

City of Kenora  
Planning Advisory Committee  
60 Fourteenth St. N., 2<sup>nd</sup> Floor  
Kenora, Ontario P9N 4M9  
807-467-2292

**Meeting Minutes  
City of Kenora Planning Advisory Committee  
60 Fourteenth St. N., 2<sup>nd</sup> Floor – Training Room  
June 19, 2018  
7:00pm**

**Present:**

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

**DELEGATION:**

- (i)** Wayne Gauld, Chair, called the meeting to order at 7:00 pm and reviewed the meeting protocol for those in attendance.
- (ii)** Additions to 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

The Chair asked the Committee if there were any questions or corrections to the minutes as circulated.

- May 15<sup>th</sup>, 2018

Amended: May 15<sup>th</sup>, 2018 minutes of the regular Kenora Planning Advisory Committee meeting.

- (v)** Correspondence relating to applications before the Committee – there were none.

- (vi) Consideration of applications for minor variance  
a. D13-18-05, Bergagnini

Carmela Bergagnini, Applicant  
415 Sixth Avenue South, Kenora ON

Carmela Bergagnini, the Applicant, introduced her application to the Committee, which seeks relief from the Zoning By-law to allow the construction of a carport on the existing driveway. The accessory structure would accommodate two parking spaces in order to protect the vehicles from the elements. The Applicant indicated that the contractor plans to build within the same footprint as the existing driveway, if not shorter. It would be located where the retaining wall currently exists and would not encroach onto the laneway. The Applicant also indicated that there is no other area to park the vehicles and similarly, no other area to construct the carport.

The City Planner presented the planning report, file: D13-18-05, and explained that the application is seeking relief from minimum interior side yard setback, minimum setback to the main building, and 40% maximum lot coverage. Approval would allow a carport to be constructed on the existing driveway with a 0 m interior side yard setback; 1 m setback from the main building; and increased lot coverage to 45% in the R1-Residential First Density zone. The Planner indicated that the subject property backs onto a travelled access way, to which several other neighbours also use. The City maintains that it is within its registry as a travelled public road.

There is also a 3 metre laneway, which was likely laid down for services but the travelled access is to the west. It is owned by the Western Lumber Company; however, acquisition of their remaining lands by the City is being finalized. The travelled portion of the laneway is over private property; whereas the subject property is also supplying part of the travelled roadway to their neighbours. The Applicant is aware that access is over private property in addition to her own; the carport will not impede flow of traffic.

Various City Departments provided comments relating to the application. Kenora Fire had no issues, the Roads Department vouched for the travelled laneway as being maintained, and Kenora Hydro had no concerns regarding clearance. The Engineering Department commented on the lane encroachment and that there may be the opportunity for the City to acquire an easement. The Planner indicated that there is nothing in the City budget to do so, and it is uncertain whether the property owner of the travelled laneway entrance area would be supportive of transferring the easement if it means losing that portion of land.

Under the *Municipal Act*, the City has protection to use the travelled laneway. The Water and Wastewater Department had no concerns and the Environmental Services Department confirmed that there is curbside collection. As of the date of the meeting, no written comments were received from the public.

The Applicant stated that she is happy to hear that the access issue is addressed. The Planner clarified the outstanding issue of access, informing the Applicant that the laneway will likely continue as being considered "unofficial" since the property owner of the laneway entrance does not appear to be willing to work with the City to transfer it over. It would remain status quo. As an alternative, the Planner suggested that an easement could be applied for from the various other property owners that use the laneway.

Terri Sirman  
406 B Seventh Avenue South  
Kenora ON P9N 2E9

Terri Sirman asked the Committee whether the application has been revised since the initial notice had been circulated to neighbouring property owners.

Kylie Hissa confirmed that it had been revised; the request for a 0.5m relief to the minimum 1m rear yard setback had been removed, as the Applicant would be compliant with those Zoning By-law provisions. The carport would be located 3 m from the rear yard, which includes a portion of the travelled laneway.

Ms. Sirman asked why the notice had not been re-circulated to make note of those changes. The Planner clarified that the changes were not more impacting and indeed, that removing the request for relief of the rear yard setbacks made the Applicant more compliant; it was not necessary.

Ms. Sirman asked the Applicant if the carport will be located where the current retaining wall is. The Applicant confirmed that it would be.

