

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 19, 2017**

Present:

| | |
|-----------------|---------------------|
| Wayne Gauld | Chair |
| Bev Richards | Member |
| Chris Price | Member |
| Graham Chaze | Member |
| Robert Kitowski | Member |
| Ray Pearson | Member |
| Vince Cianci | Member |
| Melissa Shaw | Secretary-Treasurer |
| Devon McCloskey | City Planner |

DELEGATION:

- (i)** Wayne Gauld, Chair called the 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
 - As a result of not being present at the meeting which a decision was made, Bev Richards and Chris Price declared conflict on file:D10-17-03
- (iv)** Adoption of Minutes of previous meeting (November 21, 2017, December 5, 2017)
 - Amended: November 21, 2017 minutes of the regular Kenora Planning Advisory Committee meeting

Moved by: Robert Kitowski

Seconded: Ray Pearson
Carried.

- December 5, 2017 minutes of the special Kenora Planning Advisory Committee meeting

Moved by: Bev Richards

Seconded: Graham Chaze

Carried.

(v) Correspondence relating to applications before the Committee

- D10-17-11
 - i. MTO approval, condition that a residential entrance permit be applied for to reflect the new property description.
 - ii. NWHU approval file D10-17-11

(vi) Other correspondence- None.

(vii) Consideration of Applications for Minor Variance – None.

(viii) Consideration of Application for Consent

- D10-17-11

Gerry Moncrief, Agent
gerrymoncrief@gmail.com

Mr. Moncrief addressed the Committee, described the application as more of a housekeeping consent. There are encroachment issues that came with the property from a previous owner; they were discovered by the current owner, whom would like to clean up their title by moving the property line to the east to take care of any encroachment issues of an outbuilding and a septic field.

The City Planner, Devon McCloskey described the application a lot addition, the effect of approval would be to sever a portion of land approximately 0.6 ha in size from the subject property at 101 Reddit Road, to 169 Reddit Road. The lot addition will allow for an encroaching septic field and an existing accessory structure to come into compliance with the provisions of the zoning by-law.

The Planner reviewed the site visit as conducted on December 11, 2017, and evaluated the application against its consistency with legislated policy and city directives. There were no concerns identified as a result of internal circulation, Ministry of Transportation provided a letter on December 14th, 2017 with the requirement that a residential entrance permit will be required. The requirement was added as a condition to approval. The recommendation from the City Planner was for provisions approval subject to conditions.

The Chair asked the Agent if there was anything to add, there was none.

The Chair asked if there was anyone in the public who wished to speak either for or against the application, there was none.

The Chair asked the Committee for questions, Ray Pearson asked the Agent to clarify why the proposed rear lot line was on an angle, and not a straight line. The Agent confirmed that it was parallel to an existing creek.

The Chair asked the Committee for discussion prior to making a decision, there was none.

Moved by: Robert Kitowski

Seconded by: Ray Pearson

That application for consent D10-17-11 for lot addition from property described as CON 7J LOT 4 REM PCL 26676; LESS PT 1 D-78 LESS PT 8; 23R-5749, 23R-7517 PT 2 & 23R7919 PT 1 23R9116 PT 1&2; being 101 Reddit Road to 169 Reddit Road, be approved and subject to conditions as outlined within the planning report. The application will allow for an encroaching septic field and an existing accessory structure to come into compliance with the provisions of the zoning by-law 101-2015. 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.

- D10-17-13

Reid Thompson, Agent
Hook, Seller and Lundin, LLP
rthompson@hslaw.ca

Mr. Thompson approached the Committee, he apologized as Randy Seller was unavailable to attend the hearing and represent the file. Mr. Thompson acknowledged that he was representing the application for consent as the Agent on behalf of Randy Seller, however, also represented the prospective purchaser; Mr. Thompson confirmed with the applicant and the purchaser that he is representing the file on a conflicted role, they both consented.

Mr. Thompson reviewed the application, describing it as a routine severance application. In 2005, the western portion of the island was severed in an application for consent, additionally at that time; a similar lot to the one which was presented at the current hearing was approved, although the severance was not completed.

