

MINUTES
PUBLIC MEETING

Thursday, July 29, 2021, 6:00 PM
Firehall Station 1
6055 County Road 44
Spencerville ON K0E 1X0
Parking at the South end of parking lot only

PRESENT: Mayor Pat Sayeau
Deputy Mayor Tory Deschamps
Councillor Hugh Cameron
Councillor Stephen Dillabough
Councillor John Hunter

STAFF: Dave Grant, CAO
Rebecca Williams, Clerk
Wendy Van Keulen, Community Development Coordinator
Candise Newcombe, Deputy Clerk

PUBLIC: John Mulder
Brenda Mulder
Stuart Curry
Jan Curry
Conor Cleary
Anna Michaud
Blake Ross
George Grant
Patricia Grant
Grant Cole

1. Call Meeting to Order

The CAO called the meeting to order at 6:05 p.m.

2. Welcome and Introductions

The CAO welcomed those present and introduced the subject of the meeting. It was noted that the public meeting is being held under the authority of section 34 of the Planning Act. This meeting was also advertised in accordance with the requirements of the Planning Act.

The CAO reminded attendees that if you do not make an oral presentation tonight or a written submission to the Township of Edwardsburgh Cardinal before the bylaw is passed, you will not be entitled to appeal Council's decision to the Ontario Land Tribunal. Additionally, you may not be added as a party to a

hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

3. Proposal Details

The CAO informed the residents in attendance of the purpose of the public meeting, to propose a site-specific amendment to the Comprehensive Zoning Bylaw No. 2012-35, as amended, under the *Planning Act*, R.S.O., 1990, for approximately 920 m² of land, located in Part of Lot 5, Plan 40 and known municipally as 32 David Street, in the geographic Township of Edwardsburgh. The amendment relates to fulfilling conditions of consent for four severance applications that have received provisional consent from the United Counties of Leeds and Grenville Consent Granting Authority. The purpose of the amendment is to change the zoning on the property from "Main Street Commercial/Residential (MCR)" to "Residential Third Density Special Exemption (R3-x)" and to establish zone standards for freehold units on the basis of the existing townhouse dwelling. Specifically, the amendment will establish minimum lot area, front yard, rear yard, and interior yard setback zone provisions related to a townhouse dwelling on partial services in the R3 zone. The effect of the amendment would be to fulfil conditions of consent by establishing zoning compliance in relation to four freehold residential units.

4. Public Comment

Mr. Grant Cole requested clarity on the various meanings of the listed setbacks (front, interior and rear) and their corresponding measurements. It was noted that the front yard setback refers to the distance from the front lot line to the building, the rear setback is the distance from the building to the rear property line and the interior setback refers to the distance from the side of the building to the property line.

Ms. Patricia Grant spoke against the zoning amendment, noting the fact that she has appealed the Counties decision on the severance application for the subject land. She questioned why the zoning amendment would continue with pending appeals on the severances, questioning if the process would have to be started again if the appeals were deemed valid. Ms. Grant noted her concern with the builder not being a registered builder, and mentioned she felt many aspects of the building were not up to code, including the issuing of a building permit without the signature of the CBO. She further noted that she believed all other lots in the area were zoned R2, and feels the re-zoning is in direct contrast to the Township's Official Plan, though she is unsure why the Township is "manipulating" the official plan to accommodate the owner of this land.

Ms. Patricia Grant pointed out that the property does not have proper drainage. Ms. Grant suggested that the owner must be aware as there have been retaining walls built running north to south, however much of the runoff is to the east of the property where there was no retaining wall added. She noted that there have

been gutters and downspouts routed to cement splash pads, which she believes is not up to code. She noted that surrounding neighbours have been experiencing issues with their well and toilets since this property was built.

Ms. Grant gave a definition of "spot zoning", and noted that she believes the Township of Edwardsburgh Cardinal is spot zoning specifically for 32 David St.

Ms. Grant also noted there were revisions made to the severance applications and zoning amendment application.

Ms. Grant referenced a report prepared by J2PG, which includes a well maintenance checklist, and notes that well maintenance should be performed once a year. She believes this has not been completed for the wells on the property.

Ms. Grant noted that a hydrogeological study was required for the application for severance, questioning why the Township assumed the costs. Further noting that a Site Plan Control agreement, and a grading plan for the raising of the lot by 1.8 m was required and not obtained as well. She noted that at the July Committee of the Whole- Community Development meeting a recommendation was approved for future development by Lockwood Brothers Construction, however, they were required to provide the same outlined studies at their own cost. Now the Township is looking into the implementation of a new storm drainage system at the cost of the tax payer. She viewed this as the Township again accommodating this property owner, further noting she felt it was bad policy judgement to vary on requirements so greatly from person to person.

Ms. Grant referred to the rejection of a past application for severance for the lot in question applied for by Mr. Dobbie. She noted that due to the parcel being too small to sustain a septic tank, the application for severance was denied. She voiced her disappointment with the Township in this matter, empathizing with not only the residents but the builder as well, as he has only done what the Township has allowed him to do. Ms. Grant noted that she intends to appeal the zoning bylaw amendment.

Mr. Stewart Curry stated his grievances with the property in question including, his belief that the zoning amendment is an attempt to circumvent the Official Plan and zoning bylaw. Noting that the approval of the severances is contingent on the zoning amendment, and that he feels the Township is setting a precedence for future builders to build first, and ask for permission later. He noted that the applicant should be required to meet conditions set out in the severance application before any zoning bylaw amendment should be granted.

Mr. Grant Cole added that his property is the primary victim of the water runoff. He questioned what the onus of the future owner would be in fixing the drainage issue. Mr. Cole stated that he had no faith in that the Township would address or rectify the issue and feels it's unfair to burden the future property owner with these issues in the future.

Mr. Blake Ross questioned if ESA was made aware of the build or if an Environmental Impact Assessment was completed before the build was permitted. He noted he would like to state that the Township is setting a precedence with this property.

The CAO informed the public that the zoning bylaw amendment would be brought to Council at the next Regular Council Meeting scheduled for August 23, 2021. If passed there will be a 20 day appeal period for any appeals to be submitted to the Ontario Land Tribunal. If you wish to be informed of Council's decision, you must make a written request to the Township of Edwardsburgh Cardinal.

5. Adjournment

The CAO adjourned the meeting at 6:45 p.m.

Deputy Clerk