

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

Meeting Minutes
City of Kenora Planning Advisory Committee
60 Fourteenth St. N., 2nd Floor – Training Room
May 15, 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
Melissa Shaw	Secretary-Treasurer
Devon McCloskey	City Planner
Kylie Hissa	Planning Analyst

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
 - April 17th, 2018
 - Amended: April 17th, 2018 minutes of the regular Kenora Planning Advisory Committee meeting.

Moved by: Robert Kitowski

Seconded: Graham Chaze

Carried.

(v) Correspondence relating to applications before the Committee

Kylie Hissa spoke to the correspondence that was circulated to PAC members on May 14th, 2018. The correspondence included example photographs for concurrent application files D10-18-06 & D13-18-04, which were provided by the Applicant; comments received by the Roads Department for concurrent application files D10-18-06 & D13-18-04; and a redacted public comment received regarding minor variance file D13-18-03.

(vi) Other correspondence

Devon McCloskey informed the Committee that a piece of correspondence was received earlier that day in regards to a previous planning application relating to Scott Island. Devon indicated that it won't be an item for discussion at the present meeting; however, she wanted to circulate to the Committee for information purposes. It will be brought forward with the next submission of the planning application.

(vii) Consideration of applications for minor variance

a. D13-18-03, Robertson

Steve Robertson, Applicant
360 Bruckenberger Road, Black Sturgeon Lake

Steve Robertson, the Applicant, introduced his application to the Committee to install a septic tank, explaining that he is requesting relief of 6.6 m from the 20m setback to the high water mark of any watercourse or water body. The location of the septic tank was approved by the Northwestern Health Unit. The Applicant stated that the planning report is quite complete and won't reiterate much else. The Applicant indicated that there had been concern regarding overburden and informed the Committee that this will be resolved and stabilized during final grading in the next week or two once the weather permits. The tank, itself, is located amongst a stand of mature trees – all of which would help stabilize the overburden and any outflow into the lake.

The City Planner presented the planning report, file: D13-18-03, and explained that the construction of the seasonal dwelling on the subject property is underway. The Northwestern Health Unit (NWHU) has indicated that they will permit the development. The Planner referred to a 2007 report commissioned by the City to inform of normal water fluctuations. The Planner stated that she included a statement about water levels on the lake in the planning report because unlike Lake of the Woods, the City does not have a measured level to measure back from. Instead, natural shoreline is used as knowledge of where that measure is. The Planner informed that water levels apparently fluctuate around four feet on Black Sturgeon Lake.

The Planner informed those in attendance that a site visit was completed on May 10th, 2018 to review existing conditions on the subject property. Quite a bit of work had been done on the shoreline as a result of the buried tank being

installed, some trees had been removed and some overburden was disturbed. The contractor had advised the Applicant that due to insufficient soil depth, there wasn't a location available that would comply with the by-law. The Planner confirmed that the septic tank has already been installed but is awaiting approval before being hooked up to use. The Northwestern Health Unit (NWHU) comments identified that the tank would be installed with a high water alarm in case there was ever septic failure. If the alarm goes off, the user stops using it and checks the tank. Furthermore, the NWHU abides by applicable law and would not have accepted the proposal otherwise.

The Planner indicated that as per Section 8.4 of the Official Plan, site plan control may be used for Black Sturgeon Lake in order to protect natural resource values, which is relevant to this area. Within the Zoning By-law 101-2015, Section 3.30 also regulates septic systems except for flood control or erosion works – no building or structure or any part of sewage system should be located closer than 15m to the top of any water bank or watercourse. There were no comments or concerns, with the exception of the NWHU that added that they were okay with the application and that an alarm would address concerns for flooding or pump failure.

The Application was circulated in accordance of the *Planning Act* and public comments were received from property owners. Generally, they expressed concern with closer proximity to the tank and were concerned that this application would set precedent.

The Planner indicated that the NWHU gave their approval to the septic tank's location and that they are confident in the tank's technology. Since they are the approval authority for septic systems, the City would yield to the Health Unit to provide comments. It would be the City's authority to ensure that the construction taking place within the 20m waterbody setback would not destabilize the ground surface. Relief from the Zoning By-law may be granted if there are no negative impacts and that loosed overburden is managed to mitigate it from going into the water. The Planner informed the Committee that since construction has already taken place the overburden will need to be stabilized.

