

MINUTES

PUBLIC COUNCIL MEETING

As per *The Planning Act*

**Held during the Regular Council Meeting
on Friday, October 25th, 2019**

Regarding: ZONING BY-LAW AMENDMENT - RZ-05-19 (DYKE)

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

Staff Present: Brenda J. Fraser, CAO | Clerk | Treasurer
Keven Beaucage, Deputy Clerk – Deputy 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-05-19 (DYKE)

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 1:04 p.m., to consider a proposed rezoning of lands located in Part of Lot 17, Concession 9, Part 3, 42R-18843 in the Geographic Township of Proudfoot, now in the Town of Kearney from the Rural (RU) Zone to the Residential Waterfront Exception Fifty-four (RWF-54) 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 establish a front yard setback of 20 m (65.6 ft) from the shoreline of Grass Lake for buildings and sewage disposal systems. The requested amendment is in response to the increased setback proposed through the Zoning By-law update.

The Mayor asked if any written concerns been received.

The Planning Technician stated that no concerns have been received.

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

The applicant stated that he was in attendance to answer any questions.

The Mayor asked if anyone wished to speak in opposition of the proposed rezoning. There were no comments.

The Mayor asked if anyone wished to speak in favour of the proposed rezoning. There were no comments.

The Mayor asked if Council had any questions. Councillor Stermsek asked the applicant how long he owned the property, to which Mr. Dyke replied 25 years. Councillor Stermsek also asked who was paying for this application. Planning Technician Linda Moyer replied that it was her understanding from the July Special Meeting that those who made submissions would be allowed to have their property rezoned, at no cost, during the comprehensive update review. It was also noted that if a property owner had an active Building Permit prior to the new Comprehensive Zoning By-law being passed, that the 20 m set back would continue to apply.

Mayor Ballantyne asked if the Planning Technician had anything further to add. The Planning Technician Linda Moyer added that the current By-law reads "20 m from the water" which means where there is shore road allowance owned by the Town, building may occur right up to the lot line.

Mayor Ballantyne asked if Council had any further questions. Councillor Rickward asked if there was anywhere on Mr. Dyke's lot that he could build maintaining the existing setback requirements, to which Mr. Dyke stated he is boxed in and that he wouldn't have building plans until next June. More discussion occurred with regard to fees and with regard to the 30 m setback and policies.

The Mayor then 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 1:45 p.m.

**THE CORPORATION OF THE
TOWN OF KEARNEY**



Carol Ballantyne, Mayor



Brenda J. Fraser, Clerk