

**THE CORPORATION OF THE TOWNSHIP OF TAY  
PUBLIC MEETING OF MUNICIPAL COUNCIL  
PROPOSED ZONING BY-LAW AMENDMENT – 4184 VASEY RD.**

**MAY 12, 2010  
7:00 P.M.**

**MUNICIPAL OFFICE COUNCIL CHAMBERS  
MINUTES**

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**PRESENT:**

Mayor Scott Warnock  
Deputy Mayor Michael Ladouceur (Chair)  
Councillor Rick Black  
Councillor Axel Frandsen  
Councillor Bill Rawson  
Councillor James Pearsall  
Councillor Nelson Baumgardner

**STAFF PRESENT:**

Simone Latham, CAO/Deputy Clerk  
Alison Thomas, Clerk  
Mara Burton, Director of Planning & Development  
Nick Colucci, Director of Public Works  
Joanne Sanders, Director of Finance  
Brian Thomas, Fire Chief

**1. CALL TO ORDER**

The meeting was called to order at 7:00 p.m.

**2. MOMENT OF SILENT REFLECTION**

Mayor Warnock called for a moment of silent reflection.

**3. DECLARATIONS OF PECUNIARY INTEREST**

None were presented.

At this point, Mayor Warnock turned the meeting over to the Deputy Mayor Ladouceur, Chair of the Planning & Development Committee.

The Chair of the Planning & Development Committee announced that this is a Public Meeting of Council held in compliance with By-law No. 98-75 and Section 34 of the *Planning Act*. This meeting is being held with respect to Proposed Amendment to the General Zoning By-law Number 2000-57 for the property addressed as 4184 Vasey Road.

The Chair noted all persons present will be given the opportunity to ask questions and comment on the proposed amendment and that any person who requires further notice should give their name and address to staff prior to leaving the meeting. The Public Meeting provides the Committee with the opportunity to receive comments and/or concerns from residents on the proposed change in land use; however, please note that no further opportunity for public comment will be provided.

In addition the Chair noted that in accordance with the *Planning Act*, if a person does not provide comments at the Public Meeting or a written submission prior to the final Council decision the Ontario Municipal Board may, on an appeal; dismiss the appeal on the basis that no concerns were raised during the public process.

#### **4. STATEMENT OF PUBLIC NOTICE**

The Chair then called on the Director of Planning & Development to describe the method by which notice of this meeting was given.

The Director of Planning and Development reported that notice of the Proposed Zoning By-law Amendment was mailed to all assessed persons having properties within 120 metres of the subject land and any agencies that may have an interest and posted on the property on April 21<sup>st</sup>, 2010, therefore the 20 day notice requirement has been met.

#### **5. STATEMENT OF CORRESPONDENCE RECEIVED**

5.1 Correspondence was received from the owners of 1127 Gervais Road asking for clarification on the following points:

- a) How the RU-1 Zone will simplify the zoning?
- b) Once the property is rezoning could it become a full scale convention centre with all the necessary accommodations?
- c) Does adding the permitted use “accessory tenting” mean that the buildings to be erected will always be tents or could they become actual buildings in the future?
- d) Could the office administration going from 125 m2 to 200 m2 be 46 by 46 feet in area?
- e) Will the 1200 m2 for maximum floor area for living, dining and meeting areas be in one building?
- f) Could the 1800 m2 tenting area be 139 feet by 139 feet?

#### **6. PRESENTATION OF A REPORT BY TOWNSHIP STAFF**

6.1 Report from the Director of Planning and Development – Proposed Zoning By-law Amendment – 4184 Vasey Road.

The Director provided an overview of the proposed Zoning By-law Amendment to amend the Rural Exception One “A-1” Zone and Agricultural Exception One “RU-1” Zone on the subject property to permit the Enaahitig Healing Lodge and Learning Centre to:

- (a) amend the maximum gross floor are for living, dining and meeting areas from 420 square metres to 1120 square metres to permit the construction of an additional meeting area building being approximately 670 square metres in area;

- (b) to revise the maximum gross floor area of office/administration use from 125 square metres to 200 square metres to permit for a future expansion of the office/administration; and,
- (c) to simplify the zoning by bringing the whole of the property under the Rural Exception One “RU-1” Zone whereas it currently is a split zoning A-1 and RU-1 which is historic due to the soils mapping that used to differentiate between the two zones. However, this is no longer how we do the zoning and therefore the two zones have been merged into the one.

