



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
September 20, 2016**

Present:

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

DELEGATION:

- (i)** Wayne Gauld, Chair called the September 20, 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)** New Business- None.
- (iv)** Declaration of Interest by a member for this meeting or at a meeting at which a member was not present. None.
- (v)** Adoption of Minutes of previous meeting (September 20, 2016)
Discussion / Correction(s): None.

Moved by: Robert Kitowski

Seconded: Graham Chaze

That the minutes of the August 15, 2016 meeting of the Planning Advisory Committee be approved as amended.

Carried

(vi) Correspondence relating to applications before the Committee

- A08/16- Leonard

Brian Rupert, 7 Gerald Street
Jerry Walsh, 9 Gerald Street
Patrick DeGagne, 22 Airport Road
Kathleen Newton, 1938 Ninth Street N
Eric Sinclair, 25 Park Avenue

The secretary-treasurer read the correspondence as submitted by the neighbouring property owners to the Kenora planning department on August 19, 2016. The property owners opposed the application for reasons outlined within the letter.

(vii) Other correspondence

- D10-16-06 (Skrzypek)

The Chair confirmed with committee members that the updated planning report D10-16-06 was received. Vince Cianci confirmed he did not receive, the updated application, the Planner outlined the changes to the provisional consent be granted subject to the condition that legal access be granted.

(viii) Consideration of Applications for Minor Variance

- **D13-16-11 (Cooper)**

Edward Cooper, Owner

Mr. Cooper presented his application; he admitted to constructing a shoreline deck as an accessory to his three unit rental property. He said the deck was built without a permit, not knowing he was in violation, a google search online, provides conflicting information which lead him to believe a permit was not required. His complete application provides a print out of this online information. Mr. Cooper said the deck was constructed on the side of a hill to delineate people from the steep slope and eliminate the risk of falling down the hill, noting it is a 9foot drop, 22feet wide. Mr. Cooper asked the committee to consider his variance to allow for his existing deck to remain.

Devon McCloskey read the planning report, with the recommendation for approval of a 1.03 m variance from Section 3.34.1(c) (ii) which requires a minimum 4.5 m side yard setback for accessory uses located between the principal building and the navigable waterway. Confirming, the application is consistent with legislated policies; has regard for the general intent and purpose of the Official Plan and the Zoning By-law, and is considered minor in nature.

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

Mr. Cooper acknowledged a letter of support he brought with the signatures of neighbours in support of his application. The Secretary-treasurer read the letter

aloud to the committee and the members of the audience. The letter supported the minor variance and was signed by the following:

- John McKay, 1503 Beach Road
- Jean Wiersema, 15089 Beach Road
- Tenant, 1422 Beach Road
- Jerry Villa, 1504 Beach Road

Robert Aitken 1511 Beach Road

Mr. Aitken introduced himself as a neighbour to Mr. Cooper on Beach Road, and a longtime resident of Kenora. Mr. Aitken asked the committee to consider removal of the shoreline deck, on the basis of willful deceit by Mr. Cooper and the deliberate breach of the City of Kenora Zoning by-law.

Mr. Aitken described a discussion he and Mr. Cooper had in May, 2016 on the potential development of a deck. Mr. Aitken acknowledged that from that conversation, Mr. Cooper was aware of the 4.5 m side yard setback provision of the zoning by-law, as well, the requirement for a building permit.

Mr. Aitken opposed the application for minor variance, reiterating to the committee that approving the application would send the message that there is no consequence to ignoring the planning process and the building code.

Gloria Cooper, 1507 Beach Road

Mrs. Gloria Cooper wished to confirm with the committee that their lot at 1507 Beach Road is 50 feet wide, and not 48 feet wide as per the presentation by Mr. Aitken.

The Chair thanked the audience members for their comments and asked the Committee members whether they had questions regarding the application.

