



City of Kenora
Planning Advisory Committee
60 Fourteenth Street N., 2nd Floor
Kenora, Ontario P9N 4M9
807-467-2292

**Minutes
City of Kenora Virtual Planning Advisory Committee
Regular meeting held by way of Zoom Meeting
Tuesday, September 19, 2023
6:00pm (CST)
Video Recording:**

DELEGATION:

Present:

Tara Rickaby	Chair
Jay Whetter	Vice Chair
Robert Bulman	Member
Renee Robert	Member
Keric Funk	Member
Andrea Campbell	Member (via Zoom)
Janis Pochailo	Director of Planning and Building
Alberic Marginet	Secretary-Treasurer
Alex Stornel	Minute Taker (via recording)

Members of Public:

1) Call meeting to order

The special meeting was called to Order by the Chair, Tara Rickaby, at 6:07 PM Central Time, and a Land Acknowledgement was provided recognizing the traditional territories of Treaty Three First Nations and Metis people. The Chair identified the meeting being recorded and that all participants agree to be recorded by choosing to attend. The Chair described the expected protocols and processes to be followed during the meeting.

2) Additions to the Agenda

- a) Business arising from past applications, and

3) Declaration of Interest by a member for this meeting or at a meeting at which a member was not present.

- a) None

4) Approval of Previous Minutes

- a) Minutes from August 15, 2023
Moved by Renee Roberts, Seconded by Robert Bulman - Approved

b) Minutes from August 30, 2023

Moved by Renee Roberts, Seconded by Robert Bulman – Approved.

5) Correspondence relating to applications before the Committee

a) No Correspondence

6) Adjournment Requests

a) The Secretary-Treasurer reported that D10-23-08 – Hidden Trails, would be adjourned till the October meeting.

7) Consideration of Applications for Minor Variance

a) D13-23-15 – Shamlock:

- C. Shamlock was present to represent the application
- Janis Pochailo, Director of Planning and Building presented the Planning Report.
- Public in favour of the application. None.
- Public in opposition of the application. None.
- Letters in favour. None.
- Letters in opposition. None.
- Questions or Comments from the Committee. None.

Purpose of Application: To seek relief from Section 3.32(a) of the City of Kenora Zoning By-law 101-2015, which requires a minimum front yard of 7.5 metres; and Section 4.2.3(h), which requires that habitable floor area of a sleep cabin not exceed 53.5 square metres.

The Effect of Approval: To increase the maximum habitable floor area of a sleep cabin by 14.5 square metres to allow a maximum habitable floor area of 68 square metres.

Decision:

That the application, D13-23-15 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 3.32(a) to increase the maximum permitted floor area of a sleep cabin from 53.5 m² to 68m², meets the Four (4) Tests and should be approved for the reasons outlined in the planning report.

Moved By: Member Jay Whetter

Seconded By: Member Keric Funk

In favour: 6

Opposed: 0

Abstained: 0

Carried

The Secretary-Treasurer indicated that the applicant received approval from the Committee, identified the appeal period of 20 days which end on October 10, 20203,

and the stipulations that must be followed prior to the application being able to apply for a building permit.

b) D13-23-16 - Ward

- Brian Wall of GW Architecture was present to represent the application
- Janis Pochailo, Director of Planning and Building presented the Planning Report.
- Public in favour of the application. None.
- Public in opposition of the application. None.
- Letters in favour. None.
- Letters in opposition. None.
- Questions or Comments from the Committee. None.

Purpose of Application: To seek relief from Section 3.17 (d) of the City of Kenora Zoning By-law 101-2015, which requires that where the lot line of a lot containing a non-residential use abuts a Residential Zone, then the portion of the non-residential use lot directly abutting the residential zone shall be used for a continuous landscaped buffer strip with a minimum width of 3.0m.

The Effect of Approval: To reduce the landscape buffer from 3.0 metres to 0.0 metres and allow development of the property without a landscape buffer along the property lines that abut neighbouring residential zoned properties.

Decision:

That the application, D13-23-16 for the property legally identified as PLAN 3 BLOCK 2 PART LOTS 59, 60 & 61 PCL 37949 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 3.17(d) to reduce the required landscape buffer from 3m to 0m; meets the Four (4) Tests and should be approved for the reasons outlined in the planning report.

Moved By: Member Keric Funk

Seconded By: Member Robert Bulman

In favour: 6

Opposed: 0

Abstained: 0

Carried

The Secretary-Treasurer indicated that the applicant received approval from the Committee, identified the appeal period of 20 days which end on October 10, 2020, and the stipulations that must be followed prior to the application being able to apply for a building permit.

