

(vii) Consideration of Applications for Minor Variance**1. A13/13 Kesselman****Reduce Setback**

Present for the meeting:

Murray and Jane Kesselman, Owners of property
James Quinn

Murray Kesselman, along with his wife Jane Kesselman, presented the application for minor variance to build a cottage on an irregular shaped piece of property, which rises sharply at the back of the lot. When they chose to build they wanted to preserve as many evergreens as possible plus wanted to be able to see the lake. The building location chosen best suits the needs. If we place the cottage further back a large stand of evergreens would have to be removed and the mushy ground in the spring could cause runoff issues. The shallow marshy area of bay to the east will be left intact as will the vegetation along the shoreline. A dock has been built on the west side of the property and any pathways and developed area would also be on the west side not the bay side (east). This would leave room to build a garage at the back of the footprint and provide for a septic field to be located further back from the water.

The Secretary-Treasurer explained that due to the time of year there was no opportunity for her, or Committee members, to make a site visit, but photos and google earth have provided an overview of the area. Mrs. Kesselman interjected adding that the cleared site for the proposed cottage was the only area that was naturally open to begin with. The Secretary-Treasurer continued adding that the Kesselmans were advised that covered decks form part of the principal structure and would be counted in the width. An amended site plan was submitted indicating the dwelling will be 12.4 m in depth, including a covered deck. The properties on either side of the subject lands have been developed and the proposed development will not affect view shed. The removal of existing trees may be detrimental to retaining storm water. A new site plan was submitted that addressed the initial comments regarding the application.

The Secretary-Treasurer, using the available photos, outlined the objection received from 2 members of the public in regards to the application. She read out the correspondence received from Steve Garrett on December 12, 2013 and from Tino Brambilla, Vice President of the Black Sturgeon Property Owners Association, on December 13, 2013. She indicated that the application meets the four (4) tests: 1) the proposed is characteristic of development in the neighbourhood, trees will be retained and the shoreline will not be disturbed. 2) with regards to the Zoning By-law requirements there will be no shoreline disruption, providing a natural buffer for privacy, 3) the proposed development is a permitted use and the maintaining tree cover and protection of the bay is desirable and appropriate, and 4) building the proposed cottage closer to the waterfront on the east side than the 20 m provision is minor in nature as will not affect water quality or require development along the shoreline. The recommendation is for approval and the only proviso is the deck be reduced in depth or the structure be set further back to accommodate the additional width of the deck.

The Chair asked the Owner if they had anything further to add regarding the application.

Mr. Kesselman commented that the shape of the property posed the difficulties for them. The proposed site was chosen because the ground is very flat. If move it back it will require removal of trees and be a detriment for long term drainage due to water runoff from slope at the back.

Mrs. Kesselman added that if the elevation was higher, sooner, there wouldn't be a problem building back further. She stated that they have struggled with respecting all aspects; preserve trees, drainage, proximity to neighbours etc. and expressed hope that the Committee will consider this in its decision.

The Chair asked members of the public had anything to add – No comment.

The Chair asked the Committee members whether they had questions regarding the application.

James Tkachyk questioned whether the Chief Building Official's questions regarding numbers were addressed. The Secretary-Treasurer commented that all numbers on the application were revised, as per the application re-submitted and circulated amended site plan. He inquired about the question concerning height. The Secretary-Treasurer commented that the height was still within the maximum provisions. She confirmed the numbers for the proposed development as being 19.5 m in length, 12.4 m in width and 7.2 m in height. Discussion ensued with regards to a further question regarding the 20 m setback requirement for development of property with water on both sides.

Vince Cianci commented that when dealing with waterfront property the 20 m setback has to be respected from all shores unless given a variance.

Mr. Tkachyk asked whether, per Mr. Garrett's letter, the west side of the proposed development appears to be less than the 20 m requirement, if that is the case, do we need to approve a variance on both sides?

Discussion took place regarding the required setbacks on a peninsula.

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

Jim Quinn, Sunrise Trail, questioned how the proposed location of the house, with respect to the setback to the water to the north, and over the abutting property, will that affect the 14 m. Mr. Cianci explained the 20 m and the 14 m setbacks have to be respected.