Wayne Gauld- asked Mr. Cooper to confirm the width of the deck, as the sketch suggested 20' 3". Mr. Cooper confirmed it is 20' wide by 24' deep.

Robert Kitowski asked the planner if there was record of contact with the building department prior to the compliance letter being issued. Devon McCloskey, Planner indicated that there had been a discussion between Jeremey Smith, Building Inspector and the Applicant. Mr. Cooper confirmed that there was a conversation, and he had merely forgotten about the details of a permit. The Planner reminded the Committee that the planning process should not be used as a means to penalize. The Building Department sent a letter of voluntary compliance, which laid out the process to achieve compliance, the applicant has come forth as requested to achieve compliance. There were no concerns received from the building department through internal circulation, and when asked if the deck should be torn down, there was no comment.

Ray Pearson, asked the Planner, if the application is approved, will the building departments inspect. The Planner confirmed that a permit is required to achieve compliance with the building code.

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

Vince Cianci identified that if the shoreline deck was a retaining wall, there would be no setback requirements and no concern. Mr. Cianci questioned the validity of a 4.5 metre setback for structures on land; his opinion was that the intention of the 4.5 meters side yard setback was proposed for boathouse and docks to maintain water access to lots.

Robert Kitowski expressed his frustration, and the awkward position Committee members are being placed in, with applications of non-compliant structures, built without a permit. The Planner indicated that the message for set fines would be relayed to the Building Official.

Wayne Gauld asked the application to explain how the side yard measurements were determined. Mr. Cooper identified that the measurements were taken by him. He mentioned that in his measurements, he was unaware of two feet of frontage, his frontage is actually 50' not 48'.

The Chair put a motion forward not to approve the variance that the deck is brought into compliance.

Moved By: Wayne Gauld

Seconded by: Dave Blake

That the Kenora Planning Advisory Committee refuse Application for Minor Variance File No. D13-16-11 to request a 1.03 m variance from Section 3.34.1(c) (ii) which requires a minimum 4.5 m side yard setback for accessory uses located between the principal building and the navigable waterway.

Defeated

Move By: Graham Chaze

Seconded By: Vince Cianci

That the Kenora Planning Advisory Committee approves Application for Minor Variance File No. D13-16-11 to request a 1.03 m variance from Section 3.34.1(c) (ii) which requires a minimum 4.5 m side yard setback for accessory uses located between the principal building and the navigable waterway. The deck as constructed, meets the intent of the Official Plan and Zoning By-law, it appears not to have an impact on neighbouring properties, and is considered minor in nature.

Carried

- **D13-16-12 (Lindquist)**

Raymond Lindquist,
Owner

Mr. Lindquist thanked the chair and introduced his wife Laurie, and their application for minor variance which will allow for a secondary dwelling unit attached to their existing home.

The applicant outlined the proposal and the design of the secondary dwelling unit, highlighting that they are seeking two minor variances, .3 m variance from Section 4.1.3 (c) which requires a minimum 7.5 m front yard setback for permitted uses within the R1- Residential First Density zone; in addition, a 0.5 m variance from the provisions of section 4.1.3 (d) which permits a 1.5 m side yard setback for one (1) storey dwellings within the R1- zone. Mr. Lindquist outlined that the application supports the Provincial Policy Statement, and the Official Plan and the zoning by-law; describing their neighbourhood as one with lots of amenities, close proximity to an arena, park, beaches, schooling and municipal servicing.

Devon McCloskey, outlined the sections of the planning report, highlighting the application's consistency of legislated policies, the four tests, and in the opinion of the planning department recommends approval of the application.

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.

Vince Cianci asked about the 1m setback to the carport, and sought confirmation if this was to the tip of the eaves? Vince clarified it is hard to measure on a carport as the usable space is between the posts. The applicant confirmed that it was to the tip of the eaves.

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.

Wayne Gauld questioned if the eave should be included as a condition of approval, the Secretary-treasurer add the amended condition that the 0.5 m variance be measured to the tip if the eaves, The Committee members concurred.