8) Consideration of Applications for Land Division

a) D010-22-14 - Magnuson

- Doug Magnusson was present to represent the application.

- Janis Pochailo, Director of Planning and Building presented the Planning Report.
- Public in favour of the application. None.
- Public in opposition of the application. None.
- Letters in favour. None.
- Letters in opposition. None.
- Questions or Comments from the Committee. None.

Purpose of Application: To create one new lot with one lot retained.

The Effect of Approval: To create one new lot in the 'RR' – Rural Residential Zone of the City of Kenora Official Plan.

Decision:

That application D10-22-14 for consent for lot severance on property located at 211 Peterson Drive and legally described as D 104 PT DES 23R-9301 PART 1; PARCEL 40794, CITY OF KENORA; DISTRICT OF KENORA; PIN# 42161-0578, be approved and provisional Consent be granted, subject to the following:

- 1) The original executed Transfer/Deed of Land form, a duplicate original and one photocopy for City records be provided for each parcel
- 2) A Schedule to the Transfer/Deed of land form on which is set out the entire legal description of the PINs in question and containing the names of the parties indicated on page 1 of the Transfer/Deed of Land form to be provided for each parcel.
- 3) That the cash equivalent of 5% of the land, based on current value assessment, be provided as required under the City of Kenora Official Plan (2015) Policy 8.11.4(e).
- 4) That approved permits are received from the Northwestern Health Unit for private servicing of the new lot.
- 5) Three original copies and one .pdf copy of the reference plan of survey, bearing the Land Registry Office registration number and signatures as evidence of deposit therein, and illustrating the parts(s) to which the consent approval relates, 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 an application for an entrance permit is received and approved by the City of Kenora.
- 8) That the lot created under consent application D10-22-13 has been consolidated on title with the subject property and, if recommended on solicitor review, that a merger agreement be entered into.
- 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 from the City of Kenora and external agencies as required are to be included.

- 10) That all costs associated with surveys, legal fees and matters related to the application are the responsibility of the developer/applicant.

Reasons for Decision: The Committee has evaluated the consent application based on the Provincial Policy Statement (2020), 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.

Moved By: Member Robert Bulman

Seconded By: Vice Chair Jay Whetter

In favour: 6

Opposed: 0

Abstained:0

CARRIED

The Secretary-Treasurer indicated that the applicant received approval from the Committee, identified the 20 day appeal period, and the 2-year time frame in which the conditions must be completed.

b) D010-23 – 09 Hulagroki

- No individual was present to represent the application.
- Janis Pochailo, Director of Planning and Building presented the Planning Report.
- Public in favour of the application. None.
- Public in opposition of the application. None.
- Letters in favour. None.
- Letters in opposition. None.
- Questions or Comments from the Committee. None.

Purpose of Application: To create one new lot with one lot retained.

The Effect of Approval: To create one new lot in the 'RR' – Rural Residential Zone of the City of Kenora Official Plan.

Decision:

That application D10-23-09 for consent for lot severance on property located at 755 Transmitter Road, legally described as Part 1, Plan 23R-2790; CITY OF KENORA; PIN# 42176-0427, be approved and provisional Consent be granted, subject to the following:

- 1) The original executed Transfer/Deed of Land form, a duplicate original and one photocopy for City records be provided for each parcel
- 2) A Schedule to the Transfer/Deed of land form on which is set out the entire legal description of the PINs in question and containing the names of the

parties indicated on page 1 of the Transfer/Deed of Land form to be provided for each parcel.

- 3) That the cash equivalent of 5% of the land, based on current value assessment, be provided as required under the City of Kenora Official Plan (2015) Policy 8.11.4(e).
- 4) That approved permits are received from the Northwestern Health Unit for private servicing.
- 5) Three original copies and one .pdf copy of the reference plan of survey, bearing the Land Registry Office registration number and signatures as evidence of deposit therein, and illustrating the parts(s) to which the consent approval relates, 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 an application for an entrance permit for the new lot is received and approved by the City of Kenora.
- 8) 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 #7 have been fulfilled. Clearance from the City of Kenora and external agencies as required are to be included.
- 9) That all costs associated with surveys, legal fees and matters related to the application are the responsibility of the developer/applicant.

Moved By: Vice Chair Jay Whetter

Seconded By: Member Renee Roberts

In favour: 6

Opposed: 0

Abstained:0

CARRIED

The Secretary-Treasurer indicated that the applicant received approval from the Committee, and identified the 2 year period in which the conditions of the application must be met.