The Director answered the questions posed in the correspondence from 1127 Gervais Road. The Director reported that once the property is rezoned the use will still be a Family Healing Lodge and Learning Centre which is defined in the Zoning By-law. She noted that the zoning definition will not permit a convention or conference centre on the property. The Director reported that the permitted use “accessory tenting” is already a use on the property under the A-1 zone and the only buildings permitted are subject to the maximum areas identified in the Zoning By-law. She noted that the office administration is already 125 m<sup>2</sup> or 1345 ft<sup>2</sup>, therefore the zoning provisions will permit a maximum addition of around 800 sq feet to the current administration building.

Will the 1200 m<sup>2</sup> for maximum floor area for living dining and meeting areas be in one building? The current gross floor area for living and dining and meeting is 420 m<sup>2</sup>. The proposal is to add a new roundhouse meeting room that is 670 square metres, 7212 ft<sup>2</sup> in area. A bit more was advertised as in my experience it is better to give a little wiggle room than have to come back for a second application for an extra 100 square metres. However, if Council sees fit, the size permitted could be tightened down if there is something to be gained by doing that. In addition, it was noted that the Ontario Municipal Board as already approved the tenting area with setbacks and there are no proposed changes at this time.

Mr. Gary Pearson, on behalf of the applicants, reported that following the rezoning they will be undertaking a site plan agreement for the expanded site. He noted that the new building is now proposed to be smaller than originally planned and will be a modest structure in size and height. Mr. Pearson commented that neighbours should be unable to see new structure from Vasey Road with the existing structures on the property.

Ms. Nena Lacaille, Executive Director of the Healing Lodge, noted that the new building is intended to resemble a turtle, which is a significant symbol in their culture, and will allow for winter gatherings not currently possible. In addition, it is their intention that the new building will blend with the neighbouring environment. Ms. Lacaille also noted that the current project is on a timeline as they have received a federal grant for the works.

**7. QUESTION & CLARIFICATION PERIOD – PUBLIC**

The Chair inquired if there were any questions from the audience in regards to this matter.

Mr. Redegeld, 1127 Gervais Rd. indicated that he has received the clarification requested and is satisfied with the answers received.

**8. SPEAKERS IN SUPPORT & OPPOSITION**

The Chair inquired if there were any speakers in support or opposition in regards to this matter.

The owner of 567 Gervais Rd., objects to the change from agriculture to rural and is concerned with future evolution of use of the property. The Director of Planning & Development noted that should there be any future proposed changes to the property that another public meeting would be held.

**9. QUESTION & CLARIFICATION PERIOD - COUNCIL**

The Chair inquired if there were any questions from Council in regards to this matter.

Councillor Frandsen noted that he sees the need to bring the community liaison back in order to ensure that there are some communications again. Nina indicated that she would be pleased to reinstate the community liaison committee.

Councillor Frandsen inquired as to how many additional parking spaces are needed for the expanded use. Mr. Pearson noted that their intent is to meet the Building Code requirements of one space for twenty people.

Councillor Black advised that he does not see the need for the community liaison committee as the Healing Lodge is a good neighbour and should only need to send out ‘community bulletins’ to keep the neighbourhood in the loop.

**10. FINAL STATEMENT BY THE MAYOR**

The Chair advised that in accordance with the *Planning Act*, if a person does not provide comments at the Public Meeting or a written submission prior to the final decision, the Ontario Municipal Board may, on an appeal, dismiss the appeal on the basis that no concerns were raised during the public process.

**11. ADJOURNMENT**

**MOVED BY: COUNCILLOR BILL RAWSON**

**SECONDED BY: COUNCILLOR NELSON BAUMGARDNER**

**THAT THIS PUBLIC MEETING PER PLANNING ACT  
ADJOURNED AT 7:31 P.M.**

**CARRIED.**

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**MAYOR**

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**CLERK**

**THE CORPORATION OF THE TOWNSHIP OF TAY  
PUBLIC MEETING OF MUNICIPAL COUNCIL  
PROPOSED ZONING BY-LAW AMENDMENT – 115 BAYVIEW AVE.**

**MAY 12, 2010  
7:00 P.M.**

**MUNICIPAL OFFICE COUNCIL CHAMBERS  
MINUTES**

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**PRESENT:** Mayor Scott Warnock  
Deputy Mayor Michael Ladouceur (Chair)  
Councillor Rick Black  
Councillor Axel Frandsen  
Councillor Bill Rawson  
Councillor James Pearsall  
Councillor Nelson Baumgardner

**STAFF PRESENT:** Simone Latham, CAO/Deputy Clerk  
Alison Thomas, Clerk  
Mara Burton, Director of Planning & Development  
Nick Colucci, Director of Public Works  
Joanne Sanders, Director of Finance  
Brian Thomas, Fire Chief

**1. CALL TO ORDER**

The meeting was called to order at 7:32 p.m.

