 1-2000 affecting the lands described as Part Lot 12, Concession 5, Geographic Township of Woodhouse, Norfolk County to permit a garden suite as a temporary use. An error in Zoning By-law Schedule A-4 is also to be addressed as the 'Rural Industrial (MR)' zone on the subject lands is to be changed to 'Agricultural (A)' zone.

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The subject lands are designated Agricultural in the Norfolk County Official Plan and zoned Rural Industrial (MR) in the City of Nanticoke Zoning By-law NW 1-2000. On examination of the Zoning By-law schedules from the current by-law and the previous ones, it is apparent that an error was made in mapping. The Rural Industrial (MR) zone on the separate lot to the north of the subject lands is appropriate, but it should not extend south to include the rural residential lands that are the subject lands of this application. A garden suite is not permitted in the Rural Industrial (MR) zone. A separate amending By-law has been prepared to address this amendment and thus a garden suite will become a permitted use.

Official Plan policy permits "garden suites" in close proximity or as an extension of an existing residential use on a property through a site-specific temporary use by-law, where a legitimate need is demonstrated for a separate housing unit. The applicant has explained to planning staff that there are medical reasons requiring that they live in close proximity to each other. The garden suite must be a portable housing unit readily removable from the site; must not be placed in the front yard of the lot; must meet all setback provisions; and must be capable of accommodating an appropriate septic system and potable water supply. This application is consistent with the Official Plan policy.

The "garden suite" will be a portable dwelling unit, located on the south side of the existing dwelling. The applicant is aware of the temporary nature of the use and has signed an Undertaking which states the "garden suite" will be removed when the use expires, unless the use is extended through an additional zoning by-law amendment.

Planning staff support the amendment to the City of Nanticoke Schedule A-4 to change the zoning to Agricultural (A) on the subject lands and the application for a garden suite and are of the opinion that the temporary use by-law conforms to the Norfolk County Official Plan policy for the Agricultural land use designation.

The application was circulated to all relevant agencies and departments with any comments outlined in the Planner's report.

Following the presentation of the report, Ms. Elder answered questions of Council and advised that Staff are recommending this application be approved, for reasons set out in Report No. P.E.D. 10-82.

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Mayor Travale asked if there were any persons in attendance wishing to speak in support of or opposition to this application.

There were no other persons either in support or opposition or who wished to speak regarding this matter.

- B. Application to amend the Norfolk County Official Plan and the Township of Norfolk Zoning By-Law 1-NO 85 affecting the lands described as Part Lot 15, Concession A, Geographic Township of South Walsingham, Norfolk County to permit new residential development on the eastern portion of the subject lands and a wider range of commercial uses on the western portion of the subject lands.

Applicant: LEIGHTON AND BETTY BROWN

Agent: THOMAS A. CLINE

(File No. OPN-011/2009 and ZN-065/2009 – Report No. P.E.D. 10-85)

Leighton and Betty Brown, the Applicants, and Mr. Tom Cline, the Agent, were in attendance to provide information and respond to questions of Council regarding this application.

Ms. Shirley Cater, Senior Planner, Community Planning Services Division, advised Council that an application has been received to amend the Norfolk County Official Plan and Township of Norfolk Zoning By-law 1-NO 85 affecting the lands described as part Lot 15, Concession A, Geographic Township of Norfolk. This application has two parts; in the first part of the application the applicant proposes to amend the Official Plan and Zoning By-law to change the designation of the eastern portion of the property from Hazard Lands to Resort Residential to permit a new residential lot. The zoning on this parcel is proposed to be changed from Hazard Lands (HL) to Long Point (LP) to permit a vacation home. The second part of the application proposes to amend the Zoning By-law to permit a personal service shop, restaurant, antique shop, fruit and vegetable outlet, museum, art gallery, one dwelling unit and an office as an additional permitted use in the Long Point (LP) zone on the westerly parcel.

With respect to the proposed development on the eastern portion of the site, this application is not consistent with the policy direction of the Provincial Policy Statement, and does not comply with the policy requirements of the Norfolk County Official Plan or Lakeshore Secondary Plan. The current designation and zoning prohibits development of the subject lands due to their hazardous nature; the Long Point Region Conservation Authority indicates that

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the subject lands are hazardous lands due to the possibility of flooding from a Lake Erie Storm event. The current designation and zoning are appropriate as they implement the recommendations of the 1989 LPRCA Shoreline Management Strategy which specifically states that 'no land should be allowed to be subdivided or allocated for new development' and '... Lots already restricted for development should not be allowed to be developed'. The proposed residential lot which is to be subdivided does not meet the required minimum lot area for the proposed zoning and is undersized and significantly below the recommended 1.0 acre lot size for private servicing. Planning staff do not support this aspect of the application and recommend that it be refused.

