

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**  
**Special Meeting held in the Operations Centre Building**  
**60 Fourteenth St. N., 2<sup>nd</sup> Floor- Training Room**  
**February 1, 2017**  
**4:30 p.m.**

**Present:**

Wayne Gauld	Chair
Ray Pearson	Member
Vince Cianci	Member
David Blake	Member
Robert Kitowski	Member
Graham Chaze	Member
Melissa Shaw	Secretary-Treasurer
Devon McCloskey	Deputy Secretary- Treasurer, Planner

**DELEGATION:**

- (i)** Wayne Gauld, Chair called the February 1, 2017, special meeting of the Kenora Planning Advisory Committee to order at 4:30 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. None.
- (iv)** Correspondence relating to applications before the Committee- none.
- (v)** Other correspondence- None.
- (vi)** Consideration of Application for Consent
  - D10-17-02 (Klassen And Webster)

Reid Thompson, Agent  
Hook, Seller & Lundin, LLP

Mr. Reid Thompson, Agent working at HSL, thanked the committee for convening for a special meeting; presented on behalf of the applicants Klassen and Webster.

The agent reviewed the application for technical consent; an oversight within their law office; neglecting to review an abutting land search prior to the sale, which resulted in the merging of the lands. The Agent, identified that the subject lands has been through consent in 1993, and this current application is to consider returning this property to its legal status.

The City Planner outlined the purpose of the application was to provide consent to lots which were previously separate however, have since merged on title. The effect would be to enable creation of the lots as they were previously described, permitted for ongoing commercial uses. The Planner outlined the supporting guiding documents, being the Provincial Policy Statement (2014), the Official Plan (2015) and the Zoning By-law (101-2015).

The Planner indicated no internal concerns, Northwestern Health Unit recommended approval, stating that in a walkabout fall 2016, areas were identified for septic to support future development. Ministry of Natural Resources and Forestry the appreciated the opportunity to comment on the application and indicated that the severance did not place any greater impact on the Provincially Significant Wetland, and therefor had no concern, however did indicate that an EIS shall be required for any development within at least 120m of the wetland boundaries.

The recommendation from the Planner is for provisional approval for technical consent to sever subject to conditions.

The Chair thanked the Planner, and asked the applicant if there was any further comments.

Mr. Reid Thompson confirmed that the intention is to convey the property to a new owner, this new owner had hoped to take possession in October. The Agent intends to satisfy the conditions as soon as possible, as to so transfer the property at the first available date. The Agent expressed concern with Condition #3, provision of an entrance permit for access. The agent confirmed that at this stage there is no contemplation for no immediate driveway. How is condition number three, appropriate as a condition towards this application? .

Devon McCloskey, apologized for not confirming if an entrance permit had been applied for on either lot, and agreed with the Agent, that once the future development of the lot is proposed an entrance permit can be reviewed at that time.

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.

Wayne, asked the committee if there was any concern amending the application to remove the condition #3- That approval are received from the City for the provision of an entrance permit, culvert and materials as required to develop driveway access

if a new entry is required. All members concurred, and acknowledged that the removal of condition #3 from the recommendation.

Vince Cianci questioned the Planner if the retained lot would have sufficient frontage for the proposed future development. After some discussion, Mr. Cianci recalled the lot as a waterfront would only require 11 m rear yard along a municipal roadway. The Committee was satisfied that the parcel was compliant.

Chair asked the committee members for discussion prior to making a decision.

**Moved By: David Blake                      Seconded by: Graham Chaze**

That application D10-17-02 for technical consent to sever property located at 103 Devlin Drive and described as PINs 42154-0011, being Part Mining Location 280P, Part 5 of 23R-9659, and secondly, PIN 42154-0027 being part location 233P, be approved and provisional Consent be granted, and that condition #3 as found within the planning report be removed from the decision. 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.**

**(vii) New Business**

- Consideration for recommendation to Council D14-17-01

Alex Clark, Agent  
Lakeland Consulting  
1314 Beach Road  
Keewatin, ON P0X 1C0

The Agent, Mr. Clark introduced himself, representing Cody Brown in regards to his personal property which is located on Black Sturgeon Lake. The Agent gave a brief description of the subject lands, 16.4 hectares is waterfront property located adjacent to the Coker subdivision.