As of today's by-laws, the criteria for lot creation have changed, with respect to lot frontage requirements and lot area. The application currently being considered increased the frontage along the shoreline 61 meters, and extended the proposed lot line to the north shore creating a through lot with adequate area of 1.1 ha.

The City Planner briefly reviewed the staff planning report; the property is located at 100 Marchant Island, within Darlington Bay of the Winnipeg River. The purpose of the application and the effect of approval would be the creation of one (1) RR-Rural Residential zoned lot. The proposed lot will be approximately 1.1 ha in size, and will comply with the 61 m frontage requirement for waterfront properties within

the RR- zone, and the provision of Section 4.5 of the zoning by-law 101-2015. The Planner described the lot, with a total of five dwellings which have existed for more than 30 years. A previous approval for severance was granted in 2005 to sever the western side of the island, enabling one of the dwellings to be described on its own lot. There are currently four (4) dwellings on the subject property, severance will again, enable one of the dwellings and associated property to be transferred. The Planner reviewed the applications consistency with legislated policy and City directive; no concerns were identified as a result of internal circulation. The Northwestern Health Unit approved the application, stating there were outstanding greywater issues in 2004 that were addressed.

If approved, the lot creation as proposed would enable an existing non-complying use to be partly resolved, in that it would be established on its own lot. Concerns with regard to flooding and hazard land would remain unchanged. Further resolution of non-complying structures can be accomplished with additional applications in the future. The recommendation was for provisional consent subject to conditions.

Chair asked the Agent if there was anything to add, the Agent agreed to the conditions as outlined within the planning report, stating no concerns.

The Chair asked for comments from the public who may wish to speak either in favour of or against the application, there were none.

The Chair asked the Committee for any questions pertaining to the application.

Vince Cianci requested that the hydro line be extended to the newly proposed interior side lot line of the proposed lot to be created. As the width of the parcel was going to increase to maintain requirements for frontage at 61 m, Mr. Cianci requested that the existing surveyed hydro line be extended as well, to encompass the entire width of the proposed property.

The planner asked the Agent if the property is serviced by hydro, the Agent was unaware. The Agent foresaw no concern surveying the hydro line.

The Committee discussed the requirement of the easement for hydro as a condition of approval. The Secretary-treasurer added the condition to the decision.

Bev Richards clarified that there is a lease with Hydro on title. The Member asked if there was to be an agreement on title to ensure parking at Perch Bay Marina, to satisfy the on land parking requirement. The Agent clarified that the prospective purchasers would be entertaining a separate contract for parking, one that would not be registered on title.

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

Bev Richards asked that the decision and recommendation be amended to include parts 17, 18, 19 and 20 in the legal description.

Moved by: Ray Pearson

Seconded by: Graham Chaze

That application for consent D10-17-13 for consent for lot creation described as, Mining Location A 26, Parts 1, 2, 3, 8, 9, 17-20 of Plan 23R-11112, PCL 27225, being Marchant Island, be approved and subject to conditions as outlined within the planning report. 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.

(ix) New Business

- D14-17-06

Tara Rickaby, Agent
TMER Consulting
tmerconsultingkenora@outlook.com

Tara Rickaby thanked the Committee, introducing herself as the Agent on the file, informing the Members of the Planning Advisory Committee, and the public in attendance that the Kenora District Services Board (KDSB) had contracted with her to make this application on behalf of themselves and their partners.

The Agent summarized the application, and the proposal to add an Emergency Shelter use to the Institutional zone, more particular the location of 116 Fifth Avenue South, locally known as the "Knox United Church". The Agent described the 48-bed shelter which would be one use among a Church and education centre on the subject property.

The Agent provided the Committee and the public a detailed summary of previous applications which were made in 2015/2016 to amend the zoning by-law to permit the emergency shelter use in both the I-Institutional and GC- General Commercial zones, as an accessory use. The decision was deferred. In 2017 Council approved a Temporary Use By-law, which permits the current location of the emergency shelter to be operated from a building zoned I-Institutional. The By-law in is effect until September 30, 2018.

The agent described the subject property and surrounding land uses; the subject property known as "Knox United Church" is located on the fringe of the downtown, it was added to the City registry of cultural heritage properties, however is not designated under Part IV of the *Ontario Heritage Act*.

