



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
May 16, 2017
7:00 p.m.

Present:

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

DELEGATION:

- (i)** Wayne Gauld, Chair called the May 16, 2017 meeting to order at 7:00 p.m. and reviewed the meeting protocol for those in attendance.
- (ii)** Additions to the Agenda- none.
- (iii)** Declaration of Interest by a member for this meeting or at a meeting at which a member was not present
 - Ray Pearson, File Number: D14-17-03
 - Bev Richards, File Number: D14-17-03
- (iv)** Adoption of Minutes of previous meeting (April 18, 2017)

Moved by: Robert Kitowski

Seconded: Graham Chaze

Discussion:

Mr. Cecil Tew, 105 Barkman Close requested that the Minutes from the regular meeting on April 18, 2017 be amended to clarify the composting toilet does not feed into the grey water system, rather the grey water system is a standalone pit.

Mr. Vince Cianci confirmed he did not second the motion on File: D10-17-04, Coker Road, and Black Sturgeon Lake. Moved by: Graham Chaze and Seconded by: Chris Price

Carried.

(v) Correspondence relating to applications before the Committee

Devon McCloskey, City Planner received correspondence from Doug Vergunst, Northwestern Health Unit. Doug confirmed that the NWHU issued a septic permit in error; as the application is/was not in compliance with applicable law. Mr. Vergunst clarified that the NWHU "owed some paperwork", to Mr. Tew, Devon was unaware if it had been revoked.

(vi) Other correspondence- None.

(vii) Consideration of Applications for Minor Variance

- D13-17-03, Wojtyniak

Mike Wojtyniak
Gabriela Centena

Mr. Wojtyniak and Ms. Centena approached the Committee, with the request to demolish an existing carport, and replace it with a garage. Mr. Wojtyniak explained that because of topography and a waterline location, development on the proposed location is the best option, which requires approval for a minor variance. The applicant reviewed the new plans with Committee members, and circulated for review.

Devon McCloskey, reviewed her planning report, the application is seeking a variance to Section 3.34.1(b) (iv) of the City of Kenora Zoning By-law which restricts accessory structures from being built closer to the street than a main building within the R1- Residential First Density zone. Approval would allow for an existing car port to be demolished and the new construction of an accessory building (garage) which will be located in the established front yard, and situated closer to Mellick Avenue than the main building.

The Planner described the lot as being 7554 m², the combined lot coverage including all buildings is approximately 3.37%. The proposed lot coverage for the new garage of 214 m², would amount to lot coverage of 2.83%, the provision of the zoning by-law allow for garages to be 10% of the lot coverage.

The application was circulated to internal departments including the Northwestern Health Unit as an external agency. The building department commented that the building is fairly large and reminded the applicant that uses shall be limited to those permitted within the R1- Residential First Density Zone, used as an accessory to the

principle dwelling and that industrial uses are not permitted, including home industries.

The Planner recommended for approval of the application.

The Chair asked if there was anything additional that the applicant would like to add. There was none.

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

Shelia Byers
454 Mellick Ave.
Kenora, ON

Ms. Byers approached the Committee and sought clarification that the existing carport would be torn down. The applicant confirmed it would be demolished. Sheila questioned if there were plans to remove any other buildings on the lot, the Applicant said that it was not in their plans to remove any of the other buildings. Finally, Ms. Byers reviewed the garage plans with the Applicant and said she had no further concerns.

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

Robert Kitowski questioned the reason for a 12' door. The Applicant established that it would accommodate a pontoon boat on a trailer that is 11' in height.

Ray Pearson posed concern that garage may be used for a home industry, and asked the Applicant to confirm that the garage would not be used for a business. The applicant established that he is not looking to run a business, has hobbies of working on old trucks and toys which he would like to keep in storage. The garage will be used predominantly for storage.

Ray Pearson questioned if there was anywhere else on the lot that would be suitable for the location of the garage?

The applicant said that the waterline was only 2 – 3 inches below the surface, and to run over that in the water months would be a detriment. In addition, the location of the septic field and rock outcrops limit the location to place the garage behind the principle dwelling.

The Chair asked the Committee If there were any discussion prior to making a decision.

Vince Cianci commented that what the zoning by-law is considering the front lot line of subject lot is strictly by definition; in actual functionality the street that the front faces on is the front of the lot. In reality the garage is on an exterior side

yard. Vince confirmed that he had no concern, as it is not the typical lot within the R1 zones.

Moved by: Robert Kitowski

Seconded: Ray Pearson

That the Kenora Planning Advisory Committee approves Application for Minor Variance File No. D13-17-03, to allow for an existing car port to be demolished and a new accessory building (garage) to be constructed in the established front yard, located closer to Mellick Avenue than the main building as the application meets the four tests, is consistent with the provisions of the zoning by-law, the Official Plan and is considered desirable development, and is deemed minor in nature.

Carried.

