



Council Meeting Minutes

Council Chambers

March 13th, 2017

7:00 p.m.

Mitch Twolan, Mayor	Absent
Wilfred Gamble, Deputy Mayor	Present
Lillian Abbott, Councillor	Present
Jeff Elliott, Councillor	Absent
Jim Hanna, Councillor	Present
Don Murray, Councillor	Absent
Carl Sloetjes, Councillor	Present
Mary Rose Walden, Chief Administrative Officer	Absent
Sonya Watson, Clerk	Present
Matt Farrell, Chief Building Official	Present

Others Present: Brianne Labute-County Planning, David Smith- County Planning, John Brubacher, Ross Myerscough, Simon Myerscough, Blake & Patricia Devitt, Crosby Devitt, Phil Thompson, Cameron Thompson, Gillian Drinkwater

Council Meeting

1. Call to Order

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

2. Disclosure of Pecuniary Interest

Name: n/a Item: n/a Nature of Interest: n/a

3. Adoption of the Minutes

3.1 Motion to Adopt the [February 13th, 2017](#) Council Meeting Minutes

Motion No: 77

Moved by: Sloetjes Seconded by: Hanna

That the Township of Huron-Kinloss Council hereby adopts the February 13th, 2017 Council Meeting Minutes as written.

Carried.

3.2 Motion to Adopt the [February 17th, 2017](#) Budget Meeting Minutes

Motion No: 78

Moved by: Abbott Seconded by: Hanna

That the Township of Huron-Kinloss Council hereby adopts the February 17th, 2017 Budget Meeting Minutes as written.

Carried.

4. Delegations

4.1 None scheduled.

5. Public Meetings Required Under the Planning Act

5.1 Jewel Eden c/o Stephen Batte
1242 Bruce Road 1
Lot 4, Plan 231 and lots 45 and 46, Plan 231, (Kinlough), Geographic Township
of Kinloss
Z-2-17.11

The applicant proposes to convert an existing church into a residence. The subject lands are 0.24 ha (0.6 ac) in size and comprise of three lots in a Plan of Subdivision. The property is zoned 'I-Institutional' and 'AR-Restricted Agriculture'. The application requests a re-zoning to 'R1-21-Residential Special' to permit residential uses.

[Planning Report](#)

Action: Brianne Labute presented the Planning Report. She noted the agency comments received and any concerns raised. There was a concern raised by the neighbouring property owner and they have requested a real property report to confirm the property lines and the location of the buildings as there is a potential encroachment. The County planning staff noted their concerns. They have attended the property and feel the property lines are accurate. The encroachment would have no bearing on the re-zoning application as the building is not being made larger.

There were no further concerns raised by Council at this time.

Ross Myerscough raised concern with how it is possible to re-zone something when you don't know what the exact property boundaries are. Brianne Labute noted they are not changing anything physical about the property so the re-zoning is appropriate.

David Smith noted that the zoning on the map falls within the property lines of the subdivision and the re-zoning would not be going on anyone else's property. The application is for this lot that they own and that is all that is re-zoned. Even if the church was encroaching it has possessory title and there have been no previous concerns about the lot lines. Possessory title runs right to the building wall.

Therefore essentially the building is legal even if it is outside of the property lines. Even if a survey was done the decision would be the same.

There was further discussion regarding the driveway and it was confirmed it is being re-located to his own property.

Mr. Myerscough confirmed he is not concerned about the re-zoning from a church to a house. He just wants the property lines established. Council and County Planning staff suggested that he should obtain a survey personally to establish the lot lines to alleviate his concerns.

Council passed the following motion after considering all comments and concerns raised.

Motion No: 79

Moved by: Hanna Seconded by: Abbott

That the Township of Huron-Kinloss Council hereby approves the proposed Zoning By-Law Amendment Z-2-17.11 for Jewel Eden c/o Stephen Batte in accordance with the draft site specific by-law.

Carried.

- 5.2 John Brubacher
223 Langside Street
Lot 25, Concession 2, Geographic Township of Kinloss
Z-3-17.11

The applicant proposes to divide the +/- 40 ha (100 ac) property into two equal sized agricultural parcels. The lands will be re-zoned to 'AG-116 - General Agriculture Special' to recognize the reduced minimum lot size. Approximately +/- 26.7 ha (66 ac) of the parcel is identified to have high archaeological potential. The applicant intends to further develop lands outside of the area with high archaeological potential. The Planning Department proposes a Holding option rather than completing an archaeological assessment at this time.

The holding provision will prohibit development and/or site alteration until an Archaeological Assessment is completed and recommendations have been implemented. Lands with the Holding can continue to be farmed. The 'EP-Environmental Protection' zone will remain the same.

Planning Report

Action: Brianne Labute presented the Planning Report. She noted the agency comments received and any concerns raised. She outlined the purpose of the Holding for an archeological study and confirmed the Holding can be removed if they do the study. The applicant can still farm the property but cannot put a building up without a study. Council passed the following motion after considering all concerns.

