

**February 7<sup>th</sup>, 2018**

**Staff Report**

**File No.: D10-18-01**

**To: City of Kenora Planning Advisory Committee**

**Fr: Matt Boscariol, Manager of Community and Development Services  
Melissa Shaw, Planning Assistant**

**Action: To Consider Provisional Approval**

**Re: Application for Consent**

**Location: 1912 Ninth Street North, Kenora, ON**

**Applicants: Randy Seller, Hook Seller & Lundin, Agent**

## **1. Introduction**

An application for consent to enable a lot addition to an existing R1- Residential First Density zoned property.



The purpose of the application is for lot addition. The effect of approval would be to sever the northern portion of the property, approximately 0.142 ha in size and identified as Lot B on the Map, from the Subject Property identified as LOT A 1912 Ninth Street North and legally described as PIN 42176-0345, and PIN 42176-0346. A

portion of PIN- 4176-0345 will be transferred and merged with property locally known as 34 Gerald Street, the reminder pin 42176-0345 will be consolidated with PIN 42176-0346. The lot addition will allow for the development of an accessory structure (garage) at 34 Gerald Street that is in compliance with the provisions of the zoning by-law 101-2015.

## **2. Existing Conditions**

The subject property, 1912 Ninth Street North is improved with a single detached dwelling, serviced by municipal sewer and water, access is off of Gerald Street. Surrounding uses are predominantly residential in nature zoned R1- Residential First Density, with privately owned vacant land to the north and City owned green space to the northwest. Across the street, along Ninth Street North, access is provided to a light industrial zoned parcel, used for light equipment sales and rentals.

## **3. Description of proposal**

The owner is interested to sever a portion of the parcel (PIN 42176-0345), and consolidate with property legally described as PIN 42176-0138, 34 Gerald Street, Parcel 20615 Lot 73, Plan M 102, Kenora. The retained portion of PIN 41276-0345 will be merged with PIN 42176-0346., the subject property 1912 Ninth Street North.

Approval of the application will enable development of an accessory structure (garage) on the existing Lot at 34 Gerald Street, in compliance with the provisions of the zoning by-law 101-2015. Proposed access to the new accessory garage is planned to be off Clarence Street.

## **4. Site Visit**

A site visit was conducted on February 8<sup>th</sup>, 2018, photos are provided below.  
**Photo lot 1 – Showing the subject property from the road**



Google, Inc., Street View- June 2012



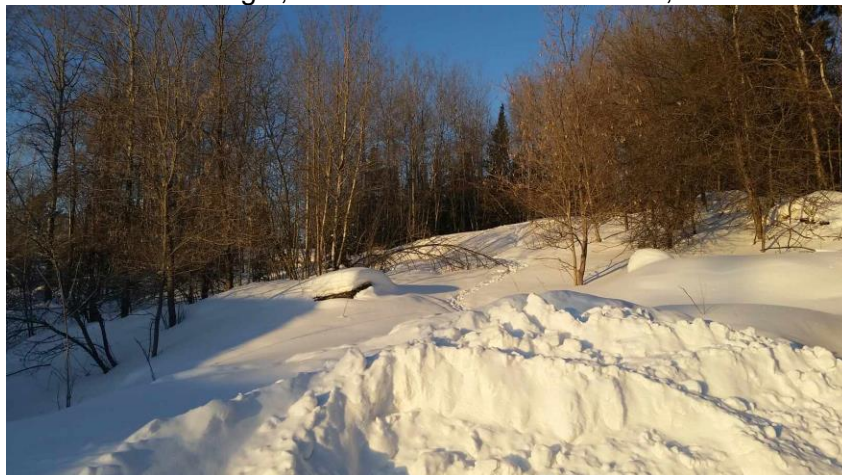


Site Visit- February 8, 2018

**Photo lot 2- View of Subject lands off Gerald Street**



Google, Inc. Street View- June 2012,



Site Visit- February 8, 2018

**Photo lot 3- View of '34 Gerald Street' off of Clarence Street. Part of PIN 42176-0345 of subject lands to be transferred.**



Google, Inc. Street View- June 2012 ,



Site Visit- February 8, 2018

## **5. Consistency with Legislated Policy and City Directives**

### **a) Provincial Policy Statement (2014) (PPS)**

The proposed development, lot addition is in keeping with the residential area, and compatible with surrounding uses is supported. As per Section 1.6.6.2 of the PPS, Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.



