

THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

Special Meeting of Council
In Person/ZOOM
Municipal Council Chambers
October 9th, 2024
4:30 P.M.

PRESENT: *DEPUTY MAYOR:* Nikola Grubic
COUNCILLORS: Mary Bradbury Peggy Roque Dave Froats
Michael Reider (*via ZOOM*) VACANT SEAT

ABSENT: Nil

DISCLOSURE: Nil

STAFF: Clerk-Treasurer – Candy Beauvais
Administrative Assistant – Angie Nuziale
Chief Building Official – Andrea Tarini
Project Co-Ordinator – Sanket Shinde

MEMBERS OF PUBLIC: 12 (In Person)/3 (ZOOM)

GUESTS: Matthew Dumont, Director of Planning - Sudbury East Planning Board
RE: Zoning By-Law Application – SEPB No. ZBA 24-16 KL
Robert & Jennifer Campbell

Deputy Mayor Nikola Grubic chaired the Special Meeting and called the meeting to order at 4:30 P.M., proceeded with roll call and acknowledged meeting on aboriginal land.

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

Deputy Mayor Grubic presented the procedure for public hearing as indicated below:

The Deputy 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 24-16KL – Robert & Jennifer Campbell**

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.

Deputy Mayor Grubic 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 Deputy 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 September 19th, 2024 (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 Deputy Mayor then declared this portion of the Hearing to be a Public Hearing to deal with **Application No. ZBA 24-16KL – Robert & Jennifer Campbell**, 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 **to permit a two-storey accessory building** containing a secondary unit (86.88 m²) with a total height of 7.75 m (25.42 feet), **where no accessory building shall have more than 1 storey on a residential lot**. The subject lands contain a 214 m² single detached dwelling with an attached 3 season sunroom which is one storey (as per MPAC Comprehensive report). The lot area is 10890 square feet which is undersized in comparison to the lot sizes adjacent to the subject property.

Characteristics of abutting properties:

- 58 Commissioner Street (west of the Site) – contains a dwelling unit and the existing grade is lower in relation to the subject property. Large lot.
- 52 Commissioner Street (east of the Site) – contains a dwelling unit.
- 43 Paul Street (north of the Site) – contains a dwelling unit and 1 storey detached garage. Large Lot.
- 41 Paul Street (northeast of the Site) – contains a dwelling unit. Large Lot.
- 20 Paul Street (northwest of the Site) - contains a dwelling unit. Large Lot.

The Sudbury East Planning Board has received a zoning application for 54 Commissioner Street North. The subject property is presently zoned ‘Residential One (R1)’ under Zoning By-law 2014-29 of the Municipality of Killarney. The subject lands will maintain the current R1 zoning, however a regulation is to be implemented to permit a two-storey accessory building containing a secondary dwelling unit with a total height of 7.75 metres (25.42 feet), whereas no two-storey accessory building is permitted on a residential lot. The second level is to be deemed as a ‘secondary dwelling unit’. The proposed lot to be rezoned is approximately 0.10 hectares in lot area with a lot frontage of approximately 19.81 metres and contains a single detached dwelling.

The subject lands are serviced by municipal septic system and municipal water and have an existing access from Commissioner Street.

Also, the proposed by-law is to consider the past approvals (some of those approvals are voided due to the new information on the current sketch received by our office on April 29th, 2024) from Minor Variance file number A/08/20/KL.

- Relief from section 7.2.2(b)i. Any dwelling unit – Minimum Front Yard – to permit a setback of 5.51 metres where 6.0 metres is required.
- Relief from section 7.2.2(b)ii. Any dwelling unit – Minimum Interior Yard – to permit a setback of 0.43 metres where 1.5 metres is required.
- Relief from section 7.2.2(a)v. The Lot – Maximum Lot Coverage – to permit a lot coverage of 30.22 percent where 30.0 percent is required.

With respect to the Official Plan:

2.1.3 Community Policy Area Policies:

In considering planning applications in Community Policy Areas, the Planning Board and/or the applicable municipality shall ensure that the **character of the Community Policy Area is maintained** and to the extent possible, enhanced.

2.2.3.1 Permitted Uses Subject to the other policies of this Plan, the following policies will apply in determining uses permitted on land designated “Community Residential” and “Village Residential”. 1. The predominant use of land will be for a variety of residential dwelling types, including single detached dwellings, semi-detached dwellings and duplex dwellings.

a) the density, height and character of the development will be compatible with adjacent uses.

4.2.2 Zoning By-law Policies: The implementing Zoning By-law will be used to regulate the use of land, and the character, location and use of buildings and structures in the Sudbury East Planning Area in accordance with the provisions of the Planning Act and this Plan.

4. The implementing Zoning By-law shall specify the uses permitted in all areas of the Planning Area and shall contain regulations with respect to matters such as:

- a) the use of land;
- b) the type of construction, **height**, size, floor area, **character**, spacing, erection, location and use of buildings;
- c) the construction of buildings or structures;
- d) the minimum elevation of building openings such as doors and windows;
- e) the percentage of the lot area that any building or structure may occupy;
- f) minimum lot frontage on a public road of a parcel of land;
- g) parking requirements and loading facilities; and
- h) minimum lot area and other provisions.

