

**REGION OF QUEENS MUNICIPALITY  
PUBLIC HEARING  
AMENDMENTS TO THE  
REGION OF QUEENS MUNICIPALITY LAND USE BYLAW  
TUESDAY, MAY 23, 2017  
8:55 A.M.**

**MEMBER OF COUNCIL:** Mayor David Dagley, Chair  
Deputy Mayor Susan MacLeod  
Councillor Kevin Muise  
Councillor Heather Kelly  
Councillor Brian Fralic  
Councillor Raymond Fiske  
Councillor Jack Fancy  
Councillor Gilbert Johnson

**MEMBERS OF STAFF:** Richard MacLellan, Chief Administrative Officer  
Jennifer Keating-Hubley, Director of Finance  
Christine Watson, Recording / Management Secretary  
Mike MacLeod, Planner

**CALL TO ORDER:**

Mayor Dagley called the Public Hearing to order at 8:55 a.m.

**REMARKS:**

Mayor Dagley reviewed that the purpose of this Public Hearing was to provide any interested person with an opportunity to present an oral or written presentation to the Council of the Region of Queens with regards to its intention to amend the Region of Queens Municipality Land Use Bylaw which would correctly:

- Rezone PID #70027776 from Restricted Residential (R1) to Multiple Unit Residential (R3); and
- Rezone PID #70025457 from Restricted Residential (R1) to Multiple Unit Residential (R3).

Mayor Dagley reviewed the procedures for the Hearing which were provided on the agenda.

**REPORTS AND PRESENTATION BY STAFF:**

Mike MacLeod, Planner, provided background, stating two pieces of property were incorrectly zoned when the region wide municipal planning strategy and land use bylaw were adopted by Council in 2009. Under the present bylaw, there is a Restricted Residential (R1) zoning designation which has been applied to the two properties. On each of these properties there is a multiple unit residential building that had been previously zoned as multiple unit residential under the former Town of Liverpool's Land Use Bylaw. There was an error on the mapping when the RQM adopted the documents; Multiple Unit Residential (R3) designation should have been applied to these properties. These amendments are essentially housekeeping to apply the correct zoning to the two properties.

**WRITTEN AND ORAL PRESENTATIONS:**

Denise Fawthrop – Ms. Fawthrop was present to speak on behalf of her mother who resides on Mersey Avenue. She enquired why the zoning was being changed to R3 from R2. Mr. MacLeod explained that the R3 designation was intended to be applied under the new bylaw's categories and was incorrectly shown on the zoning map.

Ms. Fawthrop voiced her concerns that there is a plan for a large development on the property and enquired if there was any awareness for these plans to develop these lands. Mr. MacLeod stated there have been no applications submitted to date. The request was made by the property owner to clarify the zoning applied to that property prior to sale of the property. He explained that any development that would take place on the property would need to comply with the zoning requirements for that area.

Lauren Tutty, 19 Mersey Avenue, Liverpool – Ms. Tutty voiced her concerns on development on the property, i.e. clear cut and road built. She further commented on concerns for increased traffic in the area and possibly an increase to sewer issues if an additional multi unit building were to be developed.

Mabel Wisniewski, 34 Mersey Avenue, Liverpool – Ms. Wisniewski voiced her concerns for the property owner trucking in loads of gravel, some of which she believes is at the water level and enquired if permits were acquired. Mayor Dagley stated the Provincial Department of Environment would have the responsibility of issuing permits to work within the high water mark, and is out of the control of the RQM.

Ann Levy – Ms. Levy commented as the realtor for the purchaser for this property. She advised that to her knowledge the purchaser planned on restoring Dean Manor and may construct a home on the water front part of the property, and had no knowledge of any larger development.

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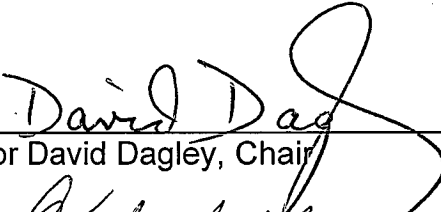
Kathy Smith, 81 Bristol Avenue, Liverpool – Ms. Smith enquired about a piece of property that abuts her property, which is not part of the property in question, if the residents would have any input on the type of building or buildings erected. Mr. MacLeod stated the surrounding property is zoned as Restricted Residential (R1) and those properties would be limited to the R1 permitted uses.

Leon Robertson – 45 College Street, Liverpool – Mr. Robertson asked for clarification on the tax rate applied to the property. Jennifer Keating-Hubley, Director of Finance, stated the land use bylaw has no bearing on value categories for the property tax rate. The property is assessed as residential and this amendment would not change that.

