

(viii) Consideration of Applications for Land Division

- **B04/13 Hertz** Sheryl Moyer, Agent, was not available. Gerry Moncrief represented Mr. and Mrs. Hertz and described the application. He indicated that part of the property is accessible only from the James Road, and the retained property is accessible only from Mark's Lane, off of the Redditt Road because of a large swamp area in between. The Hertz's will provide some property to the City for use as a turnaround, and another adjoining property owner (Schatkowsky) will also provide some lands which will be an extension of Mark's Lane, which provides the frontage on municipal road allowance, for Hertz.

The Planning Administrator noted that the Northwestern Health Unit does not require a condition of approval for the consent. She explained the agreements which the City has reached with the property owners in order to develop a public road/turnaround area.

Correspondence from Garry Norris was read into the record.

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

Ray Pearson asked for clarification of the location of the old structures located on the east part of the property, on Black Sturgeon Lake. The Secretary-Treasurer pointed the area out.

Mr. Tkachyk asked for a description of Mark's Lane currently and with the new lands to be transferred to the City. The Secretary-Treasurer used the mapping to provide the information.

Mr. Cianci asked how much land is anticipated to be transferred for the James Road. The Secretary-Treasurer indicated that this will not be known until a surveyor determines the property lines.

Mr. Gauld asked for clarification of comments by Garry Norris. The Secretary-Treasurer explained that, unless the lands are to be developed for use as a single family residence, or other use permitted in the zone, the public will have to be consulted through the subdivision and/or zoning by-law amendment process. If the property is to be used solely for the current permitted use, the requirements of the zoning by-law must be adhered to by the property owner.

The Chair asked whether there was anyone present who wished to speak either for or against the application. Dan Olscamp, Peterson Road, asked how Gerry Moncrief was involved in the application. The Chair explained that Sheryl Moyer was not available and that Mr. Moncrief will be purchasing the lands.

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

Discussion took place with respect to whether or not the retained lot should be subject to a minor variance for frontage on a public road. The current development of the property is not subject to change, and has existed for at least 20 years. If there is a future application to redevelop the property, the frontage issue will be dealt with then; it will be left as a legal non-conforming property which will control development.

Mr. Cianci suggested a different design for the turnaround. The Secretary-Treasurer indicated that there has been an agreement reached between the City and the other two parties and that it is up to the City to decide on the design of the turnaround. Discussion then took place on the setback of the residence to the new turnaround. Mr. Hertz clarified that the old garage has been torn down and replaced with a temporary structure.

Moved by: Ray Pearson

Seconded by: James Tkachyk

That Application for Consent B04/13 Hertz, Retained Lot (Mark's Lane) CON 1M PT LOC D666 PCL 14468, Existing Lot (James Rd) CON 1M PT LOC D666 PCL 16385, Lot Addition 2 (Hertz to Schakowsky Con 11 M Location D666 RP23R4417 PART 1 PCL 32537) for two lot additions be approved with the following conditions:

- 1) The original executed Transfer/Deed of Land form, a duplicate original and one photocopy for City records be provided
- 2) A Schedule to the Transfer/Deed of land form on which is set out the entire legal description of the parcel(s) in question and containing the names of the parties indicated on page 1 of the Transfer/Deed of Land form be provided.
- 3) Three original copies (not photocopies) of the reference plan of survey, bearing the Land Registry Office registration number and signatures as evidence of deposit therein, and

illustrating the parcel(s) to which the consent approval relates and which must show in general the same area and dimensions as the sketch forming part of the application be provided.

