



**Meeting Minutes
City of Kenora Planning Advisory Committee
Regular Meeting held in the Operations Centre Building
60 Fourteenth St. N., 2nd Floor – Training Room
January 22, 2019
6:00pm**

Present:

Wayne Gauld	Chair
Ray Pearson	Member
Graham Chaze	Member
Bev Richards	Member
John McDougall	Member
John Barr	Member
Andrew Koch	Member
Devon McCloskey	City Planner
Kylie Hissa	Secretary Treasurer

Regrets:

Robert Kitowski	Member
Tanis McIntosh	Member

DELEGATION:

- (i) Wayne Gauld, Chair, called the meeting to order at 6:02 pm and reviewed the meeting protocol for those in attendance.

The newly appointed committee members sat in the audience.

- (ii) Nominations of Chair and Vice Chair for the Year 2019
- The Chair deferred nominations to be discussed at the end of the Agenda.
- (iii) Additions to agenda - there were none.
- (iv) Declaration of interest by a member for this meeting or at a meeting at which a member was not present.
- Graham Chaze declared conflicts on file(s) D13-19-02 & D10-19-01 as the applicants have been clients of his.

- (v)** Adoption of minutes of previous meeting
 - The Chair asked the Committee if there were any questions or corrections to the minutes as circulated.
 - Approved as written: October 16th, 2018 minutes of the regular Kenora Planning Advisory Committee meeting.
- (vi)** Correspondence relating to the application before the Committee
 - The Secretary Treasurer indicated that several pieces of correspondence relating to files D13-19-01 and D14-19-01 had been circulated earlier that day. Printed copies were made available for committee members.
- (vii)** Consideration of applications for minor variance
 - D13-19-01, Sinclair

Dave Sinclair, Applicant
512 Fourth Avenue South, Kenora ON

Dave Sinclair introduced himself as the Applicant on the file, explaining that the intent is to build a garage that is slightly larger than the minimum coverage (%) of the lot. The existing house is very small and characteristic of the neighbourhood. The garage will provide extra space for storage and will be built in compliance to the accessory building setback requirements.

The Planner presented the planning report file D13-19-01. She explained that the proposed garage would be located 3 m from the rear property line and built 2% larger than the requirement as per the Zoning By-law No. 101-2015. The application would enable existing outdoor storage and two vehicles to be contained within one building and noted that the existing temporary shelter would be removed.

She indicated that there is also quite a lot of infrastructure going through the property, similar to many Lakeside residences. The City commented that they would remove the existing waterline and locate it further down towards the west property line; it won't be an issue for the project to move forward. That work would commence spring/summer and the garage would be constructed afterwards.

As of the day of the report, there had been no public comments; however, the Planning Department did receive a comment earlier that day. They wanted to ensure that development would not impede their ability from having their own development and were interested to know about drainage. There was some concern that water would flow onto their property if the garage discharges rainwater onto the roadway. The comment also inquired about the distance to the laneway. These concerns would be addressed through the site plan process. The Planning Report was sent to the individual and no additional comments were received.

It was the Planner's professional opinion that the application be approved. The application met the general intent of the Zoning By-law; development is appropriate and desirable; and the development would not have an impact on the overall lot coverage as the house is smaller in size.

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

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

Ray Pearson indicated that he would have asked about the rear yard setback; however that it had already been addressed. The development will meet the setback requirements.

Wayne Gauld asked where the Applicant's sewer and water is. The Applicant explained that it is off to the side on the property and is brand new. The neighbour's is right on the side lot line.

Wayne Gauld then asked if the waterline is dormant. The Applicant indicated that it is still active and servicing the neighbours. He noted that whether or not the variance is approved, the existing infrastructure will be an issue for any type of yard development; it goes kitty corner across the lot.

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

Ray Pearson expressed that the proposed development would be an improvement to the existing temporary garage and that the waterline situation would be resolved.

There was no further discussion.

Moved by: Graham Chaze

Seconded by: Ray Pearson

That the Kenora Planning Advisory Committee approves application for minor variance file no. D13-19-01, seeking relief from Section 3.34.1 (b) (vi) – which requires that an accessory building must not exceed 10% coverage of the total lot area. Approval of the application minor variance file D13-19-01 will allow a garage accessory building to be 12% of the total lot area.

Carried.

Graham Chaze left the room at 6:17 p.m.

