

# MINUTES

## **PUBLIC COUNCIL MEETING**

*As per The Planning Act*

**Held during the Regular Council Meeting  
on Friday, February 15, 2019**

**Regarding: ZONING BY-LAW AMENDMENT - RZ-07-18 (HEISE)**

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

**Staff Present:** Brenda J. Fraser, Clerk Administrator  
Keven Beaucage, Deputy Clerk Treasurer  
Linda Moyer, Planning Technician

**Regrets:** Councillor Liz Stermsek

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

#### **(a) Report and Resolution re: Amendment to Zoning By-law No. 2002-28, as amended - RZ-07-18 (HEISE)**

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 1:24 p.m., to consider a proposed rezoning of lands located in Part of Lot 18, Concession 3, (Blueberry Island) in the Geographic Township of Proudfoot, now in the Town of Kearney from the Rural (RU) Zone to the Residential Waterfront Exception Fifty-one (RWF-51) Zone.

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

The Planning Technician stated that the purpose of the amendment is to permit a camper/trailer to be located on the island for seasonal use with an approved Camper license and to permit a reduced front yard setback of 12 metres (39.37 ft.) for the camper/trailer where 20 metres is presently required.

The Mayor asked if any written concerns been received.

The Planning Technician stated that approximately 20 written submissions, some of which are attached to the planning report, were received. Submissions received following the release of the planning report, may not yet have been reviewed by Council.

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

The applicant, Mr. Heise, stated that although initially things were not done properly by situating the trailer on the island, he has since been in touch with our planning technician and has addressed concerns of: waste (self-contained composting toilet); grey water (no running water, using a solar power, fan driven evaporation tank); pole dock (removed for winter season); minimal noise; and, revegetation efforts by planting more trees. Mr. Heise tabled pictures of the island and trailer. He stated that he pays taxes on the island and understands that there are no services. For him, it is just somewhere to enjoy the lake – solitude and fishing – sea-doo's and boats disturb the lake/habitats more with their waves. Mr. Heise commented that he has picked up litter (broken glass, paper, cigarette butts) and that people are still trespassing leaving beer bottles, broken glass, butts and garbage.

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

The following people made comments:

Cheryl Wolfenberg (look at every day, the cottagers pay high taxes for their view, no approval from North Bay Mattawa Conservation Authority for toilet effluent and grey water, set president for development being allowed on other islands, requested notification of the decision of Council);

Dennis Hons stated that three SLAPOA documents were submitted including a planning report provided by Jamie Robinson – previously a planner for the Town of Kearney when the last Zoning By-law was written. Mr. Hons recommends the application be denied; in his opinion Sand Lake has reached its development capacity; prime fish and bird habitat is at risk; island is essentially all rock therefore runoff goes directly into the water; bathing in the lake has been banned for years; no hydro service – batteries are a contaminant – no way to stop the use of generators; shed was built in the last ten years with no building permit; potential for ice damage due to west wind; inability for emergency services to respond.

Dave Matson stated he has concern for the environment – Type 1 fish habitat; application not supported by Jamie Robinson nor the PPS; water access lots on islands are not permitted; reference made to section 3.14.3 re existing lots of record; islands not zoned – incorrectly identified land as Rural; lakes and rivers require maximum protection; no do overs in planning; mistakes affect entire area; Blueberry Island designated as Type 1 fish habitat – development not permitted in fish habitat area; allowing the trailer is too big of a risk and must be denied; trailer license is required annually – does not set out what happens if a license is denied; By-laws cannot be conditional and are granted in perpetuity – cannot attach conditions.

The Mayor asked if anyone wished to speak in favour of the proposed rezoning. Mr. Heise spoke again stating: they are very aware of the habitat – all cooking source is outside with propane, they are on site after nesting is done, shed (2015) has never been damaged by ice, existing trailer has never been damaged by ice, have been preserving the natural waterfront, proposed trailer to blend in with natural environment, really do care for the Island.

The Mayor asked if Council had any questions.

Councillor Rickward asked the size of the trailer. Mr. Heise responded 10 ft. x 18 ft.

Councillor Ziraldo commented that great care has been taken to make the trailer appealing, that motor boats and sea-doo's do much more damage, he will look at the merits of the case presented.

Councillor Philip stated she is not in favour of the trailer, looking at the island size and lake fronts and complaints of being too close to the water. First response is for shore-based residences only and those are logics for not supporting this. Suggested that as this is contentious, she feels this should go to a Planner.

The Mayor asked if there were any further comments or questions from the public. Mr. Heise responded that they will be going to the island regardless of if they have the trailer or if they have a tent.

Mayor Ballantyne asked if the Planning Technician had anything further to add.

The Planning Technician stated that some of the submissions are not quite accurate, being:

- It is not clear if a trailer is a structure as it is removable;
- In the zoning By-law, a lot of areas are Rural, but are not labelled as such;
- Jamie Robinson spoke to "lands being on water are zoned Open Space". The Zoning By-law states "lands under water are zoned Open Space";
- The applicant can put a tent on the property. There are no restrictions on using a composting toilet with a tent;
- People have been using the island for years for camping;
- If a trailer is located on the property, it would be subject to the Camper (Trailer) By-law and licensing requirements and therefore more controls than if camping;
- Council can make exceptions. Many of the people opposing this application have been recipients of exceptions;
- Each case needs to be determined on its own merit;
- The main points of the submissions received are: planning policies; the environment; fire protection; flooding; size of the island; lack of soil/vegetation; eye-sore; fish habitat; noise; accessory uses;
- The author of the current Zoning By-law was Mr. Dymment, not Mr. Robinson;

Mayor Ballantyne asked if Council had any further questions.

Councillor Philip commented that this should go to a Planner as it is contentious with a lot of complaints.

Councillor Ziraldo disagreed with Councillor Philip stating that he was quite content with the Planning Technician and didn't feel the need to go to a (Professional) Planner.


Mayor Ballantyne added that some of the submissions intimated that people don't have the right to ask for certain things. It is people's right to come to Council to ask for change.

The Mayor asked the public to come forward and sign the sign-in sheet with 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 2:18 p.m.

**THE CORPORATION OF THE  
TOWN OF KEARNEY**

  
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Carol Ballantyne, Mayor

  
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Brenda J. Fraser, Clerk