Moved By: Robert Kitowski

Seconded By: Dave Blake

That the Kenora Planning Advisory Committee approves Application for Minor Variance File No. D13-16-12, to reduce the required setbacks to enable development of a secondary dwelling and related attached accessory buildings, and the 0.5 m variance from the provisions of section 4.1.3 (d) which permits a 1.5 m side yard setback for one (1) storey dwellings be measured to the tip of the eaves. The application has regard for the Official Plan (2015), Kenora Zoning By-law 101-2015, is considered desirable development and is minor in nature.

Carried

- **D13-16-13 (Snyder)**

Tom Snyder, Owner
Colleen Snyder, Owner

Tom and Colleen Snyder presented their application for a variance, seeking a 5.0 m front yard setback to construct an addition to their home at 450 Rabbit Lake Road.

Devon McCloskey, outlined the planning report and identified Hydro One concerns regarding the proximity to the location to the hydro lines. The four tests identified that the application is not consistent with the neighbourhood, and the proposal is not minor in nature as the requested variance is more than 77%. The Planner recommended that the Kenora Planning Advisory Committee refuse Application for Minor Variance D13-16-13.

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

Colleen Snyder offered photos of other properties on Rabbit Lake where the homes are built closer to the hydro lines than their proposal, suggesting that the precedence has already been set to those properties.

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

Chris Price asked the applicant if the intent of a master suite and a large deck in front is for viewing of the water? Asking the applicant if they had considered building out the rear of the building? The applicant identified that it had been disused multiple times to build out the back, but they bought the property 8 years ago with the intent of building out the front.

Ray Pearson noted his concerns about the location to the Hydro lines, Devon McCloskey identified on a general discussion with Hydro One, if the voltage requirement was known, we would be able to better determine the setback requirement.

Robert Kitowski indicated that Hydro One will be more concerned with people on the deck and not so much with a eave on a home.

Robert Kitowski asked the applicant if they had any conversation with the owner of the vacant lot to the west on their proposed plans. The applicant indicated that they contacted all neighbouring property owners within 60 m and no concerns were identified.

Vince Cianci asked the applicant to confirm if the rear yard is buildable, or if any rock outcrops are present. The applicant confirmed that there is a huge boulder and bedrock behind the building, however, confirmed that it is buildable.

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.

Chris Price commented that with his limited time in the City of Kenora, it was his opinion that the Development on Rabbit Lake Road feels congested, many of the homes seems to be built too close to the proximity of the road allowance.

Graham Chaze commented that much of the development on Rabbit Lake Road was built in the Jeffrey Melick days, they were developed in an unorganized area with no formal by-laws, and so to say they are precedent setting in his opinion not sound planning rationale.

Robert Kitowski stated that Hydro One was given the opportunity to provide comments and concerns, and none were received. Mr. Kitowski proposed that if the development is allowed and constructed and if at a later date, Hydro one assesses the neighbourhood and seeks compliance it will be up to the applicant to confirm acceptable setback.

Vince Cianci reminded the Committee that the house is already encroaching on the front yard setback, adding an additional 5.0 m encroachment does not seem orderly. Vince noted that front yard amenity space is important, and should be considered as it is applied to all residential lots. Mr. Cianci noted his concern with the proposed developments affect on the vacant lot to the west, which would require a 7.5 m setback, if approved this application will create a total encumbrance on the abutting vacant lot, which should be given some credence, and not discounted for its future use.

Move by: Robert Kitowski

Seconded By: Graham Chaze

That the Kenora Planning Advisory Committee approved refuses Application for Minor Variance D13-16-13, seeking a 5.0 m variance from Section 4.1.3 (c) which requires a minimum 7.5 m front yard setback for permitted uses within the R1-Residential Frist Density zone. With the condition that a minimum safe distance is maintained between the development (deck) and the hydro line as determined by Hydro One. As the application supports the intent of the Official Plan and Zoning by-law, is an appropriate form of development in the neighbourhood and is considered minor in nature.