Motion No: 80

Moved by: Sloetjes Seconded by: Hanna

That the Township of Huron-Kinloss Council hereby approves the proposed Zoning By-Law Amendment Z-3-17.11 for John Brubacher in accordance with the draft site specific by-law.

Carried.

- 5.3 Donald Cameron Thompson and Gillian Drinkwalter
206 Bruce Road 86
Part Lot 1, Registered Plan 226, Geographic Township of Kinloss
Z-5-17.11

The applicant proposes to convert an existing church into a residence. The subject lands are 0.16 ha (0.39 ac) in size and the property is zoned 'I-Institutional'. The application is requesting a re-zoning to 'R1-22 - Residential Special' to permit residential uses. The special zoning will address any existing by-law deficiencies, off-street parking requirements and limit the use of an existing shed (which currently straddles the property line) to storage only.

[Planning Report](#)

Action: Brianne Labute presented the Planning Report. She noted the agency comments received and any concerns raised including concerns from the Source Water Protection Authority. She noted the shed on the property is not owned by the applicant but there is a 99 year lease for the shed with 9 years remaining. She noted the planning department felt the shed encroachment does not have a bearing on the application. The neighbour uses the shed for storage. Source Water Protection is going to meet with the neighbouring property owner with the shed to verify what is stored in the shed.

Council sought clarity on the comments concerning the septic system. It was noted the applicant has spoken with a septic installer and there is room on the property for a septic system. It was also noted by the CBO that he felt there was ample room for the septic system.

There were no comments or concerns raised from the public.
Council passed the following motion after considering all concerns.

Motion No: 81

Moved by: Abbott Seconded by: Hanna

That the Township of Huron-Kinloss Council hereby approves the proposed Zoning By-Law Amendment Z-5-17.11 for Donald Cameron Thompson and Gillian Drinkwalter in accordance with the draft site specific by-law.

Carried.

5.4 Blake and Patricia Devitt
2094 Concession 10
Lot 28, Concession 10, Geographic Township of Huron
Z-7-17.16

The purpose of the application is to sever a +/- 1.22 ha (3.01 ac) 'surplus farm dwelling' from a +/- 40.47 ha (100 ac) farm. The retained parcel will be rezoned from 'AG-General Agriculture' to 'AG-1 – General Agriculture Special' to prohibit a residential dwelling. The severed portion will be rezoned from 'AG-General Agriculture' to 'AG-117 – General Agriculture Special' to recognize any deficient setbacks resulting from the severance and to place a livestock restriction on the lands.

The severance goes through an existing barn. The removal of this barn will be a provision of the consent approval.

The portion of the farm lot with 'high' archaeological potential will be rezoned to 'AG-1-H1 – General Agriculture Special with Holding'. The 'Holding' will prohibit any lot grading, excavation and construction until an Archaeological Assessment is completed.

Planning Report

Action: Brianne outlined the report and the agency and any resident comments or concerns received. He noted there were concerns about the septic raised – the septic tank lid was cracked and a new inspection will be required as a condition of the consent application to ensure it has been fixed.

There were some clarifications made by Council with the applicant on the buildings and the barn being removed. Mr. Devitt noted the barn being removed was in disrepair and needed to come down.

There was one concern from the public. Mr. Carmen Courtney questioned how this severance may affect the use or expansion of the barn on his own neighbouring property. It was explained by Planning staff and the CBO that the use of the barn on the neighbouring property would not be affected. The MDS II provisions would apply now and after this severance if any new barns were to be built. So no further negative effect. Council passed the following motion after considering all concerns.

Motion No: 82

Moved by: Sloetjes Seconded by: Hanna

That the Township of Huron-Kinloss Council hereby approves the proposed Zoning By-Law Amendment Z-7-17.16 for Blake and Patricia Devitt in accordance with the draft site specific by-law.

Carried.

6. Correspondence Requiring Direction

6.1 Nothing scheduled

7. Staff Reports

7.1 Nothing scheduled

8. By-Laws and Agreements

8.1 Nothing scheduled

9. Information

9.1 Nothing scheduled

10. New Business/Council Reports

10.1

11. Closed Session

11.1 Motion to go into Closed Session n/a

11.2 Motion to rise from Closed Session n/a

12. Business Arising from the Closed Session

12.1 Nothing scheduled

13. Confirming By-Law

13.1 [By-Law Number 2017-22](#)

March 13th, 2017 Confirmatory By-Law

Motion No: 83

Moved by: Abbott Seconded by: Sloetjes

That By-Law 2017-22 being the March 13th, 2017 Confirmatory By-Law be read a first, second and third time and passed this 13th day of March, 2017.

Carried.

14. Adjournment

14.1 Motion to Adjourn

Motion No: 84

Moved by: Hanna Seconded by: Sloetjes

That The Township of Huron-Kinloss Council does hereby adjourn.

Carried.

Original Signed by Mitch Twolan

Mayor

Original Signed by Sonya Watson

Clerk

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