

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 January 19th, 2016 7:00 p.m.

Present: Ray Pearson Acting Chair

Vince Cianci Member
Robert Kitowski Member
Christopher Price Member
Graham Chaze Member

Tara Rickaby Secretary-Treasurer

Melissa Shaw Minute Taker

Regrets: Wayne Gauld Chair

Dave Blake Member

Delegation: None

(i) Call meeting to order

Ray Pearson called the January 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:

• The Secretary- Treasurer requested that the election of the Chair and Vice-Chair be held at the end of the meeting, and the committee concurred.

(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:

Member: Ray Pearson

Conflict: As an employee of KDSB, and representing KDSB as Agent on Application A02/16.

(iv) Adoption of Minutes of previous meeting:

Adoption of minutes of previous meeting: December 15th, 2015

Business arising from minutes: None

Discussion / Correction(s): None

Moved by: Robert Kitowski Seconded by: Graham Chaze

That the minutes of the December 15th, 2015 meeting of the Kenora Planning Advisory Committee and Committee of Adjustment be approved as distributed.

Carried

(v) Correspondence relating to applications before the Committee

Jean and Don Lafreniere (18 January, 2016) -A02/16 - Request to be notified of outcome

(vi) Other correspondence

• Wayne Gauld- Letter allowing name to stand for Committee Chair, should he be nominated.

(vii) Consideration of Applications for Minor Variance • A01/16- Reynolds

Present at the Meeting:

Carson Reynolds, Agent Terry Tresoor

Carson Reynolds, Agent representing Robert and Nancy Reynolds, owners of property located at 145 Rabbit Lake Road. The applicant seeks to construct a secondary dwelling unit (detached) on the property. The Agent explained the variances required and went on to say that due to the size of the property and the excessive bedrock which spans across the front of the property, the proposed detached secondary dwelling unit has a limited site location, which exceeds the setback requirement. If required to meet the setback distance, and the stipulated individual sewer and water hook-up; the cost to blast lands for servicing and suitable land development would result in the project not being affordable.

The Minute take, Melissa Shaw, reviewed the planning report. The effect of approval of the application would be to permit the construction of a detached secondary dwelling unit, connected to the services of the principle dwelling, setback 100 m from the road allowance, and located on a waterfront property abutting Rabbit Lake.

The applicant is proposing to construct a detached 1428 sq. ft. garage, with a 917 sq. ft. second floor (taken from McMunn and Yates drawings dated 6 Jan 2016), secondary dwelling unit. The design and location of the garage and secondary dwelling unit comply with most provision of Zoning By-law 101-2015, however, the applicant seeks relief from Section 3.28.1 (a) (iv), which requires a principal dwelling and the secondary dwelling to both be individually connected to municipal water and municipal sewer services, to allow the secondary dwelling to connect to the existing municipal water and sanitary sewer system of the principle dwelling.

It was noted that the application has regard for the PPS (2014), policy 1.4.3. (a), as the application contributes to supplying a diverse range of housing types including housing that is affordable to households of low and moderate incomes; The Official Plan, Principle 1 – Sustainable Development-promoting compact development by using land and existing infrastructure efficiently. Principle 3 – Affordable Housing, supports the location of affordable housing in an integrated manner within new or existing development. And Section 3.2- Affordable housing, The City of Kenora will encourage and promote the development of affordable housing by providing a toolkit of planning incentives and direct supports, including but not limited to: More flexible zoning.

The proposed development is to be located approximately 110 m from Rabbit Lake Road, where the main hook up to municipal services is located. To trench new servicing to the proposed detached secondary dwelling would no longer support the intention of the development, for an affordable housing use. The cost to service the new development would greatly diminish the feasibility. The applicant seeks relief to allow the secondary dwelling to connect to the existing municipal water and sanitary sewer system of the principle dwelling.

The subject property is unique in character, as it has an irregular depth of over 290 m., with existing development setback from Rabbit Lake at 190 m. The proposed development will greatly exceed the typical provision for setback form a watercourse and there will be no foreseen hazards associated with flooding and unstable slopes or dangers to the environmental quality of Rabbit Lake. The recommendation is that the Kenora Planning Advisory Committee approves Application for Minor Variance A01/16- Reynolds.

