



NORTH AMERICA'S
Premier
BOATING DESTINATION

City of Kenora
Planning Advisory Committee
60 Fourteenth St. N., 2nd Floor
Kenora, Ontario P9N 4M9
807-467-2059

**Minutes
City of Kenora Planning Advisory Committee
Regular Meeting held in the Operations Centre Building
60 Fourteenth St. N., 2nd Floor
September 16, 2014
7:00 P.M.**

Present:	Wayne Gauld	Chair
	Wendy Cuthbert	Member
	Ray Pearson	Member
	Ted Couch	Member
	Terry Tresoor	Member
	Vince Cianci	Member
	James Tkachyk	Member
	Tara Rickaby	Secretary-Treasurer
	Charlotte Caron	Manager of Property and Planning (Minute Taker)

Regrets: Patti McLaughlin

Delegation: None requested.

(i) Call meeting to order

Wayne Gauld called the September 16, 2014 meeting of the Kenora Planning Advisory Committee to order at 7:01 p.m.

Mr. Gauld reviewed the meeting protocol for those in attendance.

(ii) Additions to the Agenda - None

(iii) Declaration of Interest

The Chair called for declarations of conflict of interest – at this meeting or a meeting at which a member was not present:

Wendy Cuthbert from September 9, 2014 Special meeting A15/14 Ray Solar – business related

(iv) Adoption of Minutes of previous meeting:

Adoption of minutes of previous meeting: (August 19, 2014).

Business arising from minutes: None

Discussion / Correction(s): None

Moved by: James Tkachyk

Seconded by: Ted Couch

That the minutes of the August 19, 2014 meeting of the Kenora Planning Advisory Committee and Committee of Adjustment be approved as distributed.

Carried

(v) Adoption of Minutes of special meeting:

Adoption of minutes of special meeting: (September 9, 2014).

Business arising from minutes: None

Discussion / Correction(s): None

Moved by: Ray Pearson

Seconded by: Terry Tresoor

That the minutes of the Special September 9, 2014 meeting of the Kenora Planning Advisory Committee and Committee of Adjustment be approved as distributed.

Carried

(vi) Correspondence relating to applications before the Committee - None

(vii) Other correspondence - None

(viii) Consideration of Applications for Minor Variance

1. A14/14 Olsen

Location of Accessory Garage

Present at the Meeting:

Craig and Michelle Olsen, Owners/Applicants

Craig Olsen, 137 Hilly Lake Road, Owner, 627 Second Avenue South, Kenora, Ontario, P9N 1X6, presented the application.

The Secretary-Treasurer commented that the existing residence constructed in 1924 addition 1986. Garage noted in 1954. The front street, per the zoning by-law is Seventh Street S., but the house is oriented to Second Avenue S. The application for a building permit was made, however it was determined that an approved variance was required. There are no planning issues.

The Chair asked the Owner if they had anything further to add regarding the application. Mr. Olsen explained that there are trees which will provide buffer from the street.

The Chair asked whether there was anyone present who wished to speak either for or against the application. There were no other comments from the public.

The Chair asked the Committee members whether they had questions regarding the application. James Tkachyk commented that existing garage is quite small with a gable roof, the footprint is changing so the height will increase. The applicant explained that he will keep the pitch as low as possible; he intends on constructing a standard two car garage. The Secretary Treasurer explained the maximum height of 4.5m to the middle of the gable end and that the minimum distance the garage must be from the house is 2m.

The Chair asked the Committee members whether they had anything further to say regarding the application, prior to making a decision. Vince Cianci commented that, because of the orientation of the existing structures, the front yard looks like a side yard.

Moved by: Ray Pearson

Seconded by: Terry Tresoor

That the Kenora Planning Advisory Committee approves the application for minor variance A14/14 Olsen, for property at 627 Second Avenue S., and described as PLAN M8 W PT OF LOTS 33 & 34 PCL 11677 , authorizing relief from Zoning By-law 160- 2010 sections 3.11.1 (b) (iii) which prevents an accessory structure from being located in the required front yard or the required exterior side yard in the case of a corner lot; and iv) which prevents an accessory structure from being built closer to the street than the main building is to that street which will authorize the construction of a two stall garage not closer than 1m from the east lot line, not closer than 5.79m from the south lot line (Seventh Street S), and not closer to the street (Second Avenue S) than the two storey house is to the street, as the approval of the application for minor variance meets the four tests for the reasons provided in the planning report.