Pat Zabloski  
408 Seventh Avenue South  
Kenora ON P9N 2E9

Pat Zabloski informed the Committee that he had received the notice of application and had been initially concerned with the request of approval for the 0.5 m rear yard setback. His property is behind the Applicant's and during the winter months, backing out of his driveway is slippery. After meeting with Kylie Hissa at the Operations Building and reviewing the revised application, he no longer was concerned. Mr. Zabloski informed the Committee that in Toronto, notices of applications include surveys, blue prints, and complete applications. He felt as though the City of Toronto does a better job at providing all the necessary information. Terri Sirman agreed with Mr. Zabloski that the notice of the application is not sufficient to make an informed decision regarding whether or not it is a concern.

Mr. Zabloski also inquired about snow clearing of the travelled laneway and expressed concern that it is not plowed in a timely manner. The residents that use that laneway often plow the snow themselves.

The Applicant stated that she is concerned with emergency services, especially if it is not plowed. It is a concern that an emergency vehicle would not be able to have access.

In response, the Planner clarified that the notice of application is not intended to give a full description and instead, states that members of the public can email, call, or go to the Operations Building in person and ask for more information. There is the possibility in the future to post everything online; the City is working towards that.

The Planner also clarified that the comments regarding the City maintaining the travelled laneway is with regard to filling potholes. The Roads Department did comment that the road is plowed before they get there. Unfortunately, it is not a first priority; however, it would be worthwhile for neighbours to address their concerns in writing to that department.

The Chair asked the Committee if they had questions pertaining to the application.

Bev Richards asked the Applicant whether the carport would be able to include sides since the carport itself looks like it is the roof itself with posts. The Planner indicated that yes, the Applicant would have the potential to do that; however, the Applicant stated that she has no plans of doing so.

Ray Pearson had a similar question to Bev's and stated his concern over the possibility of having the carport be turned into a full garage.

Wayne Gauld asked for clarification whether it could be turned into a garage.

The Applicant stated that the intent of the carport is to protect the vehicles from the immediate snow, even by just a little. The house was bought with the intention of using the garage but circumstances have changed. She wants to maintain the value of her own property and the neighbouring properties and would not want to deter future buyers by it becoming a shed.

The Applicant also informed the Committee that prior to submitting her application, she had spoken to Kevin Robertson (Chief Building Official) at the City. After reviewing the proposal, he noted that the setbacks may be an issue and let her know of the planning application process. The schematics provided as part of the application show that the proposed construction is post and beam – the carport may not protect the vehicles fully but at least by a little bit.

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

Vince Cianci indicated that he is struggling with the concept of a 0 m side yard setback and suggested that with the carport being open concept, the door of the vehicle can swing beyond the posts.

The Applicant stated that in the current situation, the vehicle doors swing the same way; parking has been an issue since she has bought the house.

Wayne Gauld asked if water would flow into the neighbours' yards with the carport being covered. The Applicant stated that the carport roof is sloped towards her own house and that she doesn't think that would be an issue.

The Applicant came forward and offered the Committee members her construction plans for them to review.

Vince Cianci and Wayne Gauld asked for clarification whether the carport will be built right on the property line, to which the Applicant responded by saying it will be constructed on the inside of the existing retaining wall.

Vince Cianci referenced the 1 m setback of the structure to the main house and indicated that carports could be attached to the house.

The Committee then had a discussion over detached and attached accessory structures and how far of a distance would be necessary. It was suggested that the 2 m minimum setback to the main building is more applicable to detached garages and sheds for emergency services. Having an open-concept carport would not be as large of a concern in the case of an emergency since there would be no sides to block access.

Graham Chaze specified that there was no feedback objecting to the side yard setback clearance. Wayne Gauld indicated that the particular neighbour to which would be affected by the 0 m interior side yard setback is not in attendance of the meeting.

Graham continued, stating that the surrounding neighbours had been circulated notice and that it sounds like the main concern was regarding the rear lane. In his mind, if the carport is built over top of the retaining wall it would not change much, visually speaking. The vehicle would also open the same way whether or not it was there.

Chris Price asked the Applicant where the snow was going in the winter, to which the Applicant responded by saying that the snow was going in the front, side, and anywhere they could move it.

Mr. Zabloski, member of the public, contributed by stating that the lane drops off and so they push the snow off towards the end.

Ray Pearson asked whether the existing retaining wall had been built recently or if it had been there before. The Applicant confirmed that it had already been there when she bought the subject property. Prior, she had been informed that access to the garage could be blocked off. The previous owner had already been addressing the issue of parking.

