

# THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

## Special Meeting of Council

June 6<sup>th</sup>, 2019

5:00 P.M.

**PRESENT: MAYOR:** Virginia Rook

**COUNCILLORS:** Barbara Anne Haitse Michael Reider  
John Dimitrijevic Jim Rook

**ABSENT: COUNCILLOR:** Nancy Wirtz

**DISCLOSURE:** Nil

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

**MEMBERS OF PUBLIC:** 3

**DELEGATIONS:** Nil

**GUESTS:** Matthew Dumont, Director of Planning  
Sudbury East Planning Board  
Kevin Jarus – Tulloch Engineering (Agent)  
Paula & Boyd Maynard  
Joan Roque – Applicant

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Mayor Rook called the meeting to order at 5:07 PM.

Mayor Rook presented the procedure for public hearings 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 19-08KL – Joan Roque

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 May 16, 2019 (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 meeting to be a Public Hearing to deal with Application No. ZBA 19-08(KL) 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 surrounded by a variety of uses. North of Channel Street, a single family home abuts to the West. Charles Street abuts to the East and a vacant lot is located on the opposite side of Charles Street. Directly south of the subject property consists predominately of commercial uses such as the Channel Marina, Herbert's Fisheries, and LCBO. North of the subject property contains a single family home which is well buffered by mature cedar and pine trees.

The Proposed Amending By-Law will maintain the current Residential One (R1) zone and add Temporary Use regulation(s) under By-Law 2014-29 of the Municipality of Killarney, as amended, in order to temporarily permit a chip stand from June 2019 to June 2022.

With respect to Official Plan policies, Section 2.2.5 intends to be the primary focus for a wide variety of commercial, residential, institutional, and light employment uses within the Mixed-use designation. The proposal is for a commercial use, subject to temporary zoning meets the intent of the Mixed-use designation. Due to the fact that the proposed development is temporary, this development will not diminish the establishment of a more permanent, commercial development of this property in the future because the market will be able to make such land available, if ever considered.

Additionally, Section 2.2.5.1(5) permits commercial uses such as business and professional offices, eating establishments, service and convenience retail. Also, Section 2.2.5.1(6) permits commercial and retail establishments which are destination oriented or are intended to serve the travelling public, including... highway commercial use.

With respect to the zoning, the proposed amending Zoning By-law will establish the temporary use of a chip stand and address a number of site-specific reliefs which form part of the temporary zoning on the existing lot of record. These include:

- Lot Frontage: provide 15.5 metres whereas 18 metres is required with municipal sewer service;
- Lot Area: provide 0.07 hectares where 0.15 hectares is required with municipal sewer service;
- Exterior Side yard setback: provide 2.8 metres where 6.0 metres is required;
- Landscaping Strip: provide 0.0 metres landscaping strip on the westerly property line, where 3.0 metres is required – a fence will be constructed in lieu of a landscaped strip on the westerly lot line as part of the zoning;
- Parking: provide 6 parking stall spaces whereas 8 is required. ( $9.14 \times 7.62 = 69.64$  square metres/ $9.0$  square metres = 7.73 parking stalls).

Comments were raised through agency circulation.

Staff of the Municipality of Killarney had no comments of concerns with the application.

The Chief Building Official had comments with respect to the proposal which includes the following:

- NFPA Kitchen Hood required;
- Fire Department inspection required;
- Fire Suppression requirements – fire extinguishers, etc.;
- Fire separation reviewed;
- Health Unit Inspection;
- Property sewer and water hook up approved by Municipality;
- Zoning check based on site plan;
- Building permits for decks, ramps, structure tec.

With respect to public consultation, comments were raised regarding parking requirements on site as well as further inquiries about details of the proposed application.

The application can be supported from a planning perspective because it maintains the general intent and purpose of the Zoning By-Law; and maintains the general intent and purpose of the Official Plan.

The Mayor asked if the applicant had a presentation to make.

Kevin Jarus spoke for the applicant regarding the application.

The Mayor asked if there were any questions from members of the Public and if so, stand give your name and full mailing address to the Clerk and follow with your comments.

Doug Elliott had questions about the height of the fence and if it was going right down to the street. Mr. Jarus indicated the minimum height of the fence is 1.5 metres but this can be discussed further. Also indicating it will go from the rear of the property straight down to the frontage of the neighbouring property. Mr. Elliott indicated he was worried about people crossing on the corner of his property. Mr. Jarus indicated to avoid this from happening shrubs/trees could be planted in that area. Mr. Elliott also asked where the water and sewer would be located and hydro. Mr. Maynard indicated water and sewer came off of Charles Street and the hydro needs to be looked at.

Patricia White commented that this is an excellent idea for the property and she understands there was a restaurant at this location some years ago. This venture will give residents and visitors an alternative where they can afford to buy a meal.

Mayor asked if Council had any questions or comments.

Councillor Reider asked how the 6 parking spots will be accessed. Mr. Jarus indicated from Charles Street and provided a sketch to Council showing the location of parking spots. Councillor Rook asked if there were any concerns with water and sewer. The Clerk advised that Council approved of this property, being connected to water and sewer at the May Council meeting and the lines were right to the lot line.

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 also 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 the Local Planning Appeals 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 the Local Planning Appeals Tribunal. During this appeal period, no building permit may be issued or other work commenced.

**19-202 BY JIM ROOK – BARBARA ANNE HAITSE**

**BE IT RESOLVED THAT** By-Law #2019-25 being a by-law to Amend Zoning By-Law 2014-29, as amended (Joan Roque) be read a first and second time.

**CARRIED**

**19-203 BY JOHN DIMITRIJEVIC – MICHAEL REIDER**

**BE IT RESOLVED THAT** By-Law #2019-25 being a by-law to Amend Zoning By-Law 2014-29, as amended (Joan Roque) be considered read a third time and passed in Open Council this 6<sup>th</sup> day of June 2019.

**CARRIED**

**19-204 BY JIM ROOK – BARBARA ANNE HAITSE**

**BE IT RESOLVED THAT** the Special Meeting of Council held June 6<sup>th</sup>, 2019 be adjourned at 5:36 P.M.

**CARRIED**

*ORIGINAL DOCUMENT SIGNED*

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*Virginia Rook, Mayor*

*ORIGINAL DOCUMENT SIGNED*

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*Candy Beauvais, Clerk Treasurer*