Carried

(ix) Considerations of Applications for Land Division

1. B04/14 & B05/14 Johnstone/MacPherson

Lot Additions

Present at the Meeting: John Balkwill for Eric Rody, Agent for Patricia MacPherson and Scott Johnstone, Owner/Applicant

Jim Zilinski, Property Owner, Bill Cormylo, Neighbour – 1153 Prestwick Circle, Calgary

John Balkwill, Lakeland Consulting 138 Main St S P9N 1S9 representing Eric Rody, Agent, presented the application for the Applicants Scott Johnstone and Patricia MacPhersen, Owners, 841 River Drive, Kenora, Ontario, P9N 1K2.

The Secretary-Treasurer commented that the approval of a previous application lapsed. The application was approved, in 2009, based on the sketch that was provided with this application. The sewer lines through the properties were identified, in 2009, as private, however they are main lines. There is a condition that the easements be surveyed and transferred to the City. They are main lines and the City will pay the costs. There will be an easement agreement required. The recommendation is for approval with the regular conditions plus the easement, for each application. The lot additions result in more amenity area for each of the two lots, with the retained lot exceeding the minimum required lot size.

Mr. Zilinski reminded the Committee of the layout of his property and why it is sensible to use the rock wall as a delineation mark for the lot addition.

The Chair asked the Agent if they had anything further to add regarding the application. Mr. Balkwill had nothing to add.

The Chair asked whether there was anyone present who wished to speak either for or against the application. Bill Cormylo, owner of the property to the west, explained that he is at the meeting looking for information on property located behind Zilinski. He asked for confirmation that the property is zoned residential. The Secretary-Treasurer confirmed the zoning.

The Chair asked the Committee members whether they had questions regarding the application. Vince Cianci commented that the approval would be based on what was approved in 2009. James Tkachyk inquired whether or not the Committee can provide more than a year to fulfill conditions. The Secretary Treasurer explained that the Ontario Planning Act dictates the time period.

The Chair asked the Committee members whether they had anything further to discuss, prior to making a decision. There were no other comments.

Moved by: Wendy Cuthbert

Seconded by: James Tkachyk

That application B04/14 Rody, for consent for a lot addition from property described as EPT 368P PCL 20296 PIN 42168-0071 to PT 1 PT PCL 10325 PCL 26851 LOC 368P PIN 42168-0073, be approved as the application has regard for the Provincial Policy Statement (2014), section 51(24) of the Planning Act, and complies with the intent of the City of Kenora Official Plan (2010) and Zoning By-law No. 160 – 2010 as amended, per the reasons indicated in the planning report.

It is recommended that the Committee approve the application, 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 an which must show in general the same area and dimensions as the sketch forming part of the application be provided.
- 4) That the property owner provide the City of Kenora with an easement, for utility purposes, for the existing sewer main transecting the subject lands

Notes:

i. 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.

Moved by: Terry Tresoor

Seconded by:

Ted Couch

That application B05/14 Zilinski, for consent for a lot addition from property described as EPT 368P PCL 20296 PIN 42168-0071 to PT PCL 10325 PCL 18382 PIN 42168-0074, be approved as the application has regard for the Provincial Policy Statement (2014), section 51(24) of the Planning Act, and complies with the intent of the City of Kenora Official Plan (2010) and Zoning By-law No. 160 – 2010 as amended, per the reasons indicated in the planning report.

It is recommended that the Committee approve the application, with the following conditions:

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Carried

2. B06/14 Pedersen**Creation of 3 Lots**

Present at the Meeting:

Jon Pedersen, agent for Owners/Applicant

Jon Pedersen, 174 Elm St Winnipeg MB R3M 3P2 Agent, presented the application. This subject lands are 50 plus acres of property that has been in family for three generation. The application is to sever it into four pieces. Mr. Pedersen's Uncle currently resides on the property; and the new lots will be transferred to three grandchildren. Mr. Pedersen described the fishery and endangered species reports completed, and indicated that the Northwestern Health Unit has inspected the area.

The Secretary-Treasurer commented that there is some development closer to the road. Each of the lots created, as well as the retained, will exceed the minimum size, however the retained lot does not meet the requirement for frontage on Anderson Road, as it only has 71m and the provision is for a minimum of 90m. There will be a variance required for the retained lot. Private services and existing driveway will be used. The Roads Supervisor has no objections to a shared entrance. Zoning can be

used to control development 20m from the creek. Neighbours sent written comments with no objections. The report by Ryan Haines summarized any issues with the property to ensure development is controlled and shoreline and fisheries protected. Easements have been requested for Bell and Hydro. If the City does not own Anderson Road the applicant will be required to survey it out and transfer it to the City. Reciprocal easements are required for access and egress, for the three new lots.

