

City of Kenora
Planning Advisory Committee
60 Fourteenth Street N., 2nd Floor
Kenora, Ontario P9N 4M9
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**Minutes
City of Kenora Virtual Planning Advisory Committee
Regular meeting held by way of Zoom Meeting
Tuesday March 15, 2022
6:00 p.m. (CST)
Video Recording:**

DELEGATION:

Present:

Ray Pearson	Acting Chair
Bev Richards	Member
John McDougall	Member
John Barr	Member
Kevan Sumner	City Planner
Melissa Shaw	Secretary-Treasurer
Adam Smith	Manager Development Services
Tessa Sobiski	Minute Taker

- i. The Chair, Ray Pearson called the meeting to order at 6:00 p.m. A Land Acknowledgement was delivered and the meeting protocol was reviewed.
- ii. Additions to the Agenda. There were none
- iii. Declaration of Interest by a member for this meeting or at a meeting at which a member was not present. There were none.
- iv. Adoption of Minutes of previous meeting
 - The meeting minutes of February 15, 2022 were adopted.
- v. Correspondence relating to applications before the Committee. There were none.
- vi. Consideration of an Application for Minor Variance
 - D13-22-03, Coney Island

The applicant, Terry Koltak presented his application. He noted that he received a notification from his neighbours and they have no objections to the application. The applicant felt all the required information is in the letter he submitted and will wait for adjudication.

The City Planner, Kevan Sumner presented the Planning Report. The effect of the approval would be to allow for the applicant to construct an additional 16.3 m² of docks on the property and bring an existing dock and sauna into conformance with the Zoning By-law. After interdepartmental and agency circulation, the Ministry of Northern Development, Mines, Natural Resources and Forestry asked that the applicant submit information to the Department of Fisheries and Oceans to

determine if a permit is required. The Planner recommended that the application be approved.

The applicant received clarification from the Planner regarding the process for reporting information to the Ministry.

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

The Chair asked the members if they had any questions.

Member, John Barr asked the applicant about when construction was planned for the dock addition. The applicant responded that he was planning on having work done immediately however, plans were delayed when he discovered a minor variance was required.

Member, Bev Richards asked for clarification regarding numbers in the report and in the notice that did not match. Mr. Sumner clarified that the applicant asked for more of a variance than was absolutely required and the notice was an error in understanding what was being requested in the application so it showed more than what was being requested. The correct number as requested in the Minor Variance is 106m² which is for 7m² more than what is required. Mr. Sumner noted that the original docks were not built on the fish habitat and will not be any closer to the habitat.

Ms. Richards asked about permits for the original dock and sauna. Mr. Sumner responded that they would not have been under the jurisdiction of the City of Kenora at that time and that it would have been the Ministry of Natural Resources issuing permits for docks. The sauna was built in more recent years and needs to be brought into compliance with the Zoning By-law.

Member, Ray Pearson asked the applicant about the shared services. Mr. Koltak clarified that he owns two properties, 638 and 642 with structures on both properties and rather than building a new dock it was decided to extend the existing dock.

The Secretary-Treasurer read the motion.

Motion: John Barr

Seconded: Bev Richards

That the application, D13-22-03 to seek relief from the City of Kenora Zoning By-law 101-2015, Sections 3.34.1(c)ii. and 3.34.1(c)vii., to allow for a dock of up to 106 m² in total area and for accessory dock and sauna to be located with a 0.0m side yard setback, meets the Four Tests and that application D13-22-03 will have the effect of allowing for shoreline development on the proposed lots to be compliant with the regulations of the Zoning By-law and further;
Now hereby be it resolved that application D13-22-03 be approved by the Kenora Planning Advisory Committee.

Carried.

vii. Consideration of an Application for Consent

- D10-22-04, Jones Road

The agent, Laura Wheatley presented the application for lot severance on 111 Jones Road. The application was granted provisional consent in September 2020 however the conditions were not met in time. The agent described the property as containing the applicants sawmill operation, forested area and swamp area. The property is zoned light industrial and the proposed severed lots are vacant. The intent of the application is to create four additional lots on the subject property that would all have frontage on Jones Road.

The City Planner, Kevan Sumner presented the planning report. He noted a slight deviation from the previous plan where a sketch shows a tiny corner taken off the third lot to allow a road that goes over that lot and for a hydro easement to be registered. After interdepartmental and agency circulation, the NWHU noted that after the previous approval, the septic field seemed to be malfunctioning and discharging sewage onto the surface of the ground. They suggested that a condition be imposed that requires the system be brought into compliance with the Ontario Building Code and be verified by the Health Unit. Those conditions have been added. The Planner recommended that the application be approved subject to conditions.