**2. MOMENT OF SILENT REFLECTION**

Mayor Warnock called for a moment of silent reflection.

**3. DECLARATIONS OF PECUNIARY INTEREST**

None were presented.

At this point, Mayor Warnock turned the meeting over to the Deputy Mayor Ladouceur, Chair of the Planning & Development Committee.

The Chair of the Planning & Development Committee announced that this is a Public Meeting of Council held in compliance with By-law No. 98-75 and Section 34 of the *Planning Act*. This meeting is being held with respect to Proposed Amendment to the General Zoning By-law Number 2000-57 for the property addressed as 74 Robins Point Road.

The Chair noted all persons present will be given the opportunity to ask questions and comment on the proposed amendment and that any person who requires further notice should give their name and address to staff prior to leaving the meeting. The Public Meeting provides the Committee with the opportunity to receive comments and/or concerns from residents on the proposed change in land use; however, please note that no further opportunity for public comment will be provided.

In addition the Chair noted that in accordance with the *Planning Act*, if a person does not provide comments at the Public Meeting or a written submission prior to the final Council decision the Ontario Municipal Board may, on an appeal; dismiss the appeal on the basis that no concerns were raised during the public process.

#### **4. STATEMENT OF PUBLIC NOTICE**

The Chair then called on the Director of Planning & Development to describe the method by which notice of this meeting was given.

The Director of Planning and Development reported that notice of the Proposed Zoning By-law Amendment was mailed to all assessed persons having properties within 120 metres of the subject land and any agencies that may have an interest and posted on the property on April 21<sup>st</sup>, 2010, therefore the 20 day notice requirement has been met.

#### **5. STATEMENT OF CORRESPONDENCE RECEIVED**

5.1 Correspondence was received from the owners of 116 Bayview Avenue objecting to the application due to loss of green space, road safety with respect to the new driveway and the way in which the promises made in 2006 around the same property have been set aside.

5.2 Correspondence was received from the owner of 36 Glacier Trail objecting to prior sale and potential development of this lot as it was an important neighbourhood green space.

#### **6. PRESENTATION OF A REPORT BY TOWNSHIP STAFF**

6.1 Report from the Director of Planning and Development – Proposed Zoning By-law Amendment – 115 Bayview Ave.

The Director provided an overview of the proposed Zoning By-law Amendment to rezone the subject property from the Open Space “OS” Zone to a Shoreline Residential “SR” Zone in order to permit the construction of a single detached dwelling on the subject property. She reported that the Shoreline Residential “SR” Zone permits a single detached dwelling, an accessory dwelling unit (apartment in a house), a home occupation and a bed and breakfast. The Director noted that the subject property is designated Shoreline Residential in the Township of Tay Official Plan.

The Director reported that this property was the subject of an Ontario Municipal Board Hearing whereby the Board ruled that the rezoning was premature and that it should have been preceded by further study of both (a) the feasibility/engineering/ drainage dimension, and (b) park rationale. Following the Board ruling, the Council of the Township declared the property surplus to its parkland needs on June 15<sup>th</sup>, 2007 and subsequently sold the property.

The Director noted that the owners hired Dearden and Stanton Limited, Ontario Land Surveyors and Consulting Engineers to undertake the lot grading and drainage plan and concluded that the construction of a single family home in the immediate area of the 450 mm diameter crossing culvert on Bayview Avenue will have no noticeable impact on the local drainage. In addition, it was reported that this report has also been reviewed by the Township's Public Works Department who are satisfied with the report.

## **7. QUESTION & CLARIFICATION PERIOD – PUBLIC**

The Chair inquired if there were any questions from the audience in regards to this matter.

Mr. Robert Codd, 111 Bayview Avenue inquired as to when the decision was made to sell 115 Bayview Avenue. The Director advised that land was sold as a recommendation of the Recreation & Culture Master Plan in 1996 and again 2001. Mr. Codd asked how does development of lands work with the vision Council has regarding the development of green space. Mr. Cobb also commented on the location of the parkland sign, which staff responded will be looked into. The Director advised that Council did retain a pathway to the side of the property providing a path linkage between Glacier Trail and Bayview Avenue. Mr. Cobb requested that Council consider fencing the retained right-of-way to ensure and was directed to submit a letter of request for the fence.

