



The Corporation of the Town of Kearney

Box 38 8 Main Street Kearney ON P0A 1M0

MINUTES

PUBLIC COUNCIL MEETING

As per *The Planning Act*

Held during the Regular Council Meeting
on Friday, July 12th, 2019

Regarding: **ZONING BY-LAW AMENDMENT - RZ-02-19 (REYNOLDS)**

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

Staff Present: Brenda J. Fraser, CAO | Clerk | Treasurer
Linda Moyer, Planning Technician

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

- (a) **Report and Resolution re:** Amendment to Zoning By-law No. 2002-28, as amended - RZ-02-19 (REYNOLDS)

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 1:21 p.m., to consider a proposed rezoning of lands located in Part of Lot 34, Concession 10, Lot 66, Plan M-20 (61 Regent St.) in the Geographic Township of Perry, now in the Town of Kearney from the Residential Townsite (RTS) Zone to the Residential Townsite Exception Nine (RTS-9) 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 front yard setback of 11.65 metres (38.22 ft.) from the water and a reduced side yard setback of 0.48 metres (1.57 ft.) for an existing shed on the property.

The Mayor asked if any written concerns been received.

The Planning Technician stated that no written submissions have been received in response to the circulation of the notice of application although the Town had received previous communications from an adjacent property owner regarding the location of the shed. Yesterday, the Town received another written submission from Brent Hines. The Planning Technician then read Mr. Hines' submission.

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

The applicants Brad and Lori Reynolds presented Council with an information package that included: their speaking notes (regarding August 2017 approval from J. Mahoney, the complaint, similar decisions, OMB decisions, property value, impact on the environment and accessibility); a letter they sent to Council dated July 2, 2019 outlining the background information related to this request for a zoning By-law amendment; two By-laws passed by Kearney Council in 2018 allowing reduced front yard setbacks; Ontario Municipal Board decision regarding view summary; and, three Ontario Municipal Board Cases. Brad Reynolds described events leading up to the application and that he was trying to make the property more accessible and Lori Reynolds spoke to the view not being a legal reason for refusal and that they could erect a fence and/or plant trees.

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

John Gallagher, planner for Angela Benoliel and David Bolus, the property owners to the north, spoke in opposition of the proposed zoning. Mr. Gallagher handed out pictures and addressed the following: the structure was built without a permit; the existing building was removed and the new building was not built on the same footprint; side yard appears to be closer as the structure is in line with the garage; suggested that a building location survey be requested; concerns that the shed is a Bunkie with impact to the septic system; not consistent with the PPS; the structure is within 20 m. to the shoreline; there are numerous other locations on the lot for this structure; the environmental impact on the lake; sections of the OP regarding protection of the character of the area/compatibility; the impact to the view of the water; the extent of clearing in the front yard; that it is not consistent with the PPS, does not meet the requirements of Kearney's OP, does not meet the intent of Kearney's Zoning By-law; and requested that the Zoning By-law amendment be denied and for notice of decision.

The Mayor asked if anyone wished to speak in favour of the proposed rezoning. Yvonne Mulligan stated that: she only saw this as an improvement; that it is not a Bunkie, it's a place to rest; and that she doesn't understand why people don't understand the accessibility component.

The Mayor asked if Council had any questions. Deputy Mayor Ziraldo commented that: in the photos submitted by Ms. Benoliel, the structure is labelled as a Bunkie, which is an assumption and misleading; and, we're discussing 2 feet with regard to vegetation and the impact on the environment. Councillor Philip noted that in the new Zoning By-law: storage sheds are allowed within 10 m; the municipality allows bunkies with no sewage hook up; and when Mr. Mahoney attended the first complaint, the Reynolds understood they complied; and, she finds it difficult that another complaint on the same issue is being investigated. Councillor Rickward asked the setback for a fence and noted that a fence would block

view. Mr. Gallagher replied that: the ribbon of life is 15 m; the old structure was smaller; the additional vegetation is no longer there; sewage is regulated under the Building Code;

Mayor Ballantyne asked if the Planning Technician had anything further to add. Planning Technician Linda Moyer clarified that: the application was for a shed; and, Bunkies are not permitted in the RTS Zone, only the Waterfront Zone.

Mayor Ballantyne noted that a large package was received from the Reynolds and a lot of information was provided by the Planner if Council would like to defer their decision. Council determined to vote on the matter.

Deputy Mayor Ziraldo requested a motion to reimburse the Reynolds, the cost of the Zoning By-law Amendment Application. A motion was passed in this regard.

Mayor Ballantyne asked if Council had any further questions. There were no further questions from Council .

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 2:11 p.m.

**THE CORPORATION OF THE
TOWN OF KEARNEY**



Carol Ballantyne, Mayor



Brenda J. Fraser, Clerk