

**THE CORPORATION OF THE MUNICIPALITY OF HURON SHORES  
(12-02)**

**January 25, 2012**

The special meeting of the Council of the Corporation of the Municipality of Huron Shores was held on Wednesday, January 25<sup>th</sup>, 2012, and called to order by Mayor Gil Reeves at 7:00 p.m.

**PRESENT WERE:** Mayor Gil Reeves, Councillors Jane Armstrong, Georges Bilodeau, Gord Campbell, Eloise Eldner, Debora Kirby, Ted Linley, Kent Weber and Dale Wedgwood.

**ALSO PRESENT:** Michael Pecore; Kenneth Mitchell; David Ratz; Linda Gaudette; Don Pecore; Jacques Rouillard (joined gallery at 7:09 p.m.) Clerk/Administrator Deborah Tonelli; Administrative Assistant Carla Slomke

**AGENDA REVIEW**

No changes.

**DECLARATION OF PECUNIARY INTEREST**

None.

Mayor Reeves advised that Council has received an application for a Minor Variance requesting a reduced side yard setback, from Ken Mitchell, owner of the property described as Part 2, RP 1R5253, being Part of the SE ¼ Section 17, Thompson Township, located at 559 Dean Lake Road. He reported that the purpose of the meeting, as required under the Planning Act of Ontario, is to hear from anyone desiring to address the matter and provide information regarding the request either in support of or in objection to the application.

Mayor Reeves asked Clerk/Administrator Tonelli to report any communications, written or verbal, received respecting the notification of the meeting. She advised that following delivery of the Council packages, a letter was received from Andreas and Priska Hug which she would read later. Mrs. Tonelli advised of the following information included in the Council packages and identified in Deputy Clerk Eagleson's Report as follows:

On January 9/12 Bill Wierzbicki of Planning Advisory Services provided planning advice on the Application;

On January 11/12 Mr. Rouillard, a property owner having received the Notice of the Meeting, called to speak with Mrs. Eagleson and advised that the encroachment did not directly affect him and that he may or may not attend the meeting;

Mr. Don Pecore has been in discussion with Mrs. Eagleson and is in attendance this evening to speak;

Building Inspector Ron Leblanc provided calculations proving the wall on the side of side yard encroachment to be Building Code compliant; and

On January 20/12 a letter was received from Ross Hewitt and Louise Lacroix in opposition to the minor variance.

Clerk/Administrator Tonelli also noted that a request was received from Sylvie Roberge requesting a copy of the Notice of Meeting.

Mrs. Tonelli then read the letter received on January 24/12 from Andreas and Priska Hug stating their opposition to the proposed minor variance.

Mayor Reeves invited Mr. Mitchell to address Council regarding his application.

Mr. Mitchell advised that he did not feel that the cottage's distance from the property line was a significant intrusion. He provided the following: one corner of the cottage is 2 feet 6 inches into the sideyard setback; the view between properties is hidden with trees; the front corner of the cottage is 5 metres from the lot line; the cottage is more than 50 feet from the water.

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He also noted and was further queried by Councillor Linley regarding Mr. Don Pecore's driveway location. He explained that Mr. Pecore's access is located on his property and they have an agreement whereby Mr. Pecore is working on and has two years to relocate the driveway onto his own property.

On a query from Councillor Campbell as to why he built into the side yard setback, Mr. Mitchell advised that the Building Inspector at the time had placed a stake in the ground and advised that Mitchell could build the front corner of the cottage at that location. Mr. Mitchell thought he was in line with the property line, but was off line. He did not intentionally build into the setback.

Jacques Rouillard entered gallery at 7:09 p.m.

In response to a query from Mayor Reeves, Mr. Mitchell advised that the cottage is on 6 piers, he has an approved grey water system and a Sun-Mar (composting) toilet.

A question was raised concerning the unfinished shed located on Mr. Pecore's property abutting the property line. Mr. Mitchell understands it to be piled timber that will be removed.

