

PROPERTY AND COMMUNITY PLANNING COMMITTEE

MINUTES

Thursday, May 5, 2005 10 a.m.
Council Chambers

Present: Len Compton, Jeff Port, Tara Rickaby, Ingrid Parkes, Bill Preisentanz, Annali Rosteski

Regrets: **Colin Wasacase, Rory McMillan and Art Mior**

GUEST: Carmella Laffin, Business Enterprise Centre
DEPUTATION: David Allen, Chantelle Borbely, Tyler Baker, residents of Birchwood Crescent.

Councillor Compton called the meeting to order at 10:05 a.m. and welcomed those present. He explained that each party would have five minutes to make their presentation and asked that there not be duplication.

David Allen introduced himself as the next door neighbour to the Susan and Justin Green residence and gym. He described the neighbourhood and said that the gym opened in approximately January of 2004. He further stated that the gym operates seven days per week and in order to accommodate the users, the front yard of the lot has been converted to a parking lot. He said that there are times when there are upwards of ten vehicles parked both on site and on the street. He reminded those present that there are no sidewalks in this neighbourhood. Mr. Allen said that the business has grown and become more entrenched.

He went on to say that he is not here because a personality conflict but to look out for his own interests and to say that he does not feel that the gym is appropriate for the neighbourhood.

Mr. Allen said that common sense must be applied along with the by-law; he closed by stating that this is not a borderline case and that the situation will not improve.

Councillor Compton asked the Committee if there were any questions. There were none. Mr. Allen thanked the Committee at 10:09.

Chantelle Borbely stated that she resides on the property adjacent to the Green's residence and gym; they recently built on the property and wish to protect their investment. When searching for a building lot they specifically wanted and R1 designation. Ms. Borbely told the Committee that the home occupation has generated parking and traffic problems and it resembles a commercial use. She went on to quote from section 5.1.4 of the zoning by-law "the occupation shall not create or become a nuisance by way of noise, fumes, dust, odour, traffic or otherwise interfere with the enjoyment of the residential amenities of the neighbourhood;"

Ms. Borbely admitted that, in the last couple of weeks, the gym has been quieter during the day but that the situation during the evening and night has remained the same.

She acknowledged that the Green's have made a significant investment but said that her family had as well.

Ms. Borbely said that while she supports fitness centres, this business must be controlled and that it should not be a home occupation. She asked that Council require the Green's to comply with the by-law and protect the value of the property.

Ms. Borbely finished by stating that this could set precedent and render the zoning by-law useless.

Councillor Compton asked the Committee if there were any questions. There were none. Ms. Borbely returned to the gallery at 10:15.

Tyler Baker introduced himself and stated that he has lived in his home, located on the most easterly lot on Birchwood Crescent, for three years. His home is located one lot to the east of the Borbely residence and two lots easterly of the Green residence and gym. Mr. Baker told the Committee that he is a member at the gym. He stated that he does not see traffic as an issue and said that there are two other businesses in the area. Mr. Baker said that he hasn't seen as many as ten vehicles in the area of the gym, perhaps six or seven. Mr. Baker told the Committee that he is a shift worker and therefore sees the activity at different times of the day. The gym has offered him a place to meet people from the neighbourhood and throughout the community. Mr. Baker stated that he feels that, although the gym was established after he built his home, his home has still appreciated in value.

Mr. Baker expressed frustration with conflict in the neighbourhood but stated that everyone should focus on the positive elements.

Mr. Baker further commented that his wife runs a day care from their home and that she and the children walk to the park area and that there hasn't been a problem.

Councillor Compton asked if the Committee members had any questions.

Councillor Parkes asked how many users there are at one time. Mr. Baker said that he tends to use the gym at the same time every day and that, typically, he is on his own. Councillor Parkes asked if the usage was sometimes heavier than other times. Mr. Baker replied that he doesn't use the gym in the evening but that the traffic isn't bad.

Councillor Compton asked if Mr. Baker could say what percentage of the home is used for the gym. Mr. Baker answered that he couldn't say with any certainty; that 1/2 of the main floor is used for the gym but he doesn't know what percentage is the washroom and changer room and isn't aware of the dimensions of the home.