The application, as proposed, generally does not conform to the intent and the policies of the Official Plan.

Zone Requirements:

Current Zoning: Residential One (R1) Zone

Proposed Zoning: Special Residential One Zone - Special Provision 20

A secondary dwelling unit is defined within the zoning by-law as an additional dwelling unit that is ancillary and **subordinate** to the primary dwelling unit that may be contained within the main building on a lot and/or in an accessory building. The zoning by-law permits one main dwelling and one secondary dwelling unit (Section 6.42 (d)). The second dwelling unit in an accessory building must adhere to **accessory building standards**. Accessory is defined as a use, separate building or structure, which is usually incidental, **subordinate**, exclusively devoted to and located on the same lot as the principal use, building or structure and, in the case of a building or structure, may or may not be attached to the main building on the same lot. The intent of limiting the size of secondary units within accessory buildings is to ensure that the unit remains ancillary and/or subordinate to the main use of the land being the single detached dwelling. **Staff have concerns regarding the height of the two-storey garage, containing a secondary dwelling unit, being subordinate to the single detached dwelling unit.** Staff's preference for the height of the accessory building is not to exceed the height of the proposed dwelling in order to appear subordinate to the main use of the lands being the single detached dwelling.

The proposed two-storey accessory building would not maintain character of surrounding single detached dwelling lots, which consist of single detached dwelling units with accessory buildings **that are subordinate in size in comparison to the main use.**

- 58 Commissioner Street (west of the Site) – contains a dwelling unit.
- 52 Commissioner Street (east of the Site) – contains a dwelling unit.
- 43 Paul Street (north of the Site) – contains a dwelling unit and **1 storey detached garage.**
- 41 Paul Street (northeast of the Site) – contains a dwelling unit.
- 20 Paul Street (northwest of the Site) - contains a dwelling unit.

Drainage is a current issue. A Site Visit was conducted on March 5th, 2024, where all the water on the subject property was discharged onto 58 Commissioner Street which directly abuts the property to the west. The lot is currently under size to the surrounding properties and staff does anticipate negative impacts in terms of drainage to the surrounding land uses because of having an undersized lot that is exceeding the lot coverage standards for a residential zone.

The application, as proposed, generally does not conform to the standards outlined under Zoning By-law 201429.

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 (Gilles Legault): There are concerns with the height of the structure and allowing an accessory building to have a two storey with living accommodation as it is currently not allowed in a R1 Zone.

Chief Building Official: Permit awaiting final approval from Council for water and sewer hook-up.

Public Works Superintendent: No comment.

Fire Department: Fire services have no issues with this application.

PUBLIC CONSULTATION

Notice of the rezoning application was sent to surrounding property owners on September 19th, 2024, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its Regulations (O. REG. 73/18) thereto. **As of the writing of this report, 1 letter on concern was received on October 2nd, 2024 from 41 St. Paul Street.**

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

Mr. Campbell made his presentation to Council and public.

Deputy Mayor asked if the public had any questions or comments.

Concerns and questions surrounding the height and drainage were brought up by members of the public which were addressed by the contractor, the Planner and the Chief Building Official.

Deputy Mayor asked if Council had any questions or comments.

Comments and questions from Councillors Froats, Roque and Bradbury were addressed by the Planner.

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

Deputy Mayor indicated there is a motion to be tabled for Council to make a decision on the application.

24-340 BY DAVE FROATS – NIKOLA GRUBIC

WHEREAS the recommendation dated September 8th, 2024 from the Director of Planning regarding an application to rezone lands on Section 32 SPT Property Roll No. 5136 000 001 09000 (SEPB Application No. ZBA 24-16KL – Robert and Jennifer Campbell) has been considered by Council;

AND WHEREAS the Director of Planning is not in a position to support the proposed application as it does not maintain the character of the surrounding neighbourhood which consists of one-story accessory structures, and where drainage issues may have a negative impact to surrounding properties;

AND WHEREAS the proposal does not conform with the intent of the Sudbury East Planning Boards Official Plan and the Zoning By-law 2014-29 for the Municipality of Killarney;

AND WHEREAS the application proposes to change the zoning of lands at 54 Commissioner Street from ‘Residential One Zone’ to a ‘Special Residential One Zone’ to permit a two-storey accessory building containing a secondary dwelling unit with a height of 7.75 metres (25.42) feet and whereas no two-storey accessory building is permitted on a residential lot;

THEREFORE BE IT RESOLVED THAT the Council for the Municipality of Killarney supports the recommendation of the Director of Planning and hereby denies the application for a Zone Change.

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

The Deputy 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.

24-341 BY PEGGY ROQUE – MARY BRADBURY

BE IT RESOLVED THAT the Special Meeting of Council held October 9th, 2024 to consider a zoning by-law amendment for the proposed two-storey accessory building (Robert & Jennifer Campell) Application Number ZBA24-16KL be adjourned at 5:40 P.M.

Resolution Result	Recorded Vote		
	Council Members	YES	NO
<input checked="" type="checkbox"/> CARRIED	Mary Bradbury		
<input type="checkbox"/> DEFEATED	VACANT SEAT		
<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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Nikola Grubic, Deputy Mayor

ORIGINAL DOCUMENT SIGNED

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Candy Beauvais, Clerk-Treasurer