- D13-19-02, Ashdown

Bruce Ormiston, Agent
Shewchuck, Ormiston, Richardt, Johnson LLP

The Agent introduced the application with some history of the land. In 2014 the owners applied for a minor variance to build a larger dock and it had been approved; however, due to personal reasons they did not build at that time. Since 2014, the owners have acquired a small piece of abutting land, offering them more shoreline. In 2018, a contractor advised them that their proposed structure could not be built in compliance with current zoning provisions for shoreline projections as it was too shallow with the presence of boulders. However, it could be built at a further

projection. The contractor was able to go on-site and do some measurements of water depth and determined that they would have to project an additional 5 m.

The Planner presented the planning report D13-19-02, explaining that the application is to allow for a 5 m additional projection than what the maximum requirement is. There was the application in 2014 where the City did allow a structure to be 120.9 m². While the increase in size was approved, the location was not. Now, a contractor has advised that the structure would be able to be accommodated at a 20 m projection.

The Planner described her site visit, where she attended the property on January 16th, 2019. The photos included in the Planning Report indicated a boulder marker that is estimated to be 18 m from the shoreline, which gives some reference for how the projection would look. Also included were photos from abutting boat ports in the area.

She described that the application is consistent with the Zoning By-law because it would allow a seasonal dwelling to have a feature built to secure boats. The Planner indicated that the Official Plan does have a number of policies regarding shoreline development such as involving navigation and natural heritage features. Development would not impede navigation and there is no additional development proposed to the shoreline that has not already been approved.

The application was circulated to departments and no concerns were raised. The MNRF did confirm that they received the application; however, as of today's date no official comments have been provided. No comments had been received from the public either.

The boat port would be a similar size to others in the area, it would have a low profile and a similar design to others. The Planner noted that the shoreline does have several natural projections with various bays; the boat port would not appear to be terribly out of order for someone driving by in a boat. It was the Planner's professional opinion that the application be approved.

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

The Chair asked the Committee if they had questions pertaining to the application. There were none.

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

Bev Richards asked the Planner whether it needs to be distinguished whether it is a single stall or two stall boat port, as the application references a two stall. The Planner explained that it is captured within the dimensions. Relief was granted from the Zoning By-law in 2014 to allow the structure to be built up to 120.9 m². As long as the boat port is within the provisions and what was approved, the design does not matter.

Bev Richards also asked whether the two stall boat port would result in more traffic to the property. The Agent indicated that the owners also do rent space at the Clarion, in addition to using docks on the subject property. The Planner also explained that it is an established property. Questions regarding traffic and parking would have been asked at the time of lot creation; at this time it is not a concern.

There was no further discussion.

Moved by: Bev Richards

Seconded by: Ray Pearson

That the Kenora Planning Advisory Committee approves application for minor variance file no. D13-19-02, seeking relief from Section 3. 25 Permitted Yard Encroachments (Table 3) – which requires that boathouses and boat ports shall not project more than 15m from the high water mark. Approval of the application minor variance file D13-19-02 will allow a two-stall boat port to project 20 m from the high water mark.

Carried.

(viii) Consideration of applications for consent

- D10-19-01, Bisset

Bruce Ormiston, Agent
Shewchuck, Ormiston, Richardt, Johnson LLP

Bruce Ormiston introduced himself as the Agent for file. The proposal is to sever the land on the north side of Worona Road and retain the land on the south side, which would be approximately 7 ha and is currently occupied by the Bissets. There would be no proposed change for numbers for the lots on Black Sturgeon Lake. The intent is to sell the north side and transfer ownership of the road to the City, which would result in a natural severance. The Agent explained that initially, they were proposing to create three lots out of the northern side; however, now only one lot will be created.

The Agent explained that there is a Hydro One easement in line with Worona Road, which they want to register in favour of the retained property as part of this application. Both the created and the retained lot will exceed the minimum Zoning By-law requirements.

The Planner presented the planning report for file D10-19-01, which is an application to sever. The north side is zoned RU-Rural and the south side is zoned RR-Rural Residential. The application would allow for the retained lot to be transferred to new owners; there would be quite a bit of property for new development if that came forward in the future. Access would need to be given from Worona Road and not from the Redditt Road.

The Planner further explained that the Provincial Policy Statement (2014) supports limited residential development on rural lands that can be sustained by rural services.

The Official Plan describes the property as Rural with an array of permitted uses for the retained and transferred portion. As the retained land is zoned Rural, there would be various permitted rural uses as well.

