

PROPERTY AND COMMUNITY PLANNING COMMITTEE

MINUTES

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

Present: Colin Wasacase, Len Compton, Rory McMillan, Art Mior Jeff Port,
Tara Rickaby, Bill Preisenz, Annali Rosteski (Part of meeting)

Regrets:

DEPUTATION: Susan Green, 17 Birchwood Crescent

10:05 Councillor Wasacase invited Ms. Green to make her presentation. Ms. Green stated that she does not have a prepared statement, but indicated that there were concerns with respect to a letter written by Jeff Port suggesting structural changes to the Green residence in order to comply with the zoning by-law.

Ms. Green apologized for the tone of a letter sent by Justin Green in reply to Jeff Port's letter and acknowledged that it was rude and unprofessional. However, the feeling that the Green's have is that the City is throwing up roadblocks to shut down their business.

Ms. Green described the impact that the Green's volunteer efforts have on the community and the fact that Mr. Green stays at home to raise their family.

Ms. Green closed by indicating that they are not prepared financially, or otherwise to make interior alterations to their home and that if the City shuts down their business they will continue to run it without charge.

Mr. Port thanked Ms. Green for coming and for her opening remarks. He indicated that the City is not "out to shut them down" but to ensure that compliance with the zoning by-law. He went on to say that the City is caught in the middle of a compliance issue; the neighbours objecting want more done. He reminded those in attendance of the history behind this file.

Mr. Port said that the reason for the suggestion of physically changing the layout of the gym to separate it from the home was because it is easier for all involved to determine 25% of the residence and compliance with the by-law. He acknowledged that he has not done an inspection but expects that the layout remains open and subject to change.

Ms. Green acknowledged that last year the family's "rec room" had cardio equipment in it, which throughout the winter, they permitted gym members to use. Ms. Green said that was a mistake and the equipment has been removed from the premises. She requested an inspection and a resolution to this issue.

Councillor Compton commented that the by-law must be conformed, however if the City has not made an inspection it must be presumed, when the Green's say they comply, that they are in compliance. If the neighbours find the business to be a nuisance then they can approach the matter civilly. He added

that Mr. Port had only suggested the structural changes. Jeff Port clarified, saying that he had offered two recommendations to ensure compliance with the by-law; structural separation or an application for a zoning by-law amendment. Some debate ensued and Councillor Compton commented to Mrs. Green that the front yard does look like a parking area and he can understand some of the neighbours' concerns.

Councillor Wasacase thanked Ms. Green for coming in and being candid. He commended her and her husband on their athleticism. Ms. Green left the meeting at 10:28 a.m.

1) Adoption of Minutes – May 5, 2005

Moved by: Len Compton Seconded by: Art Mior

CARRIED

Annali Rosteski arrived.

2) Additions to the Agenda

Councillor Compton requested the addition of John Monteith request to purchase municipal property and a complaint with respect to a rental unit in an R1 neighbourhood.

Councillor Compton further suggested that all matters remain on the agenda until staff is directed to remove them.

3) Declaration of Pecuniary Interest

None.

4) June 2 meeting – OMB hearing conflict

Property and Community Planning meeting to go on as scheduled. Jeff Port and Colin Wasacase will not be in attendance.

Action required: None.

5) Official Plan

The Planning Department has received the final modifications required by MMAH to the Official Plan. A resolution of Council to accept the modifications is preferred to accompany the submission of the Official Plan.

Action required: Copy of modifications to Committee members with a report from the Planning Department..

6) Private Roads Assumption Policy

The policy is with the Municipal Solicitor for final revisions.

Action required: None.

7) Overnight RV parking in commercial parking lots

Walmart, particularly, is zoned General Commercial, at their request and camping is not a permitted use in this zone. Jeff Port and Len Compton agree that banning RV's from parking in commercial parking lots does not mean that the City is not tourist friendly. If the occupants of the RV are

“just resting” then they aren’t actually tourists. Support should be shown for the local tourist businesses and the industry in the area in general.

Action required: Planning Department to follow up with City of Dryden to determine the situation there and LOWBIC to provide possible impact of banning overnight parking. Bill Preisentanz will check the situation at the Kenora Shopper’s Mall.

8) LOWBIC – N. Ontario Youth Internship Application

Annali Rosteski reported on an application that LOWBIC is submitting based on encouragement from an NOHFC board member to address shortfalls in Sioux Narrows-Nestor Falls and Kenora.

She briefed the Committee on the new position indicating that the scope of work is quite broad but includes working two days/week out of Sioux Narrows-Nestor Falls. She indicated that it fills a void in staffing at LOWBIC, is a step in succession planning and indirectly holds LOWBIC as a role model for employing and retaining youth in Kenora and discussed methods of gathering and sharing information.

Bill Preisentanz asked that LOWBIC consider whether or not the position is a good fit for regional service delivery or whether it should be for services wholly within Kenora. Ms. Rosteski indicated that the application would be considered at a board meeting tomorrow.

Action required: LOWBIC to review goals of program and decide whether or not it should be regional service delivery.

- Agreement

Bill Preisentanz reminded the Committee that the agreement with LOWBIC required that a detailed budget be submitted with 30 days after the signing of the agreement. The agreement was signed on April 11, 2005. Bill requested that LOWBIC provide the budget and work plan at the next meeting.

Action required: Annali to report budget and work plan on June 2nd.

11:05 Annali Rosteski gave regrets and left the meeting.

9) 502 St. Clair St.

Jeff Port reported that, although the Committee had directed that an alternative for security with respect to removal of the encroaching portion of the building be discussed, the CBO had sent out a letter to the property owner giving him until May 20th to respond. To date there has been no response and if there isn’t any by the deadline, Mr. Port will discuss the matter with the Operations Manager.

Action required: Report on progress next meeting.

10) 17 Birchwood Crescent – Update

Councillor Compton commented that an inspection should be undertaken in order to determine compliance. Jeff Port suggested that he would discuss the inspection with the CAO to determine whether or not it might be advisable to have someone other than himself perform the inspection.

Art Mior asked whether or not different fire separation was required between the residential and commercial use. Discussion ensued with respect to separation of the uses.

Mr. Mior commented further that the general intent of “home occupation” should be considered and decided upon. He questioned whether or not the City could step away from the issue just by going by the 25% of the home stipulation and not address the traffic/nuisance issue. Mr. Mior suggested that the construction of a wall may penalize the owners, however that the driveway could be reduced to ensure that the property maintains its residential character.

Action required: Research precedent re. home occupations.

11) Gunne Cres. – Possible Sale of Land

The neighbour on the east side of John Monteith received a letter stating that the property behind theirs is owned by the Kenora Catholic District School Board; it is in fact owned by the City.

The Planning Department has been in touch with Mr. Monteith with respect to the process to be followed.

Action required: Send correct letter to neighbour and follow up with Mr. Monteith.

12) Complaint re. Rental Unit in R1 Zone

Councillor Compton received a letter of complaint from a former tenant of a rental unit in an R1 zone.

Action required: Planning department to investigate.

Motion required adjourning to Closed Meeting (11:31 am)

Moved by: Rory McMillan Seconded by: Len Compton

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: Len Compton Seconded by: Rory McMillan

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

Next meeting, Thursday, June 2, 2005, 10 a.m., Council Chambers