Mr. Dan Mitchell, 3368 Triple Bay Road inquired as to whether or not the conditions established by the Ontario Municipal Board (OMB) have been met, particularly relating to park space. The Director advised that the drainage study, as required by the OMB has been completed and upon review of the two parkland/recreation studies Council decided to sell the lands in June 2007. It was noted that the OMB may make recommendations respecting the disposition of Township lands; however, the OMB does not have the authority to tell Council not to sell the lands. Further any additional study would only be for Council's consideration, who had already decided the lands were surplus. Now that it is no longer parkland, the only outstanding matter is the drainage. The Owner hired an Engineer and the report has been completed and indicates that drainage is not an issue. The Director noted that the Board ordered that the zoning was premature, not that it could not be zoned.

## **8. SPEAKERS IN SUPPORT & OPPOSITION**

The Chair inquired if there were any speakers in support or opposition in regards to this matter.

Mr. Robert Codd, 111 Bayview Avenue objected to the development of the lands and rezoning.

Mr. Jim Handy, 14 Georgian Lane, expressed his concerns regarding the danger of the corner and speed of traffic directly in front of lot.

Mrs. Audrey Howard, 116 Bayview Ave noted that she did attend the original OMB hearing on this property and highlighted her concerns regarding the loss of wildlife on 115 Bayview if the lands are developed. In addition, she noted that traffic is a concern on the corner in front of 115 Bayview Avenue and this will only escalate if the lands are developed. In response to the questions, the Director noted that as the lands are privately owned the owner may clear trees from the lands without Township approval. The Director also advised that the public meeting is specific to the rezoning of the lands for a dwelling, and is not regarding whether these lands are to be retained as parkland as that is no longer a question as they are private lands. Mrs. Howard inquired as to what is the Township's land sale process regarding the disposition of parkland. The Clerk provided a brief overview of the land sale process used throughout the municipality.

Mr. Dan Mitchell, 3368 Triple Bay Road objected to the loss of green space in the neighbourhood and the resulting development of the lands.

**9. QUESTION & CLARIFICATION PERIOD - COUNCIL**

The Chair inquired if there were any questions from Council in regards to this matter.

Councillor Rawson clarified that as part of the Township's land sale policy that when Township lands are being sold that any lands are appraised so that they are sold for fair market value.

**10. FINAL STATEMENT BY THE MAYOR**

The Chair advised that in accordance with the *Planning Act*, if a person does not provide comments at the Public Meeting or a written submission prior to the final decision, the Ontario Municipal Board may, on an appeal, dismiss the appeal on the basis that no concerns were raised during the public process.

**11. ADJOURNMENT**

**MOVED BY: COUNCILLOR RICK BLACK**

**SECONDED BY: COUNCILLOR AXEL FRANDBSEN**

**THAT THIS PUBLIC MEETING PER PLANNING ACT  
ADJOURNED AT 8:26 P.M.**

**CARRIED.**

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**MAYOR**

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**CLERK**

**THE CORPORATION OF THE TOWNSHIP OF TAY  
PUBLIC MEETING OF MUNICIPAL COUNCIL  
PROPOSED ZONING BY-LAW AMENDMENT -  
74 ROBINS POINT ROAD**

**MAY 12, 2010**

**7:00 P.M.**

**MUNICIPAL OFFICE COUNCIL CHAMBERS  
MINUTES**

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**PRESENT:**

Mayor Scott Warnock  
Deputy Mayor Michael Ladouceur (Chair)  
Councillor Rick Black  
Councillor Axel Frandsen  
Councillor Bill Rawson  
Councillor James Pearsall  
Councillor Nelson Baumgardner

**STAFF PRESENT:**

Simone Latham, CAO/Deputy Clerk  
Alison Thomas, Clerk  
Mara Burton, Director of Planning & Development  
Nick Colucci, Director of Public Works  
Joanne Sanders, Director of Finance  
Brian Thomas, Fire Chief

**1. CALL TO ORDER**

The meeting was called to order at 8:27 p.m.

**2. MOMENT OF SILENT REFLECTION**

Mayor Warnock called for a moment of silent reflection.

**3. DECLARATIONS OF PECUNIARY INTEREST**

None were presented.

At this point, Mayor Warnock turned the meeting over to the Deputy Mayor Ladouceur, Chair of the Planning & Development Committee.