The Agent reviewed the application against legislated policy and City directives including the Provincial Policy Statement (2014), the Kenora Official Plan (2015) and Zoning By-law 101-2015. The Agent addressed the lack of on-site parking and explained that there would be no expansion of the building, as such, parking requirements shall not change. The Agent did mention that the KDSB may explore an agreement for leased parking within the neighbouring City owned parking lot.

The Agent provided insight into the partnership between the KDSB, Ne'Chee Friendship Centre and the Knox United Church Congregation and Executive Committee. In addition, the Agent provided details on public and neighbourhood consultation which has been conducted by the Communication Team from Knox United Church, KDSB and Ne'chee Friendship Centre. The Agent also spoke to the communication as provided by the City of Kenora in providing notice of the application, and in her opinion, the unusual step taken by the City by posting on "Facebook".

The Agent thanked the Committee for consideration of the addition of an Emergency Shelter as a use to the I-Institutional use on property locally known as Knox United Church, and encouraged approval, as it was her opinion that the development was appropriate, orderly and within the public interest.

Henry Wall, CAO, KDSB also addressed the Committee and the Public; he felt it was important to note the history of partnerships between the KDSB, Ne'Chee Friendship Centre and the Knox United Church. Mr. Wall also spoke on the history of the Emergency Shelter, the looming closure of the previous location, and the generally small role KDSB once played within the shelter. Mr. Wall explained that when the Shelter closure was finally announced, it was the KDSB Board who determined that the community of Kenora shall not go without an Emergency Shelter. The decision that KDSB would play a role in the Shelter meant the Board had to ensure lobbying for the resources and sustainable funding that the shelters in Northwestern Ontario so badly need. The KDSB met with the Premier and Ministers who have committed to funding needs, so that all three (3) shelters in the North can focus now primarily on service delivery for clients.

Mr. Wall thanked their partners, the public and the support of the business community. Mr. Wall summarized the request as a simple request to bring dignity into the lives of those who suffer from homelessness, at the end of the day however, he declared that social service and social assistance can only do so much. To keep families out of poverty people need a supportive community and supportive jobs; business community involvement and public support is so important to the success of the shelter.

The City Planner, Devon McCloskey thanked the Agent and CAO of KDSB for their remarks and detailed review of the application. The Planner informed the public and the Committee that many of the specific details of the application were included in the presentation by the Agent, and the Planner predominantly focused on her evaluation of the application to legislated policy and city directives.

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 for an Emergency Shelter. The proposal would include a permanent shelter to be housed within the basement level of the addition at "Knox Church". It would provide 48 beds, laundry food preparation and servicing facilities, as well as

a resource centre for clients of the shelter. Programing will be available to support clients and in some cases progress clients through to other support/skills programs.

In a review of the application to the Provincial Policy Statement (PPS), The Planner added that several sections of the PPS provide direction and support for emergency management and housing, demonstrating the support for development that is inclusive, and meets the needs to build healthy, liveable and safe communities.

The City Planner reviewed the application against the policies of the Official Plans and the Zoning by-law, namely Section 1.4 of the zoning by-law which provides the ability to enact an exception, enabling site specific uses and provisions to apply to certain properties. The Planner stated that an Emergency Shelter, is a housing use, residential in nature, and is compatible with surrounding uses which include: residential to the north and east, place of assembly within the upper floors, place of assembly to the south, and general commercial to the west and beyond, and quoted a section from the Ontario *Human Rights Code*, s.2 (1) stating that:

“Every person has a right to equal treatment with respect to the occupancy of accommodation without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, disability or the receipt of public assistance.”

Comments received as a result of internal circulation, raised little concern with the conversion of the building for use as an Emergency Shelter, beyond parking and the normal permitting requirements through the Building and Fire Codes.

The Planner summarized the public comments received to date, as of December 14th; twelve (12) written comments have been received. Comments were categorized as nine (9) with expression of support, and three (3) in opposition.

In was the professional opinion of the City Planner that the Application for Zoning By-law Amendment, File No. D14-17-06, be approved, in lieu of public comments that may yet to be received.

The Chair asked if the Agent or Applicant had anything to add to the Planners report, The Agent, Tara Rickaby provided reassurance to the City that development will meet the *Ontario Building Code and Act*, and Fire Code requirements. In addition, the Planner noted that an Application for Site Plan Approval may be required any outstanding concerns and matters such as lighting, may be addresses at that time.