(viii) Consideration of Application for Consent

- D10-17-06, Beryl Winder

Claudia Bridges, Owner
39 Thorndale Avenue
Winnipeg, MB R2M 1C4

Mr. Bridges explained to the Committee that she has owned Lot 8, Beryl Winder Road for many years; it has remained a green space between Lots 7 and 9. Mrs. Bridges explained she is in the process of estate planning, looking to sell lot 8 as they currently have no intention of ever developing on it. Mrs. Bridges explained that her neighbour Jake Garrow whom owns Lot 9, and has an easement for access registered over Lot 8, will be purchasing the property, Lot 8 and Lot 9 will merge on title. Mrs. Bridges commissioned a surveyor to establish the interior lot line between Lot 8 and Lot 9 as the boundary came close to her sleep cabin, she has decided to retain 35 foot of frontage along the shoreline, and sell the remaining lands.

Devon McCloskey reviewed the Planning Report; the purpose of the application is for lot addition to property municipally described as 394 Beryl Winder Road. The effect of approval would be to sever a portion of land approximately 0.019 ha in size from the Subject Property, to 394 Beryl Winder Road. The retained portion will be merged with property legally described as Plan M134, Lot 9, Parcel 31559, and municipal address 414 Beryl Winder. Road, and developed with an accessory structure.

The application was circulated internal with City of Kenora department, no concerns were identified. The Ministry of Natural Resources and Forestry commented that the proposed severance poses a low risk to fish and wildlife features, therefore the Ministry of Natural Resources and Forestry had no concern.

The proposal meets the intent of the OP and Zoning By-law, and will enable non complying lots to become more in compliance with the City's policies and regulations. As part of her recommendation for approval the Planner also established that the consent is subject to a number of standard conditions.

The Chair asked if there was anything additional that the applicant would like to add. There was none.

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

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

Wayne Gauld asked the Applicant to confirm if she owns the shoreline reserve. The applicant confirmed that she owns the shoreline reserve on Lot 8; however not on her other lots, 6 and 7. The applicant confirmed that lot 9 shoreline reserved was purchased by the previous owners. Vince Cianci suggested the title be checked to confirm.

Vince Cianci commented on the projection of the area to be severed, and questioned as to why the design includes a bend in the proposed lot line. The recommendation from Mr. Cianci is that the lot line continues from the back corner of Lot 7, in a straight line, pie shape to the desired location along the shoreline., explaining that it would be an easier survey as there would not be three pins in the future. Mr. Cianci also reminded the Applicant to direct the surveyor to include the shoreline parcel within the sketch; otherwise that corner of the shoreline may be lost if sold.

The Committee entered into discussion on the orientation of lot to be severed. The recommendation that the sketch included within the application is amended to include a straight line projection from the back corner of Part 7 and across Part 5 to the shore reserve known as Part 3. The Committee Members, with approval from the Applicant amended the sketch to better reflect the recommendation.

Bev Richards questioned the Applicant if the removal of the easement shall form part of the recommendation as to ensure clear title. The Planner agreed with the recommendation to add it as a condition.

The Chair asked the Committee If there were any discussion prior to making a decision.

Bev Richards recommended that an addition condition be that the shoreline reserve is consolidated with the severed PIN(s)

The applicant appreciated the recommendations from the Committee.

Moved by: Robert Kitowski

Seconded: Graham Chaze

That the Planning Advisory Committee approves Application D10-17-06 for consent to sever property described as Lot 8 of Plan M134, to enable a lot addition, and the provisional consent is grants, subject to conditions as outlined whit the planning report.

(ix) New Business- None.

(x)

7:57 p.m.- Ray Pearson and Bev Richards removed themselves from the panel and took a seat within the audience.

(xi) Old Business

- D14-17-03, Temporary Use By-law

Mr. Cecil Tew approached the Committee, he sought clarification on the comments made by the Planner regarding the Septic field permit issued by the NWHU, and the potential withdraw of said permit. The Chair advised the property owner to contact the NWHU directly to confirm the status of the septic field permit.

Mr. Tew presented two legal matters which he sought clarification from the Committee, firstly on the status of the court summon Thursday, May 18th, 2017. The Planner, said was her understanding is that the decision will be deferred. Discussion, which included the City CAO that the Court decision, is in effect until we have a decision from the Planning Advisory Committee and City Council.

Secondly, Mr. Tew submitted a letter to the City of Kenora, seeking the withdrawal/removal of letters from members of the public regarding his application, which in his opinion were considered libel in nature.

The City of Kenora CAO, Karen Brown confirmed that the letters were not withdrawn, as the public has the right make comment and the City does not determine what that right is.

Mr. Tew discussed in detail the development of his septic field, and his interpretation of a verbal cease and desist issued by the City of Kenora, Building Department. Karen Brown, CAO wished to clarify for the Committee that it was a self-imposed cease and desist and not one issued by the City of Kenora.

The Chair asked the Applicant to move past the issue of Septic, and proceed with detailing works that may have been completed since the last meeting on April 18, 2017. The Chair asked the Applicant specifically about the Entrance Permit and the Hydro One connection.

Mr. Tew confirmed he has received an approved Entrance Permit from the City of Kenora Roads Department. The Committee was all in agreeance that he had satisfied that condition.

