



City of Kenora  
Planning Advisory Committee  
60 Fourteenth St. N., 2<sup>nd</sup> 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., 2<sup>nd</sup> Floor- Training Room**  
**January 17, 2017**  
**7:00 p.m.**

**Present:**

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

**Regrets:**

Graham Chaze	Member
Robert Kitowski	Member

**DELEGATION:**

- (i)** Wayne Gauld, Chair called the January 17, 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
  - Vince Cianci, Member reported a conflict on file D13-17-01, as the applicant on the file.
- (iv)** Adoption of Minutes of previous meeting (December 20, 2016)
  - Discussion arose surrounding the consideration for recommendation to Council, D14-16-06- Cameron House, Zoning By-law Amendment which recommendation was made by PAC to Council on December 20, 2016. The Chair acknowledged the

Committee concerns and recommended it be discussed under old business.

**Moved by: David Blake**

**Seconded: Chris Price**

Carried

- (v) Correspondence relating to applications before the Committee
- D13-17-01- Carvalho Application, Hydro one comments
  - D10-17-01 – Cianci Application- Public comments which will be read as part of the Planning report.

(vi) Other correspondence: None.

Committee Member, Vince Cianci, took to the stand at 7:10 to address the committee on his application.

- (vii) Consideration of Applications for Minor Variance
- D13-16-16 (Cianci)

Vince Cianci  
911 First Street South  
Kenora, ON

Vince Cianci, owner 911 First Street South, gave the Committee a brief history on his property; purchased in 2006 with one house, civic address 907 First Street South, and two duplexes which were encroaching on the Municipal Street. The duplexes have been removed a single-detached home was built in 2012. Additionally, in 2012 the applicant applied to Oceans and Fisheries for a permit to dredge a 6.0 m by 3.0 m channel to reach the navigable waterway. The permit was approved, however the applicant explained that he did not pursue the works, the decision is now to apply for a minor variance application to locate the boathouse 1.5 m from the side yard setback. The method, using drilled pip and a rail for ramp and floating docks will be the least environmentally disruptive and is fully supported by the neighbours.

Devon McCloskey, Planner gave an overview of the application; seeking a 3.0 m variance from Section 3.34.1 (c) (ii) which requires a minimum 4.5 m side yard setback for accessory uses located between the principal building and the navigable waterway. The effect of approval would be to permit the construction of a boathouse 1.5 m setback from the side yard lot line. The applicant is requesting relief in order to enable development of boat house to be established as close to the lot line as possible, in consistency with the recommendation provided within the scoped EIS a written by Kenora Resource Consultants. The Planners reviewed the consistency of the application with the legislated policies and City directives. The Planner also reviewed the comments as received from internal circulation, which resulted in no concern. There were two public comments provided by way of email, which discussed Laurenson's Creek as being an environmentally sensitive fish spawning area; with a lot of plant growth in the creek between the property and the navigable channel. Questions were raised as to how the channel would be

accessed given the sensitive area. A redacted version of the comments is available in the full planning report. The Planner confirmed that a scoped Environmental Impact Statement was submitted as required, with the application and the report addresses these concerns, and in addition the EIS, recommends that any development be completed as close as possible to the eastern shoreline, to enable development that mitigates any negative impact on natural heritage. As such the Planners recommendation was for approval of the application.

The Chair thanked the Applicant and the Planner and asked if there was anything further to add. The applicant clarified that the structure would be 9.5 m x 7.1 m in size, with a ground floor area of 66 m<sup>2</sup>.

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.

Ray Pearson questioned the EIS, and the comments regarding minimizing the dredging, he questioned the applicant how this would be done. Mr. Cianci confirmed that he would not be dredging Laurenson's Creek, he would use a ramp to access the boathouse. The access would use the same channel as the neighbouring property; there will be very minimal removal of vegetation.

Wayne Gauld, asked the applicant to confirm that the boathouse would be built on pipes, however questioned how the boathouse would wholly located on land? The applicant confirmed that his ownership extends into what is known as Laurenson's creek; the boathouse will be mostly located on his property, however, will require to be built on pipes.

Vince Cianci left the meeting at 7:25 p.m., allowing the Committee to enter into discussion.

The Committee engaged in favorable discussion regarding the application, Mr. Cianci returned to the room.

