

## Planning Report

### Z06/10 Nelson

Council of the City of Kenora – November 18, 2010

#### Recommendation:

**THAT** the Council of the City of Kenora approves Application Z06/10 to amend Zoning By-law No. 160-2010 specifically at property described as 208 East Melick Road, CON 8J PT LOT 12 PCL 21535 PT 1 3 KR1861 PCL 28242 from RU – Rural and RR – Rural Residential to RR – Rural Residential, as the approval of the application is a condition of consent for Application B11/10 which maintains the intent and purpose of the Official Plan and Zoning By-law and has regard to the Provincial Policy Statement (2005).

**Purpose of Application:** The Applicant, Fred Nelson, has applied to consolidate zoning on his property. This application is being made as a condition of approval of an application for consent B11/10, to create one new rural residential lot.

**Effect of Approval:** Rezoning would result in the condition of approval of consent being met and a new rural residential lot being created.

#### Provincial Policy Statement (2005)

This development represents infilling or intensification in an efficient manner as the lot fronts the municipal roadway (East Melick Road). The use of the land for a single family dwelling is characteristic of the neighbourhood. The property is located in a rural and rural residential area along East Melick Road and therefore is an efficient use of land and resources as no expansion of municipal services is required ( Section 1.1.3.2 , 1.1.3.7, 1.4.2c,d PPS 2005).

#### City of Kenora Official Plan:

The rural area of the City is characterized by low density residential development, waterfront residential and very limited farm, tourist commercial and resource-based operations. These areas shall generally be of resource activity, resource-based recreational activity and a mix of rural oriented land uses.

##### 2.2.1 Principle 1 – Sustainable Development

Kenora shall promote sustainable development to enhance the quality of life for present and future generations.

##### Objectives:

- To promote compact development by using land efficiently and existing infrastructure.
- To permit limited residential growth in the Rural Area, where lot size and configuration can support private water supply and sanitary sewage systems, and the development would be compatible with the character of the land use in the surrounding area.

##### 3.4 Land Use Compatibility

Whenever a change in land use is proposed, consideration shall be given to the effect of the proposed use on existing land uses. Where there are potential compatibility concerns, consideration shall be given to the extent to which increased site plan requirements can reduce the potential impacts. If the impacts cannot be minimized to acceptable levels the proposed development shall not proceed.

Compatible development means development that, although it is not necessarily the same as or similar to existing buildings in the vicinity, nonetheless enhances an established community and coexists with existing development without causing undue adverse impact on surrounding properties. Compatibility can be achieved in a variety of ways, including the provision of appropriate setbacks, buffering features, and transition in building height and massing.

The purpose and effect of the application meet the intent of the Official Plan as the creation of a rural residential lot as an infill lot is compatible with the neighbourhood and is efficient use of existing infrastructure.

### **Kenora Zoning By-law No. 160-2010, as amended**

#### **Split Zoning**

*Those lands shown on the Schedules to this By-law which have two zone categories such as RR-HL are subject to the most restrictive zone with respect to permitted uses and zone provisions.* This application to amend the zoning by-law was made in order to ensure that the subject property has one zoning designation. The Rural Residential designation is more restrictive in the numbers of uses it permits and therefore is more suitable to ensure that the character of the neighbourhood is not affected by approval of this application.

#### **Lot Size and Frontage:**

The lot size and frontage meets or exceeds the required size of .80 ha; it is approximately .87 ha in size. The frontage is shown to be 75 metres which exceeds the required 61 metres frontage for an RR lot.

#### **Character of the neighbourhood:**

The subject property is on the west side of the East Melick Road, approximately 1 km north of the Kenora By-pass. The new, Rural Residential, lot would be located north of an existing residence, which is part of strip development along East Melick Road, and south of a residence located on a lot which is part of a plan of subdivision along Victoria Crescent.

The subject property is located in an area characterized by strip rural and rural residential development along East Melick Road.

#### **Servicing:**

Private well and septic field. Please see comments below from the Northwestern Health Unit. There is a condition of the consent application which requires a clearance letter from the NWHU before the lot will be created.

#### **Parking/Access:**

There is sufficient land to design the required parking of 1 stall per residential unit.

There is a condition of the consent which requires proof of an entrance permit being issued for this property.

#### **Comments from outside agencies:**

The Northwestern Health Unit has no objection to either the application for consent or the application to rezone the property.

#### **Recommendation of Kenora Planning Advisory Committee (October 19, 2010):**

**Moved by: Joyce Chevrier**

**Seconded by: Terry Tresoor**

**THAT** the City of Kenora Planning Advisory Committee recommends approval by Council of Application No. Z06/10 Nelson, for property described as part of Concession 8 of Jaffray Part of

Lot 12 PCL 21535 Part 1 3 KR1861 PCL 28242 and to be shown on a schedule to the By-law, to rezone from RU – Rural and RR – Rural Residential to Rural Residential, to permit the creation of one new rural residential lot, the use is appropriate to the area and meets the intent of the Kenora Official Plan.

**CARRIED**