

# THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

## Committee of Adjustment

August 31, 2017

5:30 P.M.

**PRESENT: MAYOR:** Virginia Rook

**COUNCILLORS:** Nancy Wirtz Pierre Paquette  
Jim Rook

**ABSENT: COUNCILLORS:** Eileen Lewis Michael Reider

**DISCLOSURE:** Nil

**STAFF:** Deputy Clerk-Treasurer – Gilles Legault  
Chief Building Official – Alain McCann  
Director of Planning – Matthew Dumont

**MEMBERS OF PUBLIC:** 3

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**17-001 BY JIM ROOK – PIERRE PAQUETTE**

**BE IT RESOLVED THAT** the Committee of Adjustment meeting be opened at 5:31 P.M.

**CARRIED**

**17-002 BY JIM ROOK – PIERRE PAQUETTE**

**BE IT RESOLVED THAT** the Agenda be accepted as distributed.

**CARRIED**

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

1. Application No. A/05/17 KL (Scott McFarlane)

The Planning Act requires that a Public Hearing be held before a Committee of Adjustment decides whether or not to approve a Minor Variance Application. The Public Hearing serves two purposes: first, to present to the Committee and the public the details and background to a minor variance application; and second, to receive comments from the public and agencies before a Committee decision is made.

The Chair briefly summarized the procedure to be utilized for the Hearing. 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.

Mr. Dumont advised the purpose and effect of the minor variance application and provided other information that was relevant to the applications.

He then stated that the Notice of the Public Hearing was posted in the Municipal Office and was sent by Mail to the assessed owners within 60 metres of the property 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 August 22<sup>nd</sup>, 2017 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/05/17/KL (Scott McFarlane). 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 subject property is located at 11 Channel Street in the Community of Killarney. The lands are bordered on the west and east by Community Commercial Zoned properties including Herbert Fisheries and Pitfield's General Store. North of Channel Street, the surrounding use is predominately residential with the exception to the northeast limit of Channel Street where a local business known as The Rock House Inn is located. The Killarney Channel is South of the subject property.

The application is for a minor variance to the Commercial Community (CC) Zone to permit a rear yard of 0.64 metres instead of the required 4.5 metres.

In this case, it is my opinion the variance is appropriate, as the rear yard setback is relating to a legal non-complying use. The structure, demolished in 2016, was situated 1.6 feet from the road allowance; Channel Street. The applicant is proposing to reconstruct and expand the legal non-complying use by constructing a principle use (single, detached dwelling) with attached accessory uses. The expansion of the legal non-complying use will require a variance because the newly constructed building will be situated 2.11 feet from the road allowance. The net building is being maintained and revitalized on the subject property, the single-story boat slip, once existing, is being reconstructed as well. The proposal meets the lot coverage, lot frontage, height requirements etc. The proposed rear lot line will be in line with the character/morphology of Channel Street resulting in a lot pattern that is relatively consistent with the area.

With respect to the review criteria of the Official Plan, the variance was determined not to offend the policies and can be supported from a planning perspective. Staff and Council for the Municipality of Killarney had no objections to the application and determined that the proposed rear yard setback location is suitable.

With respect to agency circulation – no concerns were received.

With respect to public consultation, one (1) phone call and 2 (two) letters were received after the report was written with concerns relating to parking requirements, drainage, views and defining a legal non-conforming use in terms of the existing building that was situated near the road allowance of Channel Street which was demolished in 2016. The zoning by-law states a special provision (S3) for that area which defines that only an existing single-family dwelling is permitted in the CC zone. Confirmation was received from the Chief Building Official that the Building was at one point a single detached dwelling.

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

The applicant was not present, although his agent attended.

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

There were no questions or comments regarding the application.

The Chair read the resolution. There were no questions and the Chair then called for the vote.

**17-003 BY JIM ROOK – PIERRE PAQUETTE**

**BE IT RESOLVED THAT** the Minor Variance Application No. A/05/17/KL (Municipality of Killarney) – Property Roll No. 5136 000 001 00500 Part of Lot 5 S/S Plan 848 be approved and that the necessary Notice of Decision be prepared.

**CARRIED**

The Chair advised that there is a 20 day appeal period during which time any person or public body may make an appeal. During this appeal period, no building permit may be issued or other work commenced.

The Chair declared the Public Hearing to be concluded.

**17-004 BY JIM ROOK – PIERRE PAQUETTE**

**BE IT RESOLVED THAT** the Committee of Adjustment Public Hearing held August 31<sup>st</sup>, 2017 be adjourned at 5:55 P.M.

**CARRIED**

*ORIGINAL DOCUMENT SIGNED*

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*Nancy Wirtz, Chair*

*ORIGINAL DOCUMENT SIGNED*

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*Gilles Legault, Secretary*