- 4) That the payment of any outstanding taxes, including penalties and interest (and any local improvement charges if applicable) shall be paid to the City of Kenora.
- 5) That the registered owner(s) shall obtain, from the City of Kenora Road Supervisor, any required entrance approvals.
- 6) That the owner surveys out and transfers to the City sufficient lands which are currently known and used as the James Road that the City would assume ownership of lands measured of 10m from the centerline of both sides of the travelled portion of the road, at no cost to the City;
- 7) That the south part of lands described as CON 1M PT LOC D666 RP23R4417 PART 1 PCL 32537 and measuring approximately 5 metres (north to south) by 9 metres (east to west) be transferred to the City of Kenora, for municipal purposes, at no cost to the City;
- 8) That the Owner transfers sufficient lands, developed to the satisfaction of the Roads Supervisor, to the City of Kenora for municipal purposes, specifically a turn-around, ensuring that the setback from the residence to the public road/turnaround is maintained to the current dimension or 15m, at a minimum.
- 9) That the owner undertakes to provide BMO – The Bank of Montreal, with the revised legal description of the property being released and that property being retained by Mr. and Mrs. Hertz, as well as documentation of the approved severance details. The information must be provided to Ms. Elizabeth Storey;
- 10) That prior to endorsement of the deeds, the Secretary-Treasurer shall receive a letter, from the owner or owner's Agent/Solicitor, confirming that conditions #1 through 9 have been fulfilled. Clearance letters from the City of Kenora and external agencies are to be included.

NOTE: The following section(s) of the Planning Act apply:

Conditions not fulfilled

53(41) If conditions have been imposed and the applicant has not, within a period of one year after notice was given under subsection (17) or (24), whichever is later, fulfilled the conditions, the application for consent shall be deemed to be refused but, if there is an appeal under subsection (14), (19) or (27), the application for consent shall not be deemed to be refused for failure to fulfill the conditions until the expiry of one year from the date of the order of the Municipal Board issued in respect of the appeal or from the date of a notice issued by the Board under subsection (29) or (33). 1994, c. 23, s. 32.

Lapse of consent

53 (43) A consent given under this section lapses at the expiration of two years from the date of the certificate given under subsection (42) if the transaction in respect of which the consent was given is not carried out within the two-year period, but the council or the Minister in giving the consent may provide for an earlier lapsing of the consent. 1994, c. 23, s. 32.

(ix) Old Business - None

(x) New Business –

- **B02/12 Baletki** – Request to change conditions:

Discussion took place regarding servicing of the lands being a requirement of a building permit.

Moved by: James Tkachyk

Seconded by: Wendy Cuthbert

That the Kenora Planning Advisory Committee approves the Application for Change of Conditions re. Consent B02/12 Baletki 838 Airport Road Concession 7 of Jaffray Part Lot 11 RP 23R8289 PARTS 2 TO 7 PCL 162002 to lands described as 830 Airport Road, Concession 7 of Jaffray PART JA3 RP KR556 PART 5 PCL24922 and 23R5290PART 3 PCL 35583 to remove the following conditions:

- 1) That a letter be received acknowledging that the easterly property (838 Airport Road Concession 7 of Jaffray Part Lot 11 RP 23R8289 PARTS 2 TO 7 PCL 162002) is serviced with municipal sewer and water.
- 2) That the easterly property be brought into compliance with the Zoning By-law provisions for the R1 zone by removal of all items in open storage;

Note to approval: As the property will be required to be serviced if and when a building permit is issued (per 6.1(b) of the Official Plan "All development within the settlement area as designated Harbourtown Centre, Established Area, Residential Development Area, Industrial Development Area, and Commercial Development Area shall be serviced with municipal sewage treatment and water supply"; and

The items stored in open storage are recreational vehicles; the provisions of the Zoning By-law will need to be followed if/when a building permit is issued on the site; and

The intent of the original application, for a lot addition, does not change and is not compromised. The property owners will have formal/legal access to their residence on the lands upon which their residence is located, rather than over lands which are not registered in the same name. The lands to the east could be sold without further consent.

Carried

- **Northwestern Health Unit Update** - Doug Vergunst approached Wayne Gauld to request that he be able to meet with the Committee in order to bring them up to date on activities regarding private sewage systems etc. The Committee agreed to meet ½ hour in advance of the next meeting. Wayne Gauld will advise Mr. Vergunst.

(xi) Adjournment

Moved by: Ted Couch

THAT the March 26, 2013 Planning Advisory Committee meeting be adjourned at 7:58pm.

Minutes adopted as presented this 21st day of May, 2013

Chair

Secretary-Treasurer