



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
August 20, 2016
7:00 p.m.

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)** Call meeting to order
Wayne Gauld called the August 16, 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 (June 19, 2016)

Discussion / Correction(s): None.

Moved by: Ray Pearson Seconded by: Graham Chaze

That the minutes of the July 19, 2016 meeting of the Kenora Planning Advisory Committee be approved as amended.

Carried

- (vi) Correspondence relating to applications before the Committee. The Secretary Treasurer reported to the committee that a telephone call was received per file A08/16-Leonard on behalf of Mr. Degagne, 22 Airport Road, Kenora Ontario. Mr. Degagne indicated that he would like to receive notice of the decision on file number A08/Leonard
- (vii) Other correspondence. None.
- (viii) Consideration of Applications for Minor Variance
 - A08/16- Leonard

Victor Leonard
20 Airport Road
P.O Box 486
Kenora, ON P9N 3X5

Mr. Victor Leonard introduced himself to the committee and thanked the committee for hearing his application. Mr. Leonard purchased the property in May 2016 with the intent of hopefully renting the existing building which he has now learnt was previously an illegal secondary dwelling unit. Mr. Leonard indicated that upon purchasing the property, he did not know the history on the existing illegal dwelling, and purchased the property from an estate sale. Mr. Leonard indicated that the provisions of the current by-law allow for a secondary dwelling unit within his zone and would like to property convert the existing building to a legal dwelling. Mr. Leonard provided information on the building including servicing, design and layout. He informed the Committee that he has met with Kevin Robertson, CBO; the building will require a change of use permit and will have to comply with current building standards.

The applicant noted that he has commissioned the work of a local Architect (David Nelson) who will provide design for the building. The applicant indicated that he has also contacted an Ontario Land Surveyor to conduct a survey of the property.

Mr. Leonard informed the Members that he was injured in a pulp and paper mill accident in 2006, the support for rent would be helpful, he spoke of the need in Kenora for affordable housing.

Mr. Leonard reported a conversation with his neighbor on the opposite side of the laneway; who said there was no foreseen problem renting it out.

Devon McCloskey, City Planner gave a brief presentation on the application located at 20 Airport Road, referencing the planning report and elaborated on the provisions of the Kenora zoning by-law which the applicant was seeking relief. The recommendation made by the Planner was for approval as the application has regard for the Provincial Policy Statement; the City of Kenora Official Plan and

received no major concerns from circulation via internal departments and external agencies within the City of Kenova. The Planner did recite the comment as received by the Kenova Roads Department, and the Municipal Engineer stating that the maintenance of unopened laneway shall be the responsibility of the users. Devon explained the condition that the maintenance would be at the property owner's expense and would require a letter prior to the endorsement of a permit. Mr. Leonard acknowledged the condition, and agreed with the provisions.

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

Jerry Walsh
Box 718
9 Gerald Street
Kenora, ON

Mr. Walsh introduced himself to the Committee, he explained that he live approximately 20 meters from the subject property, the property owner sought clarity as to how much of a variance the applicant was seeking to the side yard lot line.

City Planner, Devon McCloskey confirmed that the applicant was seeking a 2 metre variance from the provision of the zoning by-law to allow for an existing building which has been permitted as a garage, to be converted to a secondary dwelling unit, in compliance with the zoning by-law.

Mr. Walsh questioned the request for variance to the size of the building, and questioned if it is the City of Kenora who has the authority to make the decision on the size of the accessory structure.

Mr. Chairman confirmed that the Planning Advisory Committee is the approval authority to make the decision on minor variance applications.

Mr. Walsh presented the Committee with signatures on a paper, whom he confirmed were neighbours to the subject property and against the application for approval, to utilize the existing building as a rental unit.

Mr. Walsh explained that it was the opinion of the neighbours that the secondary dwelling would negatively impact the neighborhood which was predominantly built with one single family dwelling per property. Mr. Walsh informed the Committee that this idea for rentals came up for discussion about ten (10) years ago, when a low income housing development was established in the area. The developers wanted to go with duplex which would have meant 24 more buildings in the area, and the Ministry did not approve the application.

Mr. Walsh noted that the previous owner ran a business out of this property, collecting old batteries, wires, and there was no proper concrete storage and burnt

the cable on the ground. Cable produces a toxic pollution; the MOE came and shut him down. Mr. Walsh explained that the lands may be contaminated.

The Chair thanked Mr. Walsh for his comments and asked the Committee members whether they had questions regarding the application.

Ray Pearson directed his question to the applicant, Mr. Leonard. He questioned Mr. Leonard how the two (2) metre measurement was determined with no survey. Mr. Leonard indicated that he was able to locate the bars which were used as guidance.

Ray Pearson confirmed that the applicant was aware that a recommendation would include the responsibility of the maintenance of the unopened laneway. Mr. Leonard indicated that he is aware that he is responsible for the maintenance requirement.

Wayn Gauld was curious about the unopened laneway and asked for clarification as to whom else uses it. Mr. Leonard confirmed that it is used by Mr. Pat Degagne.

