

**THE CORPORATION OF THE MUNICIPALITY OF HURON SHORES  
(12-08)**

**March 14, 2012**

The special meeting of the Council of the Corporation of the Municipality of Huron Shores was held on Wednesday, March 14, 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, Donald Pecore, Linda Gaudette, David Ratz, John Milito, Andrij Obarmyskyj, Mary Jane Bennett, Clerk/Administrator Deborah Tonelli; Administrative Assistant Carla Slomke.

**AGENDA REVIEW**

Mayor Reeves advised that this special meeting was being held for the purpose of a Zoning Amendment - Minor Variance Application – Part of SE ¼ Section 17 Thompson Township Part 2 of RP 1R5253.

**DECLARATION OF PECUNIARY INTEREST**

None.

Mayor Reeves explained the reason why a second meeting was required, further to the January 25, 2012 meeting respecting this matter. He reported that a staff report had been provided to Council to summarize all information received at the January 25<sup>th</sup> Meeting and that all of that information was carried forward to be considered with any information received at this meeting. Mayor Reeves apologized on behalf of Council and staff for any inconvenience caused to both the applicant and those attending this evening. He explained that while those who spoke at the January 25<sup>th</sup> Meeting are entitled to make presentation again, it would be appreciated if comments pertaining to the information already received, be kept to a minimum, as it is already recorded in record, and that presentations this evening address any new information the parties wish to bring forward.

Mayor Reeves asked Clerk/Administrator Tonelli to report any communications, written or verbal, received respecting the notification of the meeting. As was provided to Council in a Staff report prepared by Deputy Clerk Eagleson, and requested by the applicant to make note of, Clerk/Administrator Tonelli advised of the error in the previous Staff Report respecting the encroachment distance and number rounding in the Planning Advisory Services report. She itemized the correspondence and comments received and reported at the January 25<sup>th</sup> Meeting (as included in the Minutes of that meeting). She then itemized correspondence and comments received following the January 25<sup>th</sup> Meeting as follows: 2 notices from the Ministry of Transportation advising of "No Objection" received January 27, 2012 (and provided to Council at its February 8<sup>th</sup> Meeting of Council) and received March 8, 2012; telephone call from Mike Imeson on March 2, 2012 advising of no issues; and e-mail from Joanne Noel on behalf of Andre Gagne on March 6, 2012 advising of support of the application.

Mayor Reeves invited anyone wishing to speak to come forward.

Mr. Mitchell spoke and provided a copy of a site plan showing the proportion of the building intruding on the setback. Mr. Mitchell also stated that the distance of Don Pecore's driveway requiring relocation from Mr. Mitchell's property is 900<sup>+</sup> feet, not 500 ft. as was stated at the January 25<sup>th</sup> Meeting by Mr. Pecore.

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Upon being questioned by Councillor Linley if Mr. Mitchell knew the distance to the property line when building, Mr. Mitchell stated that the building inspector had indicated where the front corner of the building should be. Mr. Mitchell explained that the lay of the land does not permit one to see from one steel post to the other and he assured Council that he thought he was well within the buildable area of his property and was not aware he was encroaching into the setback. He reiterated, as addressed at the January 25<sup>th</sup> Meeting, the cottage meets the setback requirements from the water.

Councillor Campbell asked if Mr. Mitchell had considered providing an easement for the Don Pecore driveway in exchange for an additional 2 to 3 ft. acquisition of land to correct the setback requirement. Mr. Mitchell indicated he wanted the neighbor to relocate his driveway and has given Mr. Pecore until August 2013 to do so. Mr. Mitchell advised that he would have to consult with his solicitor regarding any alternatives in this regard.

Mayor Reeves asked if anyone else wanted to speak.

Mr. Donald Pecore agreed that a greater portion of his road is on the Mitchell property, also stating that Mr. Mitchell knew this when he bought the property. Mr. Pecore indicated that his survey shows an encroachment into the setback of 3.5 ft., not 2.5 ft as shown on the Mitchell survey and advised that he will discuss this discrepancy with the surveying company. He reported further information respecting the driveway and advised that it is almost done. Mr. Pecore advised that Mr. Mitchell has a 40 year career in construction/building and should have known about property lines and building regulations.

On further questioning by Councillor Linley, Mr. Pecore advised that the previous owner of the Mitchell property had advised Mr. Pecore that his road had been built on the adjacent property and there was an understanding with that owner that there could be continued use of the driveway until a new access was built over time. Mr. Pecore advised that there had been no animosity respecting this matter with Mr. Mitchell until recently.

Mayor Reeves summarized courses of action open to Council at this time, in deferring a decision to the next meeting, or passing a resolution to direct staff to prepare a by-law approving the Minor Variance for consideration at the next regular meeting of Council. The following was passed:

**12-08-01**  
*E. Eldner*  
*G. Bilodeau*

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of Huron Shores **approve the Zoning Amendment Application submitted by Mr. Kenneth Mitchell** on property owned by him described as Part 2 Plan 1R-5253 in Part of the SE ¼ Section 17 Thompson Township, to permit a Site Specific Minor Variance at the northeast corner of the existing residential building for which a portion is located at approximately 2.22 metres from the north property line side yard being .78 metres shy of the 3 metre setback required by Thompson Township By-law #87-7;  
AND THAT Council directs staff to prepare a by-law to permit said Site Specific Minor Variance for adoption at the March 28<sup>th</sup>, 2012 Regular Meeting of Council.  
CARRIED.

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Mayor Reeves thanked all parties concerned for their patience and understanding regarding the need to convene a second meeting to discuss this application.

**ADJOURNMENT**

**12-08-02**

*D. Kirby*

*J. Armstrong*

BE IT RESOLVED THAT Council does adjourn at 7:27 p.m.  
CARRIED.

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MAYOR

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CLERK