Mr. Clark outlined the application to amend the Zoning By-law zone designation from RU- Rural to BSL- Black Sturgeon Lake (Restricted Development) zone. In addition, the effect of approval would also permit frontage from 90 m to a future shoreline frontage of 61 m for each of the proposed future BSL- zoned lots. The frontage to depth ration would be 1:7 versus 1:5. Mr. Clark presented detailed aerial and cross sectional maps including drainage patterns to the Committee, Including the findings of a site inspection with the North Western Health Unit for locations to install five, Class 4 septic systems, the result was no foreseen concern.

Mr. Clark identified location of the road, and consideration for easements to grant access to the properties in conjunction with a private road agreement for access.

Mr. Clark indicated that the fisheries report as prepared by Kenora Resource Consultants, Ryan Haines, indicated two locations for fish spawning; which was inconsistent with his opinion and findings. Further consultation would be required and any amendments to this information will be updated within the Planning Rational, and included in the forthcoming application for consent.

The City Planner, outlined the an application for zoning by-law amendment is proposed to change to zoning of the subject property from Rural ('RU') to Black Sturgeon Lake (Restricted Development Area) Zone ('BSL'), and to except the property from Section 3.13.5, to increase the 'frontage to depth ratio' from 1:5 to an average of 1:7. Approval of the amendment would enable consideration of an application for consent to sever, having the effect of creating 4 new lots, and 1 retained. Planner indicted that the consent application would follow and shall be heard in March, 2017. The Planner reviewed the existing site conditions and the results of the supporting documentation which was provided including the species at risk, the fish spawning and the archaeological assessment.

The Planner reviewed the applications consistency with Provincial Policy, the Kenora Official Plan and the proposed use as seasonal dwelling which are permitted within BSL zone. The Planner reviewed the comments as received from circulation, the details of which are found within the Planning report, there were no major concerns identified.

The Planner for the City of Kenora, recommended n that the Application for Zoning By-law Amendment, D14-17-01, to the Rural Residential Zone and Exception to Section 3.13.5, to allow for a lot frontage to depth ratio of 1:7, be approved in lieu of public comments that are yet to be received.

The chair asked if there were any comments or concerns from the applicant, there were none. The Chair asked whether there was anyone present who wished to speak either for or against the application. Mr. Jack Coker, 35A North Marston Drive, was present among the audience however when asked, said that he had no comment.

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

Mr. Ray Pearson asked Mr. Clark for clarity among the EP- Environmental Protection area which were identified within the Kenora Official Plan, and the variation among the information which Mr. Clark was presenting. Mr. Pearson indicated that the Official Plan overlay indicated that an EP-zone appeared to cover much of the proposed Lot 5 frontage. Alex Clark confirmed that in his professional opinion, there is no foreseen fishery concern on Lot 5, the lot is over 80 m wide, Mr. Clark suggested he would be speaking with the Biologist to clarify this anomaly and would be presenting amended information as it became available.

Mr. Pearson posed a question to the Planner about the proposed seasonal lots, and if there was authority to restrict the development of seasonal lots. The Planner

indicated that City policies do not include that provision. Mr. Pearson questioned the development of the private road; the Agent confirmed that the details of this agreement would be presented in an application for consent.

The Chair reminded the Committee that the recommendation was simply as per the application for an amendment to the Zoning By-law, and that further approvals would be presented to the Committee in the future for consent and easements.

Chris Price asked the Planner if there were any other developments within the BSL-zone that had additionally received the benefit of an increased lot depth to frontage ratio. The Planner indicated that the ration is a smart growth policy, and worth noting that the subject lands are large rural lots; so long as the future development meets the provisions of the 61 m frontage, it shall be considered permissible.

Chair asked the committee members for discussion prior to making a decision.

