



PROCEEDINGS

Of a Public Meeting to discuss an
Amendment to Zoning By-law #160-2004
(Re: Derouard)

Monday, March 17, 2008 - City Council Chambers
At 4:45 p.m.

PRESENT: Mayor L. Compton
Councillor W. Cuthbert
Councillor C. Drinkwalter
Councillor D. McCann
Councillor R. McMillan
Councillor A. Poirier
Councillor C. Van Wallegem
Bill Preisenzanz, CAO
Jeff Port, Planner
Heather Kasprick, Deputy Clerk

Mayor Compton advised the public meeting is being held by Council in accordance with Section 34 of the Planning Act to consider an amendment to the City of Kenora Comprehensive Zoning By-law

Ms Kasprick, Deputy Clerk, advised the Notice pertaining to this public meeting appeared in Kenora Daily Miner & News on February 25, 2008.

Mayor Compton asked if there was anyone who wished to receive written notice of the adoption of the By-law, to leave their name and address with the Clerk. Mayor Compton mentioned that any person may express his or her views of the amendment, and a record will be kept of all comments.

Jeff Port, City Planner then reviewed the details of the Planning Report:

Introduction:

Jerry L. Derouard, has applied on behalf of property owners Michael and Valerie Derouard, to rezone a property to Rural Residential from Rural with a minimum lot size of .78 ha, as a condition of consent of approval for Consent Application B02/08 Derouard. This application is a condition of approval for consent B02/08.

Description of Proposed Development:

- The subject property is described as 716 Essex Road, CON 1 MEL NPT N PT LOC FM66 RP 23R4210 PART 2, PCL31146 & 23R7224 PT 2PCL 38796
- The applicant proposes to create one new Rural Residential lot with 159 metres, or 521 feet of frontage on Black Sturgeon River;
- The frontage on both the proposed lot and the retained lot exceeds the requirements of the Zoning By-law;
- The size of the proposed new lot is .81 ha;
- The size of the proposed retained lot is .78 ha and therefore requires rezoning;
- The retained lot is the site of a residence and out buildings;

- The Owners propose to transfer property to Applicant;
- There is an existing dock on the frontage of the proposed retained lot;
- There are two existing entrances to the property;
- The existing residence is serviced with a private sewage system;
- This proposal is considered “infilling”;
- The shoreline/road allowance forms part of the property.

Adjacent Land Uses:

The subject property is located in an area characterized by water front residences. There is a year-round resort/trailer park located directly across the river from the subject property.

Official Plan and Zoning By-Law:

The Official Plan designation is Rural.

The following excerpt of the Official Plan discusses potential development in the rural Area:

- 4.6.1 *In Rural Areas new residential lots shall only be created in areas where the municipality and school boards are presently providing services. New residential lots shall be large enough to sustain private sewage and water systems. The Zoning By-law will specify a minimum frontage and lot size.*

The Zoning By-law requires that RU – Rural lots be a minimum of 2 hectares or 5 acres in size.

Provincial Policy Statements:

1.1.4 Rural Areas in Municipalities

1.1.4.1 In rural areas located in municipalities:

- a. *permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses;*
- b. *development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure;*
- c. *new land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae;*
- d. *development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted;*
- e. *locally-important agricultural and resource areas should be designated and protected by directing non-related development to areas where it will not constrain these uses;*

f. opportunities should be retained to locate new or expanding land uses that require separation from other uses; and

g. recreational, tourism and other economic opportunities should be promoted.

This application, if approved, is considered infilling; there is no change in use and the development is compatible with the rural landscape and can be sustained by rural service levels.

Interdepartmental comments:

The application was circulated internally and there were no objections.

Comments from the Northwestern Health Unit:

The NWHU comments that it will go on site after the snow is gone.

Comments from the Public:

Art Peters appeared at the public hearing, held under Section 53 of the *Planning Act*, and had no objections to the land division.

Planning Analysis:

Road access: The subject property currently accessed by Essex Road.

Servicing: Private water and sewer services will be provided for the severed and retained lots.

Compatibility with surrounding uses: The immediate area is characterized mostly by single family homes along Black Sturgeon River. There is a year-round resort and trailer park located across the river from the subject property. The proposed use is compatible with the surrounding area.

Official Plan: Compatible as a rural residential use.

Zoning: The property will be required to be rezoned to RR – Rural Residential, which is compatible and characteristic of the area. In order to bring the retained property into compliance with the zoning by-law; a site specific amendment for lot size to reduce from .8 ha to .78 ha.

Access to water: Existing dock associated with retained lands.

Black Sturgeon Environmental Sustainability: The Application for consent is subject to the recovery fee.

Recommendation:

That application Z06/08 Derouard, to rezone property described as 716 Essex Road, CON 1 MEL NPT N PT LOC FM66 RP 23R4210 PART 2, PCL31146 & 23R7224 PT 2PCL 38796, from RU – Rural to RR-Rural Residential with a minimum lot size of .78 ha be approved.

Mayor Compton asked if there was anyone who wished to speak in favour of the amendment. There were none.

Mayor Compton asked if there was anyone who wished to speak in opposition of the amendment. There were none.

Mayor Compton asked if there were any questions. There were no questions.

Mayor Compton the declared the Public Meeting closed at 4:50 p.m.