## **b) City of Kenora Official Plan (2015)**

The Land Use Designation of the property is ES- Established Area

The following policies are noted as having particular relevance:

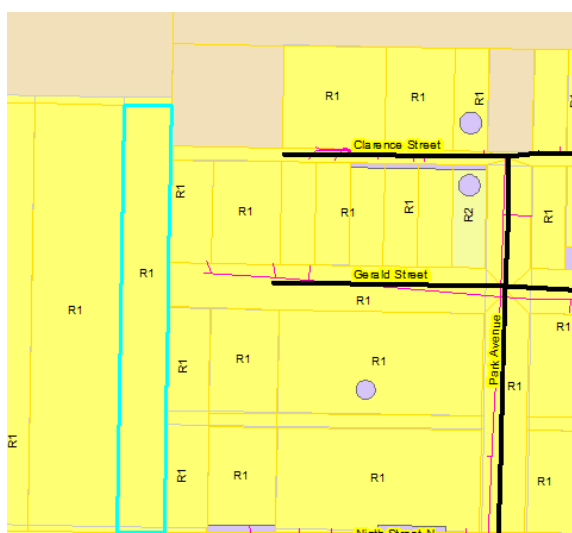
### **4.1.2 Established Area Policies**



- Existing uses shall be preserved and protected from incompatible uses.*
- The maintenance and improvement of the quality of the built form and infrastructure shall be encouraged.*
- Residential development shall be encouraged through plans of subdivision, condominium and consent as infilling or redevelopment of existing uses on full municipal services.*

## **c) Zoning By-law No. 101-2015**

The subject property is zoned R1- Residential First Density



The minimum lot size for R1- Residential First Density lots is 450 m<sup>2</sup>. The proposed lot addition does not adversely affect the retained lot size, which is proposed at 0.248 ha (2480 m<sup>2</sup>), the lot addition will increase the size of the parcel at 34 Gerald Street by 0.142 ha (1420 m<sup>2</sup>), and may bring a potentially legally non-compliant

setback along the western interior lot line of the single detached dwelling at 34 Gerald Street into compliance with current by-law provisions.

## 6. Results of Interdepartmental and Agency Circulation

<b>Departments and Agencies Circulated</b>	<b>Comments Received</b>
Municipal Engineer	No comments submitted
Building Department	No comments submitted
Roads Department	No comments submitted
Water & Wastewater Department	The application is for "would be created lot B being merged with 34 Gerald Street" with No additional request on water and Sewer. If this is the case we have no issues- January 12, 2018
Kenora Hydro	Outside of service area- January 11, 2018
Kenora Fire & Emergency Services	No Concerns- February 7 <sup>th</sup> , 2018
Hydro One Inc.	No comments received

## 7. Public Comments

Circulation of the Notice of Complete Application and Hearing was completed on January 19<sup>th</sup>, 2018 in accordance with Sections 53 of the Planning Act; whereby it was circulated to property owners within 60 metres of the subject property, and provided to the persons and public bodies prescribed.

A public hearing is scheduled to be held on February 20<sup>th</sup>, 2018, 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 (February 8<sup>th</sup>, 2018) no comments have been received.

## 8. Evaluation

The proposal meets the intent of the Kenora Official Plan and Zoning By-law 101-2015, and will enable development in compliance with the City's policies and regulations. Toward achieving the lot addition, as a condition of approval, a merger agreement or statement from a solicitor that a consolidation has occurred, will be

required to combine the severed portion with the abutting lot, and the retained portion of PIN 42176-0345 with PIN 42176-0346. As per Section 1.10 of the Kenora Zoning By-law 101-2015, Applications for building permits are required for any future development as a result of approval, per the *Ontario Building Code Act* and *Ontario Building Code*.

## **9. 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

## **10. Recommendation**

**That application D10-18-01 for consent to sever property legally described as PIN 42176-0345, PCL 11367 SEC DKF; PT W ¼ Location 265P Jaffray as in LT26201; Kenora and PIN 42176-0346, PCL 11635 SEC DFK; PT W ¼ Location 265P Jaffray as in LT27028; Kenora to enable lot addition, 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) 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.
- 4) That the PIN(s) of the property to be severed and PIN(s) of the property receiving lot addition, are consolidated, and that Merger Agreements are provided, and registered to enable lot additions in perpetuity.
- 5) 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.
- 6) 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 #5 have been fulfilled. Clearance letters from the City of Kenora and external agencies are to be included.
- 7) 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.



Matt Boscariol,  
Manager of Community and Development Services

**Attachments**

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