



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
October, 17, 2017
7:00 p.m.

Present:

Wayne Gauld	Chair
Christopher Price	Member
Vince Cianci	Member
Ray Pearson	Member
Bev Richards	Member
Melissa Shaw	Secretary-Treasurer
Devon McCloskey	City Planner

Regrets:

Robert Kitowski	Member
Graham Chaze	Member

DELEGATION:

- (i)** Wayne Gauld, Chair called the October 17, 2017 meeting to order at 7:00 p.m. and reviewed the meeting protocol for those in attendance.
- (ii)** Additions to the Agenda, there were none.
- (iii)** Declaration of Interest by a member for this meeting or at a meeting at which a member was not present, there were none.
- (iv)** Adoption of Minutes of previous meeting (September 19, 2017)
Discussions: Correction to a few identified typos and duplication in comments.
 - Amended: September 19, 2017 minutes of the Kenora Planning Advisory Committee

Moved by: Ray Pearson

Seconded: Chris Price

Carried.

- (v) Correspondence relating to applications before the Committee, there were none.
- (vi) Other correspondence, there were none.
- (vii) Consideration of Applications for Minor Variance
 - D13-17-09

Judith Williams
404 Mill Street
Keewatin, ON
j_williams1@shaw.ca

Judy Williams acquired the subject property in a private sale; her Solicitor searched the title and came up with two surveys, which contain conflicting information. Ms. Williams said she has walked the property on different occasions, and felt she had a good impression of the actual property boundaries. Ms. Williams has since found a PIN in the south/north corner, near the Keewatin Public School abutting her property line. After locating the PIN, Ms. Williams built a fence along the property line, one foot in. The property included a garage which was built in 1911- Ms. Williams provided an original steel vent from the garage with the 1911 date etched on it as evidence to prove the date. Ms. Williams explained there was a tree that had fallen on the garage, in addition a stump was growing out of the garage and had lifted the plate of the garage off the foundation.

Ms. Williams demolished the garage, and in an effort to increase the value of her home, she decided to build within the previous footprint of the garage which would be 10' x 16' in size. She explained that because she thought the old garage was located on the property line, Ms. Williams decided to re-locate the new shed off the property line, and closer to the dwelling. As such, Ms. Williams was seeking relief of 0.9 m from section 3.34.1 (b) (vii) of the zoning by-law to permit an accessory structure, 1.067 m from the main building.

The City Planner, Devon McCloskey gave a detailed overview of the application and a description of the subject lands. The planner identified two real property reports one created in 1978 and one in 1989. The most recent building location survey from 1989 indicated that the dwelling unit may be over the front lot line however the deficient setback would be deemed to be legal non-complying.

The garage was partially reconstructed without a permit, and the City informed the owner of the need for a variance approval in addition to a building permit. The frontage of the lot is 15 metres, which is the minimum required frontage. There is a buried storm sewer pipe that extends from the street to the rear of the lot which has caused the property owner some grief in the past.

The dimensions of the proposed building are 3.05 x 3.24 metres. The applicant claims setback from the front yard is said to be 6.1 metres, and 1.21 to the south

side lot line. The shed would be accessed from a deck that wraps around the building from rear to the front.

In a review of internal comments, the building department notes that the location of the accessory building meets the required limiting distance of 0.6m from neighbors property line and principle building (house) and need not conform to the minimum required fire-resistance rating. The Kenora Fire Department had no issues with the construction of the shed, however, reported that care should be taken in the amount of flammable liquids and propane stored within.

It was the opinion of the Planner that the proposed relief for separation between the main building and accessory building can be certain and therefore approved; however the setback of the proposed garage to the front lot line, is doubtful, and further review or an application for a letter of comfort should be obtained.

The Chair asked if there was anyone in the audience who wished to speak either in favour or against the application.

Darlene Leonard
412 Mill Street
Kenora, ON
darleneleonard@outlook.com

Mrs. Leonard questioned the foundation that existed from the old garage, and the exposed foundation (hole). It was determined that the existing Pad was located on her property, she questioned if she would not be responsible for the open hole or what will happened with it.

The City Planner, clarified that is not a concrete pad it is a foundation that wraps around the perimeter of the shed.

The applicant informed that there has been fill added, and that the hole will be closed off.

Mrs. Leonard appreciated the response and thanked Ms. Williams for closing the hole. Mrs. Leonard wanted to ensure the liability of an open hole that is located partially over her property, would not be her responsibility.

The Chair asked the Committee If there were any questions pertaining to the application.

Ray Pearson asked what the Chief Building Official (CBO) said about building a shed on an old foundation without dealing with the exposed foundation. The City Planner confirmed there was no comment provided by the CBO.

The Applicant, Mrs. Williams suggested that if she removed the concrete foundation, there would be a major ground disturbance.

Mr. Pearson asked the applicant if she had obtained a demolition permit, or a building permit to construct, she did not.

