

THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

Special Meeting of Council
Via Electronic Participation - ZOOM
Municipal Council Chambers
February 9th, 2022
5:00 P.M.

PRESENT: MAYOR: Nancy Wirtz

COUNCILLORS: Barbara Anne Haitse Michael Reider Jim Rook
John Dimitrijevic Robert Campbell

ABSENT: Nil

DISCLOSURE: Nil *[all Council individually polled]*

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

MEMBERS OF PUBLIC: 2

DELEGATIONS: Nil

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

**RE: Zoning By-Law Application No. ZBA 21-23KL –
Scott Little & Cynthia Westaway**

The Clerk indicated the meeting was now being recorded.

**Mayor Wirtz called meeting to order at 5:02 P.M. 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 Wirtz 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 proposed Zoning By-Law Amendment:

Application No. ZBA 21-23KL – Scott Little & Cynthia Westaway

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.

Mr. Dumont will provide a summary of the application. From there, the applicant will be
requested to make a presentation, followed by questions or presentations from the public,
either in favour or against the proposal. Council will then have the opportunity to question
the applicant, 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 that 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 December 7th, 2021 (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 21-23KL – (Scott Little & Cynthia Westaway)** 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 Proposed Amending By-law will be to maintain the current Waterfront Residential (WR) Zone; however, a special provision is to be implemented to recognize two sleep cabins on the subject property. Section 6.46 (a), Sleep Cabins, permits one sleep cabin for each existing lot which contains a principle dwelling unit. The second sleep cabin was constructed in 2018 and has approximately a gross floor area of 108.0 square feet. The subject property presently contains a seasonal cottage, an accessory structure, and two sleep cabins.

The subject lands are surrounded by one waterfront residential lot to the east. Crown land abuts to the north. Access by water.

With respect to the OP, the Waterfront Policy Area is intended to provide the main locations for seasonal and limited permanent residential, recreational and tourism oriented commercial uses.

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 provisions of the implementing Zoning By-law.

The second sleep cabin conforms with the provisions of the implementing Zoning By-law. The sleep cabin is approximately 22.0 metres from the Optimal Summer Water Level, has a 5.82 metres setback from the interior side yard and has a rear yard setback of approximately 51.7 metres. The above noted existing setbacks exceed the zone requirements.

With respect to zoning, the proposed amending Zoning By-law will establish provisions to be implemented to recognize two sleep cabins on the subject property. Section 6.46 (a), Sleep Cabins, permits one sleep cabin for each existing lot which contains a principle dwelling unit. The second sleep cabin was constructed in 2018 and has approximately a gross floor area of 108.0 square feet.

With Respect to agency comments:

Municipality of Killarney (all departments): no concerns with respect to the proposed application.

No other comments were received as of the date this report was written.

The application for consent is consistent with the 2020 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, therefore can be supported from planning perspective.

The Mayor invited presentations from the applicant.

The applicant briefly stated that he agrees with the Sudbury East Planning Board and he hopes the recommendation be accepted by Council.

Other than the applicants, there was no public present, therefore no questions or comments from the Public.

Mayor asked if Council had any questions or comments.

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

The Mayor advised that there is a 20 day appeal period during which time any person or public body may, not later than 20 days after the day that the giving of written notice as required by Section 34(18) of the Planning Act is completed, appeal to Ontario Lands Tribunal by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee prescribed under Ontario Lands Tribunal. During this appeal period, no building permit may be issued or other work commenced.

One member of the public joined at 5:10 PM.

22-039 BY JIM ROOK – ROBERT CAMPBELL

BE IT RESOLVED THAT the Special Meeting of Council held February 9th, 2022 to consider a zoning by-law amendment which will be considered at the Regular Meeting later this evening and therefore this meeting will be adjourned at 5:12 P.M.

Resolution Result	Recorded Vote		
	Council Members	YES	NO
<input checked="" type="checkbox"/> CARRIED	Robert Campbell		
<input type="checkbox"/> DEFEATED	John Dimitrijevic		
<input type="checkbox"/> TABLED	Barbara Anne Haitse		
<input type="checkbox"/> RECORDED VOTE (SEE RIGHT)	Michael Reider		
<input type="checkbox"/> PECUNIARY INTEREST DECLARED	Jim Rook		
<input type="checkbox"/> WITHDRAWN	Nancy Wirtz		

ORIGINAL DOCUMENT SIGNED

Nancy Wirtz, Mayor

ORIGINAL DOCUMENT SIGNED

Candy Beauvais, Clerk Treasurer