



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- Training Room
April 19th, 2016
7:00 p.m.**

Present:

Wayne Gauld	Chair
Ray Pearson	Member
Vince Cianci	Member
Robert Kitowski	Member
Graham Chaze	Member
Christopher Price	Member
David Blake	Member
Tara Rickaby	Secretary-Treasurer
Melissa Shaw	Deputy Secretary- Treasurer

Delegation: None

(i) Call meeting to order

Wayne Gauld called the April 19th, 2016 meeting of the Kenora Planning Advisory Committee to order at 7:00 p.m. and 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: there were none.

Chairman, Wayne Gauld reported a conflict on file Z01/16- Emergency Shelter as a realtor.

(iv) Adoption of Minutes of previous meeting: March 15, 2016

Business arising from minutes: None

Discussion / Correction(s): None

Moved by: Robert Kitowski

Seconded by: Chris Price

That the minutes of the March 15, 2016 meeting of the Kenora Planning Advisory Committee be approved as distributed.

Carried

(v) Correspondence relating to applications before the Committee:

A03/2016- Fettes/Aleshka

Gerry and John Wilson
622 & 6118 Coney Island

(vi) Other correspondence: Newsletters and information received today with respect to and Amendment to the Kenora Zoning By-law Z01/16- Emergency Shelter

(vii) Consideration of Applications for Minor Variance:

- A03/16- Fettes/ Aleshka

Present at the Meeting:

Gregory Fettes, owner
Colin Neufled, 5468796 ,Architect
Bryan Kraynyk, Kenon Contractors

Greg Fettes, Owner addressed the Committee explaining that he recently made the decision to purchase a recreation property on Coney Island as he and his wife and young family have a love for the boating culture and the waters of Lake of the Woods. The proposed shoreline development is with the intention of investing in the shoreline and building something that does not negatively impact the waters, the tree line or the view from neighbouring properties. The low lying roofline does not infringe upon sightlines, and the enclosed glass gazebo limits the intrusion on the surrounding environment. The goal is to build something special along the shoreline, and although the proper approvals were not met, that was not the intention. From a property owner perspective, he assured the Committee that this was never his intention, he received information from the contractor that the Ministry of Natural Resources and the Northwestern Health Unit has approved the application, and he thought this was all he was required to do. Mr. Fettes ensured the Committee that his intentions are to invest in the local Kenora community and his hope is that a resolution can be met.

Bryan Kraynyk, the Owner's Contractor, explained that he was engaged in early 2016 to work with Colin Neufeld and Greg Fettes on the project. Mr. Kraynyk took it upon himself to ensure the property permits were received. Mr. Kraynyk suggested he received verbal approval from Kevin Keith at the Ministry of Natural Resources and Forestry (MNR) to proceed with the works. After recent discussion with the MNR and the City of Kenora, it is clear now that the information provided was misconstrued. The permit which he intended to get was the result of a miscommunication; as a result put the project before the Planning Advisory Committee.

Colin Neufeld, Architect on the project went through a detailed presentation on the proposed shoreline development profiling each component to the design, the site plan and conceptual schematics of the final product. Mr. Neufeld said that consideration was given to neighbouring properties, to ensure that there were no negative or undesirable effects on neighbouring properties. Mr. Neufeld explained to the Committee, that the starting point of design was an existing boat house; albeit they have now been informed, built without permits by the previous owner. The proposed development will be somewhat similar to the existing, although larger in size, visually, similar effect to the shoreline. The design includes a dock and a deck to reflect the desires of his client, and scaled to complement the property.

Mr. Neufeld indicated that the exact same floor plan had been provided to MNR for permitting. MNR written comments to the City of Kenora suggest the plans that been significantly altered. Mr. Neufeld clarified that the only revision is a previous three finger dock design has been reconfigured into a single u-shaped dock. Mr. Neufeld confirmed that the gazebo, boat port, marine storage and deck all remain the same. Mr. Neufeld stated that his client is prepared to proceed with the original drawings if it would assist in the application.

Melissa Shaw reviewed the planning report and explained the tests for appropriateness and whether or not the application is minor. She explained that the proposal shall be assessed with respect to the impact on surrounding uses, and the suitability of the development for the site. The subject property is accessed via water, only, given the time of the year, and limited access to the subject property, the application cannot be assessed on the compatibility criteria without the benefit of an on-site visit. As at April 19th, 2016 an on-site visit will not be feasible. Therefore, the planning report cannot speak to the nature of the proposed development and the effect of the minor variance on adjacent neighbouring properties. As such, the recommendation that the Kenora Planning Advisory Committee table a decision until the 17th of May, 2016 and dependent upon ice out, and in the opinion of the Committee maintain the general intent and purpose of the zoning by-law and official plan. An on-site visit will be required in order for the Committee to comply with the requirements of the Act. Additionally, it was recommended that the applicant commission an Environmental Impact Statement (EIS) for fishery habitat assessment in order to provide the Planning Advisory Committee with satisfactory evidence that there is no impact on Natural Heritage Values.