**Moved By: Ray Pearson**

**Seconded by: David Blake**

That the Kenora Planning Advisory Committee approve application D13-17-01 for minor variance for property located at 911 First Street South, Part Lot 24 and Lot 25, Block 6, Parts 2, 3, 6, 8, 23R-11826, to reduce the required side yard setback to 1.5 metres, to enable development of a 7.3 x 9.1 metre (24 x 30 foot) boathouse, as the application has regard for the Official Plan (2015), the Zoning By-law No. 101- 2015 as amended, in considered minor in nature, and is desirable development of the lands.

**Carried.**

**(viii)** Consideration of Application for Consent

- D10-17-01 (Carvalho)



Tara Rickaby, Agent acting on behalf of Herman and Vicky Carvalho, explained to the Committee members that her clients had recently purchased 43 Birchwood Crescent as their personal home, and are applying for an application for consent to create one new residential lot, south of their existing single-detached residential dwelling. The Agent described the terrain as treed and fairly level, with a drop-off to the south where it the parcel meets Birchwood Road. The Agent acknowledged the need to apply for an entrance permit, as well the Agent explained that the owner is aware that Municipal Services will have to be extended at their cost. The Agent foresaw no requirement for the extension of roads, and indicated that any new construction would be in compliance with the provision of the zoning by-law 101-2015.

Devon McCloskey, City Planner briefly described the application to create on new R1- Residential Single Density lot, explaining that the existing lot is considered a through lot; approval of the severance would have the effect of converting a through lot to two interior lots. The Planner reviewed the application and its consistency with legislated policy and City directives, including the Provincial Policy Statement (2014), City of Kenora Official Plan (2015) and the Zoning By-law 101-2015. The Planner reviewed the comments received from internal circulation, The Roads department identified an unopened portion of Birchwood Road toward the referred land, identifying there may be a physical barrier for the road construction at this location, however it could not be verified given the snow cover. The Road department confirmed that the City would be maintaining Birchwood Road as the way it is done at present. The Water and Wastewater department identified that the City does not have a "live tapping facility" on low pressure line, summarizing that the connection (cost and contractor) could be a limit to development.

The Planner recommended that the application be considered and provisional consent granted, subject to the approval of an entrance permit, servicing, surveying, noting that all costs shall be borne by the applicant.

The Chair asked the Agent whether there was anything to add to the presentation prior to entering into questions.

The Agent, Tara Rickaby informed the Committee that during the 2016 paving works, fill was put in on Birchwood Road; it is the opinion of the application that there is adequate area for turn around to plow this roadway. The Agent explained that in a walk-through of the property, there is a little rock nob in the middle of that property, a driveway would come out at the east lot line and adjoin to Birchwood Road.

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

**Laid Paul  
5 Birchwood Road  
Kenora, ON P9N 4K7**

Laird Paul, approached the Committee, he introduced himself as a resident in the neighbourhood, having a home directly across Birchwood Road from the proposed lot to be created. Mr. Paul informed the Committee that the end of Birchwood Road is not finished, according to the City map Birchwood Road ends at 3 Birchwood Road, which has caused access issues to his personal property, including inadequate roadworks, grading and snow clearing winter months. Mr. Paul identified the lack of servicing up Birchwood Road as a concern and questioned if new development would tear up the freshly paved roads. Mr. Paul acknowledged that the City has been known to push snow onto the proposed lot. The lack of drainage in the area results in major concern to resident adjacent this land, which have had flooding in the past. Mr. Paul recommended that the road be properly upgraded, with a sufficient drainage plan, and sewer and water installation.

The Chair thanked the member of the public for his comments, and confirmed that the concerns which were identified will be addressed within the conditions of approval.

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

Vince Cianci was under the impression that it was the developer's responsibility to build a driveway up to the road; the onus is not on the City of Kenora to extend the road to the lot. The Agent agrees and identified the area for a driveway on the east side of the site which connects to the existing Birchwood Road.

Vince Cinaci also expressed concern about the low pressure system, the Agent, clarified that when the Province was providing the money to service all those properties along Rabbit Lake, there was not sufficient money to install a lift station, as such everyone within the area is on a low pressure system, noting that it will be necessary for the developer to install a grinder pump.