The application was circulated internally for comments. The Engineering Department also noted that the road is not owned by the City and required that a 20.1 m right of way be surveyed. Hydro One was also circulated, and indicated that they felt they had an easement to be there. The retained land wouldn't have a service but Hydro One thinks that it should.

The Agent added on by saying that since they will be surveying the road and the created/retained lots, it would be easy to put the existing Hydro One Easement on the plan to service the retained. The Planner suggested that perhaps Hydro One didn't see what the intent was, which is why they didn't ask for an easement to be registered. It was good that the Agent picked up on that.

The Planner noted that she received a call by a member of the public, inquiring about the proposal. They wanted to know if the transferred portion could be developed. It seemed as though they were potentially interested in purchasing the retained lot and were not in opposition of the application.

It was the Planner's professional opinion that the application be approved subject to conditions as outlined in the Planning Report, which includes transferred ownership of Worona Road, approval of an entrance permit, and that the Northwestern Health Unit be satisfied with the proposed lot to be severed.

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

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

Ray Pearson asked that given the concern with the Hydro Easement, if it should be added as a condition of approval. The Planner stated that yes it could be.

Bev Richards referenced the legal description as per the application and requested clarity regarding which pieces of land were being considered under the application. The Agent was able to confirm which PINS were to be included.

Wayne Gauld asked to clarify whether they are proposing to have the easement, which is across the proposed created lot, be in favour of the retained lot. The Agent confirmed that it would be, in order to keep the right to have the hydro line servicing the dwelling on the retained portion if and when the owner's sell.

There were no other questions.

The Chair asked the Committee for discussion prior to making a decision. There was none.

Moved by: Ray Pearson

Seconded by: Bev Richards

That the Kenora Planning Advisory Committee approves application for consent D10-19-01 for lot creation; PIN 42136-009, Concession 4M Major S Part Lot 12 Remainder Parcel 25708 Less of Reference Plan 23R6749 Part 1 Less of Reference Plan 23R9783 Part 1 IRR, civic address 85 Worona Road, be approved and subject to the amended conditions as outlined within the planning report.

Carried.

Graham Chaze returned at 6:47 p.m.

(ix) New Business

- Recommendation(s), Application for an Amendment to the Zoning By-law:
 - i. D14-19-01, DeGagne

Tara Rickaby
TMER Consulting

Tara Rickaby introduced herself as the Agent for the application and described some history of the property, as per her planning rationale. The building is currently zoned I-Institutional and the proposal is to rezone to R3-Residential Third Density in order to accommodate six (6) new dwelling units and associated parking. She also indicated that the existing building has been vacant ever since 2011, despite multiple attempts to have it rented out. There are also two easements on the property – one for utility purposes and one for hydro. The Agent presented the rest of her planning rationale.

The Agent also noted that they did receive the redacted public comment that identified several concerns, and offered direct responses. The Agent reiterated that parking would be in compliance with the Zoning By-law and snow will be cleared by the property owner during winter months. Garbage would also be stored in a secure area. The Agent also noted that with the temporary shelter moving to its permanent location, traffic flow from the neighbouring walkway will be reduced or gotten rid of completely. Rendered drawings have been provided to assist neighbours with their concerns and to visualize the proposed development.

The Planner presented the planning report for file D14-19-01, also noting that the building had originally been developed and built for residential use. The current proposal of residential would arguably be a better fit compared to the various uses that are permitted under the current Institutional zoning. The Planner identified that neighbouring properties are zoned R2 with single detached dwellings. She referenced photos from her site visit, noting that the building's existing condition is not in great repair and that the proposed re-development would be a great improvement for the building and the area.

The Planner explained that in accordance with the OP, residential use is encouraged when it is compatible with the neighbourhood. In this instance, the property is zoned

Institutional; permitted uses include retirement homes and continuum care facilities. The proposed use is more similar in terms of density as a R3 to R2 zoning, which is how other properties in the area are zoned.

A number of comments had been received from City departments. The Engineering Department noted the existing easements and indicated that existing structures such as the retaining walls will need further evaluation as development proceeds in order to ensure that there are no impediments to City infrastructure. The Roads Department wished to ensure that there will be adequate off-street parking. This was prior to the rendered drawings being supplied. Kenora Fire noted that there should be better signage at the turnaround and the Water and Waste Water Department noted that there will need to be access to the hydrant for repair/maintenance. Kenora Hydro indicated that any proposed balconies may be a concern if located on the west side of the property. Synergy North also provided comments, as the application had been circulated during the transition of the merger. They noted that existing structures are in close proximity to high voltage lines.