Mr. Tew explained to the Committee that he has since removed concrete forms for his foundation, and has since installed a wood foundation with pressure treated footings. Mr. Tew described an 8' x 8' crawl space on one corner of the foundation which includes the metered box for hydro connection. Underneath is the 200 amp breaker panel and it is ready for Hydro hookup. Mr. Tew explained that he would be

following the Hydro One recommendation to have a certified electrician. A new hydro pole and transformer will be required. Mr. Tew further clarified that once the hydro is connected, it will feed the sleep cabin, and the generator will no longer be used.

The Chair thanked the Applicant for the update and asked for a timeline of construction, looking for clarification as to what may be completed by the fall of 2017.

Mr. Tew explained to the Committee that the foundation will be fully installed and covered by the fall, In addition Mr. Tew hoped to have some walls framed, although reminded the Committee that the works completed would depend on his financial availability. Mr. Tew confirmed in a letter from a local financial institution, that he has been denied financing for construction.

As a result of not being eligible for financing, Mr. Tew explained that he has changed the design of his dwelling, to a 40' x 24' raised bungalow, built as a cottage under the *Ontario Building Code Act*, which should allow for sooner occupancy as the building requirements as a cottage are less. Mr. Tew, explained that at the beginning of each month, when he receives his Pension, he will set a budget to allow him to purchase construction material as needed, in addition Mr. Tew to side jobs which he will undertake

The Chairman indicated the use of a cottage was for seasonal occupancy, and asked Mr. Tew if he intended to live within the cottage all year round. Mr. Tew explained that he would be visiting away with his daughters over the winter months.

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

Graham Chaze questioned the Applicant as to whether he had any finalized building plans. Mr. Tew reiterated that he has changed his design to a one storey bungalow, he is just finalizing if it will be a one bedroom or a two bedroom.

Robert Kitowski identified on the April 16th, 2017 PAC meeting that he wanted to see progress in an effort to satisfy his concerns, he went through questions with Mr. Tew pertaining to hydro meter box, underground cable, coverage of a trench and electrical inspection, in addition to questions pertaining to building design, and construction methods.

The Chair, summarized Mr. Tew's request, which is an approval to use a sleep cabin as a principle dwelling and a composting toilet for three years.

Mr. Tew concurred.

Mr. Cianci, did not foresee the request to be outrageous, so long as the Hydro is connected. Mr. Cianci supported approval provided that Hydro is connected by a certain date, with no extensions.

The City Planner confirmed that The *Planning Act* gives the provision to approve a by-law but not to enforce an agreement, stipulating that she received Legal advice.

Mr. Kitowski confirmed that within the past few weeks (since the last PAC meeting) the applicant is making forward progress and has done work which shows good faith and support an approval.

Mr. Graham Chaze identified concern with the individual's capacity to build on a three year timeline, given a fixed income without the support of financing. Wayne Gauld too expressed concern with the three year timeline, and reminded the applicant that an extension would be very unlikely approved.

Vince Cianci disagreed, suggesting that the years may be realistic and reminded the Committee that they could not hold an application to denied financing, suggesting the financing should not be of the Committee concern.

Mr. Tew, gave the Committee some history on his education and previous work experience, and felt the project was achievable within the timeframe allotted.

Robert Kitowski recommended that the Committee approve the Application for the three years under the stipulation that hydro is connected. Vince Cianci concurred. Mr. Cianci and Mr. Kitowski recommended that the hydro be hooked up by August 31st, 2017.

The Planner confirmed with Mr. Tew, that the approval was not for a three year building plan, it is for the use of the sleep cabin as a dwelling for three years. Mr. Tew confirmed he understood the recommendation.

The Committee discussed the possibility of staged completion, with strict deadlines to be met, in an effort to guide the development completed over the three year term.

The Committee agreed to recommend the stipulation of hydro hook-up only.

Moved by: Robert Kitowski

Seconded: Chis Price

RESOLVED THAT the PLANNING ADVISORY COMMITTEE recommends that the Council of the Corporation of the City of Kenora approve the application for Temporary Use Provision, file number D14-17-03, and that a By-law is passed to allow for the use of property for a temporary term up to three (3) years, conditional upon Hydro One service connection, fully completed by June 19, 2017 in advance of the June 20, 2017 Council Meeting.

Carried.

Ray Pearson and Bev Richards returned to the panel at 9:00 p.m.

- Appeal to the Property Standards Committee, May 29, 2017
 - i. Notice and information package circulated., meeting at 4:00 p.m. Agenda to come
 - ii. Karen Brown will be at the meeting to address any questions pertaining to the financing.

- OACA Training
 - i. In-house- TBD
 - ii. Ottawa June 4-7, 2017
 - 1. Requested copies of any PowerPoints presentations

(xii) Adjourn

Moved by: Chris Price

That the May 16, 2017 Planning Advisory Committee meeting be adjourned at 9:15 p.m.

Minutes of Kenora Planning Advisory Committee meeting, Tuesday May 16, 2017, are approved this 20th day of June, 2017

(i) Wayne Gauld, Chair

Melissa Shaw, Secretary-Treasurer