There was discussion surrounding access to Birchwood Road, it was confirmed that the driveway will be established by a developer and approved by the City through an entrance permit, and regardless the lot has legal access to Birchwood Road.

**Moved By: Chris Price**

**Seconded by: Vince Cianci**

That the Kenora Planning Advisory Committee grant provisional approval, subject to conditions for application D10-17-01 for consent to sever property located at 43 Birchwood Crescent, described as Concession 6J ML, Registered Plan 266P 23R 4037, Part 1 Parcel 3087. 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- None.

**(x)** Election of Chair and Vice Chair

With the New Year, the Committee shall hold an election for the position of Chair and Vice Chair which hold these titles for both the Planning Advisory Committee and the Committee of Adjustments, of which this committee represents.

**Chair:**

The Secretary- Treasurer asked the Committee Members for nominations for the position of Chair.

Ray Pearson Nominated Wayne Gauld for the position of Chair.

The Secretary- Treasurer called for a second and third time for nominations for chair, there were no further nominations made.

Being that Wayne Gauld was nominated, the nominee accepted the nomination and the Secretary-Treasurer declared that the nomination is closed. The Committee congratulated Wayne Gauld as Chair of the Planning Advisory Committee and Committee of Adjustments for 2017.

**Vice-Chair:**

The Secretary- Treasurer asked the Committee Members for nominations for the position of Vice-Chair.

Ray Pearson was nominated for the position of Vice- Chair.

The Secretary- Treasurer called for a second and third time for nominations for Vice-chair, there were no further nominations made.

Being that Ray Pearson was nominated, the nominee accepted the nomination and the Secretary-Treasurer declared that the nomination is closed. The Committee congratulated Ray Pearson as Chair of the Planning Advisory Committee and Committee of Adjustments for 2017.

**(xi)** Old Business

- Discussion on topics for training
  - i. Procedures, Robert Rule of Order
  - ii. Creation of a Tool Box- electronic, paper copy, jump drive to hold all the data for PAC information
  - iii. Survey when we require them and when we do not
  - iv. OACA in-house training in the spring April/May.
  - v. Accessory Structures

1. 4.5 m side yard setback/ and consistence with the provisions for accessory structures and sheds etc.
- Council Decision D14-16-05- Emergency Shelter Temporary Use, Council passed the by- law it is approved.
  - Council Decision D14-16-06- Approval to accept the Seventh Ave property- Cameron House. Council approved, with a recorded vote, 3-2

Discussion:

David Blake identified concern that the Agent, Mr. Nelson told the PAC Committee that the parking configuration, and concerns were mitigated through neighbour interviews. The way he understood this comment is that all the neighbours were consulted. The member did not realize that the conversation was pertaining to the direct neighbours only, and not the neighbourhood as a whole.

The City Planner indicated that as per the requirement of the *Planning Act*, notice is circulated to all neighbours within 120 m of the subject property; public comments were not received.

There was extensive discussion surrounding weather public notice clearly stipulates that the Planning Advisory Committee Meeting is an opportunity for the public to speak for or against an application which is being considered for a recommendation to Council. The Committee identified their concern, with making a recommendation upon limited information and without having heard public comments/concerns.

The Planner acknowledged the Committees concern, however reminded the Committee that their recommendation is to be within the provisions of the Provincial Policy Statement, the Official Plan and the Zoning By-law, and without prejudice from public comment.


Chris Price cited the Public Notice, and emphasized that the statutory public meeting is recognized first on the notice, yet the Planning Advisory Committee meeting occurs prior to the Statutory Meeting. Chris questioned if the public clearly understand the PAC meeting as an option to attend. The Planner suggested the current notice was cautious as to not confuse the public, noting that the most important information is the statutory meeting date. The Committee and City staff agreed to pursue this issue and to explore other options and possible solutions to make the notices more informative.


**(xii) Adjourn**

**Moved by: Chris Price**

**That** the January 17, 2017 Planning Advisory Committee meeting be adjourned at 8:30 p.m.

Minutes of Kenora Planning Advisory Committee meeting, Tuesday January 17, 2017, are approved this 21<sup>st</sup> day of February, 2017.

  
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**(xiii)** Wayne Gauld, Chair  
Treasurer

  
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Melissa Shaw, Secretary-