Vince Cianci identified his concern with the use of an easement for access to complete a development, identifying that the requirement for upkeep, maintenance and access for emergency services end up becoming a contentious issue among the shared users. MR. Cianci recommended access to the proposed development, be from the Coker subdivision with an extension of North Marston Drive. Mr. Cianci suggested that this applicant be required to follow the same road building techniques that Jack Coker was require to complete. Mr. Cianci proposed this in good planning sense; the idea of easements can be nasty to effected land owners. Mr. Cianci, advised the Committee to consider the extension of North Marston Drive as the access within the Planning Advisory Committee recommendation to Council.

Graham Chaze, added to the to the conversation, by suggesting that users simply want legal access, Mr. Chaze did not agree that extending the road is the right answer. If the use is only seasonally, perhaps an easement for access shall not be a concern, particularly with respect to maintenance and clearing in the winter months. Mr. Chaze identified other locations within the proximity of Kenora which have shared access off of a shared road like this, and work well as private road agreements.

The Planner recommends that the Agent take bake this information regarding the concern for shared access to his client, for consideration on future applications.

Mr. Jack Coker, asked the Committee if he could provide some comment. Mr. Coker confirmed that there is a 20m right-of-way, along Block 17 of Plan 23M962, which is privately owned in the name of Mr. Jack Coker. This land can only be used for road purposes. An extension across this land would require the land to be purchased.

Ray Pearson, felt it would be prudent for the Committee to mention as a comment that the Committee request Council to consider extending the road as access. This form of access would split the parcel up the center, providing for the option of back lots.

Mr. Alex Clark, advised the Committee that he and his Client reviewed this option, for access of North Marston Drive, however, in an effort to support the Black Sturgeon Lake Development Policy, it would be very hard to meet that intent by providing the proposed access off North Marston, as the goal is negligible affect to Black Sturgeon Lake.

There was discussion surrounding the terms of seasonal cottage, it was noted that a seasonal dwelling was a permitted use within the BSL-zone. The Applicant confirmed that he would amend the report to replace any seasonal terminology with single detached residential, and confirmed to the Committee that he would stand by his reports given that single detached is permanent occupancy; suggesting the development is nonetheless sustainable as presented.

The Chair, Wayne Gauld suggested that the Committee make recommendation on the proposed amendment to the Zoning By-law and that the Committee will have the opportunity to address the concerns brought forward regarding access through the forthcoming application for consent.

The Agent summarized that he will amend the reports, to change the terminology from seasonal and replace it with permanent single detached dwelling, with address the site constraints including: water quality and fisheries and will address the concerns of access and a private shared road.

**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 approves the proposed application for an Amendment to the Zoning By-law 101-2015, file number: D14-17-01-Brown, from RU- Rural zone to BSL- Black Sturgeon Lake (Restricted Development Area) zone, and to allow for a lot frontage to depth ratio of 1:7, in consideration of its merits evaluated 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**

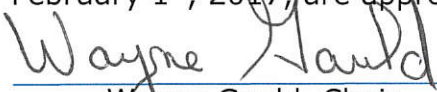
Mr. Jack Coker asked the Committee if he could provide some additional comments. He questioned if anyone on the Committee was involved in the Planning Boards back in the 1980's. Mr. Coker informed the Committee that he was on the Jeffray Melick Planning Board; JM was infamous for approving seasonal roads; Mr. Coker emphasized that residents soon started to demand higher services and recommended that be considered in future considerations.

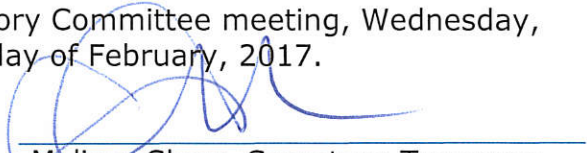
**(viii) Adjourn:**

**Moved by: Chris Price**

**That** the February 1<sup>st</sup>, 2017 Special Planning Advisory Committee meeting be adjourned at 6:25 p.m.

Minutes of a Special Kenora Planning Advisory Committee meeting, Wednesday, February 1<sup>st</sup>, 2017, are approved this 21<sup>st</sup> day of February, 2017.

  
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Wayne Gauld, Chair

  
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Melissa Shaw, Secretary-Treasurer

**Next Meeting: February 21, 2017 @ 7:00 p.m.**