Defeated

(ix) Consideration of Application for Consent

- **D10-16-06 (Skrzypek)**

LakeLand Consulting, Agent

Mr. John Balkwill, Agent representing the file introduced himself and the owner Mark and Anice Skrypek, whom own 160 acres at the end of Loranger Road. Mr. Balkwill explained that the applicant is wishing to sever a portion of their property, retaining 80 acres and severing 80 acres, to sell to the abutting property owners, Mr. and Mrs. Haney, registered farmers, one of only a few located in the City of Kenora operating on just over 300 acres. The use would be in conjunction with the

existing farming operation. Mr. Haney has 20 bison and 40 cattle which he operated on the farm, this additional land will be used for hay and grazing.

The agent, explained that the use conforms to the existing use, and will encourage continued farming on the abutting use. The wetland water channel identified as hazard lands will incur no impact. The issue at this point will be the legal access to get to the severed portion which currently access crosses over Mr. and Mrs. Neniska's property. The Agent has proposed an easement over this parcel to gain formal legal access.

The City Planner, Devon McCloskey reviewed the application and identified the amendment made on the recommendation to obtain legal access. The recommendation and decision were updated to reflect the most recent discussion with the applicant and the solicitor on file, where several options were deemed available to secure legal access including consolidation with abutting lands, or submission of a second application for consent to secure an easement over abutting property. The recommendation was for approval.

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

Joe Neniska
340 Coker Road

Mr. Neniska spoke in favour and ensured legal access would be provided over his parcel for access.

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

Vince Cianci, sought clarification on the easement, confused as to why an easement was required if the owner owns all abutting lands, Devon McCloskey highlighted the areas requiring permanent easement survey provided in the application, and noted that unless the parcels were merged, legal access was not maintained.

Mr. Haney identified that if merging the properties will suffice for legal access, it is something he will consider. The Planner identified that her recommendation is flexible to allow for consolidation or easement for access.

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.

After the committee had some discussion on whether an easement or consolidation of the properties should be the means to meeting the legal access requirement, Robert Kitowski reminded the Committee members that the recommendation is that legal access is provided and our decision should focus on that and allow the applicant to decide which route they choose to ensure legal access. The members concurred.

Moved By: Graham Chaze

Second By: David Blake

That application D1-16-06 Skrzypek, for lot addition be approved and provisional Consent be granted, subject to the following conditions:

1. That legal access is established for the lot addition; whereas several options are available to secure access, including consolidation with abutting lands, or submission of a second application for consent to secure an easement over abutting property.
2. The original executed Transfer/Deed of Land form, a duplicate original and one photocopy for City records be provided.
3. 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.
4. That approvals are received from the City for the provision of an entrance permit, culvert and materials as required to develop a driveway access as required.
5. 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.
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 the parcel proposed to be severed, also be consolidated on title and that if required a merger agreement is entered into with the City of Kenora, for those adjacent parcels to be combined into one.
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 letters from the City of Kenora and external agencies 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

Carried

(x) Old Business

- **A08/16- Leonard**

Victor Leonard, Owner

On August 16, 2016 the City of Kenora Planning Advisory considered an application A08/16- Leonard, for relief from Section 3.28.1(d)(i), which regulates that vehicular access be provided to a secondary dwelling directly from an open public road, and in no case shall access be permitted from a lane, and Section 3.28.3 (a) which specifies that a detached secondary dwelling shall not exceed 40% of the gross floor area of the principal dwelling, and; a request for relief of 2.0 m from Section 4.1.3 (c), which regulates that permitted uses within the R1- Residential First Density zone shall have a minimum exterior side yard of 4.0 m. The

recommendation was to defer the decision until a survey established the setback of the secondary dwelling from the side yard lot line.