The Chair of the Planning & Development Committee announced that this is a Public Meeting of Council held in compliance with By-law No. 98-75 and Section 34 of the *Planning Act*. This meeting is being held with respect to Proposed Amendment to the General Zoning By-law Number 2000-57 for the property addressed as 74 Robins Point Road.

The Chair noted all persons present will be given the opportunity to ask questions and comment on the proposed amendment and that any person who requires further notice should give their name and address to staff prior to leaving the meeting. The Public Meeting provides the Committee with the opportunity to receive comments and/or concerns from residents on the proposed change in land use; however, please note that no further opportunity for public comment will be provided.

In addition the Chair noted that in accordance with the *Planning Act*, if a person does not provide comments at the Public Meeting or a written submission prior to the final Council decision the Ontario Municipal Board may, on an appeal; dismiss the appeal on the basis that no concerns were raised during the public process.

#### **4. STATEMENT OF PUBLIC NOTICE**

The Chair then called on the Director of Planning & Development to describe the method by which notice of this meeting was given.

The Director of Planning and Development reported that notice of the Proposed Zoning By-law Amendment was mailed to all assessed persons having properties within 120 metres of the subject land and any agencies that may have an interest and posted on the property on April 21<sup>st</sup>, 2010, therefore the 20 day notice requirement has been met.

#### **5. STATEMENT OF CORRESPONDENCE RECEIVED**

None were received.

#### **6. PRESENTATION OF A REPORT BY TOWNSHIP STAFF**

6.1 Report from the Director of Planning and Development – Proposed Zoning By-law Amendment – Robins Point Road.

The Director provided an overview of the proposed Zoning By-law Amendment to rezone the subject property from the Shoreline Residential “SR-2” Zone to a site specific Shoreline Residential “SR” Zone in order to permit the construction of a carriage house, which is essentially garage with an accessory dwelling unit on the second storey. The Director reported that the carriage house is proposed to be a height of 7.5 metres (24.6 feet) whereas the Zoning By-law requires that accessory residential buildings not exceed 4.5 metres (14.7 feet) in height. She noted that the proposed zoning would allow the accessory to the main detached dwelling and would require the removal of any accessory dwelling unit (apartment in a house) as a permitted use.

Mr. David York, applicant, noted that he has dropped off a letter commenting on the Director's report. Mr. York provided a history of the property and noted that their application will result in a 'guest house' essentially over top of a garage. He commented that their application will result in a building which will be in keeping with the other surrounding properties as there are other log homes in the neighbourhood. He indicated that he is actually doing the carriage house backwards accessory to the dwelling as in 3 to 4 years he intends to replace the existing cottage with a more substantial log home but thought they would do this building first. In addition, he noted that the proposed carriage house will be on a fully serviced lot and that he has thought the property was a separate lot but found out after speaking to the Township that the lot had merged and that when he bought it his lawyer did not keep the properties separate. He indicated that he has already purchased the log home and that one option is to apply to sever the property. In conclusion, Mr. York remarked that he just wants to do what is simplest for all involved.

**7. QUESTION & CLARIFICATION PERIOD – PUBLIC**

The Chair inquired if there were any questions from the audience in regards to this matter.

None were received.

**8. SPEAKERS IN SUPPORT & OPPOSITION**

The Chair inquired if there were any speakers in support or opposition in regards to this matter.

None were received.

**9. QUESTION & CLARIFICATION PERIOD - COUNCIL**

The Chair inquired if there were any questions from Council in regards to this matter.

Councillor Pearsall noted that he believes the structure would fit into the surrounding neighbourhood.

Councillor Black inquired as to the existing height restrictions in the area. The Director reported that if it was a separate lot it would meet the height requirements; however, if it remains an accessory dwelling it does not meet current height requirements.

**10. FINAL STATEMENT BY THE MAYOR**

The Chair advised that in accordance with the *Planning Act*, if a person does not provide comments at the Public Meeting or a written submission prior to the final decision, the Ontario Municipal Board may, on an appeal, dismiss the appeal on the basis that no concerns were raised during the public process.

11. **ADJOURNMENT**

**MOVED BY: COUNCILLOR RICK BLACK**

**SECONDED BY: COUNCILLOR AXEL FRANSEN**

**THAT THIS PUBLIC MEETING PER PLANNING ACT  
ADJOURNED AT 8:39 P.M.**

**CARRIED.**

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**MAYOR**

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**CLERK**