The Chair asked the public if there was anyone who wished to speak in favour of the application:

Patti Fairfield, Executive Director
Ne'Chee Friendship Centre
Aces@neechee.org

Patti Fairfield thanked the Committee and introduced herself as a partner with the KDSB, Knox United Church and wished to speak in favour of the application. Ms. Fairfield briefly spoke about issues with the current location of temporary use, within the Northwestern Health Unit building, although downtown, the location is at the top of a steep hill, which poses accessibility issues for some of our community members.

An important component of the new shelter is the 24/7 access, one that is fully accessible, and a central place within the community where all meals may be provided. Ms. Fairfield stressed the importance of the shelter within the community, and the opportunity for the Ne'Chee Group to offer over twenty (20) programs, to those who access the shelter. Ms. Fairfield reminded the Committee and members of the public that when we talk about "home" it means different things to different people, and for some, the shelter is their home, and it is their family. Ms. Fairfield asked the Committee and Members of the Public to reflect on the many struggles and many issues faced in Kenora, and to remind them that it would not be a fair assessment to lump all the problems on those who access the shelter.

Reverend Meg Illman-White
116 Fifth Avenue South
Kenora, ON
P9N 2A2

Rev. Illman-White addressed the Chair and Members of the Board, and wished to direct her comments on why the Knox United Church is a good fit for the shelter. The Reverend spoke of the years of experience the Church Congregation has with the population that may access the shelter. The experience dates back thirty-six (36) years with the inception of Agape luncheons, a program that provides meal to individuals in need; coordinated by volunteers. At the beginning, with the inception of the Agape program came many fears such as the potential for property damage or violence. However, as Reverend Illman-White explained, after a year of providing service nothing happened, no violence nor property damage- and the fears began to subside.

Rev. Illman-White identified about 7000 sq. ft. of space that is underutilized within the Church. The Knox mission to be a place where you can be and belong and become. The idea of a shelter aligns with their mission. People who are often told to go away have a place to belong, and in the security of having good housing you can become.

Craig Bryant, Community Member
craigkenora@gmail.com

Mr. Bryant spoke in support of the application, and asked the Committee and Members of the Public to consider the cost of a month in a shelter bed versus the cost of a hospital bed. There is an important reason to consider the economic effect and benefit to the tax payer.

Carolyn Hudson, Community Member
1240 Bayview drive
Kenora, ON
cmusichudson@hotmail.com

Ms. Hudson provided monthly costs of a shelter bed, to a hospital bed, the cost of a shelter bed was 1/10 the cost of keeping someone in a hospital.

The Chair asked for comments against the application, there were none.

The chair asked the Committee for questions pertaining to the application.

Vince Cianci asked for clarity if the proposed location at Knox is this going to be a permanent place or is this interim solution. The Agent clarified that it would be the last place that the emergency shelter will be housed, and the hope is that more housing options will be provided in the future.

Wayne Gauld, when the temporary location at Northwestern Health Unit was considered, one of the issues identified was loitering. Mr. Gauld understood the shelter would be open 24/7, and asked if someone was visiting the shelter, would they be inside the building, or wandering outside. The Agent agreed with the comment, adding that a Community Liaison person is available to ensure that identified issues are communicated and dealt with to safeguard against reoccurrences.

Wayne Gauld also asked the Agent to address staff parking, identified concern with residential streets being used for day parking. Patti Fairfield provided comment, Ne'Chee Friendship Centre acknowledged that staff would be responsible for their own parking.

Ray Pearson questioned how the 48 bed count was determined, the split of 24 beds for females, and 24 beds for males, and how those numbers compared to current demographics at the temporary shelter. Henry Wall, KDSB wanted to ensure that the new shelter was prepared to meet future capacity requirements. Mr. Wall confirmed that the current shelter at the NWHU is at capacity, the number of nightly stays over the past three years has tripled with an average of 24-27 users each night.

Bev Richards questioned how many people the shelter would employ. Henry Wall, KDSB answered with twelve (12) to fourteen (14) employees.