The Secretary- Treasurer added that the secondary dwelling unit is requesting to be located approximately 110m setback from Rabbit Lake Road. The provision of the zoning by-law stipulates a 50 m maximum setback is to ensure there is adequate fire protection. The nearest fire hydrant to the subject property is over 200 feet away from the subject property. Fire protection by the City of Kenora Fire and Rescue would be via the driveway with the use of a pumper truck regardless.

The Chair asked the Agent if there was anything further to add regarding the application and Mr. Reynolds did not have anything additional.

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

Mr. Terry Tresoor spoke in favour of the application explaining that over ten years ago, Carson's father, Robert Reynolds, has a stroke and is unable to work. He was forced into early retirement and

over the years his condition has deteriorated to limited mobility. As of now, Carson lives with his parents, and with the help of his mother, and Roberts's wife, Nany Reynolds, Robert is able to stay at home, versus having to have to move into an institution. The request of the variance supports the ability for his father to stay at home where he will have the care he needs.

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

Vince Cianci asked for clarification on whether the location of the secondary dwelling unit, above the accessory garage, will pose accessibility concerns for Mr. Reynolds limited mobility. Carson Reynolds confirmed that the secondary dwelling unit was for himself.

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.

Vince Cianci asked for clarification that approval is to allow two buildings on one lot. The Secretary - Treasurer confirmed that as per the Zoning By-law 101-2015, detached secondary dwelling units are permitted in some cases.

Ray Pearson, spoke to the Agent and confirmed that he understood that as per the Sewer and Water Departments comments, the property owner would be responsible for all costs related to the service hook up of the new detached secondary dwelling to the primary residence. Carson Reynolds agreed that he understood the requirements.

Moved by: Robert Kitowski Seconded by: Graham Chaze

That the Kenora Planning Advisory Committee approves Application for Minor Variance A01/16-Reynolds, for 145 Rabbit Lake Road, CON 6J N PT LOT 5 RP KR16 PT 3 4 RP KR367 PT;1 PCL 25468, for relief from Zoning By-law 101-2015, section 3.28.1 (a) (iv), to authorize a secondary dwelling unit to connect to the principal dwelling for municipal water and municipal sewer services; a variance from Section 3.28.3 (e) from 50 m to 110 m for a variance of 60 m for a maximum setback of 110 m from Rabbit Lake Road; and relief from section 3.28.3 (f) to permit a secondary dwelling (detached) on a lot with water frontage, as the approval of the application for minor variance meets the four tests for the reasons provided in the planning report.

Carried

A02/16- Kenora Districts Services Board (KDSB)

At 7:20 p.m. Robert Kitowski took the position of Chair.

Present at the Meeting:

Ray Pearson, Agent Donna Wiebe, Paul Landry, Don Lafreniere, Lorraine Major

Mr. Ray Pearson, Agent representing Kenora District Services Board (KDSB), owner, 801 Sixth Avenue South. The applicant is applying to permit three of six (6) dwelling units in a residential use building, to be reduced in maximum size, from 45 m^2 which would bring the development into compliance with the provisions of the Kenora Zoning By-law 101- 2015.

The proposal is to reconfigure the existing illegal seven unit facility in to a six unit converted dwelling, meeting all necessary and applicable building and fire code requirements. The proposal includes one open concept barrier free until on the main floor, one three bedroom unit, two, two bedroom units and one single bedroom unit.

Through the course of their preliminary design work the KDSB discovered that the converted dwelling minimum gross floor areas are 45 m^2 . Three of the six units fall slightly under that requirement and therefore, through this application, KDSB requests the Committee to consider relief from Section 4.3.3 (g), an 8 m2 variance from the established minimum gross floor area provision of 45m^2 for converted dwellings, to permit six (6) dwelling units in a residential use building, and to bring the development in compliance with the provision of the Kenora Zoning By-law 101- 2015.

The application meets the minimum size requirements of an apartment building, as well the standards under the Ontario Building Code 9.5.8.1, which suggest a combined dwelling space shall not be less than $13.5~\text{m}^2$

Mr. Pearson read the planning rationale from the complete application and concluded that the variance should be considered minor in nature and should be given consideration for approval under the circumstances.

Melissa Shaw, reviewed the planning report, outlining in detail the variance required by the three units were as follows:

- Unit 4- 5.05 m²
- Unit 5- 7.84 m²
- Unit 6- 4.12 m²

The application has regard for the PPS (2014), policy 1.4.3. (a) As the application contributes to supplying a diverse range of housing types including housing that is affordable to households of low and moderate incomes. The application supports the Official Plan, Principle 1- Sustainable Development, Principle 3- Affordable Housing, and Under Section 3.2- Affordable housing, The City of Kenora will encourage and promote the development of affordable housing by providing a toolkit of planning incentives and direct supports, including but not limited to: More flexible zoning.

The applicant has pre-consulted with the City of Kenora Road Supervisor regarding the driveway provisions of the Zoning By-law. No concerns were reported, and will apply for an entrance permit as part of the building permit application.

The applicant has applied for a letter of comfort, concurrently with their application for minor variance for the re-design of the parking lot on the northeast corner, whereby one of the new stalls will encroach on City property, and for an existing retaining wall which encroaches on City property.

The Planning recommendation is that the Kenora Planning Advisory Committee approves Application for Minor Variance A02/16- Kenora District Services Board.

Robert Kitowski, Acting Chair asked the Agent if there was anything further to add regarding the application. Mr. Pearson said that he had met with the Roads Supervisor with respect to parking provisions and the site plan which includes 8 stalls. He noted that a converted dwelling unit only requires three stalls; with six- dwelling units, three stalls might not be enough, however eight stalls may be excessive and so the number of parking stalls may be altered to six, while still maintaining compliance with the by-law.

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

Lorraine Major, of 611 Eighth Street South, wished to speak in favour of the application, however requested that a fence be constructed on the east lot line adjacent the proposed parking lot, to ensure privacy and safety to her property.

Donna Wiebe of 709 Second Street South, wish to present on behalf of Mr. Don and Mrs. Jean Lafreniere.

Donna Wiebe opposed the application for minor variance based on the following concerns:

- 1. Parking issues
- 2. Safety Concerns
- 3. Width of 8th Street between 6th and 7th Avenue
- 4. Off street parking

The area is a high traffic and high speed area, with many daily travelers to and from Anicinabe Park, the Casino, and Confederation College to name a few. With the development of more units, further congestion is a concern. As well, the development will add to the safety concerns on 8th street south, there will be increased traffic and more potential hazards to pedestrians, students and the bus stop.

The width of 8th street from 6th Avenue to 7th Avenue is essentially a one lane traffic roadway. It becomes very difficult to navigate because of on street parking. As the proposed development does not offer designated off street parking for visitors, the development will surly cause further congestion on the street adding to the congestion and safety concerns.

Mrs. Wiebe spoke to the intent and characteristic of the neighbourhood, originally a single family dwelling unit neighbourhood, her parents, Don and Jean Lafreniere have been long time residents and have seen a lot of changes over the years. As these changes to the subject property have progressed from an R1 to and R2, they were supportive of development. When the subject property became a 4 unit building, and now an illegal 7- unit dwelling, we are in opposition of further development.

Mrs. Wiebe handed out a package including photos of the neighborhood and street views which highlighted her concerns. Mr. Paul Landry reviewed the handout with Committee members.

The Secretary- Treasurer commented that her notes from today's meeting (and previous correspondence) will be forward to the Manager of Operations, for review and enforcement regarding parking and speed concerns.

Mrs. Lorraine Major, asked to make additional comment regarding the application. Ms. Major stated that she does not see the parking as an issue, however the congestion along 8th Street South can be problematic. Mostly, the concern is of personal safety as she cannot afford to build a fence, and her entryway faces the eastern parking area. She once again requested a fence be constructed to separate her property from the proposed development.

Mrs. Major delivered a letter which was sent from one of the neighbours. The Secretary- Treasurer read the letter received from Earl Wilson of 614 Eight Street South, Kenora, into the record.

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

Vince Cianci encouraged the applicant to keep eight parking stalls within the site plan to ensure visitor and tenant parking is kept off the street.

Robert Kitowski asked the Agent is if was possible to construct a fence on the east side of the property to mitigate safety concerns to neighbouring properties. Mr. Pearson indicated that there is currently a detreated fence in need of rehabilitation on the property line; he would recommend constructing a new one.

At 8:09 p.m. Mr. Ray Pearson left the room, to allow the Committee to deliberate.

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.

Graham Chaze suggested the reduction from seven illegal units to six unit dwellings will alleviate the concerns for roadway congestion, and perhaps angular parking within the east lot will alleviate the concerns with ingress and egress onto Eighth Street South.

Vince Cianci commented that backing out of driveways is not of paramount concern as many other properties along Eighth Street South, and throughout the City of Kenora, back onto the roadways from their driveway. The existing parking configuration requires backing out into the street. The proposed development is moving towards compliance by reducing the number of units from seven to six, the application is minor.

Robert Kitowski remarked that, in his opinion, the application meets the four tests, however, would support the recommendation that a condition be to erect a new fence.

Moved by: Graham Chaze Seconded by: Chris Price

That the Kenora Planning Advisory Committee approves Application for Minor Variance A02/16-Kenora District Services Board 801 Sixth Avenue, South, Kenora, Ontario, PLAN M40 PART LOTS 91 & 92 PARCELS 16672 & 19643, for relief from Section 4.3.3 (g) for a variance from the required minimum gross floor area provision of $45\,\mathrm{m}^2$, to $39.95\,\mathrm{m}^2$ (Unit 4), to $37.1\,\mathrm{m}^2$ (Unit 5) and $40.88\,\mathrm{m}^2$ (Unit 6) for a variance of $5.05\,\mathrm{m}^2$, $7.84\,\mathrm{m}^2$ and $4.12\,\mathrm{m}^2$, respectively , for three units in a proposed converted dwelling with six units, to bring the development in compliance with the provision of the Kenora Zoning By-law 101- 2015, as the approval of the application for minor variance meets the four tests for the reasons provided in the planning report, and conditional upon the following, before a building permit is issued:

- 1) A fence be (re)constructed on the east side of the property, or an undertaking provided to the City of Kenora, indicating that a fence will be constructed by 31 August 2016; and
- 2) A letter of comfort be approved, by the City of Kenora, to provide space for parking, on the north east corner of the subject property.

Carried

(viii) Considerations for Applications for Consent - None

(ix) Old Business

A09/15- Belair

Present at the Meeting:

Reid Thompson, Agent

Reid Thompson, Agent representing Mr. Belair, owner of property located at 260 Government Road, explained that the applicant hired a contractor in the summer of 2015 to construct a deck. Prior to construction a building permit was not applied for. The deck is not compliant with several sections of the Zoning By-law 160-2010, and the property owner wishes to maintain as much of the deck as possible. The Agent referenced the amended planning rationale as circulated to Committee Members which outlined the sections of the zoning by-law which the applicant seeks relief, and pointed out the sections of the deck which the amended application is proposing in order to bring the deck closer to compliance with the zoning by-law.

Melissa Shaw read the planning report stating that, as a result of recommendation from the December 15th, 2015 Planning Advisory Committee meeting, the application has been amended to maintain the existing deck, with the exception of a 1.5 m walkway to encroach into the established side yard along the southeast corner of the house, connecting the wrap around deck. If approved, the applicant will remove 2.34 m of the existing 3.84 m deck on the southeast corner, a portion of which must be removed regardless, because it is on City property.

The applicant has concurrently applied, to the City of Kenora, for a letter of comfort to allow for the existing rock/wood retaining wall which runs along the eastern and northern property lines. The portion of the fence which encroaches on City property will be removed.

The Chair asked the Agent if there was anything further to add regarding the application. There was nothing.

The Chair asked whether there was anyone present who wished to speak either for or against the application. There was no one.

The Chair asked the Committee members whether they had questions regarding the application. There were none.

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 no discussion.

Moved by: Robert Kitowski Seconded by: Graham Chaze

That the Kenora Planning Advisory Committee approves Application for Minor Variance A09/15 Belair, 260 Government Road, PLAN M60 N PT LOT 1 PCL1248, for relief from Section 4.1.3 (e) which restricts the exterior side yard from a minimum of 4 m to 1.5, for a variance of 2.5 m, while removing 2.34 m of existing deck; section 4.1.3. (f) which restricts a rear yard minimum from 8.0 m to 1.12 m; Section 3.24 which permits a deck encroachment in the front yard at 2.5 m to 3.01 m, but no closer than 1.0 m to any lot line, to allow for portions of an existing deck, and for relief from Section 3.24 Table 3, from 1.0 m to 0.1m for a variance of .99m authorizing a 4.43 m deck to encroach in to the established front yard at the northeast corner, as the approval of the application for minor variance meets the four tests for the reasons provided in the planning report.

Carried

(x) New Business

a) OPA 01/16- 5901058 Manitoba Ltd.- Recommendation

The Secretary- Treasurer informed the Committee that a statutory public hearing was held on January 12th, 2016. There was one comment in support of the application, however, with it came a request that the developer be cognizant of trail development which is consistent with the policies and objectives of the City of Kenora Official Plan.

As of today's date, the City has no response from the Ministry of Municipal Affairs and Housing regarding requirements for environmental remediation.

Mr. Reid Thompson and Alex Clark, Agents for the property owner indicated that the timeline for the Official Plan Amendment and the Consent approval were imperative to the real-estate transaction deadline which is to close in March, 2016. Mr. Thompson said they were working hard with the Ministry of Municipal Affairs and Housing and the Ministry of Environment to meet these strict deadlines.

Mr. Thompson indicated that his client is the seller of the property and it is the buyer who will confirm what the end use will be. In speaking with MMAH, while we would like to have a level of approval on the application the current owner cannot say for certain what will be developed. Knowing the individual who wants to purchase Part 1, it is almost certain what the development will be, however with respect to Part 2, the level of remediation will be contingent on the end use which at this point is not a known factor.

The greater issue is how long it might take MOECC to look at the information which has been provided to them from the previous Abitibi site cleanup. We have been told it can take anywhere from six to twelve months.

The Secretary-Treasurer confirmed that the recommendation from the Planning Advisory Committee for consent will be approval with remediation as a condition. The application will come forward to the committee in February.

Ray Pearson asked for more information on the trail issue which has been brought forward.

Mr. Clark said he has spoken to the current property owner, whom has indicated it is a little premature with respect to the item of trail development, however has considered those initiatives in past developments. It will ultimately be up to the future property owner to address, however that concern will be brought forth to the new owner. The request is for a public walkway along the waterfront, and along the existing roadway. The applicant will continue discussions with Mr. Dave Schwartz and the Kenora Urban Trails Committee for them to articulate what it is they have envisioned.

b) Z01/16 Emergency Shelter- Recommendation

The Secretary-Treasurer informed the Committee members about the City-initiated zoning by-law amendment to add an emergency shelter as a use in some cases and zones.

Under Section 3.14 of the Kenova Zoning By-law 101-2015, the provisions allow for emergency shelters in the R1, R2, R3, RR and RU zones. After some research, most municipalities offer emergency shelters in Commercial and Institutional areas. The recommendation is that the Zoning By-law be amended so that the GC- General Commercial and I- Institutional zones permit an emergency shelter and an accessory use to office space, deleting the residential zones from the by-law. The Secretary- Treasurer asked for a recommendation from the Committee.

After some discussion a few committee members wondered why the residential zones would have to be deleted from the provisions of the by-law. Suggesting the by-law is more inclusive by maintaining the residential zone, with the addition of the general commercial and institutional zones.

Moved by: Robert Kitowski Seconded by: Graham Chaze

Recommendation by the Kenora Planning Advisory committee that the provisions of the current zoning by-law, section 3.14 be maintained which the addition of the General Commercial- GC, and Intuitional-I zones with accessory uses, to support mixed use neighbourhoods.

Carried

c) Election: Call for nominations

• Election for Chair

The Secretary- Treasurer called for nominations for the position of Chair of the Kenora Planning Advisory Committee. Ray Pearson nominated Wayne Gauld. The Secretary- Treasurer called for nominations on a second and third time. No other nominations were made. Robert Kitowski closed the nomination.

The Secretary Treasurer declared Wayne Gauld Chair, as his correspondence indicated his willingness to continue in the role.

• Election of Vice- Chair

The Secretary- Treasurer called for nominations for the position of Vice- Chair of the Kenora Planning Advisory Committee. Robert Kitowski nominated Ray Pearson. The Secretary-Treasurer called for nominations on a second and third time. No other nominations were made. Ray Pearson accepted the nomination. Robert Kitowski closed the nominations.

Graham Chaze informed the Committee of his regrets for the meeting on February 16th, 2016.

Adjourned Moved by: Christopher Price	
That the January 19 th , 2016 Planning Advisory	Committee meeting be adjourned at 9:03 p.m.
Minutes of Kenora Planning Advisory Committe 16 th day of February, 2016.	e meeting, Tuesday 19 January, 2016 be approved this
Wayne Gauld, Chair	Tara Rickaby, Secretary-Treasurer