

THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

Special Meeting of Council
In Person/ZOOM
Municipal Council Chambers
March 12th, 2025
4:30 P.M.

PRESENT: MAYOR: Michael Reider

COUNCILLORS: Mary Bradbury Peggy Roque Dave Froats
Nikola Grubic Robert Campbell

ABSENT: Nil

DISCLOSURE: Nil

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

MEMBERS OF PUBLIC: 0 (In Person)/0 (ZOOM)

GUESTS: Matthew Dumont, Director of Planning - Sudbury East Planning Board
RE: Zoning By-Law Application – SEPB No. ZBA 25-04 KL
Jay Sinden

Mayor Reider called the meeting to order at 4:30 P.M., proceeded with roll call and acknowledged meeting on aboriginal land.

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

Mayor Reider presented the procedure for public hearing as indicated below:

The Mayor stated that this Special Meeting was scheduled in order to hold a Public Hearing to discuss a Zoning By-law Amendment:

1. **Application No. ZBA 25-04KL – Jay Sinden**

The Planning Act requires that a Public Hearing be held before Council decides whether or not to pass a Zoning By-law Amendment. The Public Hearing serves two purposes: first, to present to Council and the public the details and background to a proposed rezoning; and second, to receive comments from the public and agencies before a Council decision is made.

Mayor Reider stated that Mr. Dumont will provide a summary of the applications. From there, the applicant will be requested to make a presentation, followed by questions from the public, either in favor or against the proposal. Council will then have the opportunity to question the applicant, the Director of Planning, or anyone giving presentations. The Zoning By-law Amendment will then be considered by Council later this evening.

The Mayor asked Mr. Dumont to advise how notice was provided.

Mr. Dumont stated the Notice of the Public Hearing was posted in the Municipal Office and was sent by Mail to the assessed owners within 120 metres of the property subject for the proposed Zoning By-law Amendment, and to those persons and agencies likely to have an interest in the application. The Notice was sent on February 20th, 2025 (being over twenty (20) days prior to this evening's meeting).

Included with the Notice was an explanation of the purpose and effect of the proposed Zoning By-law Amendment and a key map showing the location of the property.

The Mayor then declared this portion of the Hearing to be a Public Hearing to deal with **Application No. ZBA 25-04KL – Jay Sinden**, and requested Mr. Dumont to summarize the purpose and effect of the proposed Zoning By-law Amendment and provide any additional information and correspondence relevant to the application.

Mr. Dumont stated the purpose and effect of the application is that the subject property, currently zoned **Waterfront Residential (WR)** under Zoning By-law 2014-29, is approximately **0.37 hectares** in size with **220 metres** of water frontage. It contains a **seasonal cottage, sleep cabin, and shed**.

The applicant is requesting a **zoning by-law amendment** to:

- **Maintain the current WR zoning**, but with a **special provision** to allow for a second sleep cabin with a gross floor area of **34 m²** (5.25m x 6.5m).
- Permit the second sleep cabin to be located within the **shoreline development area**, with the closest point being **3 metres** from the high-water mark, requiring relief from the optimal summer level setback.

This amendment seeks to address the current restriction in **Section 6.46** of By-law 2014-29, which permits only one sleep cabin per lot containing a principal dwelling.

PPS 2024:

2.9 Energy Conservation, Air Quality and Climate Change

d) promote green infrastructure, **low impact development**, and active transportation, protect the environment and improve air quality.

No provincial interests, as expressed in the Provincial Policy Statement, are adversely affected by this application.

OFFICIAL PLAN:

Waterfront Policy Area, as identified in the Official Plan for the Sudbury East Planning Area (adopted April 27th, 2010, approved by the Ministry of Municipal Affairs and Housing September 28th, 2010).

The Waterfront Policy Area is intended to provide the main **locations for seasonal and limited permanent residential**, recreational and tourism oriented commercial uses. Development in these areas is intended to be on private services.

Lands designated “Waterfront” shall be used primarily for water-oriented **single detached dwellings** and water-oriented recreational and tourist commercial uses.

In the Waterfront land use designation, one primary dwelling is permitted on each residential lot. **A single secondary sleeping cabin may also be permitted provided it complies with the provisions of the implementation of Zoning By-law.**

On August 1st, 2024, a site visit was conducted by Staff, with the property owner, where it was confirmed that the site conforms to the intent and the policies of the Official Plan. The site contained a **seasonal cottage (single detached dwelling unit), a single secondary sleeping cabin (complies with the provisions of Zoning By-law 2014-29), and shed.**

The application, as proposed, generally conforms to the intent and the policies of the Official Plan.