Councillor Compton thanked those in attendance and invited them to stay for the whole meeting if they so wished. He stated that the item will be referred back to the Planning Department.

1) Adoption of Minutes – April 21, 2005

Moved by: Len Compton Seconded by: Ingrid Parkes

Councillor Compton requested that the minutes of the presentation by Mr. Green show that Mr. Green stated that there was a confrontation with Mr. Allen with respect to the cutting down of a tree at one point.

THAT the minutes of the April, 21 2005 minutes be adopted as amended.

CARRIED

2) Additions to the Agenda

Councillor Compton requested the addition of 502 St. Clair St.

3) Declaration of Pecuniary Interest

None.

- 4) **Business Enterprise Centre – Carmella Laffin** - Carmella reviewed the mandate and funding for the Business Enterprise Centre and reviewed the targets, objectives and deliverables from 2004. She indicated that she applied for and received funding from FedNor for an intern. Carmella showed the Committee a video presentation used to encourage youth to participate in the business plan competition. Carmella invited Council to attend the Business Plan Competition day in Minaki next week and will forward them each something in writing.

Action required: None.

5) Official Plan

Jeff Port stated that Ian Smith, the Manager of the Northwest Regional Office of MMAH contacted him in response to a letter from the City's CAO. Although Mr. Smith could not attend the recent NOMA conference, he and Mr. Port discussed and agreed upon the modifications to the Official Plan. This discussion was summarized in writing and forwarded to the Thunder Bay office of MMAH. There are a few mapping details to be worked out but essentially the Official Plan can be approved. The Planning Department will remind MMAH that the City has applied for exemption from having to have amendments to the Plan approved by MMAH.

Action required: Mapping changes to be completed and forwarded to MMAH.

6) Private Roads Assumption Policy

The policy is with the Municipal Solicitor for final revisions.

Action required: None.

7) Amendments to Zoning By-law 160-2004 - Housekeeping

Reminder only.

Action required: Planning Department to provide planning report.

8) 27 Birchwood Crescent – Home Occupation

The Committee discussed how to determine the level of impact the gym is having on the neighbourhood. The recommendation from the Planning Advisory Committee and some members of the public with respect to permitting home occupations in the R1 zone will be researched.

Action required: City Planner to follow up on issues of either compliance of proceeding with amendment application. Letters to all three delegations required.

9) Development Agreement – Condition of Consent B18/04 Mineault

Jeff Port reported that on October 19, 2004, the City of Kenora Planning Advisory Committee approved an application for consent (B18/04) for Philip Mineault to create three new lots, with access off of the Redditt Road. One of the conditions of consent was that the Applicant enter into a development agreement with the City to bring an existing road up to municipal standard and to include MTO standards, at the request of the Ministry.

Action required: Report and by-law to COW.

12. Gunne Cres. – Possible Sale of Land

Jeff Port reported that title has been searched for property behind the applicants' properties.

A portion of the property is owned by the City and the other portion by the Kenora Catholic District School Board. The City will sell a portion of the property to one of the applicants, as a lot addition. The only provisos will be that the City will not assure access to the rear and that there will not be more than 75 feet sold.

Action required: Letters outlining process to all applicants and declaration of property as surplus.

13. 502 St. Clair

The Planning Department reported that the owner has been in to discuss the issue with the Building Department. The Building Department will follow up. The Owner prefers to complete the addition then remove the offending portion of the building.

The Committee discussed the possibility of a letter of comfort being issued so that the encroachment can remain until the addition is complete. The other option is to permit a bond to be posted, to be returned upon removal of the encroaching portion of the residence.

Action required: Planning Department to discuss with Building and possibly bring application back to PAC to change condition.

Motion required adjourning to Closed Meeting (11:45 am)

Moved by: Ingrid Parkes Seconded by: Annali Rosteski

THAT this meeting now be declared closed; and further

THAT this Committee adjourns to a Closed Meeting to discuss the following: matters of security of municipal property and acquisition of land.

Moved by: Annali Rosteski Seconded by: Ingrid Parkes

THAT the closed meeting be adjourned at 11:57 a.m.

Next meeting, Thursday, May 19, 2005, 10 a.m., Council Chambers