The Chairman asked the Owner and Agent if there was anything further to add regarding the application.

Gregory Fettes, owner indicated that his intentions are good, he suggested that his young family want to invest in the community, and try to encourage this type of boating lifestyle. He stated that he really believes that they took a lot of time and care to design a development that supports the Kenora brand as a boating destination.

Colin Neufeld asked the Committee if there was any way that an earlier date could be set to make a decision on the application, Mr. Fettes acknowledged that by delaying the decision by another month, it might interfere with their dock for the summer of 2016, which seems punitive.

The Chair indicated that the site visit would be dependent on ice-out, and the Committees intentions are to perform a site-visit as efficiently as possible.

The Chair asked whether there was anyone present who wished to speak either for or against the application.

Mr. John Wilson
622 and 618 Coney Island
Kenora, ON

Mr. John Wilson identified himself as the property owner located next to Greg Fettes. Mr. Wilson said it was obvious that miscommunication is the reason why they are all here. The frustration Mr. Fettes feels, and the frustration the local community feels could have been avoided with some upfront conversation. Noting also, that the timing of the development seems suspect, as the works were being done in the winter when none of the Coney Island resident are around. Mr. Wilson wanted to confirm that the drawing initially sent to MNRF and initially showed to some of the local landowners were the same as the ones presented by Mr. Neufeld.

Greg Fettes and Colin Neufeld confirmed that the drawings are the same as those they provided to Mr. Wilson on March 15th, 2016

Mr. Kraynyk confirmed that the drawings that were submitted to MNRF are identical from those submitted to the City; the only amendment was the removal of the three finger docks and an addition of a U-shaped dock.

Boomer McLaughlin
626 Coney Island
Kenora, ON

Mr. McLaughlin welcomed Greg Fettes to the Coney Island community and reminded him that all citizens of Kenora, are subject to provisions for building that we all have to comply with.

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

Wayne Gauld asked the property owner about the gazebo and the MNRF provisions for a water closet over Crown land, and asked the owner to clarify how the property lines were determined.

Mr. Fettes said that MNRF approved the drawings with a water closet in the gazebo and that the lot lines are clearly marked on the property.

Ray Pearson asked about the previous docks and boathouse which were one located on the property.

Mr. Fettes confirmed that those improvements have been removed.

The Chair asked the Committee members whether they had any further discussion regarding the application or anything further to say regarding the application, prior to making a decision.

The Chair made a motion from chair to table the decision.

The applicant asked for comments from the committee regarding what size might constitute minor. During that discussion there was discussion about what the committee considered minor.

Tara Rickaby, Secretary-Treasurer reminded the Committee that the decision would be based on the four tests as per the *Planning Act*. She also reminded the Committee and informed the applicant that, if there was an appeal of the decision or a condition of the decision, to the Ontario Municipal Board, the same four tests would be used for the basis of decision.

Moved by: Ray Pearson

Seconded by: Chris Price

Recommendation:

That the Kenora Planning Advisory Committee table a decision until the 17th of May, 2016 and dependent upon ice out, with respect to Application for Minor Variance A03/16 Fettes, Aleshka, property described as 614 Coney Island, PLAN 23M868 LOT 20 PCL 37870, seeking relief from Zoning By-law 101-2015 Section 3.34.1 (c) (v) which stipulates that an accessory building or structure that abuts a navigable waterway shall not exceed 80m² in size. The applicants seek a 32.9 m² variance from this section of the by-law, in order to construct a gazebo 112.9 m² in size, and a variance of .269.2 m² to permit the construction of a 349.2 m² shoreline deck. Additionally, relief from Section 3.34.1(c) (vii) of the City of Kenora Zoning By-law 101-2015, specifies that docks shall not exceed 80m², measured independently of any other accessory building, use or structure.

Section 45 of the Planning Act, R.S.O 1990, indicates that an application to a Committee of adjustment for a minor variance must; be minor in nature, be desirable for the appropriate use of the land, building or structure, and in the opinion of the Committee maintain the general intent and purpose of the Zoning By-law and Official Plan. An on-site visit will be required in order for the Committee to comply with the requirements of the Act.

It is recommended that the applicant commission an Environmental Impact Statement (EIS) for fishery habitat assessment in order to provide the Planning Advisory Committee with satisfactory evidence that there is no impact on Natural Heritage Values.

(viii) Considerations for Applications for Consent: None.

(ix) Old Business: None

(x) New Business:

- **Z02/16- Godbout Property**

Jackie Godbout, Owner
Jenina Hristov, Architect

Jackie Godbout, owner presented her application for an amendment to the Zoning By-law, Z02/16-Godbout property. The applicant is looking to rezone the former Keewatin-Patricia District School Board Offices located in Norman, from an I-institutional zone to an R3- Residential Third Density Zone. The original design included 11 apartments however the applicant will be basing her project on eight (8) condo units and a seven-stall garage. There is an existing garage on site which will accommodate the eighth parking stall.