The Planner recommended that PAC considers the public comments brought forward and that the application be approved conditional of site plan control.

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

Steve Garrett,
Vice President of Black Sturgeon Lake
Property Owners Association
79 Lawton Drive

Steve Garrett wished to represent other members of the Black Sturgeon Lake Property Owners Association and their raised concern over the minor variance application. Mr. Garrett informed the Committee that the main concern of the residents was water quality and asked if the tank had already been installed and whether permission was supposed to be granted before doing so. Mr. Garrett stated that he lives down the road from the subject property and three cottages have had a similar issue with finding suitable locations for septic tanks; however, they do not encroach on the 20m setback and have a tank house in order to avoid any issues close to the water. He also asked if the NWHU performed an on-site inspection to determine the soil depth of other locations since neighbouring cottages on either side of the subject property have not encountered any issues. Mr. Garrett expressed his opinion that although the septic tank has already been installed, it does not mean that the application should be approved.

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

Robert Kitowski asked the Applicant who will be checking the wiring to ensure it is on a separate circuit and what would happen if the alarm goes off when someone is not there, since the dwelling will be occupied seasonally. Robert also asked for clarification on the 6 feet distance the NWHU mentioned in their correspondence with the Applicant, since metres had been used in the rest of the application. Robert was hoping for clarification on whether they were speaking to the Provincial or the Municipal standard.

After discussion amongst the Committee with regard to the difference between the two standards, it was confirmed that the NWHU was referencing 6 feet to the Provincial 15m setback standard.

Vince Cianci asked the Committee if the City's standards were not still at a 30m setback for septic system installation. Devon McCloskey informed Vince that according to the 2015 Zoning By-law, it referenced a 20m setback. Steve Garrett, from the public, stated that the standard changed from 20m to 30m back to 20m.

Melissa Shaw left the meeting at 7:24p.m. to retrieve the older version of the Zoning By-law to confirm whether the previous setback had been listed as 30m.

Vince Cianci asked if the tank needs to have a pump since the septic field is behind the house and the tank itself is in front of the house. Vince also inquired whether it matters for where the tank is located. Devon McCloskey informed the Committee that the septic tank alarm will help account for any potential failure. Vince maintained that even with the alarm, if the tank fails, it is still closer to the water than needed. Devon McCloskey stated that it is a caution that the City takes and the 20m setback is greater than the Provincial standard. The Province is adamant that new technologies for septic tanks can be supported and the City does not have the technical means to say otherwise. Devon indicated that

another reason why the setback is set at 20m is to also account for structures on the surface and to reduce any disruption of shoreline features. This is a unique application because the tank is buried.

Wayne Gauld requested clarification for how the application came to be. He asked if the tank is currently buried where it is in order to permit gravity flow to the septic field, which would be why it cannot be located outside of the setback. Wayne asked if other locations were considered and how much rock was encountered and what sort of soil depth would be sufficient.

The Applicant stated that the locations they had been looking at had only 2 to 3 feet of soil and that there was a lot of rock.

Wayne Gauld asked how the gravity flow would be affected by the rock and inquired about who the installer of the tank was.

The Applicant responded by saying De Smit & Son Contracting Inc. was the installer.

Ray Pearson asked for clarification on the application and construction process and whether the construction on-site had been done in the Fall with the NWHU's authorization for the tank's location.

The Applicant responded by saying he believes so.

Ray Pearson also asked if there were other considerations for the location such as the side yard and north yard.

The Applicant stated that he believes the contractor tried to find an appropriate location all around the subject property and that the one location was deemed suitable and received approval from the NWHU, who then deferred him to the City for final approval.

Devon McCloskey indicated that the construction having already been undergone had been a surprise; the Building Department was under the impression that the Health Unit was going to approve the septic tank installation. There may have been an oversight between correspondence with the Health Unit and the Building Department; the Building Department was surprised that a minor variance was required.