Bev Richards reviewed the 48 bed count and questioned how a family would be handled. Mr. Wall suggested a family visiting the shelter was rare; there are other support services in place to assist families. Bev Richards questioned if clients are required to help out at the shelter. Henry Wall suggested that part of the program includes life skill development, education and staff make those links. Many of the details will be figured out once KDSB has the go-head to make the renovations, which were estimated at \$1.4 Million Dollars. Bev Richards questioned Mr. Wall as to whether the clients pay for the services they use. Mr. Wall suggested it is as complicated and unique as the individual, there is no per diem charge, and it is just a safe place to be, indicating that chronic homelessness varies on the individual.

Chris Price questioned the structure of funding, in particular, how the Province of Ontario is involved. Mr. Wall, KDSB provided a detailed summary on the funding structure, suggesting it was fair to say that property taxes in Kenora are high, and estimated annual policing costs within northwestern communities to be approximately sixteen million dollars (\$16 M). Interestingly, the KDSB followed the life of eight (8) individuals to see what it was like to be homeless. Over twelve (12) months, the eight (8) individuals cost about one million dollars (\$1M) for service. Mr. Wall established that the study of those eight individuals made the business case that it is absolutely necessary for the Federal and Provincial Government to be involved.

Chair asked the Committee if there was discussion prior to making a decision, there were none.

Moved by: Robert Kitowski

Seconded by: Graham Chaze

Resolved that the Planning Advisory Committee recommends that the Council of the Corporation of the City of Kenora approve application D14-17-06, to allow for the property located at 116 Fifth Avenue South, Kenora, ON; locally known as "Knox Church" to be used for an Emergency Shelter, in addition to uses permitted within the Institutional ("I") zone.

The Committee has made an evaluation of the application upon its merits 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.

The Chair asked the Members to take a fifteen minute break at 8:30 p.m., and reconvened at 8:45 p.m.

- D14-17-07

Brian Karynyk, Agent of Ayrie Developments (Kenora) Inc.
kenon@sympatico.ca
590158 Manitoba Ltd, Owner

Mr. Brian Kraynyk, submitted an application for zoning by-law amendment for a piece of property on the corner of Dowcett Street and Veterans Drive. Mr. Kraynyk explained that the property is currently zones R2- Residential Second Density; his development Company Ayrie Developments is requesting a re-zone to R3- for the construction of three (3) possibly four (4) unit row housing.

The City Planner, provided an overview of the application for zoning by-law amendment is proposed to change the regulated zoning of property located on Dowcett, Veterans Drive and Sultana Avenue, from Residential – Second Density Zone ('R2') to Residential - Third Density Zone ('R3'), to allow for the development of multiple attached dwellings.

The Planner reviewed the development proposal; the units would be constructed as one whole building on the property. The sketch as provided within the application provides a general idea of how the building would be positioned on the lot, as being turned out to face Veterans Drive to capture southwest exposure. Driveway access would be provided off of Veterans Drive. The lot line along Dowsett Street would then become an exterior side lot line, as well as the lot line to the east which would abut the laneway (Sultana Avenue). The Planner confirmed that submission of Site Plan approval will be required only if the development exceeds three (3) units.

The Planner identified an existing drainage ditch along the east side of Sultana Avenue, which carries water from lands north of the property. Contours of the property show that some of the property may currently be susceptible to overland drainage, which will have to be considered in the development.

The Planner reviewed the applications merit against legislated policy and City directives, the application was found consistent with policy. In a review of internal comments from City departments, the request for site plan control to address potential drainage concerns was identified. In addition to the absence of servicing - sewer and water, and hydro. Details of the comments are outlined within the planning report.

The Planner, gave her professional opinion that application D14-17-07, be approved and that a By-law is passed to amend the Zoning By-law to enable a change in zoning from R2 to R3.

The Chair asked the Agent if there was anything to add, there was none.

The Chair asked the members of the public if there was anyone present who wished to speak in favour of the application, there was none.

The Chair asked the members of the public if there was anyone who wished to speak against the Application:

Bernice Bouchard
9 Dowcett Lane
Kenora, ON
P9N 2Z3

Ms. Bouchard addressed the Committee, and identified herself as the owner adjacent to the subject property. She questioned if the development will have an effect on her house in any way, as she had not seen a conceptual plan of the development, she was concerned about impact to her property which neighbours the proposed development. In addition, she questioned access, and was concerned about losing a parking spot which is on small tract of City owned land, which she has permission to use.