Bev Richards asked the applicant to confirm where she parks her vehicle. Ms. Williams identified that she does not like to park on the north side of the street because of the erosion issues; the water that is coming down the hill, is eroding the ground around the foundation of her home. In addition, she does not park on the north side of her property during the fall and winter as to not drive the frost down further and potentially drive moisture into my foundation. Ms. Williams confirmed that she parks on the street.

Vince Cianci, referenced the survey from 1979 and the description block that Mr. Ross H. Balmer, O.L.S. produced which dedicates title to the north half of lots 7 and 8 and the south half of Superior Street being 51 feet plus 20 feet. Mr. Cianci questioned as to what happened to the additional 20 feet? At one point it was all one property. Bev Richards checked title but only checked lots 7 & 8 and suggested to City staff that this is another instance why we should have copies of PINs from land titles. The City Planner said it would require an amendment to our planning applications, and tariff of fees.

Vince Cianci provided great detail on the methods of surveying and the differing techniques used between the two surveys provided R. H. Balmer O.L.S 1978 and R.A. Woods O.L.S, 1989. Mr. Cianci suggested it was clear that the surveyors were having a difficult time with Mill Street, however, it was his way of thinking, from review of the two surveys, that the old garage form 1911 is clear of the property line, but is encroaching onto the street.

Ray Pearson asked Mr. Cianci to clarify that the garage is located within Ms. Williams boundary, Mr. Cianci confirmed. Mr. Pearson clarified with the neighbour that the garage is not on her property and cleared concerns with liability of the exposed foundation suggesting there should no longer be a concern. Mrs. Leonard agreed.

Wayne Gauld asked the applicant if there are stakes located on the property, it was determined that there were no stakes or pins that could be located.

The Committee discussed the surveys and decided to go with the ties from the old foundation for the decision, which confirmed the garage was wholly located on Mrs. Williams's property.

The Chair asked the members for any other questions.

Chair asked the Committee for discussion prior to making a decision.

Ray Pearson wished to discuss the comments made by Vince Cianci who made mention that the shed is still encroaching on the street, asked the applicant if they would consider moving it back to the west.

The Chair asked the applicant to confirm that it was behind the property line. The Applicant suggested that she had already moved is 6.67 feet from the existing front line.

Vince Cianci commented that if she moved the building 6.5 feet there may not be concern, however, recommended that the decision to move the structure be at the discretion of the property owner.

The Planner informed the applicant that the building department may not be able to issue a building permit if it is determined that the shed in on municipal road allowance.

The applicant was confident she was located on her property and off the road allowance.

Moved: Chris Price

Seconded: Vince Cianci

THAT the Kenora Planning Advisory Committee approves Application for Minor Variance File No. D13-17-09, and that the proposal to grant relief of 0.9 m from section 3.34.1 (b) (vii) of the zoning by permit an accessory structure 1.067 m from the main building be approved. And that approval of the application for minor variance meets the four tests, is consistent with the provisions of the zoning by-law, the Official Plan, is desirable development and is considered minor in nature.

Carried.

(viii) Consideration of Application for Consent

- D10-17-07

Karen Blake, Agent
63 Drewry Drive
Kenora, ON
Blake@kmts.ca
Roy Tomson, Owner

On behalf of Roy Thompson for the property located at 416 Rabbit Lake Road. Mr. Thomson has a large vacant property adjacent to his four-plex, which is located at 418 Rabbit Lake Road. Mr. Tomson would like to separate these two lots, creating one additional R1- residential lot, both will be advertised for sale.

The City Planner, Devon McCloskey gave a detailed overview of the application and a description of the subject lands. The application for consent to sever is proposed to create one (1) new lot, zoned R1- Residential Single Density, with an approximate frontage of 30 m and an approximate depth of 48 m. The applicant is concurrently applying for a 4.5 m wide easement over the retained lands for access. Both lots would exceed the minimum criteria for lot area at 1440 metres squared, as well as frontage at 30 metres.

The property is fronting on Rabbit Lake Road, there are a few sheds scattered through the property, as well as a bon fire pit, but no main building exists. There are number of mature spruce and birch trees, a maintained parkland style lawn.

The Planner reviewed consistency with legislated policy and city directives, with no concerns identified. In the comments received from internal departments and external agencies there were no concerns identified. There is a secondary pole owned by Hydro One that feeds a City of Kenora Street light, which runs across the property. The City of Kenora has imitated relocation or removal of the poles with Hydro One.

It was the opinion of the City Planner that provisional approval should be granted as the proposal meets the provisions of the OP and Zoning By-law. Severance will enable infill and increased density of residential development. Lot creation is supported by City directives including the policies of the PPS and Official Plan.

The Chair asked if there was anyone in the audience who wished to speak either in favour or against the application.

James Thomson
Box 47 Group 35 RR2
Dugald MB R03 0K0
plumbingandhydronics@outlook.com

Mr. Thomson identified concerns about the Community Club Road, and suggested it had high traffic volumes, the proposed lots are on the corner, which is a blind corner to many users of Community Club Road. Mr. Tomson encouraged the City to keep the street light, as it may help mitigate traffic and safety concerns.

