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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
October 17, 2019
6:00pm

Present:

Wayne Gauld	Chair
Ray Pearson	Member
Bev Richards	Member
John Barr	Member
Robert Kitowski	Member
John McDougall	Member
Devon McCloskey	City Planner
Melissa Shaw	Secretary Treasurer

Regrets:

Tanis McIntosh	Member
Andrew Koch	Member

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 conflict via email on file D13-19-14, she was not present at the September 17th 2019 meeting.
 - Andrew Koch declared conflict via email for file D13-19-14, Mr. Koch was not present at the September 17th, 2019 meeting.
 - John McDougall declare conflict on file D10-19-10
- (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 corrected: September 17, 2019 minutes of the regular Kenora Planning Advisory Committee meeting.
- (v) Correspondence relating to the application before the Committee, there was none.
- (vi) Consideration of applications for minor variance
- D13-19-14, Clinton

Jamie Clinton
20 Joseph Street
Kenora, ON P9N 3R1

The Planner presented to planning report and provided a detailed description of the application. The subject property at an unassigned address off Peter Street, zoned R2- Residential Second Density seeking relief from the City of Kenora Zoning By-law 101-2015, section 4.2.3. (c) of 4.14 m and Section 4.2.3. (f) 0.68 m to allow for the development of a single-detached residential dwelling with a reduced front yard setback of 3.36 m, and a reduced rear yard setback of 7.32 m.

The Planner explained that the applicants own the parcel adjacent to the proposed development, the Planner also highlighted that most lots within the neighbourhood are developed with single-detached dwellings with reduced front yard setbacks that are non-compliant to the current provisions within the by-law.

The Planner evaluated the application to the Provincial Policy Statement, 2014, the Kenora Official Plan and Zoning By-law. The application was deemed consistent with Provincial Policy and supported by the Official Plan as infill development that is municipally-services within the Established Area.

The Planner reviewed internal comments received; the Sewer and Water department mentioned that the lot would require its own connection to Municipal Services, no other concerns were brought forward. It was noted that Synergy North did not make response. The application was circulated to property owners within 60 m, no concerns were brought forward prior to the public meeting.

The Planner referenced Section 3.8 b) of the Zoning By-law, which provides for as of right exception for reduced frontages not less than the average of the setback of adjoining uses, however, in this case the property in question is a corner lot, not adjoining two lots with principle buildings and so averaging could not be applied. In addition, The Planner referenced Table 3 of section 3.25 of the By-law which provides for exception to certain projections into yards. Staircases are listed as a permitted projection and therefore the subject application is requesting relief to allow for the dwelling and staircase to be located closer to the front lot line.

As the proposed relief will not impact on neighbouring uses and the proposed dwelling would not be closer to the roadway than existing established uses, it was the professional planning opinion of the City Planner that the application, D13-19-14 be approved.

The Agent, Jamie Clinton thanked the Planner for presenting her report, she added that the proposed house will be in keeping with the neighbourhood with a similar setback. Mrs. Clinton felt that Kenora is in need of affordable housing and this application would provide a rental within the housing market. The Agent did mention that there is no intention to build a garage, the lot coverage of 40% as per the zoning by-law will not be exceeded.

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

Tammie Malcolm
55 Davies Street W
Kenora, ON P9N 3R5

Ms. Malcolm was concerned with parking, she indicated that the narrow residential streets within the neighbourhood do not allow for on-street parking; especially within the winter months when the snowbanks are high. Ms. Malcolm currently experiences difficulty accessing her garage off Peter Street and urged the Committee to consider her concerns with on-street parking.

Mrs. Clinton identified that a driveway was included on the site plan which was included within the complete application, the driveway will house a single vehicle. The City Planner reviewed the site plan to Ms. Malcolm.

Tammy Malcolm sought clarification as to where the snow shall be plowed. The Chair interjected; snow clearing was not a consideration for the application and encouraged Ms., Malcolm discuss snow clearing concerns with the City of Kenora Roads Department.

The chair asked the committee if they had questions pertaining to the application.

Wayne Gauld, Chair, asked if the new residence will be a rental home. The Applicant clarified that the new single-detached dwelling shall be the primary residence for her family, the existing house at 20 Joseph Street will become a rental.

The chairs asked the committee for discussion pertaining to the application. There was none.

Moved by: Robert Kitowski

Seconded by: Ray Pearson

That the Kenora Planning Advisory Committee approves application for minor variance file No. D13-19-14, seeking relief from the City of Kenora Zoning By-law 101-2015, section 4.2.3. (c) of 4.14 m and Section 4.2.3. (f) 0.68 m to allow for the development of a single-detached residential dwelling with a reduced front yard setback of 3.36 m, and a reduced rear yard setback of 7.32 m. In the opinion of the Committee the application has maintained the intent and purpose of the Official Plan,

the Zoning By-law, the variance is considered desirable for the appropriate development of land and the variance(s) is minor in nature.

Carried.

(vii) Consideration of applications for consent

The Committee moved to old business in advance of the consideration of an application for consent file D10-19-10 as there was no representation as of 6:25 p.m.

(viii) Old Business

- Consideration of application for consent file D10-19-03, Schussler, originally heard on May 21, 2019.

The planner provided a brief report, with the purpose of the proposal to change a condition of a consent which received provisional approval on May 21, 2019 for the creation of one RR- Rural Residential lot on Black Sturgeon Lake. The Planner identified condition 4.0 within the decision, which, in the opinion of the Applicant was not attainable. The condition read as follows:

4) That easements for services including hydro and driveway access are surveyed and shown on a reference plan. That payment of \$100.00 for any additional transfers is provided.