The Planner clarified that the provisions of the zoning by-law will limit the height of the development, the density, and lot coverage, setback and parking requirements. The Planner confirmed that the proposed access is off of Veterans Drive, and that Ms. Bouchard should not be concerned about loss of her parking spot.

The Chair asked the Committee for questions on the application.

Bev Richards asked if the units will be rented or owned, the Agent confirmed for sale. Bev Richards questioned any possibility of an encroachment onto City lands, the Planner identified that there may be another application coming forward in the future for an acquisition of land from the City.

Ray Pearson, sought clarity on the number of units being proposed, three (3) or four (4); the Agent said that the project takes more sense to them at four (4) units, however if three is all that the lot can handle then that is how they will proceed.

Wayne Gauld asked if there will be a concurrent application for condominium applied for. The Agent, wished to stay away from condo concept, and wanted to provide for the basics of low maintenance living.

Wayne Gauld asked if the Roads Department has commented on access. The City Planner read the comments from the Roads Department on the need for a catch basin, and maintained that an entrance permit will be required as part of development.

Vince Cianci was curious on the type of development, if townhouses asked if they would be surveyed out in 20 foot strips, and asked if each unit will have its own driveway. The Agent confirmed that the units will be townhouses, with parking behind the units and a garage in the front. He noted that there would be one community driveway with each unit having their own garage and rear parking spot.

Vince Cianci questioned the survey lines, for ownership, the Agent said he would leave that up to the Surveyor and lawyer to determine.

The Committee discussed an application for condominium coming forward in the future; the Chair made mentioned to the Agent, that the Committee would prefer to see drawings and a site plan prior to the units being built so that concerns can be addressed at the draft stage. The Agent agreed.

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

Moved by: Vince Cianci

Seconded by: Graham Chaze

That Planning Advisory Committee recommends that the Council of the Corporation of the City of Kenora approve application D14-17-07, subject property located in the area of Dowcett Street, Veterans Drive, and Sultana Avenue, and described as the remainder of Lots 1 to 4 on Plan M106, Kenora, ON, and to allow for the regulated zoning of the subject property to change from Residential – Second Density Zone ('R2') to Residential - Third Density Zone ('R3'), to allow for the development of multiple attached dwellings.

The Committee has made an evaluation of the application upon its merits 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.

(x) Old Business

- D10-17-03

Claire Lindquist and Paulette Michalchuk, Owners
Degagne.motors.ca

Claire Lindquist and Paulette Michalchuk thanked the Committee for their time, they sought changes to conditions of the decision of provisional consent as decided on November 21, 2017. The owners described two buildings on one property, which they would like to sever. The Owners identified that this was their third time ahead of the Committee, since the last meeting on November 21, 2017 it came to their attention that CP Rail also owns Gould Road, which may alter the conditions as imposed on the decision from the previous meeting.

The applicants proposal would be to maintain legal access from the driveway of Degagne Enterprises (lot created), with a private easement for access to Degagne Motors (lot retained). The applicant informed that, because Railway Street is maintained used every single day, the driveway that is on the second lot that is within the 30 foot measurement from the center of the right-of-way, it was the applicants understanding that proximity within 3 feet of the center line of Railway Street would ensure them legal access on a municipally maintained road.

The Planner provided brief comments, indicating that she had circulated the application to the Kenora Roads Department, whom proposed something slightly different. The Kenora Roads Department was of the feeling that the 8 m wide unopened lane allowance that abuts the lot created was not appropriate for legal access. However, the Roads Department was willing to allow access over the adjacent City owned lot , a part lot that fronts onto Railway Street, that may have been intended to be access, and may be used by the applicant to provide legal access. This method is preferred over the unopened road allowance along the hazard land. The Planner confirmed in a title search, the land is owned by the City.

Robert clarified that an easement would be registered for access over the lot created for the lot retained. The Planner confirmed.

The Committee discussed the surveying for easements for utilities as discussed in the decision, and the addition of an easement for access.