The Chair asked the agent if they had any further questions or additions. They did not.

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

The Chair asked the Committee members for any questions or discussion.

Member, John Barr asked about the septic system as there are no buildings on the proposed lots. Mr. Sumner clarified that it is the existing building on the residual property. Mr. Barr suggested that this would have nothing to do with the proposed four lots. Mr. Sumner responded that it is an opportunity to ensure the septic leakage does not impact the other lots but that conditions are at the discretion of the Committee. The agent clarified for Mr. Barr that the proponent of the four lots is the owner of the septic system. The agent argued that if the septic is not leaking onto the severed lots, that it should not be a condition on the severed lots however noted that she does not know the extent of the leakage.

Member, Bev Richards asked to confirm that Parts 3, 4 and 5 will be sold together with Part 4 having an easement for Hydro. The Planner clarified that Lot 3/Parcel 3 would consist of Parts 3, 4 and 5 as surveyed.

Member, Ray Pearson asked the agent if any of the conditions from the application two years ago have been met to date. The agent commented that the reference plan had been drafted but was unsure if it was deposited yet.

Mr. Barr asked if there was a condition for the septic field in the first application. The Planner confirmed there was not.

The Secretary-Treasurer read the motion.

Motion: John McDougall

Seconded: Bev Richards

That application D10-22-04 for consent for lot creation of four (4) lots on property located at 111 Jones Road and legally described as PIN 42177-0479; CITY OF KENORA, be approved and provisional Consent be granted subject to the conditions outlined in the Planning Report.

Carried.

- D10-22-05, Taillieu Road

The agent, Laura Wheatley presented the application as it relates to the previous application. This application is a proposal to sever a part of the subject property and add it to adjacent property 18 Taillieu Road. This application deals with the south piece of the property. It contains a residence, attached garage and a shed. The agent explained that this application came about because the structure on the abutting property encroaches substantially on the subject property and the application will rectify the encroachment and sever the bottom portion of the property to the abutting land owner. She also noted that the lot addition will bring the encroachment property into compliance with the Zoning By-law.

The Planner presented the Planning Report. No comments were received after interdepartmental and agency review. The proposed severance and lot addition will correct the encroachment and will bring the property closer to conforming to zone regulations. He noted that an encroaching shed on the property will be non-conforming with the by-law regulations for accessory structures. He recommended that the application be approved.

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

The Chair asked the Members if there were any questions or discussion.

Mr. Barr inquired about the shed. Sayer Down who was in attendance representing the adjacent land owner responded that it was a simple light construction and can be relocated.

Ms. Richards asked if there is a time frame for removal of the shed. Mr. Sumner recommended that the shed be removed but it is not a matter of enforcement that would be followed up on by the City.

Member, John McDougall asked the Planner about the section where it says subject property and a discrepancy between City ArcGIS and what is shown in the report. Mr. Sumner commented that a survey showed that the ArcGIS is incorrect and shows an improper limit of that property line and that the notice reflects the survey

provided by Rugged Geomatics. Mr. McDougall asked about the attached garage and whether it was part of the applicant's property. Mr. Sumner confirmed that there are two residential properties on the southern property and the expansion of the northerly of the two structures that created the encroachment. Mr. McDougall asked if it was okay that there were two residences on that property. Mr. Sumner commented that it won't exacerbate the issue. Sayer Down commented that their clients own the residence to the north being added to and the residence to the south is a tenant and the structure is a mobile trailer unit that can be moved. Ms. Wheatley felt that they are giving the most that they can of the southern property and if they needed more property to the north they would have to go to the other land owner and another application would be required.

Motion: John Barr

Seconded: Bev Richards

That application D10-22-05 consent lot addition to transfer approximately 0.93ha of land from property located at an unassigned address on Jones Road/Taillieu Road Kenora Ontario and legally described as PIN 42177-0479 to property located at 18/36 Taillieu Road PIN 42177-0124 be approved and provisional consent be granted subject to conditions outlined in the Planning Report.

Carried.

- D10-22-06, Bayridge Road

The owner, Patti McLaughlin represented the application for D10-22-06 and D10-22-07. The two properties share a common trench that contain two separate sewer and water lines. She explained that at the time the decision was made to use one common trench on the property that was more favourable for excavation. The owner is in the process of selling her home and the easement will provide protection for both property owners in the event there is any trouble with the services.

The Planner spoke to both applications as they are related. He noted that it is basically a private matter but under the Planning Act requires consent approval from the municipality. The Planner identified no concerns and recommended that both applications be approved subject to conditions.

The Chair asked the applicant if they had anything further to add. The applicant noted that there have not been any issues with the services since they were installed.

