



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
Regular Meeting held in the Operations Centre Building
60 Fourteenth St. N., 2nd Floor – Training Room
July 16, 2019
6:00pm

Present:

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

Regrets:

Tanis McIntosh	Member
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DELEGATION:

- (i)** Wayne Gauld, Chair, called the meeting to order at 6:00 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
 - Tanis McIntosh declared a direct conflict on application D13-19-12, as she is the Agent for the file. She also chose not to participate as a committee member for the remaining of the meeting.
 - John Barr declared an indirect conflict on application file D13-19-12, as he had personal interest in the development.
- (iv)** 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 circulated: June 18, 2019 minutes of the regular Kenora Planning Advisory Committee meeting.
 - Approved as amended: June 25, 2019 minutes of the special Kenora Planning Advisory Committee meeting.
- (v)** Correspondence relating to the application before the Committee.
- The Secretary Treasurer indicated that comments had been received by the Applicant of D10-19-08 and by the Building Department regarding concerns over drainage. It had been emailed out and uploaded to SharePoint and copies had been printed for members to review. It would be discussed once the application is considered.
- (vi)** Consideration of applications for permission/minor variance
- D13-19-10, Larson

Gina Larson, Applicant
613 Eighth Street South, Kenora ON

The Planner read the planning report for the file. She explained that the Engineering Department did advise that the Applicant should be aware of the sewer waterline location. The Applicant had responded, indicating that they are aware and would re-locate the service if it becomes an issue. There were no other concerns.

The Applicant had nothing to add further.

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 for questions.

The Chair asked the Planner to clarify that the Applicant would not be bound to construct just the partial addition and that theoretically, they could proceed with constructing an addition across the front of the dwelling so long as it meets the new setback. The Planner confirmed and that it had been discussed with the Applicant.

There were no other questions.

The Chair asked the Committee for discussion.

Robert Kitowski wished to note that the approval would be for a 3m addition and that he believed it would encompass any over-hang. The Planner clarified by saying that the Zoning By-law does permit an encroachment of 0.75m for cornices and eaves troughs; however, that the overhang shall not be closer than 0.6m to any lot line. The Planner indicated that the Applicant should reference Section 3.25 Permitted Yard Encroachments of the Zoning By-law and that they can work with their contractor.

There was no further discussion.

Moved by: John McDougall

Seconded by: Graham Chaze

That the Kenora Planning Advisory Committee approves application for permission, file no. D13-19-10 to allow a 3m by 3m front addition to be built on a dwelling with an existing front yard setback of 7.16m, resulting in a new front yard setback of 4.16m to the front lot line.

Carried.

- D13-19-11, White

Don White, Applicant
Joined by Bob Burley, Contractor
200 St. Clair Street, Keewatin ON

The Planner presented the planning report. She noted that the steepness of the shoreline and lack of space adjacent to the water presented some concerns as there is an area wide open to the water behind the existing boathouse. City Departments and the Ministry of Natural Resources and Forestry (MNR) did not have concerns. The MNR stated that the proposal posed low risk to fish and wildlife features. Public comments also were not received. During the site visit, the Planner explained that she had been confused as it appeared as some of the dock had already been put in place and it was confirmed upon reviewing the application again that the dock put in place would be included in the application as part of the area needing approval.

The Applicant explained that that the dock area the Planner was referencing is not permanent and that it was temporarily put in place for the workers. The Applicant's contractor, who was in attendance with him, confirmed that it was solely safety related.

The Planner further explained that increasing the dock area to the location proposed would not affect the massing of the structure as it is behind the existing building. Although the dock would be larger in area than what is permitted, it would provide a general area for staging or access and would not increase development across the shoreline.

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 for questions.

Ray Pearson referenced the submitted drawings in the application and noted that the structure noted as "boat port" exceeds 82 m². The contractor explained that the work has already been completed. The Secretary Treasurer also confirmed that all existing shoreline structures have received building permits and complied with the zoning provisions. It was also confirmed that the dock won't extend further west to the other existing dock; what was proposed would keep within existing dimensions and extend only backwards towards the shoreline.