The Secretary Treasurer referenced the correspondence as received by the neighbouring property owners, and which was read as part of agenda item: Correspondence relating to an application before the Committee.

The Planner identified new information was presented, including a letter written by Mr. Eric Rody, OLS of Rugged Geomatics indicating the buildings located 1.64 metres from the exterior side yard.

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.

Robert Kitowski made mention that in recent site inspection there were low lying branches over the laneway, confirmed with the applicant that he is fully away of the condition that the maintenance of the laneway be his, which includes tree trimming. The applicant concurred.

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 Secretary-Treasurer confirmed for the Committee that secondary dwelling units are a permitted use within the R1 zone.

Moved By: Robert Kitowski

Seconded By: Vince Cianci

The Kenora Planning Advisory Committee approves Application for Minor Variance A08/16 – Leonard, with conditions as the application has regard for the Official Plan (2015), the Kenora Zoning by-law 101-2015, is considered desirable and appropriate development of the land and is minor in nature. The approval will permit a detached secondary dwelling unit to be accessed from a laneway; to be developed within an existing non complying accessory structure located 1.64m from the exterior side yard, and amount to 66.7% of the gross floor area of the main building. As a condition of approval, it is recommended that the decision state the following:

- That any vehicular road access provided via unopened laneway to the detached accessory dwelling, be maintained under the sole responsibility or management of the property owner, and that a letter of acknowledgement of this fact is provided by the property owner prior to the issuance of building permits and occupancy of the building.

Carried

- **OPA 2- 1133563 Ontario Inc**

Melissa read the communication as provided by John Norris, Planner from the OMB, indicating that the hearing scheduled for September 21st, 2016 has been cancelled and will be rescheduled at a later date.

(xi) New Business

• **D14-16-04**

Claudette Edie, Agent

Claudette Edie introduced herself, acting as an Agent on behalf of her parents and thanked the committee for their consideration in a recommendation to Council for an amendment to the zoning by-law D14-16-04. The subject property was razed by fire in October, 2013 which destroyed the family home. The property is underutilized, the owners have been approached by developers for a seniors housing development.

Claudette highlighted that the services are secure at the Northwest corner of the lot, in conversations with the Municipal staff, there should be suitable capacity for servicing and are seeking an amendment to the zoning by-law to rezone to a higher density, which will enable development.

Devon provided a brief memo to the Committee, noting that comments have not been received and will form part of her planning report at the October 4th, 2016 statutory meeting. Devon noted that notice was circulated in the Municipal Memo on September 15th, 2016 and to all property owners within 120 m of the subject property on September 14, 2016

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

Wayne Gauld confirmed that the applicant has addressed the 20 m setback from the wetland and the developer will pay attention to the recommendations within the EIS report. Claudette confirmed that it would be incorporated within the design.

The Secretary Treasurer read aloud the recommendation to council and the resolution that recommends that the Council of the Corporation of the City of Kenora approves the proposed zoning by-law amendment D14-16-04, in consideration of its merits evaluated against the Official Plan (2015) , Zoning By-Law 101-2015, and the Provincial Policy Statement(2014); and provides a recommendation purely based on these matters.

Robert added that as a condition that the recommendations within the full EIS are supported and adhered to. The committee concurred.

- Housekeeping Items
 - Devon proposed a discussion on housekeeping items and protocol such as when we ask for surveys, and when we do not, propose an

earlier start time to discuss all areas of concern. Should forward all ideas to Melissa Shaw

- Committee members requested a review the remuneration for PAC members across jurisdictions.

(xii) Adjourn

Moved by: Chris Price

That the August 16th, 2016 Planning Advisory Committee meeting be adjourned at 9:30p.m.

Minutes of Kenora Planning Advisory Committee meeting, Tuesday September 20th, 2016 are approved this 18th day of October, 2016.

Wayne Gauld, Chair

Melissa Shaw, Secretary-Treasurer