

THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

Committee of Adjustment

February 20, 2019

4:00 P.M.

PRESENT: MAYOR: Virginia Rook

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

ABSENT: Nil

DISCLOSURE: Nil

STAFF: Clerk-Treasurer – Candy Beauvais
Deputy Clerk-Treasurer – Gilles Legault

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

MEMBERS OF PUBLIC: Nil

19-049 BY JOHN DIMITRIJEVIC – MICHAEL REIDER

BE IT RESOLVED THAT the Committee of Adjustment meeting be opened at 4:01 P.M.

CARRIED

19-050 BY VIRGINIA ROOK – JIM ROOK

BE IT RESOLVED THAT the Agenda be accepted as distributed.

CARRIED

The Chair 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/01/19 KL (Charles Zumkehr)

The Planning Act requires that a Public Hearing be held before a Committee of Adjustment 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 January 31st, 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/01/19/KL (Charles Zumkehr). 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 subject property is 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 application will sever a portion of Lot 16, Plan 196TP to be added to the adjacent lot to the west (lot 15, Plan 196TP). The lot presently contains a seasonal dwelling and the lot addition is intended to facilitate waterfront access to the adjacent property.

The purpose of the Application for Minor Variance is to permit a reduced Minimum Lot Frontage of 22.0 metres instead of the 60.0 metres required by the 'Waterfront Residential (WR)' provisions of the Zoning By-law 2014-29.

With respect to the Official Plan policies, Section 4.5.1 of the Official Plan states that consents include lot boundary adjustments such as that currently proposed. For that reason, staff is supportive of an application that would result in addressing the waterfront access issue.

With respect to the required minor variance application, as noted in the Official Plan section above, minor variances must meet the four tests set out in Section 45(1) of the Planning Act.

- 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; and
- d) maintain the general intent and purpose of the Official Plan.

The Minor variances application can be supported because it satisfies the four tests.

With respect to zoning, no new land use change has been requested. The subject property remains as such; waterfront residential. The 'Waterfront Residential (WR)' Zone permits a single detached dwelling. The minimum lot area requirement is 0.8 hectares and the minimum lot frontage requirement is 60.0 metres. After the lot has been enlarged through consent application, it will have an area of 1.5 ha and a lot frontage of 111.45 metres, which exceeds both the required 0.8 ha and 60.0 metres of lot frontage of the Zone. Additionally, the retained lot will have an area of 1.0 ha; however, the lot frontage will be reduced to 22.0 metres instead of the required 60.0 metres, therefore requiring an Application for Minor Variance.

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 lot addition.

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 read the resolution. There were no questions and the Chair then called for the vote.

19-051 BY JIM ROOK – BARBARA ANNE HAITSE

BE IT RESOLVED THAT the Minor Variance Application No. A/01/19/KL (Municipality of Killarney) – Property Roll No. 5136 000 001 33200 – to sever a portion of Lot 16, Plan 196TP to be added to the adjacent lot to the West (Lot 15, Plan 196TP) 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.

19-052 BY JIM ROOK – BARBARA ANNE HAITSE

BE IT RESOLVED THAT the Special Committee of Adjustment Meeting held February 20th, 2019 be adjourned at 4:10 P.M.

CARRIED

ORIGINAL DOCUMENT SIGNED

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Nancy Wirtz, Chair

ORIGINAL DOCUMENT SIGNED

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Candy Beauvais, Secretary