

THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

Special Meeting of Council
In Person – No Electronic Participation
Municipal Council Chambers
September 13th, 2023
4:30 P.M.

PRESENT: MAYOR: Michael Reider

COUNCILLORS: Nikola Grubic Mary Bradbury
Dave Froats Peggy Roque

ABSENT: COUNCILLOR: Robert Campbell

DISCLOSURE: Nil

STAFF: Clerk-Treasurer – Candy Beauvais
Deputy Clerk-Treasurer – Gilles Legault
Administrative Assistant – Angie Nuziale
Tax/Utility Clerk – Julie Solomon
Chief Building Official – Andrea Tarini

MEMBERS OF PUBLIC: Nil

GUESTS: 1. Matthew Dumont, Director of Planning - Sudbury East Planning Board
2. Thomas Fortin, Applicant

**RE: Zoning By-Law Application No. ZBA 23-12KL
Thomas Fortin - Roll No. 5136-000-003-05500-0000**

Mayor Reider called 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 proposed Zoning By-Law Amendment:

Application No. ZBA 23-12KL – Thomas Fortin

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 virtually, 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 August 10th, 2023 (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 23-12KL – Thomas Fortin** 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 subject lands are presently zoned Waterfront Residential (WR) under Zoning By-law 2014-29 of the Municipality of Killarney. The Proposed Zoning By-law Amendment will amend the current waterfront residential zoning of the property to establish a special provision to permit the construction of an accessory building (sleep cabin) prior to that of the principal building (single detached dwelling) - regarding section 6.46 (a) Only one sleep cabin shall be permitted for each existing lot which contains a principal dwelling unit.

With respect to the Official Plan:

Waterfront Policy Areas are intended to provide the main locations for seasonal and limited permanent residential, recreational and tourism-oriented commercial uses. Development in the Waterfront Policy Area shall be placed in the appropriate zone or zones in the implementing Zoning By-laws.

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.

Zone Requirements:

Current Zoning: Waterfront Residential (WR)
Proposed Zoning: Waterfront Residential (WR) with Special Provision 19 (S19)

The Proposed Amending By-law will amend the current waterfront residential zone to establish a special provision to permit the construction of an accessory building (sleep cabin) with a gross floor area of approximately 17.83 square metres prior to that of the principal building (single detached dwelling).

Section 6.46 (a) of the Zoning By-law states that no accessory building shall be erected on any lot until the principal building to which it is to be accessory thereto has been erected and (d) a 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.

AGENCY REVIEW

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

Chief Administrative Officer/Clerk had no concerns with the proposed development.

Chief Building Official: no comment.

Public Works Superintendent: no comment.

Fire Department: water access – no fire protection.

The application for zoning by-law amendment is consistent with the 2020 Provincial Policy Statement, conforms with the intent the Official Plan for the Sudbury East Planning Area, and conforms to Zoning By-law 2014-29, therefore can be supported from planning perspective.

The Mayor invited presentations from the applicant.

The applicant stated that he owns another property within the Municipality. He bought this particular land in 2003 in hopes of constructing a home/cottage in the future for his extended family.

No comments or questions were received from the public.

Mayor asked if Council had any questions or comments.

Councillor Bradbury supports the idea and looks forward to the future construction.

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.

23-307 BY PEGGY ROQUE – DAVE FROATS

BE IT RESOLVED THAT the Special Meeting of Council held September 13th, 2023 to consider a zoning by-law amendment for the proposed location of sleep cabin (Thomas Fortin) Application Number ZBA23-12KL be adjourned at 4:45 P.M.

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