

THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

**Committee of Adjustment Meeting
Via Electronic Participation
Location: Municipal Council Chambers**

July 8th, 2020

4:45 P.M.

PRESENT: DEPUTY MAYOR: Nancy Wirtz

COUNCILLORS: Barbara Anne Haitse Michael Reider
Jim Rook John Dimitrijevic

ABSENT: MAYOR: Vacant Seat

DISCLOSURE: Nil [all Council individually polled]

STAFF: Clerk-Treasurer – Candy Beauvais
Deputy Clerk-Treasurer – Gilles Legault
Administrative Assistant – Angie Nuziale

MEMBERS OF PUBLIC: Nil

DELEGATIONS: Nil

GUESTS: Matthew Dumont, Director of Planning
Sudbury East Planning Board
via telephone

The Chair, Nancy Wirtz called the meeting to order at 4:48 PM.

The Chair proceeded with roll call then read the following statement:

On March 19, 2020, Bill 187, *Municipal Emergencies Act, 2020* came into force. This legislation amends the *Municipal Act, 2001* to permit municipalities to amend their procedural bylaws to provide that, during emergencies, members of Councils, local boards, and committees who participate in meetings electronically may be counted for the purposes of determining quorum. The Municipality of Killarney has decided to make such an amendment to its procedural bylaw in response to the COVID-19 pandemic. Accordingly, meetings of the Municipality's Council, local boards, and committees will be conducted by teleconference. The public will also be able to observe such meetings in the same manner.

Further to the COVID-19 pandemic and to promote the health and safety of the public, members of Council and staff, it is hereby the decision of Council that this meeting will be held via teleconference and the meeting will also be recorded. This is further enforced by an Order in Council made under the Emergency Management and Civil Protection Act on March 28, 2020 which prohibits any person from attending an organized public event of more than five people.

The Chair proceeded to ask Council if there were any declarations of pecuniary interest. Each councillor announced they had no disclosure.

Note: All motions are recorded votes in order to ensure the public is aware of how councillors are voting since they are unable to view the meeting proceedings.

20-005 BY JIM ROOK – BARBARA ANNE HAITSE

BE IT RESOLVED THAT the Committee of Adjustment meeting be opened at 4:48 P.M.

RECORDED VOTE		
	<i>FOR</i>	<i>AGAINST</i>
Z. DIMITRIJEVIC	<u> x </u>	_____
B. HAITSE	<u> x </u>	_____
M. REIDER	<u> x </u>	_____
J. ROOK	<u> x </u>	_____
VACANT SEAT	_____	_____
N. WIRTZ	<u> x </u>	_____

CARRIED

20-006 BY MICHAEL REIDER – JIM ROOK

BE IT RESOLVED THAT the Agenda be accepted as distributed.

RECORDED VOTE		
	<i>FOR</i>	<i>AGAINST</i>
Z. DIMITRIJEVIC	<u> x </u>	_____
B. HAITSE	<u> x </u>	_____
M. REIDER	<u> x </u>	_____
J. ROOK	<u> x </u>	_____
VACANT SEAT	_____	_____
N. WIRTZ	<u> x </u>	_____

CARRIED

The Chair stated that this Committee of Adjustment Meeting was scheduled in order to hold a Public Hearing to discuss a proposed Minor Variance:

1. Application No. A/08/20 KL (Robert & Jennifer Campbell)

The Committee of Adjustment is holding a Public Hearing to decide whether or not to approve a Minor Variance Application. The Committee will be presented with the details and background to the minor variance application and will receive comments from the public and agencies before a committee decision is made.

The Chair briefly summarized the procedure to be utilized for the Hearing. The Director of Planning for the Sudbury East Planning Board, Mr. Matthew Dumont, advised the Committee as to when, how, and to whom Notice of Public Hearing was circulated.

Mr. Dumont advised the purpose and effect of the minor variance application and provided other information that was relevant to the application.

The Director then stated that the Notice of the Public Hearings were posted in the Municipal Office and were sent by Mail to the assessed owners within 60 metres of the properties subject to the Minor Variance Application, and to those persons and agencies likely to have an interest in the applications. The notices were sent on June 26th, 2020 being over ten (10) days prior to this evening’s meeting.

Included with each Notice was an explanation of the purpose and effect of the minor variance application and a key map showing the location of each property.