Robert Kitowski referenced the comments made by the MNRF with regard to no construction in the water during April 15 to June. He asked how that would be managed. The Planner explained that it is managed through the building permit process. The contractor also explained that the work has already been completed for what needs to be done in the water.

The Chair asked the Committee for discussion. There was none.

Moved by: Bev Richards

Seconded by: Andrew Koch

That the Kenora Planning Advisory Committee approves application for minor variance file no. D13-19-11 to allow existing dock area to be expanded within the currently open area behind an existing boathouse, resulting in a total of 114 m² of dock area.

Carried.

John Barr left the room at 6:23 p.m.

- D13-19-12, Jarnel

Tanis McIntosh (Agent)
Joined by David Nelson, Nelson Architecture
3 Woods Drive, Kenora ON

The Planner presented the Planning Report and noted that it was a very thorough application. She explained that preliminary work had commenced on the site in 2017 for the development of a 24-unit building. Now, the development will be for a 30 unit building and would contribute to the range of housing needs in Kenora. As of the date of the meeting, one phone call had been received requesting general information on the application.

It was the Planner's professional opinion that the application should be approved.

The Agent further explained that the building footprint has been laid out and the pilings at some cost. The parking accommodated 24 units; however, given the property and dimensions of the footprint, there wasn't capacity to increase the parking with the increase of dwelling units.

David Nelson confirmed the Agent's statement. He explained that in general, for apartment buildings, the parking count drives certain characteristics of the building and similar to this project, required parking cannot be fit when there are three or more storeys. He noted that this was something to keep in mind and that the City may wish to reconsider with the next Zoning By-law update. He also explained that the demographic they are appealing to, are jettisoning their stuff - their garages, their multi-car ownership. They believed that the parking ratio proposed is fairly reasonable and that there are also costs to consider with increased parking requirements. They believed the market costs the tenant money per month to rent additional parking, which pushes the project in the right direction.

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

Len Rattai
15 South Park Drive, Kenora ON

Len Rattai wished to speak in favour of the application. He explained that he lives next door and has no opposition. He expressed that there is a need for residential development and wants to see the project go ahead.

Susan McIntosh
Muriel Lake, Unorganized

Susan McIntosh also wished to speak in favour of the application. She expressed her hope that the Committee would support the application.

No one in the public wished to speak against the application.

The Chair asked the Committee for questions. There were none.

The Chair asked the Committee for discussion.

Graham Chaze expressed that he was glad to see the project come back to life and thanked the Agents for sticking the project out.

Moved by: Ray Pearson

Seconded by: Graham Chaze

That the Kenora Planning Advisory Committee approves application for minor variance file no. D13-19-12 to allow reduced parking at a rate of 1.2 parking spaces per dwelling unit, for a total of 37 parking stalls on site for 30 dwelling units.

Carried.

John Barr returned to the meeting at 6:37 p.m.

- (vii)** Consideration of applications for consent
- D10-19-08, Habitat for Humanity (Re-consideration)

Jason Miller, Applicant
Joined by Sean Carlson
Habitat for Humanity

The Applicant stated to the Committee that they are re-applying for provisional approval. It was explained that the application that had been granted provisional approval last year fell through the cracks and that there had been some changes within their organization.

The Planner presented the planning report for the file, indicating that the minor variance approval from last year remains in effect. She noted that the proposal is an excellent example of infill development and construction for the first dwelling had

commenced in 2018. Eventually, what has been built would become an interior lot if the application is approved again.

The Planner discussed the comments received by departments, including Synergy North's request for a registered easement that the Applicant has agreed to provide. The Building Department also provided additional comments as of the afternoon. They had completed a site visit and noted that a building permit was required for the retaining wall. The Planner expressed that concerns regarding drainage can be alleviated during the building permit process and ensuring that the retaining wall designs have been reviewed by a qualified Ontario Engineer.

The Planner read the most recent written comments from the Chief Building Official (CBO).

The Planner also indicated that one written letter had been received from the public, and the Planner read out what had been submitted.

