

MINUTES

PUBLIC VIRTUAL COUNCIL MEETING

As per *The Planning Act*

**Held during the Regular Council Meeting
on Friday, May 15, 2020**

Regarding: ZONING BY-LAW AMENDMENT - RZ-01-20 (DEWAR)

Council Members Present: Mayor Carol Ballantyne
Councillors: Cheryl Philip; Mike Rickward; Liz Stermsek and Paul Ziraldo

Staff Present: Brenda J. Fraser, Clerk Administrator
Keven Beaucage, Deputy Clerk Treasurer
Linda Moyer, Planning Technician
Ross Gattozzi, Operations Manager
Brian Horsman, Chief Building Official
Cindy Filmore, Senior Office Assistant

7. Public Hearings (Pursuant to the *Planning Act*)

(a) Report and Resolution re: Amendment to Zoning By-law No. 2002-28, as amended - RZ-01-20 (DEWAR)

Mayor Ballantyne stated that this was a Public Meeting for a Zoning By-law amendment held by Council under Section 34 of the *Planning Act*. Mayor Ballantyne then declared the Public Meeting open at 1:12 p.m., to consider a proposed rezoning of lands located in Part of Lot 20, Concession 3, Part 3, 42R-15069 in the Geographic Township of Proudfoot, now in the Town of Kearney from the Residential Waterfront (RWF) Zone to the Residential Waterfront Exception Fifty-five (RWF-55) Zone.

The Mayor asked the Planning Technician to explain the purpose of the proposed rezoning.

The Planning Technician stated that the purpose of the proposed amendment is to permit a reduced setback of 0 m. to the Hazard Lands, where 30 m. (98.4 ft) is required, to allow for the reconstruction and relocation of a cottage and septic system currently located on the lands.

The Mayor asked if any written concerns been received.

The Planning Technician stated that a submission was received from an area property owner concerned with the impact on wildlife and fish habitat, as well as septic leaching into the water during flooding conditions; and the need to demonstrate that the proposal will have no adverse effects through an environmental impact study and geo tech study. Two submissions in support of the application were also received.

The Mayor asked if the applicant wished to make any comments.

The applicant, Darcy Prentice, stated that this would be a vast improvement on what currently is there given that the existing cottage is 5m from the water and the amendment would make it 30m from the water.

The Mayor asked if anyone wished to speak in opposition of the proposed rezoning.

No one spoke in opposition to the proposed rezoning.

The Mayor asked if anyone wished to speak in favour of the proposed rezoning. Jen Dewar stated that she has lifetime experience with the lot and the water never came close to the cottage; that the hazard zone is an aerial overlay and the water has never come up that far; she understands the concern of going from 30m to 0m; the Dewar's have always been stewards of the land – they only cleared enough land for the cottage; keep for multiple generations to come.

The Mayor asked if Council had any questions.

Councillor Stermsek asked about the surrounding area regarding wildlife and questioned the Type 1 fish habitat in that location. Our Planning Technician added that the OP indicates Type 1 Fish Habitat however there would be less impact as the existing cottage is close to the shoreline; that development rights exist now, that any impact on threatened species is unknown. Jen Dewar responded that with regard to the fish habitat, they are moving further from the shore.

Councillor Rickward asked if the cottage could be put 6m each way or if there is only that one spot; that it could be pushed to 6 m each side but then he would be worried about access to the lake; there would be about 12 m usable land close to the neighbour. Planning Technician Linda Moyer noted that the applicant was going to relocate the septic as well and setbacks also apply to a sewage disposal system. Mr. Prentice stated that he currently has septic approval.

Councillor Ziraldo asked if the applicant had any discussion with Sand Lake. Ms. Dewar responded yes, they were given the information and had no problem with the development. Ms. Moyer added that she had received an email from Sand Lake and Area Property Owners Association noting no concerns.

Councillor Philip stated that moving back further from the lake is making a great improvement.

Mayor Ballantyne asked if there were any further comments or questions from the public. There was nothing further.

The Mayor asked if the Planning Technician had anything further to add and she responded, "No".

Mayor Ballantyne asked if Council had any further questions.

Councillor Ziraldo asked if the applicants know the height of the property above the water. Mr. Prentice responded that the cottage is about 3 feet up and the septic about 18 inches more; the new cottage will be

up on post and beam piers in the ground. Ms. Moyer noted that the Zoning By-law requires elevations on Sand Lake and openings must be above certain elevations, which the Building Department can ask for. Councillor Rickward commented that pushing back from the lake and upgrading the cottage and septic are good improvements.

The Mayor advised the public to provide their name, address and phone number, if they wished to receive the notice of decision. Mayor Ballantyne advised of the public's rights to appeal the decision of Council, if approved, to the Local Planning Appeal Tribunal.

Mayor Ballantyne stated that this completed the Public Meeting process and declared the Public Meeting for this Zoning Amendment closed at 1:31 p.m.

**THE CORPORATION OF THE
TOWN OF KEARNEY**



Carol Ballantyne, Mayor



Brenda J. Fraser, Clerk