The Chair then declared this portion of the meeting to be a Public Hearing to deal with **Application No. A/08/20/KL (Robert & Jennifer Campbell)**. Mr. Dumont advised of the purpose and effect of the minor variance application, provided additional information that was relevant, and summarized the correspondence received to date regarding the application as follows:

An application has been received from Robert and Jennifer Campbell for variances to the Residential One Zone (R1) of By-law 2014-29, as amended, to facilitate an addition to the existing residential dwelling and to permit the construction of front yard deck and stairs. The following variances are being requested:

	<u>Zone Requirement</u>	<u>Proposed</u>
Section 7.2.2 (b)(i). Any dwelling unit – Minimum front yard	6.0 metres	4.38 metres
Section 7.2.2 (b)(ii). Any dwelling unit – Minimum interior side yard	1.5 metres	0.76 metres
Section 7.2.2 (a)(v). The lot – Maximum lot coverage	30.0 percent	34.0 percent

With respect to the Official Plan, the variances being sought would facilitate an addition to the existing residential dwelling located at the north- westerly interior side yard of the subject lands which have frontage on Commissioner Street in the Community of Killarney and to permit the construction of front yard deck and stairs. The lands are zoned Residential One Low Density under By-law 2014-29 being the Zoning By-law for the Municipality of Killarney.

Staff notes that the proposed addition would physically connect the existing residential dwelling. Staff are satisfied that no negative impacts on abutting residential properties would occur should the variance facilitating the addition be approved.

The deck and stairs are intended to replace an existing set of stairs and small landing which provides access from the residential dwelling to finished grade in the existing driveway. Staff would note that the variance being sought is reasonable and not excessive and it is not anticipated that the new deck and stairs will create any negative impact on abutting residential properties. There would also be no negative impacts of the well-established neighborhood character found along Commissioner Street.

With respect to zoning, the Residential One maximum lot coverage is 30.0 percent. The proposed addition to the existing residential dwelling along with the attached deck in the front yard and rear yard is approximately 235.50 square metres in area and the proposed detached garage is approximately 103.98 square metres in area. The existing lot coverage of the subject property is 1011 square metres, therefore the proposed development is providing a maximum lot coverage of 34.0 percent, where a maximum lot coverage of 30.0 percent is permitted on a residential one lot.

With respect to agency comments.

The Clerk-Treasurer for the Municipality of Killarney: no concerns

Chief Building Official: Building permit will be required.

Staff recommended that the variances be approved as they are minor, appropriate in nature, and the intent of both the Official Plan and Zoning By-law are maintained.

The Chair invited any presentations from the applicant that he/she may want to make.

The applicant was not present.

The Chair invited questions and comments from members of the public and the committee.

There were no questions or comments regarding the application.

The Chair then asked the Secretary to read the resolution and the Chair then called for the vote.

20-007 BY MICHAEL REIDER – JIM ROOK

BE IT RESOLVED THAT the Minor Variance Application No. A/08/20/KL (Municipality of Killarney) – Property Roll No. 5136 000 001 09000 – to facilitate an addition to the existing residential dwelling and to permit the construction of front yard deck and stairs is hereby granted;

FURTHER THAT the necessary Notice of Decision be prepared.

RECORDED VOTE		
	<i>FOR</i>	<i>AGAINST</i>
Z. DIMITRIJEVIC	<u> x </u>	_____
B. HAITSE	<u> x </u>	_____
M. REIDER	<u> x </u>	_____
J. ROOK	<u> x </u>	_____
VACANT SEAT	_____	_____
N. WIRTZ	<u> x </u>	_____

CARRIED

The Chair advised that there is a 20-day appeal period during which time any person or public body may, appeal to the Local Planning Appeal Tribunal. During this appeal period, no building permit may be issued, or other work commenced.

The Chair adjourned Minor Variance Application No. A/08/20 KL to be concluded.

20-008 BY BARBARA ANNE HAITSE – MICHAEL REIDER

BE IT RESOLVED THAT the Committee of Adjustment Meeting held July 8th, 2020 be adjourned at 5:00 P.M.

RECORDED VOTE		
	<i>FOR</i>	<i>AGAINST</i>
Z. DIMITRIJEVIC	<u> x </u>	_____
B. HAITSE	<u> x </u>	_____
M. REIDER	<u> x </u>	_____
J. ROOK	<u> x </u>	_____
VACANT SEAT	_____	_____
N. WIRTZ	<u> x </u>	_____

CARRIED

ORIGINAL DOCUMENT SIGNED

.....
Nancy Wirtz, Chair

ORIGINAL DOCUMENT SIGNED

.....
Candy Beauvais, Secretary