

October 11th, 2017

Staff Report

To: City of Kenora Planning Advisory Committee

File No.: D10-17-07

Fr: Devon McCloskey, City Planner

Action: To Consider Provisional Approval

Re: Application for Consent

Location: Rabbit Lake Road

Applicants: Roy Thompson

1. Introduction

An Application for consent to sever is proposed to create one (1) new lot, upon property legally described as Concession 6J North Part Lot 6, Registered Plan KR1349, Part 1, Parcel 26359, locally known as 416 Rabbit Lake Road.

The effect of approval would be the creation of one (1), 'R1' - Residential Single Density zoned lot with an approximate frontage of 30 m and an approximate depth of 48 m. The applicant is concurrently applying for a 4.5 m wide easement over the retained lands, identified as Lot A in the attached image, in favour of the created lot, identified as Lot B. for access.

Refer to figure 1 below for an illustration of the location.



2. Existing Conditions

The property is fronting on Rabbit Lake Road, there are a few sheds scattered through the property, as well as a bon fire pit, but no main building exists. There are number of mature spruce and birch trees, a maintained park land style lawn.

3. Background

No previous use or development is known on the property. The property owner also owns abutting residential property to the east. He believes that the property will be more appealing to a buyer if severed into smaller lots.

4. Description of proposal

The application is proposing to sever and create one (1) new lot. Both lots would be made available for sale and developed in accordance with the zoning by-law, serviced with City water and waste water.

In addition, the application is proposing to provide access to the lots from the rear of the property. The severed lot would receive access over an easement, established on the retained portion of the subject property.

Both lots would exceed the minimum criteria for lot area at 1440 metres squared, as well as frontage at 30 metres. The easement for access would be a minimum of 4.5 metres.

5. Site Visit

A site visit was conducted on October 10th, 2017, where I attended the property to view the existing development and proposed area for lot creation.

Photo 1 – Displaying the area of the proposed lot perspective south toward Rabbit Lake Road.



Photo 2 – Displaying the area of the proposed easement for access to over the retained portion.



Photo 3 – View of the proposed rear access (easement from Community Centre Road)



Photo 4 – North perspective of the property showing a coat of arms monument



Photo 5 – View of the subject property from the front yard showing the existing 4-plex to the right (east)



Photo 6 - View of the front yard (southwest perspective)



6. Consistency with Legislated Policy and City Directives

a) Provincial Policy Statement (2014)

The application can be noted to have consistency with those policies that promote infill development of existing lots, provided that it will not negatively impact neighbouring properties, health of the environment, etc.

b) City of Kenora Official Plan (2015)



The Land Use Designation of the property is Established Area.

The following policies with particular relevance are provided here

4.1.2 Established Area Policies

c) Residential development shall be encouraged through plans of subdivision, condominium and consent as infilling or redevelopment of existing uses on full municipal services. Medium density residential use shall be supported provided that the development is in keeping with the character of the area.

c) Zoning By-law No. 101-2015



The subject property is zoned Residential Single Density 'R1'. Lands to the North are owned by the City and zoned for Open Space, other lands to the west are also zoned R1 and abutting property to the east is zoned for site specific use [R3(16)] to allow for a 4-plex.

7. Results of Interdepartmental and Agency Circulation

Departments and Agencies Circulated	Comments Received
Municipal Engineer	No issues or concerns – September 29/17
Building Department	No comments received
Roads Department	No comments received

Water & Wastewater Department	No comments received
Hydro One	No concerns – October 12/17
Kenora Fire & Emergency Services	Kenora Fire has no issue – October 3/17
Northwestern Health Unit	Applications are on City water and waste water - September 9/17

8. Public Comments

Circulation of the Notice of Complete Application and Hearing was completed in accordance with Sections 53 of the Planning Act; whereby it was circulated to property owners within 60 metres of the subject property on September 26th, 2017, and provided to the persons and public bodies prescribed.

A public hearing is scheduled to be held on October 17th, 2017, to hear public comments. If new information or comments are provided at the meeting, additional information may affect the outcome of the recommendation presented.

As of the date of this report, no comments have been received.

9. Evaluation

The proposal meets the provisions of the OP and Zoning By-law. Severance will enable infill and increased density of residential development. Lot creation is supported by City directives including the policies of the PPS and Official Plan.

10. Legislative Framework for Consent approval

The Committee shall evaluate a consent application based on the Provincial Policy Statement (2014), The City of Kenora Official Plan (2015), Zoning By-law No. 101-2015 as amended and the provisions of section 51(24) of the Planning Act:

In determining whether a provisional consent is to be given, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to:

- (a) the effect of development of the proposed subdivision on matters of provincial interest;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;

- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act

11. Recommendation

That application D10-17-07 for consent to sever property located at 416 Rabbit Lake Road; legally described as Concession 6J North Part Lot 6, Registered Plan KR1349, Part 1, Parcel 26359, be approved and provisional Consent be granted, subject to 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) That the transferor and transferee not be the same person.
- 4) That approvals are received from the City for the provision of an entrance permit, culvert and materials as required to develop driveway access, if a new entrance is required.
- 5) 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 an which must show in general the same area and dimensions as the sketch forming part of the application be provided.
- 6) 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.
- 7) 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 #6 have been fulfilled. Clearance letters from the City of Kenora and external agencies are to be included.
- 8) That all costs associated with extension of services, driveway installation, surveys, legal fees and matters related to the application are the responsibility of the developer/applicant.

NOTES:

Prior to any grading or any construction on the site, the Developer may be requested to provide a Drainage Plan, to identify the capacity of the existing natural swales and/or proposed ditches,

and demonstrate that the drainage for all roads and lots be as close to the property lines as possible. References would be made to an overall drainage basin runoff flow calculation

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.

A handwritten signature in black ink, appearing to read "Devon McCloskey". The signature is fluid and cursive, with the first name "Devon" written in a larger, more prominent script than the last name "McCloskey".

Devon McCloskey, RPP, MCIP
City Planner

Attachments

- Complete Application for Consent to Sever
- Notice of Application and Public Meeting