9) Consideration of Application for Draft Plan of Subdivision

a) D07-23-04 – Bulmer

- Andrew Bulmer was present to represent the application.
- Janis Pochailo, Director of Planning and Building presented the Planning Report.
- Public in favour of the application. None.
- Public in opposition of the application. None

- Letters in favour. None.
- Letters in opposition. John Breadner, V. Breadner, M. Fairfield, C. Frechette, Ann Frechette, H. Moncrief, and Haley Moncrief.
- Questions or Comments from the Committee. Vice Chair Jay Whetter and Member Robert Bulman asked questions of clarification.

Purpose of Application: To create three (3) new lots with one (1) lot retained on this 13.48-hectare property.

Decision:

That the proposed Draft Plan for Subdivision meets the criteria as set out in Section 51(24) of the Planning Act and that Draft Approval may be given by the Planning Advisory Committee.

This draft approval applies to the Draft Plan of Subdivision, Circulated as File No. D07-23-04 "Bulmer". Plan of survey prepared by Rugged Geomatics and checked by Eric Rody, OLS; which shows a total of 3 new Lots which meet the provisions of lot creation for the Rural Area designation and the Rural Residential and Rural zones.

Subject property is described as PIN # 42177-0488, being Part of Mining Location 555P, Geographic Township of Jaffray, City of Kenora, District of Kenora.

Conditions:

It is further recommended that the Draft Plan Approval be subject to the following conditions:

1. That all costs associated with development, technical/legal review and registration of the subdivision agreement shall be borne by the Developer.
2. That a Subdivision Agreement between the owner or Developer and the City of Kenora be registered against the lands to which it applies along with the final Plan of Subdivision, prior to other registrations.
3. That a 40-meter diameter turning circle be surveyed at the end of the public portion of Kinger Road and dedicated on the final plan as public highway for municipal purposes to the City of Kenora.
4. That the turning circle be designed and constructed per approved road plan profile drawings and to the standards of the City of Kenora and as agreed to in the Subdivision Agreement.
5. That applications for entrance permits are received and approved by the City of Kenora for each of the three new lots.
6. That the Developer grant easements to Hydro One for the existing electrical lines across proposed Lots 1, 2, and 3 or, alternatively, provide confirmation that the electrical lines and poles have been relocated to the Kinger Road allowance.
7. That the Developer agrees to grant such easements as may be required for utility purposes to Bell Canada, and show such easements on the reference

plan or, alternatively, provide confirmation from Bell Canada that such easements are not required.

8. That the Developer shall receive approval from the Northwestern Health Unit, for the proposed lot configurations with respect to the location of private sewage systems.
9. That the cash equivalent of 5% of the land, based on current value assessment, be provided as required under the City of Kenora Official Plan (2015) Policy 8.11.4(e).
10. That the Owner/ Developer will be required to pay the cash in lieu of 5% parkland dedication to the City of Kenora.
11. That prior to final approval, a digital file of the plan to be registered, will be provided to the City of Kenora Planning Department in "pdf" format.
12. Three original copies (not photocopies) of the plan of survey, bearing the Land Registry Office registration number and signatures as evidence of deposit therein be provided; that illustrate the lots, the road, and any other items to which this approval relates. It must show in general, the same area and dimensions as the Draft Plan forming part of the application.
13. The final plan for registration must be in a registerable form together with all necessary instruments or plans describing an interest in the land.
14. That draft approval for this development is for a period of three (3) years. The owner may apply for any extension at least sixty (60) days prior to the lapsing date.
15. 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.
16. That prior to the granting of Final Approval, the City of Kenora is to be advised by the Developer that Conditions 1 through 14 have been met. Clearance letters from the City of Kenora and external agencies are to be included.

Moved By: Member Renee Roberts

Seconded By: Member Keric Funk

In favour: 6

Opposed: 0

Abstained: 0

CARRIED

The Secretary-Treasurer indicated that the applicant received conditional approval from the Committee, subject to a 3 year period to meet the conditions of approval.

10) Old Business

- a) None

11) New Business

- a) OCA Conference October 12-13, 2023, Toronto.

- Reservation with the conference hotel will need to be made by September 27, 2023
- Members who have not attended previously are encouraged to attend
 - i. Member Campbell would be interested in attending but does not have enough notice to attend this time.
 - ii. Vice Chair Jay Whetter is interested in attending and will inform the Secretary/Treasurer prior to the deadline.

ix. Adjournment

Moved: Member Robert Bulman

Meeting Adjourned 7:17 pm