The Secretary Treasurer also read a recent email that had been received by the concerned citizen. She had informed that a representative from Habitat for Humanity had come to the subject property to look at the retaining wall and indicated that they would reimburse the cost to repair the driveway, which was related to water runoff. She had requested that the Planning Department provide contact information to get ahold of them. The Applicant agreed that that would be fine.

It was the Planner's professional opinion that the application be approved, subject to conditions. She explained that a survey had already been registered; however, that if there are changes from the meeting, the survey would need to be looked at again. She also explained that the Canadian Pacific Railway (CPR) was circulated and in 2018 they did request a warning clause to be included in the conditions. The request is not new and it is specific to CPR. She also noted that prior to any grading or construction, the Applicant will need to reference the drainage plan submitted in 2018. These conditions must be fulfilled before the new lot can be created.

The Applicant stated that their organization believes in providing their homeowners with an affordable house and that they do not intend to leave the retaining wall situation as is. They will reimburse damages resulting from poor drainage and that after inspecting the retaining wall earlier that day, it will be dug out and rebuilt with an engineer's stamp. The Applicant explained that the landscaping work had not been done, as it was scheduled to be completed next month. Given that they will be getting the retaining wall first, the landscaping work and swales will have to wait until that is finished. He ended by saying that they intend to make the situation right for their homeowners and the area around. They apologized that it had gone this way.

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

The Chair wished to address whether the Applicant had seen both sides of the retaining wall, specifically the one bowed out on the other side and not by the

backyard neighbour. The Applicant explained that they have viewed both and that the retaining walls will be ripped out. Building permits will be applied for with the engineer's stamp. He also explained that drainage will be a swale exactly how the plan showed, with one on each side and down back towards Seventh Avenue. He stated that those would be tackled by the end of this summer.

It was also explained by the Applicant how the drainage concerns were dealt with failed, and that they will be making sure it is done properly.

The Committee discussed the registered survey of this year and the requirement for an easement to be surveyed in favour of Synergy North. Bev Richards presented a copy of the survey and indicated that it looks like the easement would be over Part 2 and Part 4. The Applicant confirmed that an application for easement has been completed and was currently being processed.

It was also confirmed that the first house has not yet been transferred to the homeowners. The Applicant explained that Habitat for Humanity is letting them live there but it is still under the organization on title. The Planner confirmed that if the consent did not go through, nothing would happen unless the retaining wall is fixed.

John McDougall asked the Applicant if they would consider concrete instead of timber for the retaining wall, since wood does not have long life spans. The Applicant explained that concrete is more expensive; however, if the Engineer says timber won't work, they would explore that option.

Ray Pearson also asked if they are considering other options since they don't last the lifetime of a mortgage, and also hoped that they would consider concrete. He noted that the Applicant reference the drainage plan and that there will be a swale on the east and west sides but the plan showed it going down the center of the property. He asked if there would be a fence dividing the properties and if that would affect the swale.

The Applicant explained that the fence would be chain link and that it should be okay.

Bev Richards asked if the homeowners can contact the organization in 10 years if there were ever issues. The Applicant explained that they do stand behind them and that if there are issues (i.e. roof issues), that they would be in contact with them. It was also confirmed that there is a one-year warranty for any issues, including retaining walls. The Applicant explained that although there is nothing to make the organization extend the warranty past the 1 year, the organization does not let their partner families fail.

John Barr referenced condition #9 in the planning report, where it stated that the Canadian Pacific Railway (CPR) is not responsible for complaints or claims arising from their use of facilities etc. He did not believe that the condition was necessary and felt that they are responsible and how it affects the neighbourhood. He noted that there is plenty of case law to support this. He wanted to see the wording of the condition change to reflect suggested wording in the NPC-300, which is the Ministry

of Environment and Climate Change's Environmental Noise Guidelines. John read example wording to the Committee and explained that warnings cannot be registered on Title with consents in any case, so only the first owner would see the clause.

The Committee discussed the matter, and how similar conditions had been placed on other *Planning Act* application approvals (i.e. Kings Landing). The Planner indicated that she can follow up with a contact at CPR and that his suggested wording can be reviewed if submitted in writing.