In a letter to the Kenora Planning Advisory Committee, dated September 19, 2019 written by Alexie and Mac Schussler and Angela and Cam Schussler, it was explained that Hydro One will not attend the property until there is at least a foundation constructed on the new lot. A temporary service install would only be supplied if a trailer is located on-site. As described in the letter submitted by the owner, the Planner explained that Condition #4 is not attainable, and unless changed will prevent the lot from being created, given that Hydro One requires development to occur prior to registration of an easement.

The Planner referenced Section 53 of the *Planning Act* which affords the approval authority; Planning Advisory Committee, to make changes to the conditions of a provisional consent before a consent is given. If the changes are minor, no notice is required to be given.

Alexie Schussler
aschussler@bdo.ca

Alexie thanked the Committee and explained that ever since receiving their provisional approval in May, 2019 they have experienced difficulty with Hydro One and their request for a site visit to complete a hydro layout. Alexie explained that she and her partner do not intend on building a home right away, however, Hydro will not attend to a property nor complete a hydro layout without the construction of a

foundation. The conflict with Hydro One has an effect on the possibility of completing conditions for approval.

The Chair clarified that Hydro One will come out for a temporary service if there is a trailer on the lot, the Applicant agreed.

The chair asked the committee for questions pertaining to the application.

Robert Kitowski clarified with the City Planner that a change to conditions has no effect on the timeframe to complete all other condition. The Planner confirmed that was correct.

Mr. Kitowski wished to confirm with the Applicant that she understood there would be no re-start the 12-month requirement to fulfill the conditions of provisional consent. The applicant confirmed she understood the timeframe to complete the conditions would laps after May, 2020.

Ray Pearson commented on the hardship being created for Applicants with the request for Hydro easement, and acknowledged that the Committee has this happen before. He questioned the requirement for such easements, including the likes of hydro easements which may not be feasible within the allotted timeframe under an application for consent.

The City Planner recognized that the condition was not a hardship, but rather an opportunity; to stamp and easement concurrently with lot creation. The removal of the condition for hydro easement will require the Applicant to re-apply for an application for consent- easement when the appropriate time comes.

Bev Richards acknowledged the removal of the easement for hydro, but recognized that a second easement was required within the condition, for access. She asked the Applicant to confirm their access.

Mrs. Schussler confirmed that Surveyor has identified a driveway on the plan.

Bev Richards wished to clarify if access was in the form of an easement on a reference plan, and if it should still form part of the condition.

After some discussion it was confirmed that the Applicant requires an easement for access, the Committee wished to strike out the hydro easement only from Condition #4, and that easement for driveway access is surveyed and shown on a reference plan, and that a transfer of easement document be registered.

Moved by: Robert Kitowski

Seconded by: Bev Richards

Approved Condition #4 as amended:

4) That easements for services including ~~hydro~~ and driveway access are surveyed and shown on a reference plan. That payment of \$100.00 for any additional transfers is provided.

Carried.

At 6:46 p.m. Mr. John McDougall removed himself from the Planning Advisory Committee in advance of consideration of application for consent file D10-19-10, Heath.

- (ix) Consideration of application for consent
 - D10-19-10, Heath

Brian & Bonnie Heath, Applicants
1540 Coker Road, Kenora

The Applicants, Brian and Bonnie Heath were not present at the meeting.

The application was heard at the September 17, 2019 meeting, however a decision was deferred to the October regular meeting to allow the Applicants the opportunity to explore and confirm options of a second entrance with the City of Kenora Roads Department.

The Planner confirmed that the City of Kenora Roads department inspected the subject property, and the recommendation is to proceed with a shared driveway via easement.

Chair asked the committee if they had any comments pertaining to the application.

There was discussion around the decision made by the City Roads Department to recommend a single access; many Committee Members shared a difference of opinion and preferred lot creation with separate driveway access.

John Barr recognized the liability of separate access which has been deemed unsafe by the Roads Department. The Planner identified the need for safe access as an important factor in lot creation.

There was discussion about the lasting effect of an easement and the preferred access with two driveways. The Committee suggested deferral until the November meeting to allow the Planner the opportunity to discuss the option of increasing the frontage of the created lot, and applying for a minor variance for frontage on the retained lot, so that the driveway for shared access abuts both interior lot lines.

Robert Kitowski discouraged a deferral and supported the recommendation as presented by the Kenora Roads Department Lead for shared access. Robert agreed with the Committee Members, that although separate driveway access may seem feasible, they shall default to the expert opinion and proceed with a shared driveway for safe access.

Moved by: Bev Richards

Seconded By: Robert Kitowski

That the planning advisory committee accept the recommendation of the city planner to approve the application as per the reasons outlined within the planning report

Seconded Robert:

Carried.


At 7:04 p.m., Planning Advisory Committee Member, John McDougall returned to the meeting.

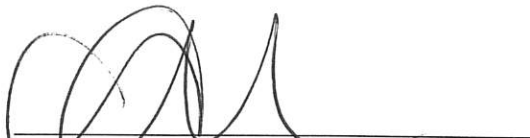
(x) Adjourn

Moved by: John Barr

That the October 15 2019 Planning Advisory Committee meeting be adjourned at 7:05 p.m.

Minutes of the Kenora Planning Advisory Committee meeting, Tuesday October 17th,¹⁸
2019, are approved this 19th day of November, 2019.


Wayne Gauld, Chair


Melissa Shaw, Secretary-Treasurer