Ray Pearson asked that since a pump is needed anyways, could it be put in the back yard. The Applicant stated that with the slope of the property and the building itself being a walk-out, the backyard would be very deep to install the tank. Ray asked if it had still been an option.

The Applicant stated that he was not sure that it was.

Bev Richards asked the Committee if the decision could be based on the previous compliance standards.

Wayne responded by saying that the Committee will make a decision to approve or not approve as it has been written.

Devon McCloskey informed the Committee that the NWHU had never discussed anything about a tank hut which may have been a solution; however, it would not be appropriate for insulation. Part of why the NWHU suggested this option for the tank to be at its current location was to ensure it was buried with sufficient depth of soil in order to be insulated.

Bev Richards asked if the sewage would be pumped up to the septic field.

Graham Chaze responded by stating that it would be dissolved solids being pumped to the field. Graham also asked whether a grinder tank had been considered to put on the lowest level of the dwelling.

The Applicant replied by stating he is not sure with the current foundation that a grinder pump would work.

Chris Price asked the Applicant if the house is connected to the grid.

The Applicant confirmed that it was.

Wayne Gauld asked the Applicant if the assumption was that the septic tank would be located where it is today.

The Applicant stated that the assumption was that there would have been sufficient depth beyond the required setback. It was supposed to be; however, they found that it could not be located elsewhere due to the rock.

Vince Cianci asked why the grinder pump was not considered since it would be considerably smaller.

Wayne Gauld re-stated that the Northwestern Health Unit is the authority for septic systems and the Committee needs to be careful on how they advise based on that premise. Devon McCloskey stated that in the future, it may be beneficial to have a representative from the Health Unit present to the Committee about their process of septic system approval. If she had received questions earlier, she may have had the opportunity to find additional information prior to the current meeting.

The Applicant informed the Committee that as part of the correspondence with Doug Vergunst, Chief Building Official of the NWHU, it was preferred to pump clear effluent rather than dissolved solids. After De Smit Contracting began the process of installing the tank and discovered the soil depth/bedrock issue, they

connected with Doug at the NWHU. The Applicant confirmed that the septic tank had been the preferred option of the NWHU instead of the grinder pump.

Robert Kitowski asked again who checks to make sure the septic tank is installed properly.

The Applicant stated that it would likely be up to the NWHU to make sure that it was.

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

Graham Chaze stated that given that the Health Unit has been consulted and that this is the solution they are comfortable with, even if it is not ideal, the Committee should default to the authority of the Health Unit since it seems like the property owner does not have many other options.

Wayne Gauld responded by saying Doug Vergunst has not offered any other system to rectify it, although he had alluded to other options by suggesting that this is the safest option of pumping effluent rather than raw sewage.

Robert Kitowski stated that if there was a leak, the effluent would have to go through the land before reaching the water. A concern is what would happen if the alarm goes off and no one is home.

The Applicant responded by saying there should be nothing going into the tank if no one is occupying the house.

Graham Chaze contributed to the Applicant's response by saying cottage owners typically turn things off when they aren't around.

Ray Pearson added that according to what the Health Unit says, this would be the best option; however, he is disappointed in the process since it is after the fact.

Graham Chaze spoke to the concern that this application would be precedent setting by saying that anyone else would also have to go through the exact process and applications are approved/not approved on a case-by-case basis. The Committee relies on the expertise of agencies like the North Western Health Unit (NWHU).

Wayne Gauld stated that the application also meets the Provincial standard. Vince Cianci contributed to this statement by saying that although it meets the Provincial Standard; it is outside the City's.

Steve Garrett, member of the public, asked why the tank was installed prior to obtaining approval for a minor variance.

Wayne Gauld addressed Mr. Garrett's concern and stated that it was the assumption that the septic tank could be located outside the setback and that when they went to install it, De Smit Contracting may not have known that he was within the City's setback.

The Applicant also stated that before De Smit installed the tank, he did talk to Doug Vergunst at the NWHU, who then deferred to the City for final approval.

Steve Garrett, member of the public, maintained that property owners know of the setback.

