

# THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

## Committee of Adjustment Meeting

In Person/ZOOM

Municipal Council Chambers

April 9<sup>th</sup>, 2025

4:30 P.M.

**PRESENT: MAYOR:** Michael Reider

**COUNCILLORS:** Peggy Roque Dave Froats Robert Campbell  
Mary Bradbury Nikola Grubic (*via ZOOM*)

**ABSENT:** Nil

**DISCLOSURE:** Nil

**STAFF:** Clerk-Treasurer – Candy Beauvais (*via ZOOM*)  
Deputy Clerk-Treasurer – Gilles Legault  
Administrative Assistant – Angie Nuziale

**MEMBERS OF PUBLIC:** 0 (In Person)/1 (ZOOM)

**GUESTS:** 1. Matthew Dumont, Director of Planning  
Sudbury East Planning Board

The Chair Mayor Reider called meeting to order at 4:30 P.M.

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

**25-001 BY PEGGY ROQUE – DAVE FROATS**

BE IT RESOLVED THAT the Committee of Adjustment meeting be opened at 4:30 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 WITHDRAWN	Peggy Roque		

**25-002 BY DAVE FROATS – PEGGY ROQUE**

BE IT RESOLVED THAT the Agenda be accepted as distributed.

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 WITHDRAWN	Peggy Roque		

The Chair stated that this Committee of Adjustment Meeting was scheduled in order to hold a Public Hearing to discuss a proposed Minor Variance:

**Application No. A/02/25/KL (Chantal Lemieux & James Steed)**

The Committee of Adjustment is holding a Public Hearing to decide whether or not to approve a Minor Variance Application. The Committee will be presented with the details and background to the minor variance application and will receive comments from the public and agencies before a committee decision is made.

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.

The Director stated that the Notice of the Public Hearings were posted in the Municipal Office and were sent by mail to the assessed owners within 60 metres of the properties 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 March 28<sup>th</sup>, 2025 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/02/25/KL (Chantal Lemieux & James Steed)**. 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 Planner stated that currently, the property contains an existing seasonal cottage (built around 1950), a boathouse (1965), two wood sheds (1950), and a detached garage (2000). The owners intend to demolish the existing cottage and replace it with a new seasonal cottage with an attached deck, as well as a carport and a sleeping cabin. An upgrade to the septic system is also planned. Access to the property is via Hartley Bay Road, which leads to a private locked gate at the railroad crossing.

The application proposes variance(s) to the Waterfront Residential Zone (WR) of By-law 2014-29, as amended, to seek permission for the construction of a new seasonal cottage at 2798C Hartley Bay Road., as shown on the attached sketch dated March 31st, 2025. The following variance(s) are requested:

	<u>Proposed</u>	<u>Zone Requirement</u>
Section 7.7.2(b)(i). Distance from the Optimal Summer Water Level (one storey dwelling unit)	6.8 m	20.0 m
Section 7.7.2(b)(i). Distance from the Optimal Summer Water Level (one-storey dwelling unit & basement)	2.1 m	20.0 m
Section 7.7.2(b)(i). Distance from the Optimal Summer Water Level (partial second storey of dwelling unit)	5.5 m	20.0 m
Section 7.7.2(b)(i). Distance from the Optimal Summer Water Level (deck attached to one storey dwelling unit)	2.1 m	20.0 m
Section 7.7.2(b)(i). Distance from the Optimal Summer Water Level (septic system)	17.6 m	20.0 m

**OFFICIAL PLAN:****Minor Variances**

Section 4.2.5 of the Official Plan contains review criteria to be used in the evaluation of minor variances as follows:

**1. Minor in Nature:**

The variance request seeks relief from the high-water mark setback. The existing structure is non-compliant, with portions as close as **1.38 metres** from the water. The proposed new building will be **set back 2.13 metres**, representing an **improvement** over the current situation, making the variance minor.

**2. Intent and Purpose of the Zoning By-law:**

The proposed development aligns with the intent of the Waterfront Residential (WR) Zone by **moving the building further from the high-water mark**, protecting the natural environment and preserving the waterfront character. The development remains in line with the zoning regulations for seasonal residential use. Refer to the Zoning Section of the report.

**3. Appropriate Development:**

The demolition of the existing structure and construction of a new single-storey seasonal cottage with a partial upper floor is appropriate for the site. The design accounts for natural constraints, such as rock outcrops and the unique meandering water's edge and minimizes environmental impact.

**4. No Adverse Effect:**

The variance will **not negatively impact the neighboring waterfront properties to the east**. The proposal improves the setback from the water, enhancing shoreline protection, and is consistent with the character of the area.