Comments were also received by a number of property owners in a joint letter. It raised concerns with parking, snow removal, garbage, noise and additional vehicles and congestion as well as existing safety issues on the street. The Planner expressed that given the rendered drawings and what the Agent had presented, it is quite clear what exactly is being proposed and that those concerns have been addressed in the revised planning rationale. The Planner explained that grading and lighting would be addressed through the site plan application and the building permit stage. It was her professional opinion that the Committee should recommend approval of the application to Council.

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

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

Patrick Oberle
209 First Street North, Kenora ON

Pat Oberle identified himself as being a neighbouring property owner, directly across from the subject property. He explained that he bought the house in 2016 and within 3 weeks, they found out about the temporary shelter being located in the Northwestern Health Unit next door, which they have been very cooperative with. He wished to highlight that himself and the other neighbours that submitted comments are not against the development. They recognize that sustainability is needed in the City and he realizes the value of high density units. However, they did have concerns whether First Street North is able to accommodate the needs of a 6 dwelling unit build. He asked how many bedrooms would be in each unit.

Wayne DeGagne, one of the owners of the subject property, indicated that that they will likely be 1-2 bedroom units.

Pat Oberle raised concerns with parking and how many will be needed to accommodate renters as well as family/friends on weekends. He also noted that several people in the neighbourhood do not have access to driveways and wanted to ensure that they will have space to park with the new development. Pat also explained that there has been existing safety concerns in the area related to needle and drug use. He wished to know what type of clientele will be renting there, indicating that he does not want to discriminate use but did have concerns with how residential uses may be impacted. Pat referenced a sexual assault that had occurred when he first moved in, and asked what will be done to protect the safety of those currently living in the area and those who may potentially move in.

The Agent explained that the existing walking trail that accesses First Street North will be closed off and will be part of the redevelopment. However, there is only so much the owners can do at this point. She is hopeful that some of the safety concerns will be alleviated with the move of the Shelter to its permanent location. She also noted that the dwelling units likely won't meet the City's definition of "affordable housing" inferring that they will be more costly to rent. The parking does meet the minimum requirements of the Zoning By-law. She also explained that typically neighbours watch out for one another and that she would assume it would be the in this case. Concerns over speed in the area would be an enforcement issue.

Wayne Gauld wished to clarify that they were talking about the walkway that accesses the turnaround and that there would be no way that it could be used by people to access the property. One of the owners, Wayne DeGagne, explained that there will be a retaining wall built right up to the Canadian Pacific Railway (CPR)'s fence. It will be fairly substantial in height.

The Planner also explained that given the current situation with the building being vacant, there is a tendency to attract illicit uses. With the proposed development, the neighbourhood will be well lit and she would assume that the owner will make it safe for the residents. If there is an opportunity to increase parking, which is what it looks like, the owners likely will want to accommodate that for their tenants. The Zoning By-law does only require the nine spaces and noted that not everyone will have two cars per dwelling unit.

The Agent also described that when people are travelling into town, coming from the hospital bridge, the view and streetscape will be very different. It will be a revitalized looking neighbourhood.

Pat Oberle then asked for clarification whether the balconies will be facing south, towards the lake/road. He also asked whether the existing building will be demolished. Wayne DeGagne, part owner, confirmed that they would be facing the south and that the building would not be demolished but that the interior will be gutted. The back and side will be squared out and a third floor will be added. The building will have a flat roof so that the height of the building will stay the same and noted that they couldn't add balconies to the west side due to the hydro line; they will be on the back and the front of the building.

Cathy McQuillan
211 First Street North

Cathy McQuillan raised a concern over snow removal and stated that the neighbours do appreciate that the owners currently plow snow. She described how the City is currently plowing and questioned how snow removal would be dealt with once the turnaround is developed into a parking lot. She also raised the concern over the increase of vehicles on the street and highlighted that the sidewalks are crumbling.

Wayne Gauld indicated that there shouldn't be issues with off-street parking as the tenants will have their own parking lot on the subject property. The Agent also explained that snow plow removal would be addressed under the City's Municipal Maintenance Policy.

Karen Brown (CAO), in the audience, indicated that she would follow up with the Operations Department on both the issue of snow removal and the sidewalks, as they are not a planning-related issue.

