

THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

Committee of Adjustment

Veteran's Memorial Hall

March 26, 2019

6:30 P.M.

PRESENT: MAYOR: Virginia Rook

COUNCILLORS: Barbara Anne Haitse Michael Reider
Nancy Wirtz Jim Rook John Dimitrijevic

ABSENT: Nil

DISCLOSURE: Nil

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

GUESTS: Director of Planning – Matthew Dumont
Sudbury East Planning Board

MEMBERS OF PUBLIC: 3

19-005 BY BARBARA ANNE HAITSE – JOHN DIMITRIJEVIC

BE IT RESOLVED THAT the Committee of Adjustment meeting be opened at 6:37 P.M.

CARRIED

19-006 BY MICHAEL REIDER – JIM ROOK

BE IT RESOLVED THAT the Agenda be accepted as distributed.

CARRIED

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

1. Application No. A/02/19 KL (Kevin Prentice)

The Planning Act requires that a Public Hearing be held before a Committee of Adjustment who decides whether or not to approve a Minor Variance Application. The Public Hearing serves two purposes: first, to present to the Committee and the public the details and background to a minor variance application; and second, to 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.

He then stated that the Notice of the Public Hearing was posted in the Municipal Office and was sent by Mail to the assessed owners within 60 metres of the property subject to the Minor Variance Application, and to those persons and agencies likely to have an interest in the application. The notices were sent on March 15th, 2019 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 the property.

The Chair then declared this portion of the meeting to be a Public Hearing to deal with Application No. A/02/19/KL (Kevin Prentice). 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:

The lands are located on the south side of the Killarney Channel in the community of Killarney, south of Highway 637. The adjacent properties to the west and east are waterfront residential uses.

The purpose of the Application for Minor Variance is to permit a reduced minimum distance of the Optimal Summer Water Level of 5.09 metres instead of the 20.0 metres required by the 'Waterfront Residential (WR)' provisions of the Zoning By-Law 2014-29, which will facilitate the construction of a seasonal dwelling.

With respect to the Official Plan policies, Section 4.5.1 of the Official Plan states that minor variances must consider the four tests as outline in Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13, which states that a variance from the Zoning By-Law should:

- a) be minor;
- b) be desirable for the appropriate development or use of the land, building, or structure;
- c) maintain the general intent and purpose of the Zoning By-Law;
- d) maintain the general intent and purpose of the Official Plan.

With respect to compatibility, the subject property is adjacent to a seasonal cottage to the west and east in which both cases, are located within the optimal summer water level setback because of the existing topography/terrain constraints. The area predominately comprises of rock bluffs near the Killarney Channel. Both existing cottages, west and east of the subject property, are located on rock bluffs, therefore is not anticipated to be any negative impact on the subject property.

The Minor Variance Application can be supported because it satisfies the four tests.

With respect to zoning, the subject property is vacant and the owner wishes to construct a seasonal cottage located approximately 5.09 metres from the optimal summer water level (OSWL). Part of the design of the seasonal cottage includes a gazebo which is oriented to face the waterfront. The proposed seasonal cottage is technically located at a further distance of 9.69 metres from OSWL. The applicant is restricted from locating it in compliance with the Zoning By-Law because of the existing rock bluff and due to the location of the proposed septic system which is in the rear yard. With respect to total lot coverage (15% is permitted), the proposed seasonal cottage will have no negative impact on the lot coverage because the lot is 1.29 hectares in area and the proposed seasonal cottage is approximately 1200 square feet.

No comments were received through agency circulation or from the public.

The application can be supported from a planning perspective provided that the attached conditions area fulfilled with respect to the minor variance.

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.

Questions and comments regarding the application were answered by Mr. Dumont.

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

19-007 BY JOHN DIMITRIJEVIC – BARBARA ANNE HAITSE

BE IT RESOLVED THAT the Minor Variance Application No. A/02/19/KL (Municipality of Killarney) – Property Roll No. 5136 000 001 34000 – to construct a dwelling unit (single-detached dwelling) 5.09 metres from the optimal summer water level instead of the required 20 metres in the waterfront residential zone be approved and that the necessary Notice of Decision be prepared.

CARRIED

The Chair advised that there is a 20 day appeal period during which time any person or public body may make an appeal. During this appeal period, no building permit may be issued or other work commenced.

The Chair declared the Public Hearing to be concluded.

19-008 BY JIM ROOK – VIRGINIA ROOK

BE IT RESOLVED THAT the Committee of Adjustment Hearing held March 26th, 2019 be adjourned at 6:55 P.M.

CARRIED

ORIGINAL DOCUMENT SIGNED

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Nancy Wirtz, Chair

ORIGINAL DOCUMENT SIGNED

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Gilles Legault, Secretary