Ray Pearson asked the Applicant if the neighbour had an issue with the retaining wall at that time. Wayne Gauld clarified that there had been no issues until access to the garage had been blocked off.

Mr. Zabloski, member of the public, informed the Committee that the previous owners had been using the garage during the spring months. The issue of the garage access had been a deterrent for potential sales, which is why the previous owner had to do something for parking as an alternative. The retaining wall was built and the area had been backfilled so that it was level with the laneway.

Bev Richards asked the Applicant whether they are a one or two car household. The Applicant responded by saying they have two vehicles, sometimes three.

Vince Cianci asked whether there will be eaves or any type of overhang for the carport. Since the overhang becomes part of the carport, Vince asked for clarification whether the carport posts will be on the retaining wall and if the overhang would encroach on the neighbouring property.

Robert Kitowski suggested that if the structure is built as per the submitted drawings, it would be within the Applicant's property lines.

The City Planner stated that the Zoning By-law also would not allow any awning to encroach on neighbouring properties.

Mr. Zabloski, member of the public, responded to Vince's concern over the 0 m interior side yard setback by stating that the Applicant would not be able to accommodate parking for two vehicles without it.

Bev Richards asked whether the Building Inspector would have to sign off on the construction plans and if they would be required to perform an on-site inspection to confirm that it meets the specified setbacks.

Vince Cianci responded by saying that it is the owner's responsibility to make sure it is on the property line.

Kylie Hissa read the recommended decision to the Planning Advisory Committee.

The City Planner confirmed that the zoning provision for accessory structures is 2 m from the main building. Since the structure is a carport and close to the laneway, fire access is not a concern.

**Moved by: Robert Kitowski**

**Seconded: Graham Chaze**

That the Kenora Planning Advisory Committee approves Application for Minor Variance File No. D13-18-05, seeking relief from Section 3.34.1 (b) v. vii. and Section 4.3 (h) – which requires a 1m interior side yard setback and 1m minimum rear yard setback for accessory structures; minimum 2 m setback from the main building; and maximum 40% lot coverage within the R1-Residential First

Density Zone. Approval of the application minor variance file: D13-18-05 will allow the construction of a carport accessory structure on the existing driveway with a 0m interior side yard setback; 1 m setback from the main building; and increased lot coverage of 45%. 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, do not appear to have a negative impact on neighbouring properties and considered minor in nature.

Carried.

b. D10-18-07

Karen Blake, Agent  
63 Drewry Drive  
Kenora ON P9N 2X7

Karen Blake approached the Committee and introduced herself as the acting Agent for file D10-18-07. The application seeks approval for an easement on behalf of her father at 418 Rabbit Lake Road, Roy Thomson, in favour of 420 Rabbit Lake Road, for access. Ms. Blake indicated that she had spoken to Rugged Geomatics and they have informed her that they will be surveying for the easement regarding the current application sometime that week.

The City Planner informed her that typically, a survey would not be required until the application has been approved. The Planner asked the Agent if there was anything she was doubtful of or if there was anything that the drawing may not take into consideration, which would result in her getting the easement surveyed at this time.

The Agent stated that her lawyer had recommended getting the survey, which is why she had organized to do so. The Agent informed the Committee that the dimensions of the proposed easement may change since the posts had been found further back on the subject property. The depth of the easement may be closer to 30 ft (9.14m) instead of 25 ft (7.62m), as per the submitted application.

Wayne Gauld asked to confirm what time the surveyor said he could survey for the easement. The Agent responded by saying she was told sometime that week; however, knowing timelines, it could take longer.

Wayne Gauld suggested that having the easement already surveyed would enable the Committee to provide an exact approval based on those measurements.

There was discussion as to whether it was necessary at this time to have exact dimensions of the proposed easement or if it could be approved based on the general intent and general sketch.

The Planner presented the planning report file D10-18-07, indicating that the owner of the subject property also owns the abutting property to the west, of which

received approval of a consent application the past Fall. There were no issues from internal City Departments and no written comments were received as of the date of the meeting.

There was no one in the audience to speak in favour of or against the application.

The Chair asked the Committee for questions pertaining to the Application.

Robert Kitowski asked if the recommendation in the planning report is for consent to establish an easement or if it needs to be specific. The Planner clarified by saying the recommendation references the application itself, so the decision would be associated with what is submitted.

Chris Price asked if a sentence needs to be added in the recommendation itself about the dimensions within the recommendation.

Kylie Hissa read the recommendation as per written in the planning report.