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

Bev Richards asked if they are splitting the PINs, noting that when she checked, it looked like it was only one PIN. The Agent explained that the properties already have been registered in separate ownership; however, that she would check again with the lawyer.

It was determined that the surveys and information at the Land Titles building may not be up-to-date.

Bev Richards then asked what lands are being added, as the planning report notes "additional lands". The Planner clarified that the additional lands would be redeveloped as a parking lot. It will be re-zoned as well.

Wayne Gauld asked whether the garbage unit will be located where it is shown on the submitted diagram. The Agent clarified that it was the old garbage area, explaining that it will likely be at a different location but will depend on the entrance. The garbage unit will also be something that is screened and animal proof.

Wayne Gauld asked if the two pieces, which would be the parking lot and the other area, will be merged. The Agent explained that they have been merged already; they are whole lots on a plan of subdivision. Originally they thought they would need to go through a consent but the lawyer advised them that they were already separate.

Wayne Gauld asked whether there will be access to the rear of the property. Wayne DeGagne, part owner, clarified that you could theoretically walk behind the building from the east and west but no vehicles.

There was further discussion regarding accessing the rear of the property. It was clarified that the parking lot is behind the Northwestern Health Unit, which is also

owned by the DeGagne's, may be available on the evenings and weekends so long as the Health Unit staff aren't working. It was noted that although it is under the same owner, the properties will be separate.

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

Graham Chaze expressed a similar sentiment to the Agent regarding how the neighborhood will look revitalized. He expressed that he sees it as being good for the City and the neighbourhood and that he thinks it will be positive for property values and the neighbours. He noted that when he looked at the permitted uses in the Institutional zone, which is what the property is currently zoned as, there are plenty of uses that could have far more of an impact in the area. He commended the Applicants for undertaking this redevelopment.

Bev Richards added on to what Graham had said and mentioned that there is the possibility that not all tenants will have/need a vehicle since they are so close to downtown.

Ray Pearson concurred with both Graham and Bev. He stated that he thinks the proposed development will enhance the area and improve the downtown.

Wayne Gauld wished to address some of the concerns brought forward by the neighbours. He expressed that one of the biggest issues is the walkway access to the end of the street. With the relocation of the emergency shelter, the retaining wall blocking the walking path, as well as the overall renovations, reduced foot traffic will be an improvement. There may be issues with parking but he believes it will be worked out. As for snow removal, the Operations Department will have to take a look and address it once the development takes place.

Pat Oberle inquired about the legal non-compliance of the building. The Planner explained that it is an existing building and the setbacks will stay as it. The reason for setbacks is to provide parking, for amenity areas, and to have space between neighbouring buildings. In this case, the building is already there and most other matters (i.e. parking) have been addressed. Pat Oberle wished to express again that they are not against it, just concerned.

There was no further discussion.

Moved by: Ray Pearson

Seconded by: Graham Chaze

Resolved that the Kenora Planning Advisory Committee recommends that the Council of the Corporation of the City of Kenora approve application D14-19-01, subject property located at 200 First Street North, described as Parts of Lots 1,2 and 3, Part of Main Street N and First St. N Block 3 Plan 3 and M-6 and Parts 3 and 4 Plan 23R 12204, being a legal non-complying building, to change the zoning from Institutional (I) to Residential Third Density (R3) to allow for those uses in accordance with Section 4.3 of the Zoning By-law.

Carried.

(x) Old Business

- Nominations of Chair and Vice Chair for the Year 2019

The Chair noted that nominations will take place at the beginning of next month's meeting.

Ray Pearson referenced the Terms of Reference and asked if the time to cap the meetings should be changed given that the meetings are now starting at 6 p.m. and not 7 p.m. He suggested that capping the meetings at 9 p.m. could be an option since the Terms of Reference have it at 10 p.m.


The Committee discussed changing the Terms of Reference. There was general consensus that despite not officially making the change in the Terms of Reference, the Committee can follow the 6 – 9 p.m. rule.

(xi) Adjourn


Moved by: Graham Chaze

That the January 22, 2019 Planning Advisory Committee meeting be adjourned at 7:45 p.m.

Minutes of the Kenora Planning Advisory Committee meeting, Tuesday January 22, 2019, are approved this 26th day of February, 2019.



Wayne Gauld, Chair



Kylie Hissa, Secretary-Treasurer