Robert Kitowski indicated that the Committee does not support decisions that have already happened; the Committee makes decisions based on whether they pass the four tests. All applications are assessed on a case-by-case basis.

Devon McCloskey informed the Committee that a recent By-law has been passed to allow the City to set fines for circumstances such as this where the By-law has been breached and before an application has been brought forward. Unfortunately, this particular application had been submitted prior to the new By-law was passed.

Steve Garrett, member of the public, stated that he would be more comfortable if the Health Unit had performed an onsite inspection before approval.

Devon McCloskey responded by saying the NWHU does conduct onsite inspections as part of subdivision applications; they do a good job at making sure that there is sufficient soil. The installer was also certified and would be able to do test pits and connect with the Health Unit. They did have that correspondence and the Health Unit informed the installer in November that a variance would be required.

Ray Pearson asked what kind of foundation the property has and whether it has a full basement. The Applicant confirmed that it does have a full basement. Ray asked whether the same issue of bedrock had been encountered with the basement. The Applicant replied by saying there was a big void in the ground to allow for its construction.

The Committee discussed whether there should be a condition of approval for the wiring of the system to ensure the alarm is on a second breaker. Graham Chaze stated that the Health Unit would need to ensure the alarm is wired before they could sign off on the tank's use.

The Committee discussed grinder pumps and the different types. Graham Chaze informed the Committee that the tank is much larger and likely safer for overflow compared to grinder pumps.

Wayne Gauld asked the Applicant whether the tank is hooked up. The Applicant informed the Committee that it is not yet hooked up.

Moved by: Graham Chaze

Seconded: Robert Kitowski

That the Kenora Planning Advisory Committee approves Application for Minor Variance File No. D13-18-03, seeking relief from Section 3.30 (b) of the Zoning By-law – which requires a 20m setback from the normal high watermark of watercourses and waterbodies. Approval of the application minor variance file D13-18-03 will allow a chambered septic tank to be installed 13.4m from the high-water mark of Black Sturgeon Lake; conditional on approval of a site plan application to ensure that the site work is completed to stabilize the overburden adjacent to the shoreline and that a high-water alarm line be installed on a separate circuit, to the satisfaction of the Northwestern Health Unit. 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. D13-18-04 & D10-18-06

Jason Miller, Applicant
Habitat for Humanity

Jason Miller introduced himself as the Habitat for Humanity Project Manager for Manitoba and Northwestern Ontario. The application is to permit two partner families on the subject property. The first home would be constructed on the severed interior lot whereas the second home will be constructed on the retained exterior lot. To permit this development, Habitat for Humanity is concurrently applying for consent to create one (1) lot and applying for a variance seeking relief from the front yard and rear yard setbacks and lot coverage in the R2-Residential Second Density zone.

The City Planner presented the planning report, file: D13-18-04 & D10-18-06 which combined the two concurrent applications for minor variance and consent. The Planner confirmed that the proposed retained lot would remain a corner lot and be developed in the future. The severed lot would be developed this year and would have the same dimensions of the retained lot. A site visit had been conducted on April 19th, 2018 and it was evident that there may be drainage concerns due to the location's slope.

Comments from internal City departments were addressed, such as providing more detail in the planning rationale and the possibility for the proposed lots to be separately serviced. Kenora Hydro has been in contact with the Applicant regarding servicing the proposed corner lot and logistics will be determined once approvals of the applications have been received. Canadian Pacific Railway requested that a warning clause be included as a condition of approval since the subject property is within 300m of the railyard. There were no public comments received prior to the PAC meeting.

Although the size of the proposed lots are significantly less than the regulated requirement, the orientation of the dwellings, reduced floor area and efficient

use of the lots will help ensure that needs including play areas and parking spaces are accommodated. The proposed single-detached dwellings would not be closer to 3m of the side yard and access would be provided along the interior side yard and the front of the lot. The Planner had suggested to the Applicant that the buildings be moved closer to the front lot line in order to provide a larger rear yard, which may be more suitable for the families to enjoy. The Roads Department had been advised of the possible change and it was noted that the building should not encroach on the sight triangle as per Section 3.31 of the Zoning By-law. Entrance permits would also be required.

The City Planner recommends that the application be approved at the subject location with conditions, including that a drainage plan be consulted with the Operations Department and that the CP Railway warning clause be provided to subsequent owners and users of the properties.

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

Jamie Burley
313 Seventh Ave. North
Kenora ON P9N 3H9

Jamie Burley wished to express his concern that the property is not large enough to accommodate two dwellings, although he was supportive having the one partner family to occupy the lot. Mr. Burley was also concerned about potential drainage issues that could affect his own property if the dwellings were built; he does not currently experience any flooding but is worried that it might change.

Marybelle Haney
504 Fourth St. N
Kenora, ON P9N 2N3

Marybelle Haney wished to also express her concern that the property is not large enough to accommodate parking and yards for two families on the lot. Ms. Haney informed the Committee that the lot had been previously owned and occupied with a dwelling and they barely had a yard.

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

Chris Price asked whether a semi-detached dwelling had been considered for the lot. The Applicant informed the Committee that it had been considered; however due to financial constraints they could not fundraise 50-60% of the project. They also have a family ready to move in now and wanted to expedite the process. Chris also asked if they plan on having a full basement, similar to what had been done at 9th Street Confectionary. The Applicant confirmed that it would be a similar footprint – three or four bedroom, if needed. The Applicant also stated

that they can only build one dwelling at a time since Habitat for Humanity does not have the finances to build the second one right away.

Bev Richards inquired about the capacity of the Ukrainian Hall and the possibility of increased traffic to that area, which would be a safety concern for the families. Bev also asked whether there will be fencing between the two dwellings. The Applicant confirmed that there will be fencing on all four sides of each lot. Bev noted that the provisions for the sight triangle area will need to be accounted for. Bev also asked whether there will be a fence between the driveways. The Applicant confirmed that there will be a fence down the driveway so as to mitigate any potential future neighbour disputes.

Ray Pearson asked the City Planner for clarification regarding the current zoning of the lot, since it is zoned R2-Residential Second Density. Ray asked the Planner if they could have a semi-detached dwelling on the lot instead of splitting it in half. He was concerned whether two semi-detached dwellings could be built on each lot and if it was more appropriate to re-zone the property to R1-Residential First Density in order to prevent that from happening.

Vince Cianci also inquired whether the size restriction could prevent them from building a duplex.

The Planner indicated that in the decision, it would be noted that the intent was to have two single-detached dwellings so that if an application came forward to have higher density on each lot, the City would not permit it.

Ray Pearson suggested that if the City is permitting the creation of an R2 zoned empty lot, future owners may come forward trying to build a duplex.

The Planner maintained that the City would be in a position to say that the lot is undersized and does not meet the zoning provisions for a duplex, whereas a single-detached dwelling could be approved.

Ray Pearson indicated that although he is supportive of the application, he believes the property should be re-zoned to R1-Residential First Density. Ray also asked whether there are tax implications to the owner, to which the Planner confirmed that there is not.

Wayne Gauld also spoke to seek clarification regarding the possibility of future owners building a duplex on the second lot. The Planner confirmed that the minor variance would apply to both properties.

There was still concern amongst Committee members regarding the future use of the second R2 zoned lot, if the second dwelling is never constructed.

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

Vince Cianci asked if the concern of the application is the potential for two duplexes being built and whether the two single-detached dwellings would not be an issue.

The Planner spoke to clarify what would be permitted in the future if the application is approved. She stated that there is the ability for the uses permitted in the R2 zone because the use is not addressed in the minor variance application. However, the application itself is quite clear on what is exactly proposed and that the application is being evaluated based on the specific proposal. If in the future, a duplex is proposed, the Committee would maintain its position that it is not a permitted use since it does not meet the minimum By-law provisions; similar to legal non-complying lots in our Zoning By-law.

Vince Cianci spoke to support the development of both single-detached dwellings. Vince stated that concerns regarding drainage will be addressed as a condition and the condition would be met during construction; if good building techniques are implemented, there should be no concern.

Bev Richards asked if the proposed use of the retained lot as a single-detached dwelling could also be listed as a condition of approval.

Vince Cianci asked whether a variance would be required to build a duplex on an undersized lot. The Planner stated that the provisions for the R1-Residential First Density and R2- Residential Second Density zones are the same and that there is no difference for a duplex versus a single detached dwelling.

The Applicant expressed his support for the amended conditions and stated that they will work with their lawyers to address any concerns.

Wayne Gauld asked Jamie Burley, member of the public, whether they have had issues with drainage.

Mr. Burley responded by saying that since the previous dwelling has been demolished, he does not experience any flooding in their basement; however, the rain does flow rapidly through his backyard. He re-stated his concern regarding drainage and the potential for the construction to cause water to run into his basement.

The Applicant spoke to address the concern by saying that the location of downspouts and drainage would be attended to, during the building permit application and construction.

The Planner indicated that although a drainage consultation is listed as a condition in the planning report, the Committee has the ability to make a request that a drainage plan be submitted.

The Applicant indicated that a local surveyor has already been hired to undergo a drainage plan.

The Committee discussed amending the listed conditions as per the planning report.

Marybelle Haney, member of the public, also commented that during heavy rainfall, water flows down the hill and on the side walk.

Wayne Gauld informed Ms. Haney that the Applicant will have to address water drainage if the application is approved.

Bev Richards asked whether the driveways are paved or gravel. The Applicant replied by saying that they will use whatever is required as per the City's Zoning By-law.

Bev Richards also indicated that the legal description of the subject property should be amended to read "BLK 4" rather than "BLK 2". Bev also asked what the timeline of construction is.

The Applicant replied by saying they hope to begin construction mid-July. The Applicant confirmed again that a duplex could have been constructed instead of having two single-detached dwellings; however they did not raise enough money to permit that. The Applicant suggested that property values will be raised with the two single detached dwellings.

Moved by: Robert Kitowski

Seconded: Bev Richards

That the Kenora Planning Advisory Committee approves Application for Minor Variance File No. D13-18-04, seeking relief from Section 4.2.3 (b) (c) and (f) - which requires a minimum lot area of 450 m²; minimum setback from the front lot line of 7.5m; and a minimum rear lot line setback of 8m. Approval of the application minor variance file: D13-18-04 will allow the construction of a single detached dwelling on a lot with reduced area of 340.47 m²; reduced front yard setback of 5.6m; and reduced rear yard setback of 5.2m; conditional on the submission of a drainage plan; that the lot retained and the lot created only be available for development of a single-detached dwelling; and that at the request of the Canadian Pacific Railway, a warning clause be provided to subsequent owners and users of the properties. 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.

That application for consent D10-18-06 for lot creation; PIN 42170-0205, PLAN 3 BLK 4 PT LT 91 and 92, civic address 323 Seventh Avenue North, be approved and subject to amended conditions as outlined with the planning report. That 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 101-2015 as amended.

Carried.

(viii) Consideration of Applications for Consent
a. D10-18-05, Snow

Randy Seller, Agent
Hook, Seller & Lundin LLP

Mr. Seller approached the committee and referenced the planning report as provided. The Agent indicated that the Committee has heard the entirety of the application during the previous PAC meeting in the context of the zoning change. The application is seeking consent to create one residential lot in the Black Sturgeon Area, adjacent to the current Snow commercial tourist resort in order to separate the residents from the commercial operation. All basic requirements with respect to Black Sturgeon Lake (Restricted Development Area) zone will be met. As per one of the comments received in the planning report by Hydro One, there will be separate services for the commercial operation and the residential lot. There were no issues with the suggested list of conditions for approval. The Agent indicated that another condition could be established to require a permit for the new septic system.

The City Planner stated that Council held its public meeting for the concurrent zoning by-law amendment; no members of the public were in attendance to speak in favour of or against the file. The application will proceed and the appeal period will finish during the middle of June.

The Planner indicated that it is not necessary to review the planning report since it had been presented at the last PAC meeting; all comments from internal departments were the same. Melissa Shaw suggested another condition of approval be included in the decision to ensure that the proposed cul-de-sac be constructed to municipal standards and transferred to the City. The Agent approved this suggestion.

Kylie Hissa read the decision to include the amended list of conditions.

The Chair asked if there was anyone whom wished to speak in favour of or against the application. There were none.

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

Vince Cianci wished to confirm whether the sketch of the cul-de-sac, as included in the planning report, would be what is built. The Agent confirmed that it would be.

The Planner indicated that there is a radius on the application sketch drawing and that the Applicant is aware of the Type C requirement, which was also attached to the application. She stated that the City would provide the surveyor a copy of the decision and they will see the diagram. The Agent informed the Committee that the cul-de-sac has already been designed based on the standards provided by the City.

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

Moved by: Robert Kitowski

Seconded: Ray Pearson

That application for consent D10-18-05 for lot creation of one (1) BSL-Black Sturgeon Lake (Restricted Development Area) zoned lot, legally described as PIN 42136-0067, Part Broken Lot 10, Concession 5 and 6, Melick, civic address 100 Kelly Road, be approved subject to the amended conditions as outlined within the planning report.

Carried.

(ix) Old Business

a. OACA Training and Conference

Devon McCloskey informed the Committee that flights and transportation has been booked and the confirmation emails had been sent out to the attending Committee members.

Vince Cianci wished to have an informal discussion regarding the decision for a previous consent planning application file D10-17-13, for lot creation. Vince felt as though the Applicant did not bring forward an appropriate hardship case since the rationale for the application was because a family member would not support an alternative. Vince indicated that the By-law dictates that the RU-Rural zone requires a minimum of 90m lot frontage. He was not in support of the reduced lot frontage to 45m for the created lot that an application for minor variance had also been approved for. Vince wished to hear the opinions of other Committee members regarding the application.

Ray Pearson indicated that the subject property had been landlocked and the Applicant wished to obtain a 45m strip for legal access to the rear property. The Committee approved the 45m frontage based on the submitted application.

Graham Chaze felt as though having the 45m frontage was reasonable so as to not de-value the other piece of land by having a 90m setback.

Vince Cianci asked the Committee what would stop someone constructing a house on the lot in the future. Graham indicated that other properties in the area with homes also do not have the 90m frontage; the neighbourhood's character would not be negatively impacted.

The Committee discussed the application further and whether the Committee would permit a series of lots with reduced frontages to 45m. It was determined that it would not necessarily be permitted in the future.

Devon McCloskey explained that the application had been determined as being minor in nature by using the RR-Rural Residential zone as an example. Although

the rationale for the application may have been weak, the applications itself are evaluated based on whether it meets the four tests.

Graham Chaze also suggested that the subject location is ideal for future development and that it shouldn't be prevented by maintaining the 90m frontage. Although the property could be used in the same way for generations, development may take place whether it is current or future owners.

Wayne Gauld asked Chris Price what his opinion was. It was Chris's opinion that the application was not minor in nature; however, he acknowledges that he has less knowledge regarding real estate.

The Committee finished the informal discussion to move to the last agenda item.

(x) New Business

- a. Resolution to nominate Kylie Hissa as Secretary-Treasurer for a term of 18 months.

Moved by: Bev Richards

Seconded: Graham Chaze

Resolved that the Planning Advisory Committee nominates Kylie Hissa to act as Secretary Treasurer for a term of eighteen months, effective May 15th, 2018 and that the Council of the Corporation of the City of Kenora appoints Kylie Hissa for the same purpose.

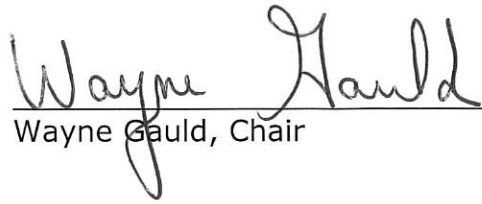
Carried.

(xi) Adjourn


Moved by: Chris Price

That the May 15, 2018 Planning Advisory Committee Meeting be adjourned at 9:13 p.m.

Minutes of the Kenora Planning Advisory Committee meeting, Tuesday May 15, 2018, are approved this 19th day of June, 2018.



Wayne Gauld, Chair



Kylie Hissa, Secretary-Treasurer