Mayor Reeves thanked Mr. Mitchell and invited anyone else in attendance to speak for or against the application.

Don Pecore spoke in opposition to the application. He spoke to road/entryway issue raised by Mr. Mitchell. He advised that when Mr. Mitchell purchased the property, he was aware of the driveway on his property and had not objected to it. Mr. Pecore advised that he has 500 feet of roadway on his property.

Mr. Pecore explained that what has been called a shed on the Surveyor's Real Property Report Summary is not a shed but, piled timber for a sauna that is to be built elsewhere on his property.

Mr. Pecore stated that 35% is not a minor variance. He explained that he did not have the money to complete a survey at the time the cottage was built. He noted that the cottage is on 9 to 12 piers, not 6. He reported that the cottage chokes off an elbow and when driving up his driveway it looks like Mr. Mitchell's cabin is Mr. Pecore's cabin and it impedes his view by 3½ feet and is a visual impairment to his property. He reported that we have estate lots for a reason. He advised of his concerns regarding the development of other lands, if Council allows the minor variance. He advised that if this does go further, he would appreciate time to review the building application, as he must make a *Municipal Freedom of Information and Protection of Privacy Act* request to obtain it. He also noted the architectural and zoning history of the area.

Jacques Rouillard spoke in support of the application. He advised that he is a property owner near Mr. Mitchell. He said he has seen these types of hearings in Blind River and the process is a waste of taxpayers' money. He questioned how long the camp had been there to which Don Pecore answered 2004.

Michael Pecore introduced himself to Council as the stepson of Ken Mitchell and spoke in support of the application. He provided family context and advised that part of this is a family situation and part results from struggles

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regarding the driveway access. Mr. Pecore said it was a mistake to build within the setback but, it is a very small area of the building and asked if it really made any difference. He questioned what solutions they had.

Linda Gaudette spoke in objection to the application. She supported Don Pecore's argument. She agreed that (when driving into the property) the cabin seems to belong to Don's property and it will be harder for him to sell the property if he chooses to sell. She stated that Council shouldn't accept the minor variance and if they did then it could "let everyone else go haywire".

Mayor Reeves asked if there was anyone desiring to speak who had already communicated verbally or in writing that had any new information or facts to bring forward.

Mr. Mitchell rose to advise that the only objection he wished to state was that according to the surveyor, his building is 2.2 metres from the property line, leaving 0.78 metres within the setback being 2 feet 6 inches, not 3 feet 6 inches (as reported by Mr. Don Pecore). He stated that he will cut off a corner of the building if necessary.

Mr. Don Pecore again advised that originally he did not have the money for a survey. He lacked survey knowledge and just recently found the peg. He stated that this is all the more reason to have a survey completed when undergoing building activity.

Mr. Michael Pecore queried Council to ensure they all had a copy of the stamped engineered/survey maps of the property. It was confirmed that Council did receive a portion of the Surveyor's Real Property Report Summary. He also noted that pictures had been submitted with the application showing the esthetic point of view.

Mayor Reeves asked if Council members had any further queries.

Councillor Bilodeau questioned the window percentage calculation in Mr. LeBlanc's submission. Mayor Reeves advised that the calculation proves that the existing structure falls within the Ontario Building Code respecting fire separation requirements.

Mayor Reeves advised those in attendance that Council would not be making a decision regarding the application this evening.

**12-02-01**  
*J. Armstrong*  
*D. Kirby*

BE IT RESOLVED THAT all input received respecting the Minor Variance Application for a reduced side yard setback on property described as Part SE ¼ Section 17, RP 1R5253 Part 2, Thompson Township be considered and addressed at the February 8/12 Meeting of Council for decision.  
CARRIED.

**ADJOURNMENT**

**12-02-02**  
*D. Kirby*  
*E. Eldner*

BE IT RESOLVED THAT Council does adjourn at 7:28 p.m.  
CARRIED.