

(vii) Consideration of Applications for Minor Variance

• **A01/16- Reynolds**

Present at the Meeting:

Carson Reynolds, Agent
Terry Tresoor

Carson Reynolds, Agent representing Robert and Nancy Reynolds, owners of property located at 145 Rabbit Lake Road. The applicant seeks to construct a secondary dwelling unit (detached) on the property. The Agent explained the variances required and went on to say that due to the size of the property and the excessive bedrock which spans across the front of the property, the proposed detached secondary dwelling unit has a limited site location, which exceeds the setback requirement. If required to meet the setback distance, and the stipulated individual sewer and water hook-up; the cost to blast lands for servicing and suitable land development would result in the project not being affordable.

The Minute take, Melissa Shaw, reviewed the planning report. The effect of approval of the application would be to permit the construction of a detached secondary dwelling unit, connected to the services of the principle dwelling, setback 100 m from the road allowance, and located on a waterfront property abutting Rabbit Lake.

The applicant is proposing to construct a detached 1428 sq. ft. garage, with a 917 sq. ft. second floor (taken from McMunn and Yates drawings dated 6 Jan 2016), secondary dwelling unit. The design and location of the garage and secondary dwelling unit comply with most provision of Zoning By-law 101-2015, however, the applicant seeks relief from Section 3.28.1 (a) (iv), which requires a principal dwelling and the secondary dwelling to both be individually connected to municipal water and municipal sewer services, to allow the secondary dwelling to connect to the existing municipal water and sanitary sewer system of the principle dwelling.

It was noted that the application has regard for the PPS (2014), policy 1.4.3. (a), as the application contributes to supplying a diverse range of housing types including housing that is affordable to households of low and moderate incomes; The Official Plan, Principle 1 – Sustainable Development-promoting compact development by using land and existing infrastructure efficiently. Principle 3 – Affordable Housing, supports the location of affordable housing in an integrated manner within new or existing development. And Section 3.2- Affordable housing, The City of Kenora will encourage and promote the development of affordable housing by providing a toolkit of planning incentives and direct supports, including but not limited to: More flexible zoning.

The proposed development is to be located approximately 110 m from Rabbit Lake Road, where the main hook up to municipal services is located. To trench new servicing to the proposed detached secondary dwelling would no longer support the intention of the development, for an affordable housing use. The cost to service the new development would greatly diminish the feasibility. The applicant seeks relief to allow the secondary dwelling to connect to the existing municipal water and sanitary sewer system of the principle dwelling.

The subject property is unique in character, as it has an irregular depth of over 290 m., with existing development setback from Rabbit Lake at 190 m. The proposed development will greatly exceed the typical provision for setback form a watercourse and there will be no foreseen hazards associated with flooding and unstable slopes or dangers to the environmental quality of Rabbit Lake. The recommendation is that the Kenora Planning Advisory Committee approves Application for Minor Variance A01/16- Reynolds.

The Secretary- Treasurer added that the secondary dwelling unit is requesting to be located approximately 110m setback from Rabbit Lake Road. The provision of the zoning by-law stipulates a 50 m maximum setback is to ensure there is adequate fire protection. The nearest fire hydrant to the subject property is over 200 feet away from the subject property. Fire protection by the City of Kenora Fire and Rescue would be via the driveway with the use of a pumper truck regardless.

The Chair asked the Agent if there was anything further to add regarding the application and Mr. Reynolds did not have anything additional.

The Chair asked whether there was anyone present who wished to speak either for or against the application.

Mr. Terry Tresoor spoke in favour of the application explaining that over ten years ago, Carson's father, Robert Reynolds, has a stroke and is unable to work. He was forced into early retirement and

Mr. Pearson read the planning rationale from the complete application and concluded that the variance should be considered minor in nature and should be given consideration for approval under the circumstances.

Melissa Shaw, reviewed the planning report, outlining in detail the variance required by the three units were as follows:

- Unit 4- 5.05 m²
- Unit 5- 7.84 m²
- Unit 6- 4.12 m²

The application has regard for the PPS (2014), policy 1.4.3. (a) As the application contributes to supplying a diverse range of housing types including housing that is affordable to households of low and moderate incomes. The application supports the Official Plan, Principle 1- Sustainable Development, Principle 3- Affordable Housing, and Under Section 3.2- Affordable housing, The City of Kenora will encourage and promote the development of affordable housing by providing a toolkit of planning incentives and direct supports, including but not limited to: More flexible zoning.

The applicant has pre-consulted with the City of Kenora Road Supervisor regarding the driveway provisions of the Zoning By-law. No concerns were reported, and will apply for an entrance permit as part of the building permit application.

The applicant has applied for a letter of comfort, concurrently with their application for minor variance for the re-design of the parking lot on the northeast corner, whereby one of the new stalls will encroach on City property, and for an existing retaining wall which encroaches on City property.

The Planning recommendation is that the Kenora Planning Advisory Committee approves Application for Minor Variance A02/16- Kenora District Services Board.

Robert Kitowski, Acting Chair asked the Agent if there was anything further to add regarding the application. Mr. Pearson said that he had met with the Roads Supervisor with respect to parking provisions and the site plan which includes 8 stalls. He noted that a converted dwelling unit only requires three stalls; with six- dwelling units, three stalls might not be enough, however eight stalls may be excessive and so the number of parking stalls may be altered to six, while still maintaining compliance with the by-law.