The Chair asked the Committee If there were any questions pertaining to the application.

Vince Cianci questioned Hydro polethat is only servicing the City Street light and recommended that it should not hinder the application. Mr. Cianci was reviewing the photos, and questioned the side yard setback of the four-plex and was concerned that it did not meet the provision of the zoning by-law, suggesting this would be the perfect opportunity to accommodate the side yard that is required at 418 Rabbit Lake Road, by recommending a lot addition from 416 Rabbit Lake Road.

Mr. Cianci recommended that while the Surveyor is establishing the new lot, the suggestion should be to ensure that the four-plex also meet the provisions of the zoning by-law for setback.

The Chair asked if there was s building location survey for the four- plex. The Agent confirmed there was no building location survey for 418 Rabbit Lake Road.

Chair asked the Committee for discussion prior to making a decision.

Ray Pearson referenced the survey and identified Part 1 on the west side of the lot is still within the PIN of the subject property.

Vince Cianci suggested it was likely for a road widening, and the Corporation has yet to acquire it.

Bev Richards recommended as a condition of approval, that PART 1 23R10880 be transferred to the City of Kenora. Bev also identified a couple issued with the PIN, and informed the Agent that a transfer into the name of the applicant is required and removal of a charge on title should be cleared up. Mrs. Richards suggestion for the Plan would be a three part plan, Part 1 the retained, Part 2 the easement and Part 3 the part that you want to sell, and suggested that when they do a transfer, to include the easement in that transfer.

Wayne Gauld asked City staff to confirm that Community Club road is maintained by the City of Kenora. The Staff confirmed.

The Planner recommended that the four-plex may be legal non-conforming a survey and a merger agreement would be required, the Planner did not feel it was appropriate or fair to make the lot addition a condition of the decision.

The Chair confirmed that the applicant was aware as to what the Committee was requesting the Agent agreed she understood.

Wayne Gauld confirmed with the Agent that she fully understood what the Committee was requesting, by way of a lot addition from 416 Rabbit Lake Road to 418 Rabbit Lake Road to ensure the side yard setback was compliant to the provision of the zoning by-law. The Agent confirmed she understood. The Chair reminded the Committee that by placing the condition upon the decision, it may potentially stop the sale of 418 Rabbit Lake Road, which is currently listed on the market for sale, until such time that the lot addition is approved.

The Agent confirmed that the Applicant cannot wait to sell the four-plex, it has to be sold.

The Chair asked the Agent to confirm who built the four-plex, and would they have known the location of the building to the property line.

The City Planner felt confident that the four-plex would be considered legal non-complying to the by-law and suggested there would have been an application under the Planning Act to re-zone, in addition to a permit being issued. The Planner recommended she pull the building file to confirm, and removed herself from the meeting to acquire the file.

The Planner retrieved the building file, and confirmed that a permit has been issued for the four-plex. The building location shall be deemed legal non-complying to the provision of the current zoning by-law.

Moved: Bev Richards

Seconded: Ray Pearson

THAT application D10-17-07 for consent to sever property described as upon property legally described as Concession 6J North Part Lot 6, Registered Plan KR1349, Part 1, Parcel 26359, locally known as 416 Rabbit Lake Road to enable the creation of one new lot, be approved and provisional Consent be granted, subject to conditions as outlined within the planning report. The application Severance will enable infill and increased density of residential development , 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.

(ix) New Business

- December Holiday dinner
- OACA Conference, we should send two Committee Members to the conference this year.
 - i. Update from the Association as to where they are at with their online training

(x) Old Business

- D14-17-05
 - i. September 26, 2017 letter from MNRF

The City Planner emailed correspondence that was received by the City of Kenora dated on October 13, 2017 October 9, 2017 and a letter dated September 26th, 2017. The Planner was unsure of the status of those items as outlined within the correspondence and wanted to hold off until the MNRF and the Agent could have a conversation.

As of today's date, it seems like MNRF and the Consultant and the Agent are at a standstill.

The Committee discussed the application, and alternative options for lot layout and shoreline development. The Committee agreed that they require the Agent on the file to come forward with a response prior to further consideration.

The City Planner suggested the request may be that the entire 20 m be zoned EP, it is on the City to enforce the site plan and why would a person want to buy a lot if there is no access permitted to the south shoreline. MNRF is in essence looking to ensure the fisheries studies in multiple seasons and to provide a study that identifies that the Lichen will not be negatively mitigated.

(xi) Moved by: Chris Price

That the October 17, 2017 Planning Advisory Committee meeting be adjourned at 9:00 p.m.

Minutes of Kenora Planning Advisory Committee meeting, Tuesday October 17, 2017, are approved this 21th day of November, 2017



Wayne Gauld, Chair



Melissa Shaw, Secretary-Treasurer