Mayor Dagley asked three times if there were any members of the public who wished to speak on this matter; hearing no further requests, declared the meeting adjourned.

**CLOSING OF PUBLIC MEETING:**

Mayor Dagley declared the Public Hearing closed at 9:32 a.m.

  
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Mayor David Dagley, Chair

  
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Jennifer Keating-Hubley, Director of Finance

  
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Christine Watson, Recording / Management Secretary

Date approved: June 13, 2017

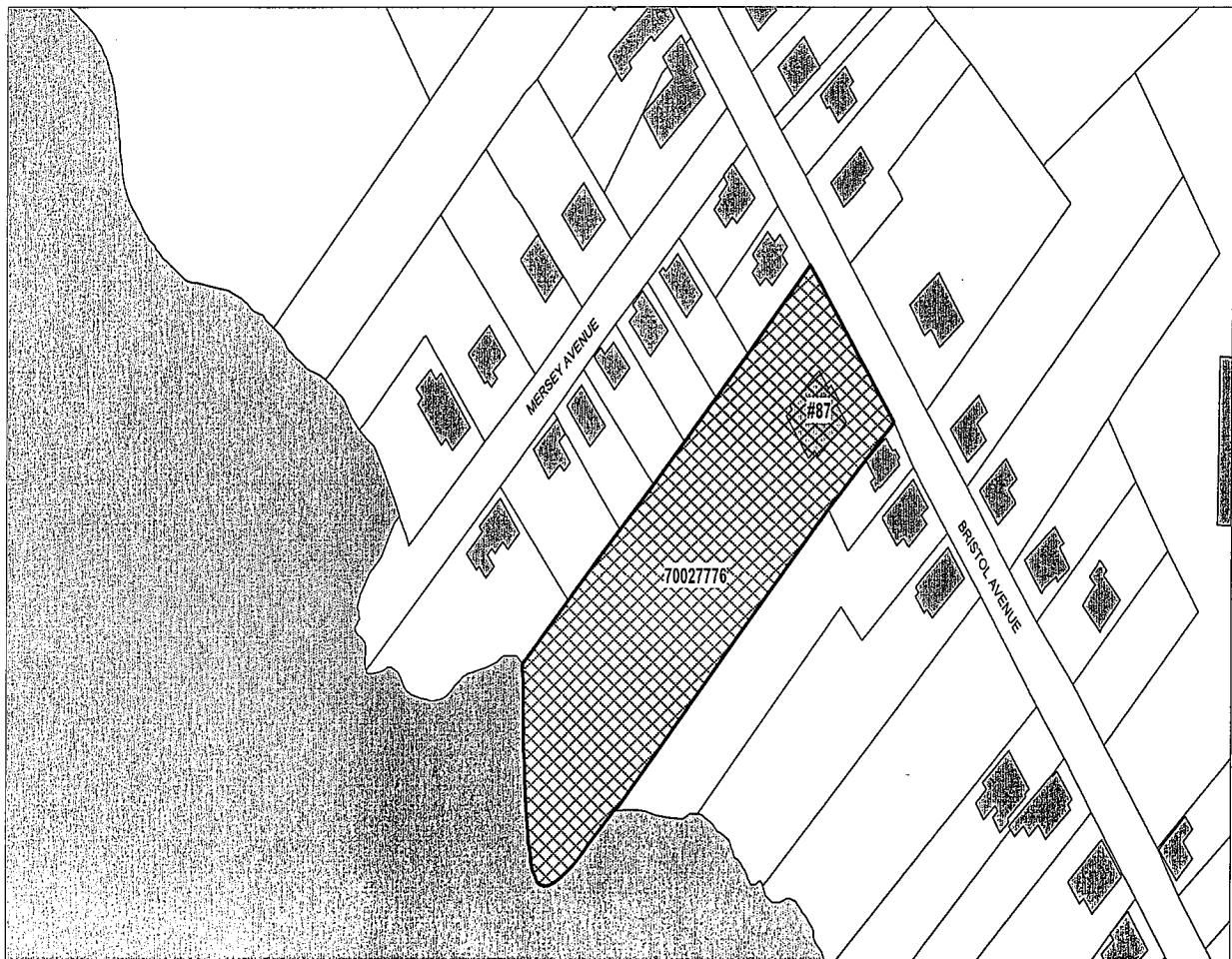


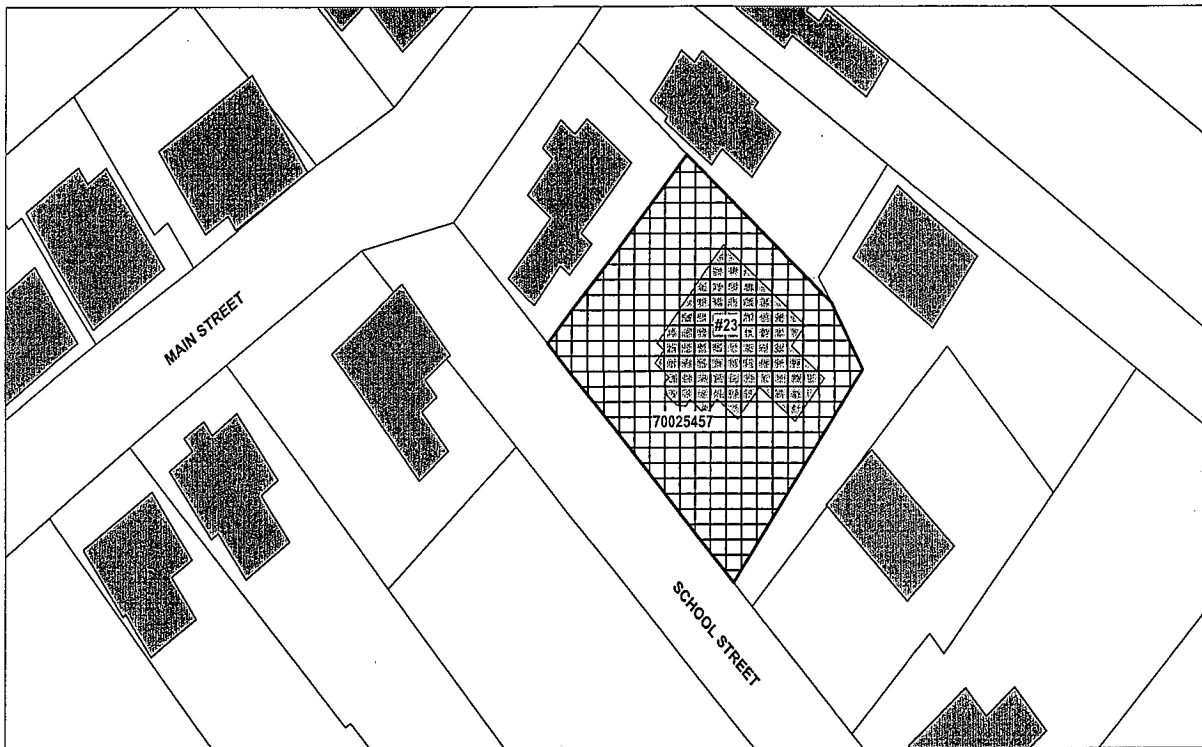
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**Background:**

The Region of Queens Municipality Municipal Planning Strategy and Land Use Bylaw were adopted by Council on July 20<sup>th</sup>, 2009 and came into effect on September 15<sup>th</sup>, 2009.

Subsequent to the implementation of the planning documents, several errors have been identified in the zoning maps, which form part of the Land Use Bylaw. Although these errors were the result of inadvertent administrative oversight, we are required to go through the formal amendment process and have the incorrectly zoned parcels rezoned. These are essentially housekeeping amendments. The changes would be made to Zoning Map 1.





Discussion:

The properties in question are incorrectly shown as being in the Restricted Residential (R1) Zone on the Zoning Map. The properties contain multiple unit apartment buildings and as such, the zoning should have reflected a Multiple Unit Residential (R3) classification. The former Land Use Bylaw for Liverpool had both properties zoned as Residential Multiple Dwelling (R2). The Region's Municipal Planning Strategy sets out that:

*12.7 Non-Conforming Uses and Structures*

*Non-conforming uses and structures, in existence on the effective date of this MPS and Land Use Bylaw shall be subject to the provisions of the Municipal Government Act unless otherwise provided for in policies in this MPS. See also Appendix "A" for a copy of the pertinent Municipal Government Act Sections.*

***Also, Council recognizes that it is possible to inadvertently make mapping errors in preparing the maps that accompanying this MPS and the implementing Bylaw. Such errors do not reflect the policies in this MPS and thus will be corrected by Bylaw amendments.***

***Policy 12.7.1***

***It shall be the intention of Council, where a non-conforming use appears to have been created by an***



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***inadvertent administrative oversight in the Strategy and Bylaw preparation process, resulting in a property being zoned inconsistent with stated policies in this MPS, to amend the Bylaw to reflect the policies of this MPS.***

The Municipal Government Act sets out the procedure for amending planning documents, which includes a timeframe in which certain components must occur. With this in mind, the proposed timing for this amendment process would be as follows:

Report Author:

CAO Approval: