



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

Minutes
City of Kenora Planning Advisory Committee
Regular Meeting held in the Operations Centre Building
60 Fourteenth St. N., 2nd Floor- Training Room
December 20, 2016
4:30 p.m.

Present:

Wayne Gauld	Chair
Ray Pearson	Member
David Blake	Member
Robert Kitowski	Member
Graham Chaze	Member
Christopher Price	Member
Melissa Shaw	Secretary-Treasurer
Devon McCloskey	Deputy Secretary- Treasurer, Planner

Regrets:

Vince Cianci	Member
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(i) Wayne Gauld, Chair called the December 20, 2016 meeting to order at 4:30 p.m., and reviewed the meeting protocol for those in attendance.

(ii) Additions to the Agenda: None.

(iii) Declaration of Interest by a member for this meeting or at a meeting at which a member was not present:

- Wayne Gauld, Chair reported a conflict on files:
 - i. D10-16-12 (Cameron)
 - ii. D13-16-15 (Pearce)
 - iii. Consideration for recommendation to Council, D14-16-05 – Emergency Shelter

Ray Pearson, Member reported a conflict on file:

- i. Consideration for recommendation to Council, D14-16-05 – Emergency Shelter

(iv) Adoption of Minutes of previous meeting (November 15, 2016)

Discussion/Corrections: None.

Moved by: Robert Kitowski

Seconded: Graham Chaze

Carried

Carried.

(v) Correspondence relating to applications before the Committee: The City Planner, Devon McCloskey, informed the committee and members of the audience that four letters were received corresponding to file: D14-16-05, the letters had been circulated to the Committee and would be read as part of the planning report.

(vi) Other correspondence: None.

(vii) Consideration of Application for Consent

- D10-16-11 (Kraynyk)

Nestor Kraynyk, owner
236 Rabbit Lake Road

Mr. Kraynyk introduced himself to the Committee, representing he and his wife in consideration of a consent application, for an easement for sewer and water services in support of 234 Rabbit Lake Road.

Devon McCloskey the City Planner, gave a in depth overview of the planning report, an application for consent to sever property located at 234 Rabbit Lake Road and legally described as PLAN M310 PART LOT 2; 23R 5549 PART 1. The purpose of the application is for an easement for utility (sewer and water) purposes over the subject property, the effect of approval would provide municipal services to an adjacent lot municipally known as 234 Rabbit Lake Road. The Planner reminded the Committee that the application was previously heard by the PAC as File B07/15 in August 2015; approved, with provisional consent subject to conditions, but lapsed.

The Planner noted that installation of the pipes was completed and surveying has captured the location in accordance with the instructions for a minimum width of 3 metres where possible, however part of the pipe and surveyed portion is over property located at 240 Rabbit Lake Road. It is recommended that a second application is submitted to secure an easement over this lot as well.

The Planner outlined the only comments received are from the water and waste water dept., whom identified that all of the previous conditions as placed on the 2015 application have been satisfied. The recommendation that the application be approved an provisional consent granted.

The Chair asked whether there was anyone present who wished to speak either for or against the application. There were none.

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

Wayne Gauld asked for clarification, on the condition of a second easement. The Planner reviewed the survey with the Chair and explained that Part 2 of the easement is located at 240 Rabbit Lake Road, the adjacent property.

Ray Pearson, asked the applicant if he was aware if the neighbour would be willing to make an application for consent for a utility easement; Mr. Kraynyk identified that the property which Part 2 of the easement was located is owned by his son, and confirmed that he is aware an easement is required.

Chair asked the committee members for discussion prior to making a decision.

Moved By: Ray Pearson

Seconded by: David Blake

That application D10-16-11 for easement in favour of property located at 234 Rabbit Lake Road, described as Part 1 of Plan 23R-14495, being part of Lot 2 of Plan M310, for utility (sewer and water) purposes over property described as Part 1 of plan 23R-5549, Lot 2 of Plan M310, be approved and provisional Consent be granted, subject to conditions, as the application has regard for the Provincial Policy Statement (2014); is compliant with section 51(24) of the Planning Act, and meets the intent of the City of Kenora Official Plan (2015) and Zoning By-law No. 101-2015 as amended.

Carried.

The Chairman, Wayne Gauld left the room at 4:46 p.m. in anticipation of the next agenda item for which he declared a conflict. Ray Pearson took on the position of Chair for the Committee of Adjustments.

- D10-16-12 (Cameron)

Mr. Stephen Lundin, Agent
Hook, Seller & Lundin LLP

Mr. Lundin introduced himself as a lawyer with the firm Hook, Seller & Lundin, and the agent speaking on behalf of the application for consent on behalf of the Camerons, and a concurrent application for minor variance on behalf of Mrs Pearce. Mr. Lundin explained that in previous years, steps were taken to have part of the Cameron property transferred to Pearce's, as part of the Pearce garage encroaches on the Cameron parcel. Mr. Lundin explained that the application for lot addition is to alleviate any encroachment, by transferring lands to the Pearce's, an easement would be registered in favour of the Pearce's over the lands owned by the Cameron's, for access to the garage, and would contain a clause limiting parking. Mr. Lundin further explained that the application for minor variance would bring the existing garage in compliance with the provisions of the zoning by-law as it exceeds the side yard and rear yard setbacks.

The Planner, read the planning rationale; garage constructed in error in 1991, The purpose of the application is to enable a lot addition to property described as civic address 11 Glen Cameron Drive, concurrently an application for easement will be considered over a portion of 9 Glen Cameron Drive, in favour of 11 Glen Cameron Drive for ingress and egress. The terms of the easement agreement would prohibit parking over the area established for access.

The effect of approval would be to transfer approximately 70 m² of land from 9 Glen Cameron Drive, to 11 Glen Cameron Drive to rectify an encroaching garage. The application is being considered in conjunction with an application under Section 45 of the Planning Act for Minor Variance, File Numbers D13-16-15, for property located at 11 Glen Cameron Drive, seeking a 2.0 m variance from Section 3.34.1 (iv) which requires a minimum 3.0 m set back from the rear lot line for accessory structures within waterfront properties in the R1- zone, and 0.36 m variance from Section 3.34.1 (v) which permits accessory structures to be built 1.0 m to any interior side yard. The effect of approval would be to permit an existing accessory garage 1.0 m front the rear lot line, and 0.64 m from the interior side lot line.

The Planner identified that there were no concerns as a result from internal circulation, in addition, MNRF indicated no concerns, nor did the public make comments. The Planner made recommendation for approval, with provisional consent, and approval of the minor variance application.

The chair asked if there were any comments or concerns from the applicant. Mr. Lundin said that a pin consolidation and merger agreement will be completed in addition the fee of \$100 for the easement.

The Chair asked whether there was anyone present who wished to speak either for or against the application. There were none.

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

Chair asked the committee members for discussion prior to making a decision. There were none.

D10-16-12 (Cameron)

Moved By: Robert Kitowski

Seconded by: David Blake

That application D10-16-12 Cameron, for lot addition be approved and provisional Consent be granted, subject to conditions, as the application has regard for the Provincial Policy Statement (2014); is compliant with section 51(24) of the Planning Act, and meets the intent of the City of Kenora Official Plan (2015) and Zoning By-law No. 101- 2015 as amended.

Carried.

D13-16-15 (Pearce)

Moved By: Robert Kitowski

Seconded by: David Blake

That the Kenora Planning Advisory Committee approves Application for Minor Variance File No. D13-16-15, to reduce required setbacks allowing for the existing garage to remain 1 metre from a rear lot line, and 0.54 metres from the interior side lot line, as the application meets the four tests for the reasons provided in the planning report.

Carried.

Ray Pearson, Member removed himself from the meeting at 4:58 p.m., as he declared a conflict on file, D14-16-05. Robert Kitowski, stepped into the role of Chair for the Planning Advisory Committee.

(viii) New Business

- D14-16-05 – Emergency Shelter

Ben Reynolds, Manager of Capital Projects
Kenora District Services Board
211 Princess Street
Dryden, ON P8N 3L5

Mr. Reynolds introduced himself to the Committee Members, making application behalf of the Kenora District Services Board (KDSB), and seeking a temporary use provision for the location of an Emergency shelter for the term of a two (2) year period, in a institutionally zoned building located at 210 First Street North. Mr. Reynolds indicated that the KDSB has been operating the shelter out of 210 First Street North as of Oct 19, 2016 under the current state of emergency. KDSB, hopes the approval an application for temporary use will allow for the removal of the state of emergency, and will allow the shelter to operate for a 2-year term.

Devon McCloskey, City Planner thanked Mr. Reynolds for the in-depth proposal that has been provided – she reviewed Whereas an Emergency Shelter is not currently a permitted use within the Institutional Zone, the applicants are requesting that the City allow for the property to be used temporarily for an Emergency Shelter, in addition to the continuation of the current use for a period of two years.

The Planner described the subject property as 210 First Street North, locally known as the City view building, and the location of the Northwestern Health Unit (NWHU); a fully services an institutional building. The Planner provided history on the file, and City of Kenova staff attempt to amend the provisions of the zoning by-law to allow for the emergency shelter use within the institutional zone; that by-law was overruled.

As part of the application submission, the KDSB attached a document titled "Kenora Temporary Emergency Shelter Neighbourhood Impact Assessment". Through their own initiative, the KDSB, lead a Neighbourhood Impact Assessment to understand, address and manage the experience and concerns of neighbours within the vicinity of the City View Building. The Planner identified that these comments have been provided as additional information, and attached to the application.

Ben Reynold asked to clarify for the committee that the neighbourhood impact assessment was a three way partnership with KDSB, Ne' Chee and the and NWHU., Mr. Reynolds confirmed that the Ontari Provincial Police would be joining the impact assessment in the new year.

The Planner reviewed the internal comments which were received and included in detail within the planning report. The Planner highlighted the public comments received to date, and reminded the committee that their recommendation would be made on the merits of the application to the Official Plan, the Zoning By-law Provincial Policy, and that Council will have the opportunity to evaluate the proposal in lieu of public comments at the public meeting to be held on January 10th, 2017. The Planner made recommendation for approval.

The Chair asked whether there was anyone present who wished to speak either for or against the application. There were none.

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

Devon McCloskey, asked for an exact date which the operations of the temporary use provision will supersede. Ben Reynolds confirmed that the sublease wuld end on September 30th, 2018 .

Robert Kitowski Acting Chair reminded the Committee that the recommendation to Council be approved in lieu of public comments that have yet to be received, and that the opportunity for public consultation will be on January 10th, 2017 at Committee of the Whole at 11:00 a.m.

The Chair asked the Agent for KDSB and the City Planner if they had anything to add, prior to the committee discussing, there were none.

Graham Chaze, question the internal comment as received on December 6th, from the Water and Waste Water Department, nothing concern with the adequacy of the laundry and washroom facilities. The Planner clarified that the concern was only a potential based on the number of new washroom facilities and laundry machines being added; Ben Reynolds confirmed that they have only added two residential grade laundry machines, and one washroom.

Chair asked the committee members for discussion prior to making a decision.

David Blake, commented that although the emergency shelter is a great need within the community, he expressed support towards the public comments recommending refusal of the application.

Robert Kitowski, reflected on the public comments, however, again reminded the Committee that the recommendation to Council shall be based on planning provisions, the Official Plan and the Zoning By-law and the Provincial Policy Statement; noting that there is no perfect place for homelessness, other than homes.

Ben Reynolds, agreed, there are other social issues that are being bundled up within the application, and asked the Committee to review the technical components to the application as well.

The Planner recommended to the argent that a report summarizing whom the users of an emergency shelter would be beneficial to the public and to Council, and requested that it be submitted in written form to be attached to correspondence to Council.

Moved By: Graham Chaze

Seconded by: Chris Price

Resolved that the Planning Advisory Committee recommends that the Council of the Corporation of the City of Kenora approves the proposed application for temporary use, file number: D14-16-05, in consideration of its merits evaluated against the Official Plan, Zoning By-Law, and the Provincial Policy, and provides a recommendation to Council purely based on these matters; whereas the Committee may not have had the opportunity to hear public comments in full.

Carried.

Ray Pearson and Wayne Gauld entered back into the room on 5:20 p.m.

- Consideration for recommendation to Council, D14-16-06- Cameron House, Zoning By-law Amendment

David Nelson
PO BOX 470
Kenora, ON P9N 3X7

David Nelson, Nelsons Architecture Inc, Agent representing Jeriel Holidng Corporation. Attendees included Will Major and Yana Sobiski of Major Sobiski Moffatt LLP, which practices out of the subject property known as 1 7th Street Kenora, the Cameron House. David Nelson gave some history of the home, which is currently designated under the Ontario Heritgae Act, the purpose of the application for zoning by-law amendment is to allow for expansion of the lawse off space, into the second floor, which would exceeding the provision of home based business as the law office currently already practices out of the main floor.

Mr. Nelson, provided history on the current use, indicating that in June, 2006 an application for minor variance was applied for with approval to allow for the use of the main floor as a law office. The current use as a law office, protects the Heritage Designation, there are plans to renovate the interior of the second floor, and to turn it back to its original configuration. The Agent spoke to the current parking configuration, with the belief that the parking can be addresses; conversation with immediate neighbours have confirmed no objection to the expansion, noting that some neighbours reported preferring the use as a professional office rather than residential use. Mr. Nelson asked for the Committees support on the application for an amendment to the Zoning By-law, suggesting it supported the Official Plan and was in line with Provincial Policy.

The Planner outlined the basis of the application, and the provisions to which is being submitted, to enable the subject property to accommodate professional office space not operated by an occupant, and in excess of the floor area as per Home Occupations within the zoning by-law. Whereas not more than 25% or of a dwelling is permitted to be dedicated to a home occupation, if approved, the total floor area would be 310 m² which is 69% of the building. In addition parking provisions will have to be considered through an application for Site Plan Control; parking spaces are located along existing easements secured primarily for access.

The applicant is investigating further to see if the uses are. I would argue that the proposal is consistent with City policies and provincial directives. The zoning by law provides the ability to enact an exception zone, lands so zoned shall be subject to all the provisions of said zone, with expectation to those exceptions listed.

The Planner reviewed internal comments, highlighting concerns with respect to the parking as the need for proper permitting, and the reminder that the building is designated Heritage.

The Planner explained that an amendment to the zoning from Residential to Local Commercial pose negative impacts to the neighbouring properties; as such an exception was more appropriate, the recommendation from the planner the application for application be approved in lieu of comments received.

The Chair asked the Agent and the City Planner if they had anything to add, prior to the committee discussing, David Nelson, pointed out the concern with Parts 1 and 2 easements on the survey, which are the ones which influence the parking. Mr. Nelson confirmed that in conversations with his client, and with the neighbours, there is every indication that the parking arrangement will continue to provide access to all the properties.

The Planner asked if there were any concerns moving into the Site Plan control for the parking, accompanied with a letter of comfort for the use of City property. The Agent, did not foresee concern, noting that in 1965 three parties signed an agreement pertaining to use of lands surrounding the subject property, there are a number of other easements involved, that do not concern this application, however the easements known as Parts 1 and 2 on the survey, do affect the application, Part

1 is for ingress and egress only, and Part 2 refers to parking. The Agent suggested to modify the existing easement agreement with a new agreement to best reflect the current use. The agreement which was drafted in 1965 KR1058 Plan, does not accurately address the current use of the lands. In verbal there have been no concerns with the abutting neighbours to continue the use as present.

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

Ray Pearson sought clarification on the present use of the building. Mr. Major confirmed that the law off of Major Sobiski and Moffatt occupy the main floor of the building; with four permanent staff, and the hope to expand with three ore staff members. The law office is looking to expand in to the second floor, removing current residential units, and restore the layout to its original design from the 1912's. Mr. Major also identified two residential suites on the third floor and one in the basement.

Ray Pearson addressed the concern for parking, as identified from internal staff circulation, noting that the Committee cannot make a decision on parking as with will be approved thorough site plan control.

Devon McCloskey, City Planner agreed with Mr. Pearson and confirmed that the Committee could not place a condition on the recommendation to Council for parking, indicating that the site plan agreement, would allow for staff to re-visit the parking provisions.

Wayne Gauld, too addressed the parking concern, identifying that street parking shall not be a method to resolve increased parking needs, and sought clarification form the applicant as to how an increase in office space would alter the parking as it is seen at today's date. Identifying that his concern is the unknown, mentioning what is there tomorrow, will be very different than what is there today.

Will Major and Yan Sobiski explained that the increase in office space would remove two residential units within the building. On a day to day basis, many of the firms clients are in remote locations, meeting are scheduled off site, very few clents visit the law office. In addition, staff use alternate methods of transportation to get to work, including walking, boating and biking.

Mr. Nelson said he spoke with Wade Robertson, owner of the Stuart King House, and Will spoke with Nora P., neither had complaints on the application and as far as parking goes, the status of parking fundamentally remains unchanged with this application.

Robert Kitowski questioned how the parking stall count would be determined. The Planner clarified for the Committee that the proposed recommendation was for parking was 13 stalls, which is what would be required if it was a commercial use,

and again reminded the Committee that the parking provision would have to be met through site plan control.

Chair asked the committee members for discussion prior to making a decision.

Wayne Gauld expressed his only concern for the application is that the parking will become an issue.

Graham Chaze supported the application, appreciating that the zoning will remain residential to better complement the neighbourhood, and to maintain the heritage components of the building. Ray Pearson concurred.

David Blake felt hesitant; expressed that he was entrusting in the Planner to assure that the site plan will address all the parking issued.

Moved By: Robert Kitowski

Seconded by: Chris Price

Resolved that the Planning Advisory Committee recommends that the Council of the Corporation of the City of Kenora approves the proposed zoning by-law amendment D14-16-06, in consideration of its merits evaluated against the Official Plan, Zoning By-Law, and the Provincial Policy, and provides a recommendation to Council purely based on these matters; whereas the Committee may not have had the opportunity to hear public comments in full.

(ix) Old Business:

- 2017 Training- OACA- Ontario Association of Committee of Adjustments, is willing to host a training session here in Kenora, looking to the Spring of 2017. The session can host 25 people, split costs with adjacent municipalities, Council members and staff. More information to come at a later date.

(x) Adjourn:

Moved by: Chris Price

That the December 20th, 2016 Planning Advisory Committee meeting be adjourned at 6:15 p.m.

Minutes of Kenora Planning Advisory Committee meeting, Tuesday December 20th, 2016 are approved this 17th day of January, 2017.

(xi) Wayne Gauld, Chair
Treasurer

Melissa Shaw, Secretary-