Vince Cianci asked the planner what the mandate is with the toxicity of the ground. Devon McCloskey indicated that there was no trigger as it was not zoned industrial,. The conversion of the building is from residential accessory to a residential dwelling both uses are permitted in the zone. The Planner indicated that our zoning by-law has been amended as well as the Official Plan to encourage secondary dwelling.

Wayne Gauld referenced the signatures which were provided by Mr. Walsh, he indicated that there were four people who have signed the paper, although with no comments attached, he suggested proper correspondence should be received. The Chair also pointed out that there is conflicting correspondence as per the presentation by the applicant and Mr. Walsh.

Robert Kitowski suggested the concerns by Mr. Walsh do not address the application at hand, before a decision is made he recommended all Committee members have the opportunity to read the correspondence as submitted by Mr. Walsh.

The Secretary-Treasurer circulated the signatures as provided by Mr. Walsh.

It was requested that the Secretary-Treasurer read the names of the property owners who were circulated notice as per the Act, and confirm aht the names on the list were provided notice. The Secretary-treasurer read the 60M notification list aloud; Mr. Blake cross referenced the signature list as provided by Mr. Walsh. All names were provided notice as per the provisions of the *Planning Act*.

Chris Price questioned the Planner, if the property did not have the existing building, would a secondary dwelling be permitted within the zone the subject property is located within? And weather access via a laneway contradicts the zoning by-law and a garden suit.

The Planner confirmed that the zoning by-law does permit a secondary dwelling within the subject property zone. The access provision, laneway access is generally discouraged as to prohibit the severance of a secondary dwelling. We wouldn't want to see all secondary dwelling become principle dwelling, and that is part of why laneway access is discouraged. However, in this application as an existing structure, it was the opinion of the Planner that the laneway access should not inhibit the application.

Chair asked if there were any other questions, there were none.

Ray Pearson recommended that a survey to confirm where the building is located on the property be provided prior to making a decision.

After some discussion, the Committee concurred to the recommendation to table the decision in order for a survey to be completed.

Mr. Leonard agreed to the recommendation.

Moved by: David Blake Seconded by: Robert Kitwoski

That the Kenora Planning Advisory Committee table a decision until the 20th of September, 2016 and dependent upon the completion of a survey to Application for Minor Variance A08/16 Leonard, property described as 20 Airport Road, CON 5J PT LOC 265P PLAN; M102 PT LOT 122 TO 126 INCL; PCL 22764.

- **A09/16- Hunek**

Maciek Hunek, owner

Mr. Hunek introduced himself to the Committee, informing them that he recently purchased Lot 9, on North Marston, in the Coker Subdivision. Mr. Hunek gave a brief description of the lot speaking to vegetation and topography, which may require a dwelling to be built on stilts, drainage issues and potentially inaccessible by vehicle. Mr. Hunek indicated that the proposed location for their cottage poses no environmental harm, no harm on the fish habitat and is the ideal location.

Devon McCloskey spoke to the application- as the applicant stated the residence is to be located closer to the water, and the septic system to the water which is beneficial and of primary concern. In addition, there is minimal trees along the bedrock because of the terrain, would like to know that further removal of the vegetation is not being done, and by being a little closer to the lake, there is less need to remove tree, and warrant a view and less disturbance to the ground. A fisheries report was completed with the subdivision, spoke directly with MNR and gave no concerns with the 4.5m variance, however requested no further disruption. In regards to special policy overlay biological impact is not foreseen to the lake, and an addendum to the EIS is not required. The recommendation is 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.

Vince Cianci asked the applicant if the request for the variance is to the footprint of the design of the dwelling; or if the deck on top of that? In addition, Mr. Cianci recommended that the Committee consider restricting the variance specific to one area so that it does not create a variance for the entire property. Mr. Cianci suggested a 4.5 m variance that goes to the inlet; which will shall stay deck free and not create more disturbances to the vegetation.

The Planner, Devon McCloskey provided Mr. Cianci with larger drawings of the proposed dwelling, and asked the applicant to confirm whether the dimensions for minor variance included the deck.

Mr. Cianci noted that the inlet causes hardship on the property, however the measurements should include the footprint of the house. Suggesting he supports the 4.5 m reduction however recommended it be to the structure. Mr. Cianci suggested that the minor variance only affect the inlet/ bay however requested setback compliance on the main body of the lake.

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, once again recommended that the variance be specific to the shoreline of the inlet, and not around the entire lot. Mr. Cianci suggested that the architect shall comply with a design which complied with the 2 m setback provisions to the main part of the shoreline, with the stipulation that there is no further disturbance to the natural landscaping.

Mr. Hunek explained that with the 2.5 m projection in to the front yard setback for decks, he may not require relief from the front yard setback, if the decks are built within 3.0 m; Mr. Hunek noted that the home is 20.0m setback from the shoreline and is compliant.

Graham Chaze identified he had no issues with the original application, he pointed out the challenges with that subject property, and supported the request for minor variance to allow for some flexibilities for development within that site.