The Chair asked the Committee whether members wanted to discuss how the recommendation was written.

Ray Pearson indicated that without clarification on the measurements for the easement, it sounds like a "blanket easement". Ray suggested a condition be included to grant the easement, not exceeding 10 m in depth.

Committee members agreed that measurement would suffice as a condition of approval.

Bev Richards informed the Committee that on the list of conditions related to provisional consent, "Transfer of deed" should be written as "Transfer of easement".

There was no further discussion.

**Moved by: Bev Richards**

**Seconded: Ray Pearson**

That application D10-18-07 for consent to establish an easement over property located at 418 Rabbit Lake Road, described as CON 6J N PT LOT 6; RP KR 725 PART 2 PCL 38218, PIN 42173-0057, in favour of PIN 42171-0058, be approved and subject to the amended conditions as outlined within the planning report.

Carried.

- (vii)** New Business
  - a. Kings Landing

Devon McCloskey presented to the Committee drawings that had been circulated earlier on, which had been done so to provide early consultation regarding the upcoming condominium application. She indicated that she wished to give the



Committee the earliest opportunity to review them. The application is expected to be heard on the July PAC meeting and will be a common elements type condominium. If there are any concerns with the arrangements of the units, the Committee could address that at the meeting.

Vince Cianci asked if the roads will be private and not built to municipal standards. The Planner confirmed that they would not be.

Vince Cianci also asked if the east west road is 50 feet, to which the Planner indicated that it is less than the minimum amount required.

Vince Cianci stated that there is not much amenity space for each of the units. The Planner indicated that the Applicant is marketing the units as such; to have less grass to cut for yards, etc. The Applicant is also considering having a larger communal area in the back of the property to be available for walking trails. They had proposed a number of walkways throughout the environmental protection area; however, it was recommended to remove that from the proposal until they get an EIS to address any negative impacts. In the future, if the high rise buildings get developed as the second stage, the Applicant would try to encompass the environmental protection area within the plans.

Wayne Gauld suggested that the plans received look different to what had been submitted before, referencing guest parking and a bus turn around. The Planner clarified that those items had been their Phase Two of the project, which will be a future plan. There will be internal garbage pick-up; however, the Planner was not sure whether they will be bringing it to the transfer station with a private contract.

The Planner stated that if there are any questions from Committee members, she can have them answered so that they are addressed at the next meeting in July.

Bev Richards stated that there was a clerical error on one of the plans - lot 23 on will need to be changed to lot 21.

Bev Richards mentioned that it looks as though the condominium will have a bus stop and green space. Since certain areas that appear as though they would be a common amenity space are close to abutting lots, some of the unit's future occupants may think that it is part of their yard, which would be misleading.

The Planner also indicated that there are two easements – one on the east side for fibre optics, which is buried, and the other is on the west for private access, which had been approved in 2017.

The Committee discussed the originally proposed bus stop and the potential for a bus route to go that way in the future. It was decided that having a bus stop area wouldn't affect the lot plans itself, as it would be on City property.

### **(viii) Old Business**

a. OACA Training and Conference

Kylie Hissa indicated that she had included the OACA Conference under Old Business of the agenda a way to share what was learned to Committee members who were not able to attend. Kylie also offered to provide flash drives of the OACA binder material for those that were interested.

The attending members shared interesting information that they learned such as what survey plans should be required for planning applications, validation certifications, "Robert's Rule of Order", and accepting minor variance applications for minor changes of use.

Following the conversation regarding the OACA Conference, Chris Price asked what standard of application is required before it is refused from the Applicant. The Planner indicated that the Planning Department does accept applications from non-professionals and that while it is encouraged to work with a solicitor on applications, not everyone has the resources to do so.


Chris Price suggested that in technical documents, incorrect terminology can have repercussions. The Planner indicated that staff and Committee members have a strong understanding of what is requested in an application and the meetings help clarify any concerns and to address any misinterpretations. She suggested that there is the potential to have a sketch of what has been approved as part of the decision in order to better document the decision.

**(ix)** Adjourn

**Moved by: Chris Price**

That the June 19, 2018 Planning Advisory Committee Meeting be adjourned at 8:35 p.m.

Minutes of the Kenora Planning Advisory Committee meeting, Tuesday June 19, 2018, are approved this 17<sup>th</sup> day of July, 2018.

  
\_\_\_\_\_  
Wayne Gauld, Chair

  
\_\_\_\_\_  
Kylie Hissa, Secretary-Treasurer