As there were no other members of the public present, the Chair indicated that the Committee would discuss the application and make a decision.

Wendy Cuthbert said that she doesn't know if she would have a problem unless she could see it during a site visit. It appears that it could be pushed back but without having a site visit I don't know maybe it can't be. It is too difficult to make a decision without the site visit. She asked whether the matter could be tabled until the spring.

Wayne Gauld asked the Kesselmans if they had a schedule. They said they wanted to plan the construction in the spring and start the construction in the summer.

Wendy Cuthbert commented that she would prefer to wait and have a site visit.

Ray Pearson commented that he was okay if meet the 20 m from the water. James Tkachyk added that this clarifies it for him as can go as close to the 14 m, but everywhere else would be 20 m and this can be granted in writing. He questioned how do we know it will be done to our request, which was suggested by Terry Tresoor as being during the issuance of the building permit as it wouldn't be issued unless the dimensions were right.

Discussion took place regarding issuance of building permits.

Vince Cianci clarified that the only concern is the vegetation in the 14 m zone that has to be protected and suggested that Secretary-Treasurer add a clause that restricts development or the building of roads etc. He added that it can be figured out on paper, don't need a surveyor as everything is to scale. If the applicant is not comfortable they can hire an Engineer, Surveyor etc. He summarized by stating that the proposed development is a cottage and the applicant wants to be close to the water and the bay is creating grief for them.

Mr. Kesselman explained that they had talked to the neighbours to the west and were understanding providing it's to the 20 m mark. He added that he has a designer hired. The last thing they want is a stop work order. They will be absolutely sure that the 20 m will be respected.

The Secretary-Treasurer recommended an amendment to the existing site plan agreement to include the east bay area and 10m inland to be protected.

Wayne Gauld asked the members for further comment with regards to letters of objection and to Wendy's comment re: site visit.

Mrs. Kesselman commented with regards to preserving the 14 m, we have no intention of developing that side and on marshy side absolutely would not have anything happening there.

The Secretary-Treasurer read out the wording for approval, which she cautioned would be made more cohesive; from 20 m to 14 m, the deck to be located on the west side (open deck) and reduced to 2.5 (note to building inspector) and a 10 m strip to be part of the protected area. She explained the appeal process to the Kesselmans.

Moved by: Ted Couch

Seconded by: Terry Tresoor

That the Kenora Planning Advisory Committee approves Application for Minor Variance A13/13 Kesselman, for property described as 344 – C Williams Road, PLAN 23M954 LOT 6, relief from Zoning By-law 160-2010 section 4.5.3 (k) to reduce the required setback, for a waterfront lot, from 20m to 14 m (on the east side) as the application for minor variance meets the purpose and intent of the City of Kenora Zoning By-law No. 160-2010 for the reasons provided in the planning report; and

That the building permit be issued conditional upon the deck, located on the west side of the property, be reduced to 2.75 m in depth, or that the principle structure be constructed further back from the 20 m setback, in order to accommodate the additional width; and

That the building permit be issued conditional upon the existing site plan agreement for Lot 6 Plan M954 be amended to include an area of no development, 10 m in width and 34 metres long, along the eastern shore and bay area per the associated sketch.

Carried

(viii) Considerations of Applications for Land Division - None

(ix) Old Business

(a) A12/13 Krawicki – Changes will be made to accommodate the building permit.

(b) OCA Conference – To be held in Collingwood May 28 and 29. Please let the Secretary-Treasurer know of your interest in attending.

(c) July 2014 Planning Advisory Committee Meeting – Rescheduled

The Secretary-Treasurer requested a move of the July 15, 2014 meeting to July 22, 2014.

(x) New Business - None

(xi) Adjourn

Moved by: Terry Tresoor

THAT the December 17th, 2013 Planning Advisory Committee meeting be adjourned at 5:50 pm.

MINUTES ADOPTED AS PRESENTED THIS 21st DAY OF JANUARY, 2014

CHAIR

SECRETARY-TREASURER