ZONING BY-LAW:

Current Zoning: Waterfront Residential (WR)

Proposed Zoning: Waterfront Residential (WR), subject to Special Provision (S21)

The proposed amending Zoning By-law will establish provisions to be implemented to allow for a second sleep cabin with a gross floor area of 34 m² (5.25m x 6.5m) on the subject property and to allow the sleep cabin to be located within the shoreline development area, with the closest point being 3 metres from the high-water mark, requiring relief from the optimal summer level setback.

Section 6.46

- (a) Sleep Cabins, permits one sleep cabin for each existing lot which contains a principle dwelling unit. **The proposed by law amendment is to consider a second sleep cabin for the existing lot which contains a principle dwelling unit.**
- (b) The maximum height of the sleep cabin shall be 5.0 metres or 1.5 storeys, whichever is the lesser. **The proposed second sleep cabin is approximately 4.75 metres in height.**
- (c) The maximum gross floor area of the sleep cabin shall not exceed 46.5 square metres. **A second sleep cabin with a gross floor area of 34 m² (365.97 sq. ft) on the subject property which is below the maximum gross floor area permitted.**
- (d) The sleep cabin, unless located in a boathouse, shall not be located closer to a navigable waterway than the minimum setback for the principal dwelling unit, whichever is the greater. **Based on the site plan, the principle dwelling unit is set back 18 metres from the navigable waterway, however a 20 metre setback regulation is applicable due to the fact it is greater than the existing set back of 18 metres. The proposed setback is 3 metres from the navigable waterways due to the constraint of the topography (bedrock) and characteristics of the shape of the island. It will have no impact on the water as it is being used only for sleeping accommodations.**
- (e) The sleep cabin may have bathroom facilities provided the same are connected to a sewage disposal system.
- (f) For the purpose of calculating the number of sleep cabins on a lot, a boathouse or a detached garage with sleeping accommodations is deemed to be a sleep cabin. **There is no boathouse nor detached garage on the property.**

The application, as proposed, generally conforms to the intent and the regulations of the Zoning By-Law.

AGENCY REVIEW:

This application was circulated to those agencies that were considered to have an interest in the proposal. The following comments were received:

Hartley Bay Marina: The marina can provide parking, launching and seasonal wharfage for Mr. Sinden's boat. Also, there is a transfer station onsite for waste disposal.

Chief Administrative Officer/Clerk (Gilles Legault): no concerns or objections.

Chief Building Official: no concerns or objections.

Public Works Superintendent: no concerns or objections.

Fire Department: water access – no fire protection.

By-law Department: no concerns or objections.

Hydro One: no concerns.

The application for consent is consistent with the 2024 Provincial Planning Statement, conforms with the intent of the Official Plan for the Sudbury East Planning Area and the Zoning By-law for the Municipality of Killarney, therefore can be supported from planning perspective.

Mayor asked if the applicant had a presentation that he/she wanted to make.

The applicant was not present.

Mayor asked if the public had any questions or comments.

No public was present.

Mayor asked if Council had any questions or comments.

Questions and comments from Councillors Grubic and Bradbury were addressed by the Planner.

Since there were no further comments or questions, the Mayor declared the Public Hearing to be concluded, and the by-law amendment would be considered by Council later in the evening.

The Mayor advised that **A SPECIFIED PERSON, PUBLIC BODY, OR REGISTERED OWNER** may appeal the by-law to the Ontario Land Tribunal by filing a notice of appeal with the Clerk of the Municipality of Killarney no later than **April 2nd, 2025**. The notice of appeal must set out the reasons for the appeal, and must be accompanied by the required fee, which is prescribed under the Ontario Land Tribunal Act, 2017. This fee should be made payable to the Minister of Finance. All comments will be treated as public records and given out upon request.

25-069 BY PEGGY ROQUE – ROBERT CAMPBELL

BE IT RESOLVED THAT the Special Meeting of Council held March 12th, 2025 to consider a zoning by-law amendment for the proposed zoning by-law amendment for Application Number ZBA25-04KL (Jay Sinden) be adjourned at 4:53 P.M.

FURTHER THAT the by-law will be addressed at the Regular Meeting later this evening.

Resolution Result	Recorded Vote		
	Council Members	YES	NO
<input checked="" type="checkbox"/> CARRIED	Mary Bradbury		
<input type="checkbox"/> DEFEATED	Robert Campbell		
<input type="checkbox"/> TABLED	Dave Froats		
<input type="checkbox"/> RECORDED VOTE (SEE RIGHT)	Nikola Grubic		
<input type="checkbox"/> PECUNIARY INTEREST DECLARED	Michael Reider		
<input type="checkbox"/> WITHDRAWN	Peggy Roque		

ORIGINAL DOCUMENT SIGNED

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Michael Reider, Mayor

ORIGINAL DOCUMENT SIGNED

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Candy Beauvais, Clerk-Treasurer