With respect to the proposed additional commercial uses to be permitted on the western portion of the site, planning staff are not satisfied that the required parking for the uses proposed by the applicant can be provided on site unless the lands presently proposed for the resort residential use is included. As parking is often at a premium in Long Point planning staff do not consider it appropriate to permit additional commercial uses when adequate parking is not provided. Planning staff do not believe that the proposed zoning by-law amendment is consistent with the Official Plan and recommend that this aspect of the application be refused.

Staff does not support the proposed re-designation and rezoning of the subject lands to facilitate a new residential lot as the proposals do not comply with the policies of the Provincial Policy Statement, Norfolk County Official Plan, Lakeshore Secondary Plan, and 1989 LPRCA Shoreline Management Plan.

The application was circulated to all relevant agencies and departments with any comments outlined in the Planner's report.

Following the presentation of the report, Ms. Cater answered questions of Council and advised that Staff are recommending this application be refused, for reasons set out in Report No. P.E.D. 10-85.

Mr. Tom Cline, the Agent, provided a handout containing a map and excerpts from the Official Plan, Lakeshore Secondary Plan and Zoning By-law. He stated that part of this application consists of a parcel of 5,885 square feet to be used for residential purposes that abuts a Provincially Significant Wetland of 33,271 acres, and rezoning this portion will have no impact the Wetland. He noted that the current restaurant and cottage were built in 1947 and prior, and are therefore legal non-conforming uses. A map contained in

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the handout showed how the Official Plan designation does not follow the lot line. He indicated that his client is aware that permanent residences are not permitted and this application is for a vacation home only. He noted that the County's Official Plan states that where the general intent of the Plan is maintained, and subject to consultation with MNR, minor adjustments to boundaries shall not necessitate an amendment. Mr. Cline stated his client is aware that parking is required and must be provided. He advised that everything that has been requested has been provided.

Mayor Travale asked if there were any persons in attendance wishing to speak in support of this application.

Mayor Travale asked if there were any persons in attendance wishing to speak in opposition of this application.

Mr. Gary Davidson, on behalf of Joan Kirschner of 140 Erie Boulevard, read from a prepared letter outlining Ms. Kirschner's objections to the application. Her reasons include the decrease in property value with a parking lot located next to her property; mature trees that will have to be demolished to provide the parking lot; 6 to 8 foot fences that will need to be erected on both sides of the commercial property which will not enhance the appearance of the property; and that the uses listed in the report do not represent viable business ventures.

Ms. Heddy Rutherford, 74 Woodstock, advised that she is opposed to changing the Hazard Land to Long Point zone. She noted that this was originally a restaurant and cottage and there was ample parking. She questioned whether there is a developer for this property and whether the applicant intends to sell once the property is rezoned. She noted that Long Point is very dangerous with traffic and someone from the County's Insurer should be assessing the risk to the County.

Mr. Randy Mawhiney indicated that he is not really opposed to the proposal. He stated that no one wants to see commercial businesses shrink and can see no reason why the parcel for the parking can't be rezoned from Hazard Land to Long Point zone.

Mr. Cline advised that there is currently no site plan on this property and with this application the property can be placed under Site Plan Control which will place some municipal controls on it.

There were no other persons either in support or opposition or who wished to speak regarding this matter.

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- C. Application to amend the Township of Delhi Zoning By-Law 1-DE 80 affecting the lands described as Part Lot 8, Concession 8, Geographic Township of Windham, Norfolk County to permit a Garden Suite as a temporary use.  
Applicant: TIM & BRENDA GILBERT  
(File No. ZNPL2010047 – Report No. P.E.D. 10-86)

Tim and Brenda Gilbert, the Applicants, were in attendance to provide information and respond to questions of Council regarding this application.

Ms. Shirley Cater, Senior Planner, Community Planning Services Division, advised Council that an application has been received to amend the township of Delhi Zoning By-law 1-DE 80 affecting lands described as part of Lot 8, Concession 8, Geographic township of Windham, Norfolk County to permit a Garden Suite on the property as a Temporary Use for a period of five years.

The lands are designated Agricultural in the Norfolk County Official Plan and zoned Agricultural in the Township of Delhi Zoning By-law 1-DE 80. The applicants are proposing to amend the By-law in order to establish a Temporary Use By-law permitting a Garden Suite on the property for a period of five years.

The garden suite is proposed to allow the property owner's mother to live in the mobile home while her son and daughter-in-law live in the dwelling. The proposed garden suite will be serviced by an approved septic system and it will have a separate civic address. The province's Minimum Distance Separation Formulae does not apply as the proposed residential use is on the same property as the livestock operation. The legitimate need for assistance exists, therefore this application conforms to the policy requirements for a garden suite.

The application was circulated to all relevant agencies and departments with any comments outlined in the Planner's report.

Following the presentation of the report, Ms. Cater answered questions of Council and advised that Staff are recommending this application be approved, for reasons set out in Report No. P.E.D. 10-86.

Mayor Travale asked if there were any persons in attendance wishing to speak in support of or opposition to this application.

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There were no other persons either in support or opposition or who wished to speak regarding this matter.

4. **ADJOURNMENT**

6:48 P.M.