Robert Kitowski pointed out to the Committee that if a 4.5 m variance is approved, and a 2.5 m deck is constructed, there would now be a 7.0 m reduction to the shoreline setback.

Mr. Hunek outlined that his intention with the design is not to go closer than the 4.5 m which included the deck.

After some discussion, there as a proposal to revise the recommendation to a 4.5 m variance from Section 4.18.3 (g) only along the southern part of the inlet for the northeast portion of the dwelling.

David Blake recommendation to approve the application as per the planning report.

Moved by: David Blake Seconded by: Graham Chaze

That the Planning Advisory Committee approve application for minor variance A09/Hunek, Taylor for a 4.5 m variance from Section 4.18.3 (g) whereby permitted uses within the BSL- Black Sturgeon Lake (Restricted Development Area) zone shall have a minimum 20.0 m setback for front yard - waterfront lot. The effect of approval would be to permit the construction of a single detached dwelling, 15.5 m from the front yard- waterfront lot provisions of the zoning by-law, as the application complies with the intent of the City of Kenora Official Plan (2015) and Zoning By-law No. 101-2015, per the reasons indicated in the planning report.

Carried.

- **A10/16- Stevenon**

Bart Stevenson, Owner
Linda Stevenson, Owner
422 Anderson Road

Owner, Bart Stevenson presented his application to the Committee for a Minor Variance for a boathouse that is already constructed. Mr. Stevenson explained that the property which they own consists of two parcels, we are taxed residentially and commercially, the lot occupied the business of Forrest Helicopters, and their private dwelling. Mr. Stevenson explained that the boathouse and docks for which they are seeking a minor variance, was constructed by a contractor, who they assumed took out proper permits, the shoreline development has already been identified through MPAC and they have paid supplemental taxes due to the changes.

Mr. Steveson explained that the boathouse is 34' x 36', and the allowable limit is 80 m². The applicant explained that because they operate a helicopter business on the property, we abide by our own noise vibration restrictions. As such, the helicopters take off with an over the water approach as to not create a nuisance for the residential neighbours. In April 2008 forest helicopters purchased a boat for \$37k and intended to occur as a rescue boat should a mishap occur.

Mr. Stevenson explained If we cannot operate with the interest of our neighbours in mind by flying over water, and if we don't have a crash rescue boat to ensure safety, we will be forced to fly over the neighbours house and that is also unacceptable.

Devon McCloskey reviewed the planning report, and highlighted that the minor variance application was prompted by a letter sent by the Kenora Building

Department for voluntary compliance. The Planner outlined that there were no concerns or comments received from City Department, as well, in an email provided August 9th , 2016 MNR had no issues with the boathouse the construction allows fish to access their spawning.

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. 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.

Ray Pearson asked the application how a permit was overlooked.

Mr. Stevenson said that normally the contractor provides the building permit, and was unaware a permit had not been issued.

Mr. Kitowski asked if the boat was regulatory or safety precautions.

Mr. Stevenson indicated the boat was safety precautions with the fly over water approach; the approach is to ensure limited impact for noise and vibration on the neighbouring lots. The boathouse provides shelter to the emergency boat which is required for quick deployment.

Move: Robert Kitowski

Second: David Blake

That the Planning Advisory Committee approve application for minor variance A10/16-Stevenson for relief from a 3.34.1 (c) (vi), for a 30 m² variance from the provisions of the by-law which restrict a boathouse to 83 m²,. Additionally, the application is seeking a 32 m² variance from Section 3.34.1 (c) (viii) which limits docks to 80 m² measured independent of any other accessory building. The effect of approval would bring an existing boathouse and existing docks into compliance with the provisions of the zoning by-law.

Carried

(ix) Old Business

- Z01/16 Emergency Shelters
 - i. Melissa read the letter as received by the OMB which withdrew the appeal for Z01/16
- OPA 2/16 -1133563 Ontario Inc
 - i. Appellant: Lydia Eberhardt Lafreniere
 - ii. Location: Wednesday September 21, 2016 at 10:00 am
Operations Training Room, Kenora, ON


Discussion surrounding the provisions of the zoning by-law section 3.34.1 with respect to boathouse. Devon McCloskey, City Planner identified boathouses and docks as a larger project to review this section of the by-law. The discussion was tabled for a later date in 2016.

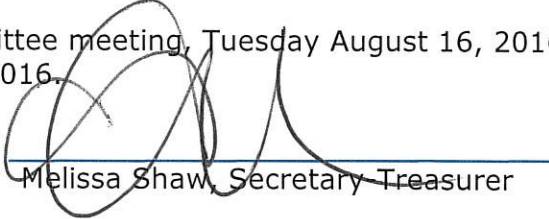
(x) Adjourn

Moved by: Chris Price

That the August 16th, 2016 Planning Advisory Committee meeting be adjourned at 9:00p.m.

Minutes of Kenora Planning Advisory Committee meeting, Tuesday August 16, 2016 are approved this 20th day of September, 2016.


Wayne Gauld, Chair


Melissa Shaw, Secretary Treasurer