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

The Chair asked the members if they had any questions or discussion. They did not.

The Secretary-Treasurer read the motion.

Motion: John McDougall

Seconded: John Barr

That application D10-22-06 for consent easement over property described as PIN 42167-0163 in favour of PIN 42167-0165 be approved.

That this approval will allow for the legal access for the owners of PIN42167-0165 10 Bayridge Road to access sewer and water lines over 42167-0163 6 Bayridge Road.

- D10-22-07, Bayridge Road

The applicant left the meeting.

The Planner summarized the application as being identical to the previous application except the PIN's would be opposite and giving the opposite property owner rights over the lines on the neighbouring property.

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

The Chair asked if the members had any questions or discussion. They did not.

The Secretary-Treasurer read the motion.

Motion: John McDougall

Seconded: Bev Richards

That application D10-22-07 for consent easement over property described as PIN 42167-0165 in favour of PIN 42167-0163, 10 Bayridge Road in favour of 6 Bayridge Road; be approved.

That this approval will allow for legal access for the owners of PIN 42167-0163 to sewer and water lines on 42167-0165.

Carried.

viii. Recommendation to Council

- Application for an Amendment to the Zoning By-law
 - i. D14-22-03, Railway Street

The agent, Ryan Haines represented the application for a Zoning By-law amendment for 1439 Railway Street on the site of the former Degagne Enterprises. The application would bring the property into compliance and would allow for the sale of the property. He explained that the property is zoned light industrial and residential second density and it is proposed to rezone to General Commercial and will maintain the existing Hazard Lands Overlay. The GC zone would allow for the existing apartments on the second floor. He noted that no new development is planned for the property. He felt that the application meets the Provincial Policy Statement 2020 and the Official Plan 2015.

Mr. Sumner presented the Planning Report. The approval would enable the lawful permitting of the multiple dwelling units to be located above permitted uses that occupy the first floor of a non-residential use building. The "GC" zone would also permit the future change in use to a recreational facility. After interdepartmental and agency circulation, the Building Department commented that a Building Permit will be required for the 4 existing unpermitted residential units. Design by a code

qualified designer is required and must accompany the application submission. The Planner recommended that the application be approved.

The Chair asked if there was anyone from the public who wished to speak in favour or in opposition to the application. There were none.

The Chair asked if the members had any questions or discussion.

Member, Bev Richards asked for an explanation of the Building Code requirement to have design by qualified designer that must accompany the application. Mr. Sumner clarified that it is someone who has gone through the qualification process to design under the Ontario Building Code. No permits have been received for the residential units so a complete set of drawings showing all relative details is the Planner's understanding of the requirements.

Motion: Bev Richards

Seconded: John Barr

RESOLVED THAT the PLANNING ADVISORY COMMITTEE recommends that the Council of the Corporation of the City of Kenora approve Application for an Amendment to the Zoning By-law, File No. D14-22-03, to change the zoning of the subject property from "ML" Light Industrial Zone and "R2" Residential – Second Density Zone with a "HL" Hazard Land Zone overlay and an "EP" Environmental Protection Zone overlay to "GC" General Commercial Zone with a "HL" Hazard Land Zone overlay and an "EP" Environmental Protection Zone overlay.

The effect of the approval would enable lawful permitting of existing dwelling units in conformance with the Zoning By-law and support future redevelopment of the property with uses permitted within the "GC" General Commercial Zone. The preservation of the "HL" and "EP" overlay zone ensures the continued protection of the wetlands on the eastern portion of the site.

The Committee has made an evaluation of the application based on its merits against the Official Plan, Zoning By-law, and the Provincial Policy Statement, 2020, and provides a recommendation to Council purely based on these matters; whereas the Committee may not have had the opportunity to hear public comments in full.

Carried.

The Secretary-Treasurer noted an amendment to the notice of completed application. It was published correctly in the municipal memo and the Committee of the Whole meeting is on April 5, 2022.

ix. New Business

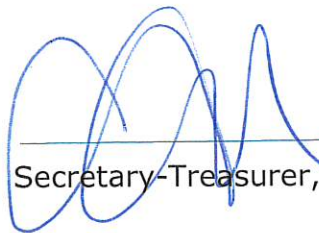
- OP and ZBL Review – no updates provided.

x. Adjourn

That the March 15, 2022 Planning Advisory Committee meeting be adjourned at 7:31p.m.

Minutes of the Kenora Planning Advisory Committee meeting, Tuesday March 15, 2022 are approved the 19th day of April, 2022.

_____ * virtual meeting
Chair,



Secretary-Treasurer, Melissa Shaw