

THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

Special Meeting of Council
Via Electronic Participation - ZOOM
Municipal Council Chambers
November 9th, 2022
4:30 P.M.

PRESENT: MAYOR: Nancy Wirtz

COUNCILLORS: Barbara Anne Haitse Michael Reider Jim Rook
John Dimitrijevic Robert Campbell (*joined at 4:38 pm*)

ABSENT: Nil

DISCLOSURE: Nil [*all Council individually polled*]

STAFF: Clerk-Treasurer – Candy Beauvais
Deputy Clerk-Treasurer – Gilles Legault
Administrative Assistant – Angie Nuziale
Project Manager – Kelly Champaigne

MEMBERS OF PUBLIC: 1

DELEGATIONS: Nil

GUESTS: Matthew Dumont, Director of Planning
Sudbury East Planning Board

**RE: Zoning By-Law Application No. ZBA 22-17KL –
392263 Ontario Limited**

The Clerk indicated the meeting was now being recorded.

Mayor Wirtz called meeting to order at 4:34 P.M. 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 Wirtz 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 22-17KL – 392263 Ontario Limited

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 October 20th, 2022 (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 22-17KL – (392263 Ontario Limited)** 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 property comprises of an island which located in the Municipality of Killarney and is approximately 2.5 hectares in lot area with a water frontage of approximately 688.0 metres. Hartley Bay Marina provides adequate provision of off-street parking, public boat docking facilities and garbage disposal for development that is to be accessible by water.

The subject property operated as a lodge around the 1970's/1980's and since then, the lodge has been no longer operational. As a result, the existing sleep cabins were converted to dwelling units without municipal approvals (not obtaining certain building permits and/or land use development approvals). With that said, considering the information from Chief Building Official for the Municipality of Killarney, MPAC Comprehensive Report, and the owners, in my professional opinion, the reasonable approach to resolve these ongoing contraventions was to amend the by-law and implement a special provisions which acknowledges restrictions to the site.

Based on a site visit conducted on July 22nd, 2022, and information provided by the Chief Building Official for the Municipality of Killarney, and MPAC Comprehensive Report, the following structures were identified:

Existing Structures on Site:

- #1 – lodge (legal nonconforming use)
- #2 – single detached dwelling
- #3 – single detached dwelling
- #4 – single detached dwelling
- #5 – sleep cabin (legal nonconforming use)
- #6 – single detached dwelling
- #7 – single detached dwelling (built without building permit, under new construction)
- #8 – sleep cabin (legal nonconforming use)
- #9 – single detached dwelling
- #10 – single detached dwelling
- #11 – single detached dwelling
- #12 – single detached dwelling
- #13 – single detached dwelling
- #14 – water filter shed
- #15 – sauna
- #16 – games room
- #17 – wood shed
- #18 – wood shed
- #19 – utility shed

The Sudbury East Planning Board has received an application for a zoning by-law amendment. The subject property is presently zoned 'Rural (RU)' under Zoning By-law 2014-29 of the Municipality of Killarney.

The subject property is to be rezoned from 'Rural (RU)' to 'Waterfront Residential (WR)' and to include the addition of a special provision. The intent of the zoning by-law amendment application is to recognize the following:

Zone Requirements:

- i. the location and use of all existing and proposed buildings and structures shall be deemed to comply with the requirements of this By-law
- ii. all existing buildings and structures may be upgraded, expanded, and renovated without an amendment to this By-law
- iii. new sleep cabins shall not be closer than 20.0 metres to the optimal summer water level.

Restriction:

- i. maximum number of single detached dwellings shall be 10.

The purpose of the above noted application is to ensure the subject property conforms with the zoning by-law and meets the intent of the official plan. There has been a lot of construction that has taken place over the last 20 years without the municipal approvals, therefore the above noted restrictions are to ensure no further development occurs without municipal approvals.

AGENCY REVIEW

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

Municipality of Killarney (all departments): Our office did not receive any comments from municipal staff.

The application for consent is consistent with the 2020 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, therefore can be supported from planning perspective.

The Mayor invited presentations from the applicant.

The applicant briefly stated that he agrees with the Sudbury East Planning Board and stated that many discrepancies have been discovered and he is looking to rectify these issues.

Other than the applicants, there was no public present, therefore no questions or comments from the Public.

Mayor asked if Council had any questions or comments.

Council asked how the septic would be handled on the island. Applicant stated he would forward documents to Council.

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.

22-355 BY JIM ROOK – BARBARA ANNE HAITSE

BE IT RESOLVED THAT the Special Meeting of Council held November 9th, 2022 to consider a zoning by-law amendment which will be considered at the Regular Meeting later this evening and therefore this meeting will be adjourned at 4:48 P.M.

Resolution Result	Recorded Vote		
	Council Members	YES	NO
<input checked="" type="checkbox"/> CARRIED	Robert Campbell		
<input type="checkbox"/> DEFEATED	John Dimitrijevic		
<input type="checkbox"/> TABLED	Barbara Anne Haitse		
<input type="checkbox"/> RECORDED VOTE (SEE RIGHT)	Michael Reider		
<input type="checkbox"/> PECUNIARY INTEREST DECLARED	Jim Rook		
<input type="checkbox"/> WITHDRAWN	Nancy Wirtz		

ORIGINAL DOCUMENT SIGNED

Nancy Wirtz, Mayor

ORIGINAL DOCUMENT SIGNED

Candy Beauvais, Clerk Treasurer