The proposal meets all four tests for a minor variance: it is minor in nature, complies with the zoning by-law's intent, is suitable for the site and conform to the intent of the Official Plan.

**ZONING:**

Zoning: Waterfront Residential (WR) Zone  
Comments: Same As Above

The property is located within the **Waterfront Residential (WR) Zone**, which has the following key requirements:

1. **Lot Frontage:** Minimum 60.0 metres
2. **Lot Area:** Minimum 0.80 hectares
3. **Maximum Lot Coverage:** 15.0%
4. **Maximum Gross Floor Area for Sleep Cabin:** 46.5 square metres

**Existing Conditions:**

- **Existing Cottage Footprint:** 2102 square feet
- **Existing Sauna Footprint:** 120 square feet

**Proposed Development:**

- **Proposed New Seasonal Dwelling Footprint:** 2613 square feet
- **Proposed Attached Garage Footprint:** 552 square feet
- **Proposed Sleep Cabin:** 232 square feet

**Lot Coverage and Shoreline Development Area:**

- **Lot Area:** 76,622 square feet
- **Total Building Area (including deck, sleep cabin, carport, and seasonal dwelling):** 4,690 square feet
- **Lot-Coverage:** 6.1% This is well below the maximum permitted 15% lot coverage for the WR Zone.

- The **Boathouses and Sauna** are located within the **Shoreline Development Area** and therefore **do not contribute to the lot coverage calculation**. However, even if these structures were included, the lot coverage would still be under the 15% maximum.

**Compliance with Zoning Standards:**

Based on the zoning by-law provisions for the WR zone, the proposed development complies with the following:

- **Lot Area:** 76,622 square feet is 0.71 hectares – legal noncomplying.
- **Lot Frontage:** 165 metres meets the minimum 60 metres.
- **Lot Coverage:** At 6.1%, the proposed development is well within the 15% maximum limit.
- **Maximum Gross Floor Area for Sleep Cabin:** The proposed sleep cabin is 232 square feet, which is well below the 46.5 square metre (approximately 500 square feet) maximum allowed.

The proposed development generally complies with all zoning by-law requirements for the **Waterfront Residential (WR) Zone**, including lot area, lot frontage, lot coverage, and the maximum gross floor area for the sleep cabin. The only request is for relief from the high-water mark setback, which is supported by the unique topographical features of the lot and the minimal environmental impact of the proposed construction.

**AGENCY COMMENTS:**

Chief Administrative Officer/Clerk: no issues.

Chief Building Official: no issues if building permits are applied for when they are ready to build.

Public Works: no issues.

Fire Department: no issues.

By-law Department: no issues.

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

The application for minor variance is consistent with the 2024 Provincial Planning Statement, conforms with the Official Plan for the Sudbury East Planning Area and conforms to the Zoning By-law 2014-29 for the Municipality of Killarney, therefore can be supported from a planning perspective.

The Chair invited any presentations from the applicant that he or she may want to make.

The applicant's agent was present via ZOOM. The agent stated that the Sudbury East Planning Board summarized the Minor Variance Application perfectly and noted that the existing trees on site were also a factor.

The Chair invited questions and comments from members of the public and the committee.

There were no questions or comments regarding the application from the public.

Questions by committee members were answered by both the Sudbury East Planning Board and the agent.

The Chair then asked the Secretary to read the resolution and the Chair then called for the vote.

**25-003 BY DAVE FROATS – PEGGY ROQUE**

**BE IT RESOLVED THAT** the Minor Variance Application No. A/02/25/KL (Municipality of Killarney) – Property Roll No. 5136-000-004-52000 – seeking permission for the construction of a new seasonal cottage at 2798C Hartley Bay Road is hereby granted;

**FURTHER THAT** the necessary Notice of Decision be prepared.

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

The Chair advised that **A SPECIFIED PERSON, PUBLIC BODY, OR REGISTERED OWNER** may appeal the decision to the Ontario Land Tribunal by filing a notice of appeal with the Clerk of the Municipality of Killarney. 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.

The Chair adjourned Minor Variance Application No. A/02/25/KL to be concluded.

**25-004 BY ROBERT CAMPBELL – DAVE FROATS**

**BE IT RESOLVED THAT** we adjourn the Committee of Adjustment meeting held on April 9<sup>th</sup>, 2025 at 4:55 P.M.

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

*ORIGINAL DOCUMENT SIGNED*

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*Michael Reider, Chair*

*ORIGINAL DOCUMENT SIGNED*

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*Gilles Legault, Secretary*