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

The Chair asked whether there was anyone present who wished to speak either for or against the application. Three family members present in favour of the application. The Committee discussed the difference between trunk lines and services lines, for Hydro and Bell. James Tkachyk asked for clarification regarding the requirements for road frontage, on Anderson Road. The Secretary Treasurer explained that the provision for the three new lots, which are waterfront, is a minimum of 11m. of road frontage. The reduced frontage could be addressed through a zoning by-law amendment, rather than a variance to reduce the application fees, and paper work.

The Chair asked the Committee members whether they had questions regarding the application. The Committee discussed the Bell and hydro easements, and whether or not a survey of a trunk line should be a condition of approval. The Committee agreed that the onus should be on Bell/Hydro One to pursue the easement with the property owner. The list of recommended conditions was amended to incorporate the change, as well as a change to amend the zoning by-law for road frontage as well as EP – Environmental Protection.

Moved by: Wendy Cuthbert Seconded by: Ted Couch

That application B06/14 Pedersen, 616 & 628 Anderson Branch Road, Kenora, ON P9N 4J9, CON 8J N PT LOT 1 PCL2226 for consent for the creation of three lots, 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 on which must show in general the same area and dimensions as the sketch forming part of the application be provided.
- 4) That the transferor and the transferee not be the name of the same person on the Transfer/Deed of Land Form;
- 5) That If the City does not own the lands currently used and known as Anderson Road the applicant transfer lands to the City sufficient that the City would assume ownership of lands measured 10m from the centerline of the travelled portion of the road, where possible. The applicant would assume all related surveying and transfer costs.
- 6) That the areas indicated in the Fish Habitat Assessment Spring 2014 – Kenora Resource Consultants Ryan Haines B.Sc which are not to be developed, in order to protect a fishery/spawning area, be zoned to EP – Environmental Protection, and to permit the retained lot to have a reduced frontage on Anderson Road while ensuring that the new lots each have a minimum of 11 metres, per the zoning by-law provisions.
- 7) That reciprocal easements be approved in accordance with the sketch provided, in order to provide access/egress from and to the Anderson Road for Lots 1, 2 and 3; and that a fee of \$100 per easement agreement be paid by the applicant per the City of Kenora Tariff of Fees By-law.
- 8) 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.
- 9) 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 8 have been fulfilled. Clearance letters from the City of Kenora and external agencies are to be included.

NOTE:

- i. No assessment has been made for quality nor quantity of groundwater. The waters of the Winnipeg River should not be used for human consumption unless they have been treated to the standards of the Ministry of the Environment or Ministry of Health and Long-Term Care before use.
- ii. The following section(s) of the Planning Act apply:

Conditions not fulfilled

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Carried

(x) Old Business

- Zoning By-Law and Official Plan and Keewatin CIP Update - Survey results have been tallied, for the Keewatin CIP project; many people are not happy with roads and sidewalk maintenance and snowplowing. There have been several ideas for development of affordable housing, and a general consensus that Ottawa Street needs a facelift. Complete results should be on the portal next week. The comment period ends September 30th, for the Official Plan and Zoning By-law review. Staff has had discussion with NWHU about distances from property lines, and the mantle area. The City's standard is that a septic field should be 30 metres away from waterways, and this therefore gives the NWHU some flexibility. The size of two stall boathouses will go from 80m² to 83m² to reduce the number of variance applications, as this is a standard size. Airplane parking, one per residential property was discussed by the Committee. The recommendation of the Committee is to remove this provision and not regulate the number of parking spaces for airplanes. Consents are going forward as four plus one, in the Official Plan, with no extension of services. Secondary dwelling units are permitted in R1, R2, RR, and RU. A concern was raised that this changes the characteristic of an R1 neighbourhood. The City has very little R2 and R3 zoning, compared to R1. The recommendation of the Committee is to leave the provision as it is.

(xi) New Business

- Christmas Windup – The Travel Lodge

(xii) Adjourn

Moved by: Terry Tresoor

That the September 16, 2014 Planning Advisory Committee meeting be adjourned at 8:20 p.m.

Minutes adopted as presented this 21st day of October, 2014

CHAIR

SECRETARY-TREASURER