The price point for these condos to purchase will be around \$190,000 - \$200,000. Each will come with one heated garage stall and ample visitor parking stalls to allow for a second vehicle. The design will promote a community raised garden, encompass walking trails nearby, and complements the community which is fully surrounded by residential development. Traffic flow will be reduced, as the use if for an eight unit condo versus a workplace accommodating over fifty employees. There is no additional City infrastructure required.

The Secretary-Treasurer reviewed the planning report. She indicated that when the report was prepared the development was for apartments, now that there has been an ownership structure change to condominium, there will be an impact to the building requirements, additionally there may have to be a public meeting to comply with the notice requirement provisions of the Act, as the description on the previous public notice referenced apartments.

The Secretary-treasurer indicated that the Statutory Public Meeting will be held on May 10, 2016 at 11:00 am, City Hall, Council Chambers.

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

Ray Pearce asked for reasons as to why the driveway had to be paved. The Secretary-Treasurer said the paving of the driveway was a recommendation from the Municipal Engineer. The constant use of the driveway and and the current drainage which commences at the building sump pump, travels south through the existing parking lot, and what has been identified as the new driveway. Paving the drive will ensure the road does not become washboard. The application will be subject to a drainage plan and Site Plan Control.

The Chair asked the Committee members whether they had any further discussion regarding the application or anything further to say regarding the application, prior to making a decision. There was none.

Moved by: Ray Pearson **Seconded by:** Chris Price

That the Kenora Planning Advisory Committee, having reviewed the application, recommends that the Council of the City of Kenora approves the proposed zoning by-law amendment Z02/16 Godbout to amend the Zoning By-law 101-2015 for the property described as PLAN M31 LOT 1 TO 5 LOT 45 TO 49 BULMER LOC PCL 4171 & PT RESERVE PLAN M116 DES RP 23R8790 PT 1 PCL 39858; as the application is consistent with the Provincial Policy Statement (2014), and meets the purpose and intent of both the City of Kenora Official Plan (2015) and Zoning By-law No. 101-2015, as amended for the reasons outlined in the planning report.

Carried

- Z01/16 Emergency Shelter

Chairman, Wayne Gauld left the room at 8:27 p.m.

The Secretary-Treasurer thanked those Planning Advisory Members who were present on April 14th, 2016 at the Emergency Shelter Public Open House. The Secretary-Treasurer informed the Committee that the recommendation in the staff planning report did not change; and will stand to recommend the use of an emergency shelter as an accessory use in the GC- General Commercial and I- institutional use.

The Committee reviewed the applicable policies of the City's Official Plan. Members discussed the fit within the Established Area and some concerns were raised with respect to the Harbourtown Centre as a tourist destination and the impact that the location of the emergency shelter, in a location other than where it is currently located, could have on that part of the City's downtown.

Mr. Cianci, who was not able to attend the Public Open House, suggested that the information provided by the professionals, at the open house, who are working towards reducing harm, homelessness and substance abuse should be given consideration.

Moved by: Graham Chaze **Seconded by:** Robert Kitowski

That the Kenora Planning Advisory Committee, recommends that the Council of the City of Kenora approves Z01/16 Emergency Shelters, to amend the zoning by-law as follows:

Section 3.14 Group Homes and Emergency Shelters (PAC recommendations shown in yellow highlight)

3.14.1 Group homes ~~and emergency shelters~~ are permitted in the R1, R2, R3, RR, and RU zones subject to the following provisions:

- a) A group home ~~or emergency shelter~~ shall occupy a dwelling unit that is permitted in the zone;
- b) When a residential use building, which is permitted in the zone, is converted to a group home ~~or emergency shelter~~, the group home ~~or emergency shelter~~ must occupy the whole of the building including all attached units within the building.

3.14.2 ~~Group homes and~~ Emergency shelters are permitted in the R1, R2, R3, RR and RU, GC and I zones subject to the following provisions:

- a) ~~An group home or~~ An emergency shelter shall occupy a dwelling unit that is permitted in the zone;
- b) When a residential use building, which is permitted in the zone, is converted to an ~~group home or~~ emergency shelter, ~~the group home or~~ the emergency shelter must occupy the whole of the building including all attached units within the building.

~~When permitted in the GC and I zone, an emergency shelter shall only be permitted as an accessory~~

Chairman, Wayne Gauld re-entered the meeting at 9:10 p.m.

(xi) Adjourn

Moved by: Chris Price

That the April 19th, 2016 Planning Advisory Committee meeting be adjourned at 9:15 p.m.

Minutes of Kenora Planning Advisory Committee meeting, Tuesday 19 April, 2016 are approved this 17th day of May, 2016.

Wayne Gauld, Chair

Tara Rickaby, Secretary-Treasurer