The Committee discussed enforceability of the condition. The Planner explained that the condition was at the request of CPR and that she believed it did have some validity. In the Official Plan (under "Railyard"), it does state that noise and vibration studies are required and that this was an alternative option since those studies were not requested.

Robert Kitowski asked if they had been emailed for comment, as he did not see in the report that they provided comments. The Secretary Treasurer confirmed that CPR had been circulated, per the requirements under the *Planning Act* and that the clause had been taken from last year's approval.

Graham Chaze noted that the request seems to be an attempt for a liability waiver and that he could understand John Barr's point.

Based on the wording in the Official Plan, it was also agreed that the Committee is bound to consult CPR.

The Planner further explained that the condition was included because they have pressed the Department for similar conditions in other applications. She believed that it would be beneficial for the homeowners to know that there is load noise and that it would be something to sort out between CPR and the homeowner.

The Committee agreed to leave the condition as written in the planning report.

John Barr requested that it be noted in the minutes that he believed CPR's wording that they are not responsible was wrong and that the NPC-300 guideline's suggested wording should be used.

John Barr also asked the Planner if she will talk with the CPR and the City's solicitor. The Planner explained that speaking with a lawyer would mean that the application is deferred. She noted that she will speak with CPR and see how far she can get with correspondence. If it is felt that the City should speak with a lawyer, it would be considered as well.

The Chair wished to note the level of tolerance the neighbours have had with regard to the drainage situation. The Applicant stated that they have re-assured them that they will be taken care of.

Moved by: Graham Chaze

Seconded by: Bev Richards

That the Kenora Planning Advisory Committee approves application D10-19-08, for lot creation of one R2-Residential Second Density zoned lot (approx. 340.47 m²) with one retained, at property located at 505 Fourth Street North, being Block 4 of Plan 3, Part Lots 91-92, PIN 42170-0205; subject to the conditions as outlined in the planning report.

Carried.

(viii) New Business

- Recommendation(s), Application for an Amendment to the Zoning By-law:
 - i. D14-19-08, Nowe

Vanessa Nowe, Agent
804 Ninth Street North, Kenora ON

The Agent passed out an updated planning rationale to Committee members. She introduced the application by sharing that she is part of an investor's group, whose goal is to purchase currently vacant properties and convert them into housing in the community. She explained that they are currently working on one property downtown and that this would be the second building once the first is completed. She deferred to the Planner to present the planning report for the application.

The Planner explained to the Committee that the application had been revised since the notice had been circulated. As such, some areas of the planning report were crossed out to show what had been consistent with the notice. The revisions made the application more consistent with the Zoning By-law in that minimum parking requirements could be met with the removal of the side entrance.

The Planner presented the planning report for the file, and explained some of the comments made by the Engineering Department. Initially, there had been concerns with possible vehicle encroachments on the sidewalk; however, the Agent demonstrated that an SUV could be fit in the parking stalls without hitting the sidewalks and that tenants will be made aware that no trucks would be allowed on the shortened parking spaces.

The Agent wished to further elaborate on the existing retaining wall. She noted that the stall length would be 5.26m to the building and that they will encourage tenants to park as closely to the building as possible. They will be installing padding so that vehicles won't get scratched by pulling up so close. The Agent explained that the Designer was brought on site to review the building and it was determined that the side entrance was not needed. Drawing plans were produced and the removal of the entrance increased the number of parking spaces. She stated that the steel doors will also be removed and some façade work will be completed to make the building more residential in character.

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

Cynthia Delaney
916 Ottawa Street, Keewatin ON

Cynthia Delaney expressed to the Committee that she loved the idea of more residential units being provided. She noted that she believed the person that wrote the letter suggesting commercial use on the main floor assumed that additional storeys were being added.

The Agent clarified that there is the main floor and a basement and that the existing building will remain with renovations to the interior. No additional storeys would be added and there would be no structural changes. The Designer would also make the building more residential and frame the building to make it more square; the actual building itself would not change.