It was the opinion of Vince Cianci that the only place the property has legal access is at the rear of the subject property, off the unopened road allowance over the hazard lands. The Planner disagreed, as they are unopened road allowance, not municipally maintained roads. Vince Cianci was concerned about the frontage requirement upon a municipally maintained road as per lot creation within the Official Plan, Mr. Cianci suggested that Gould Road, although not municipally owned, is municipally maintained and provides the option for adequate frontage and access to each lot. Mr. Cianci recommended the Committee maintain the condition of an L-shaped lot for the lot created to ensure frontage and access off Gould Road.

The City Planner suggested the option as provided by the City of Kenora Roads Department, for access from the City owned part lot abutting Railway Street, adjacent to the lot created.

Vince Cianci expressed concern that the City lot was also not municipally maintained road, and the access would not comply with the frontage requirement of 18 m, and reminded the Committee that any other time an application could not comply with the requirements of the zoning by-law; an application for minor variance was required. The Planner established that the properties are able to provide frontage on Railway Street, albeit not publically owned road.

Vince Cianci asked the Planner to comment on creating lots without legal frontage. The Planner advised the current situation may be considered legal non-conforming

to the provisions of the zoning by-law, and confirmed the severance of a legal non-complying parcel was possible.

Robert Kitowski was of the opinion that access of the City owned property abutting Railway Street would provide sufficient legal access, in addition an easement across the lot retained would satisfy access on both lots.

Graham Chaze questioned who would improve the City owned property if used for access, and who might maintain it. The Planner read the comments from the Road Department whom identified no concerns.

The Applicant asked the Committee to consider access from Railway Street over the City owned land, as the street has been maintained for 75 to 100 years, it was their option that the closure of Railway was highly unlikely, access over the City land would in all likelihood never happen, Degagne Motors and Degagne Enterprises would maintain status quo with their existing driveways off Railway.

Robert Kitowski reminded the applicant that the reason for the meeting was to consider changes to conditions; Robert asked the Planner if the removal of the condition of 18 m frontage for the lot created on Gould Road can be removed.

The Secretary-Treasurer read the conditions aloud for the Committee.

The Applicant asked for considerations of City lands for access as proposed by the Roads Department in lieu of the 18 m of frontage on Gould Road for the lot created.

The Committee discussed the need for legal opinion to make a decision to change conditions and to ensure the lot created was in compliance with the legislated polices. The recommendation was overruled.

The City Planner referred the Committee to section 3.21 of the zoning by-law which referred to legal non-complying provisions, and confirmed it is legal to give consideration to applications that would alter a legal non-conforming parcel.

The Committee discussed maintaining the original conditions as per the November 21st, 2017 decision. The committee discussed access and frontage, and the difference scenarios, and concluded the original conditions were satisfactory.

The Chair asked the Applicant for any comments on the proposal to not amend the conditions. The Applicant was concerned that Gould Road too is not municipally owned.

The Planner noted that the Application has already received comments from two of the applicant solicitors, and recommended there is enough knowledge in the room to make a decision.

Planner recommendation, that we remove condition #6, and access would be demonstrated via unopened road allowance, and easement through both properties. The Planner committed to going back to the City Roads Department to ensure steps are taken on the vacant the City lot, to dedicate it as a road.

The Committee discussed the easement for access of 6 m along the western limit of Degagne Enterprise for access and utilities.

Move by: Robert Kitowski

Seconded by: Ray Pearson

The Planning Advisory Committee approves the removal of condition number 6 on the decision which speaks to the requirement of 18 m frontage for the lot created on Gould Road, in addition, the Committee recommend the removal of the easement off Gould Road for access to the lot created. The Committee approves to amend condition number five (5) to include access for an easement across the lot created (Degagne Enterprises) in favour of the retained lot (Degagne Motors).

Carried.


(xi) Adjourn

Moved by: Chris Price

That the December 19, 2017 Planning Advisory Committee meeting be adjourned at 9:08 p.m.

Minutes of Kenora Planning Advisory Committee meeting, Tuesday December 19, 2017, are approved this 16th day of January, 2018.


(i) Wayne Gauld, Chair


Melissa Shaw, Secretary-Treasurer

(ii)

Next Meeting: January 16, 2018