The Chair asked whether there was anyone present who wished to speak either for or against the application.

Lorraine Major, of 611 Eighth Street South, wished to speak in favour of the application, however requested that a fence be constructed on the east lot line adjacent the proposed parking lot, to ensure privacy and safety to her property.

Donna Wiebe of 709 Second Street South, wish to present on behalf of Mr. Don and Mrs. Jean Lafreniere.

Donna Wiebe opposed the application for minor variance based on the following concerns:

1. Parking issues
2. Safety Concerns
3. Width of 8th Street between 6th and 7th Avenue
4. Off street parking

The area is a high traffic and high speed area, with many daily travelers to and from Anicinabe Park, the Casino, and Confederation College to name a few. With the development of more units, further congestion is a concern. As well, the development will add to the safety concerns on 8th street south, there will be increased traffic and more potential hazards to pedestrians, students and the bus stop.

The width of 8th street from 6th Avenue to 7th Avenue is essentially a one lane traffic roadway. It becomes very difficult to navigate because of on street parking. As the proposed development does not offer designated off street parking for visitors, the development will surly cause further congestion on the street adding to the congestion and safety concerns.

Mrs. Wiebe spoke to the intent and characteristic of the neighbourhood, originally a single family dwelling unit neighbourhood, her parents, Don and Jean Lafreniere have been long time residents and have seen a lot of changes over the years. As these changes to the subject property have progressed from an R1 to and R2, they were supportive of development. When the subject property became a 4 unit building, and now an illegal 7- unit dwelling, we are in opposition of further development.

(viii) Considerations for Applications for Consent - None**(ix) Old Business**

- **A09/15- Belair**

Present at the Meeting:

Reid Thompson, Agent

Reid Thompson, Agent representing Mr. Belair, owner of property located at 260 Government Road, explained that the applicant hired a contractor in the summer of 2015 to construct a deck. Prior to construction a building permit was not applied for. The deck is not compliant with several sections of the Zoning By-law 160-2010, and the property owner wishes to maintain as much of the deck as possible. The Agent referenced the amended planning rationale as circulated to Committee Members which outlined the sections of the zoning by-law which the applicant seeks relief, and pointed out the sections of the deck which the amended application is proposing in order to bring the deck closer to compliance with the zoning by-law.

Melissa Shaw read the planning report stating that, as a result of recommendation from the December 15th, 2015 Planning Advisory Committee meeting, the application has been amended to maintain the existing deck, with the exception of a 1.5 m walkway to encroach into the established side yard along the southeast corner of the house, connecting the wrap around deck. If approved, the applicant will remove 2.34 m of the existing 3.84 m deck on the southeast corner, a portion of which must be removed regardless, because it is on City property.

The applicant has concurrently applied, to the City of Kenora, for a letter of comfort to allow for the existing rock/wood retaining wall which runs along the eastern and northern property lines. The portion of the fence which encroaches on City property will be removed.

The Chair asked the Agent if there was anything further to add regarding the application. There was nothing.

The Chair asked whether there was anyone present who wished to speak either for or against the application. There was no one.

The Chair asked the Committee members whether they had questions regarding the application. There were none.

The Chair asked the Committee members whether they had any further discussion regarding the application or anything further to say regarding the application, prior to making a decision. There was no discussion.

Moved by: Robert Kitowski

Seconded by: Graham Chaze

That the Kenora Planning Advisory Committee approves Application for Minor Variance A09/15 Belair, 260 Government Road, PLAN M60 N PT LOT 1 PCL1248, for relief from Section 4.1.3 (e) which restricts the exterior side yard from a minimum of 4 m to 1.5, for a variance of 2.5 m, while removing 2.34 m of existing deck; section 4.1.3. (f) which restricts a rear yard minimum from 8.0 m to 1.12 m; Section 3.24 which permits a deck encroachment in the front yard at 2.5 m to 3.01 m, but no closer than 1.0 m to any lot line, to allow for portions of an existing deck, and for relief from Section 3.24 Table 3, from 1.0 m to 0.1m for a variance of .99m authorizing a 4.43 m deck to encroach in to the established front yard at the northeast corner, as the approval of the application for minor variance meets the four tests for the reasons provided in the planning report.

Carried

(x) New Business

a) OPA 01/16- 5901058 Manitoba Ltd.- Recommendation

The Secretary- Treasurer informed the Committee that a statutory public hearing was held on January 12th, 2016. There was one comment in support of the application, however, with it came a request that the developer be cognizant of trail development which is consistent with the policies and objectives of the City of Kenora Official Plan.

The Secretary- Treasurer called for nominations for the position of Vice- Chair of the Kenora Planning Advisory Committee. Robert Kitowski nominated Ray Pearson. The Secretary-Treasurer called for nominations on a second and third time. No other nominations were made. Ray Pearson accepted the nomination. Robert Kitowski closed the nominations.

Graham Chaze informed the Committee of his regrets for the meeting on February 16th, 2016.

Adjourned
Moved by: Christopher Price

That the January 19th, 2016 Planning Advisory Committee meeting be adjourned at 9:03 p.m.

Minutes of Kenora Planning Advisory Committee meeting, Tuesday 19 January, 2016 be approved this 16th day of February, 2016.

Wayne Gauld, Chair

Tara Rickaby, Secretary-Treasurer