Ms. Delaney asked how many square feet the units are. The Agent stated that the small units are 600 ft² and that on the main floor, there would be two 2-bedroom units and one 1-bedroom unit, which would be smaller and is being designed with a tenant in mind for accessibility. On the "basement" level, there would be two 1-bedroom units and one 2-bedroom unit.

Jamie Delaney
916 Ottawa Street, Keewatin ON

Jamie Delaney, who was in attendance with Cynthia Delaney, noted that basement apartments are a tough sale and that he has experience in property management. The Agent explained that the price of each unit would be reflective of that aspect.

The Chair asked the Committee for questions.

Bev Richards asked about tenants and how they will get out of the building. The Agent explained that there are two entrances and according to the Architect, two exits are needed. Each unit would have the main entrance to access; however, that windows also count. She further explained by saying that part of the building permit process is that the Architect has to stamp the designs. She noted that the one unit that is barrier-free is where two accessible exits are required. The other units only need a door and windows.

Ray Pearson asked how garbage and recycling would be handled. The Applicant stated that in their other building, they supply a garbage bin and they organize that. In this case, either they would include the bin or everyone would be in charge of getting bag tags. This factor comes with pricing of the units if the service is provided. Ray Pearson noted that based on the sketch, the parking and amenity space does not leave a lot of room for a garbage bin. The Agent explained that they also explored having the bin located at the front of the building. She stated that it could be placed there, but that they would have to figure out the details.

The Chair indicated that they believed they do have to supply garbage facilities as an apartment use. The Planner explained that these are questions that would be vetted through site plan approval. Once the Agent becomes a co-owner, they will be in a better position to submit a site plan and departments would provide comment. By that point, they will have a better understanding of the little details. It was also stated by the Agent that they did not go through the process of getting professional drawings for the application since approval is not guaranteed. However, that they would be getting professional drawings for the next steps (i.e. site plan approval and building permits).

Ray Pearson asked if the utility room shown in the submitted drawings was for electrical. The Agent stated that a large commercial furnace is located there and would be incorporated in the pricing for the units. Each unit will have a damper and all tenants will be able to control temperature. Ray noted that he has also been in the property management business and that the damper system may be an issue.

The Agent clarified that each unit will be open concept with kitchens and will be able to connect with plumbing.

Graham Chaze asked if the foundation had ever been a concern, noting that he happened to know about the building, but the question may not relate to the application. The Agent explained that the pony walls had been the issue and that the stone foundation is fine. They will have to re-pin the walls and that the side entrance was actually causing the issue. She explained that now that they are removing the side entrance and extending the retaining wall, it will help. The retaining wall was pinned directly to the pony wall so once the entrance is gone, the issue will be solved forever.

The Chair asked the Committee for discussion. There was none.

Moved by: Graham Chaze

Seconded by: John McDougall

Resolved that the Planning Advisory Committee recommends that the Council of the Corporation of the City of Kenora approve applications D14-19-08, subject property located at 915 Ottawa Street in Keewatin, ON; described as Plan 18, Block 49, Lot 12, to change the zoning from I-Institutional to site-specific R3-Residential Third Density to allow an existing building to apply for a change of use permit for an apartment dwelling containing six units, and having interior and exterior access; with legal non-complying building setbacks (4.3m front yard, 0.6m interior side yard; 8m rear yard), a total of 10 parking spaces on site, and 7 parking spaces having reduced lengths of 5.36m.

That the Committee has made an evaluation of the applications upon their merits against the Official Plan, Zoning By-law and the Provincial Policy, and provides a recommendation to Council purely passed on these matters; whereas the Committee may not have had the opportunity to hear public comments in full.

Carried.

The Secretary-Treasurer informed the Agent of the Keewatin Community Improvement Program and potential grants that the project could be eligible for.


(ix) Old Business – there were none.

(x) Adjourn

Moved by: John Barr

That the July 16th, 2019 Planning Advisory Committee meeting be adjourned at 7:51 p.m.

Minutes of the Kenora Planning Advisory Committee meeting, Tuesday July 16th, 2019, are approved this 20th day of August, 2019.



Wayne Gauld, Chair



Kylie Hissa, Secretary-Treasurer