



City of Kenora
Planning Advisory Committee
60 Fourteenth Street N.
Kenora, ON P9N 4M9

MINUTES

CITY OF KENORA PLANNING ADVISORY COMMITTEE

May 16, 2006

REGULAR MONTHLY MEETING HELD AT 60 Fourteenth St. N.
OPERATIONS CENTRE BUILDING

9:01 P.M.

Present:

Art Mior	Chair
Wayne Gauld	Member
James. Tkachyk	Member
Joyce Chevrier	Member
Jim Day	Member
Tara Rickaby	Assistant Secretary Treasurer
Jeff Port	Secretary-Treasurer

Regrets: Pat Pearson, Member, Terry Tresoor

DEPUTATION: Mr. Bruce Ormiston, Agent for John Fregeau and Maureen Conway re. Application for Consent NO. B02/06 Fregeau.

The Committee agreed to proceed with the deputation now and make a decision under "Old Business".

Jeff Port gave the planning report stating that this file is an example of why it is important to be visually familiar with subject properties. He said that the application appeared simple on paper, however is problematic in terms of topography and grades.

He discussed the creation of the lot and the structures on it. He indicated that the main issue is where to locate the driveway for the new lot. There are issues with both the horizontal and vertical curves on Glen Cameron Drive, in addition to a sharp slope, to the adjoining property to the south. The City of Kenora Official Plan, Section 5.4. (g) states that "*Consents will not be granted for land adjacent to a road from which access will be obtained where a traffic hazard would be created because of limited sight lines , or curves, or grades*" and Section 5.4. (k) states that "*Consents for residential uses will not be approved where development will be located close to incompatible land uses such as major highways, railways, waste disposal sites, or active industrial sites.*"

The City's Sewer and Water Supervisor indicates that a new, separate service will be required for the new lot, and further that a letter of understanding, currently between the Owner and the City of Kenora, should be registered on title, giving the City access to the property for sewer and water purposes.

The recommendation is for refusal.

Bruce Ormiston, Agent for the Applicant, recapped the application process and description of the property. He indicated that the Applicant was contacted yesterday and told that the City Planner would be recommending refusal of the application, which was a surprise because the lot meets or exceeds the minimum requirements set out in the zoning by-law. Mr. Ormiston stated that the "industrial use" is actually docking and storage space for Bell Canada, and is a legal non-conforming use as the property is zoned R1. He suggested that the use would not deter someone from living next door.

Mr. Ormiston addressed the sewer and water servicing issue by stating that both the principle residence and cottage are on separate meters. He also indicated that, while one cannot register on title a letter, there would be no objection to providing access to the City for sewer and water issues.

Mr. Ormiston said that while the driveway entrance is not supported by the City's Road Supervisor, CJ Edwards & Son has provided a letter stating that a driveway could be built. He indicated that the shared driveway which services the subject property is imported fill. Mr. Ormiston added that the concerns with respect to the corner, the hill and associated visibility on Glen Cameron Drive may not be valid because the street is a dead end, servicing seven residences; the road is not busy and no one travels at excessive speeds.

Mr. Ormiston provided a letter from the Deputy Chief of the Kenora Police Service, which indicated no record of traffic accidents in the area. He also provided an additional sketch, by CJ Edwards & Son indicating where the driveway could be located.

In summation, Mr. Ormiston said the following: the application is to create a new lakefront lot which exceeds R1 size standard, the use of the property to the south, by Bell Canada, is not reflective of industrial use and is not in conflict with the neighbour, there were no objections from the neighbours, lakefront property is in high demand, the Bell Canada property is in an R1 zone, the entrance will be onto a dead end street with little traffic and that the proposal by CJ Edwards & Son seems reasonable.

Mr. Ormiston requested that the matter be added to the agenda of the meeting scheduled for May 24th and asked for the Committee's support for the application.

James Tkachyk suggested that the only issue is the driveway; he stated that he cannot imagine construction when the frontage on the street is not wide, the property slopes away onto the Bell Canada property. He wondered about how the drainage of the subject property would affect that property.

Mr. Ormiston agreed that fill is required, but suggested that research into the construction of the other driveway on the property would reveal that it was all fill. He also pointed out that there is an easement for access for the owner of Lot 3 over the subject property and suggested that there is a good view in both directions when one stands at the point where the driveway is proposed. In closing Mr. Ormiston stated that the Applicant would be happy to address any concerns or share the costs of the meeting on May 24, 2006.

I. CALL MEETING TO ORDER:

Art Mior called the May 16, 2006 City of Kenora Planning Advisory Committee meeting be called to order at 9:01 p.m.

II. CONFLICT OF INTEREST :III. MINUTES :

Moved by: Jim Day Seconded by: Joyce Chevrier

THAT the minutes of the April 18, 2006 meeting be approved as amended.

Corrections: Correct date of meeting to April 18, 2006 and call correct meeting to order.

CARRIED

IV. APPLICATIONS:

- 1) Application for Consent No. B04/06 Slusarczyk**, for the creation of one new rural lot
No discussion.

Moved by: Wayne Gauld Seconded by: Joyce Chevrier

THAT Application No. B04/06 Slusarczyk, for the creation of one new rural lot be approved with the following conditions:

- 1) The original executed Transfer/Deed of Land form, a duplicate original and one photocopy for our records be provided.
- 2) A Schedule to the Transfer/Deed of Land form on which is set out the entire legal description of the parcel(s) in question and containing the names of the parties indicated on page 1 of the Transfer/Deed of Land form be provided.
- 3) Three original copies (not a photocopies) of the reference plan of survey, bearing the Land Registry Office registration number and signatures as evidence of deposit therein, and illustrating the parcel(s) to which the consent approval relates and which must show in general the same area and dimensions as the sketch forming part of the application be provided.
- 4) That the transferor and the transferee not be the name of the same person on the Transfer/Deed of Land Form.
- 5) That a letter be received from Bell Canada indicating that there are adequate utility easements in place.
- 6) That a letter be received from the Northwestern Health Unit indicating that they have no objection to the proposed consent.
- 7) That, the Applicant transfers a 20 metre road allowance for any portion of the Essex Road that crosses the subject property.
- 8) That the Roads Superintendent indicates, in writing, that there is an adequate location for a driveway entrance.
- 9) That the Applicant installs a rural addressing post and number at the end of each driveway to the satisfaction of the Chief Building Official.

If the conditions to consent approval are not fulfilled within one year of the date on this letter and the applicant is still interested in pursuing the proposal, a new application will be required.

CARRIED

2. Application for Consent No. B05/06 Noseworthy for a lot addition.

The Committee discussed the dimension between the existing fence and the wall of the restaurant. A letter from an OLS would suffice as proof that the property meets the requirements of the zoning by-law.

Moved by: Jim Day Seconded by: James Tkachyk

THAT Application No. B05/06 Noseworthy, for a lot addition to PIN 42168-0518, 42168-0519, 42168-204, 42168-205, 42168-0213, 42168-0517, 42168-0514 be approved with the following conditions:

1. The original executed Transfer/Deed of Land form, a duplicate original and one photocopy for our records be provided.
2. A Schedule to the Transfer/Deed of Land form on which is set out the entire legal description of the parcel(s) in question and containing the names of the parties indicated on page 1 of the Transfer/Deed of Land form be provided.
3. Three original copies (not a photocopies) of the reference plan of survey, bearing the Land Registry Office registration number and signatures as evidence of deposit therein, and illustrating the parcel(s) to which the consent approval relates and which must show in general the same area and dimensions as the sketch forming part of the application be provided.
4. A letter be received from an Ontario Land Surveyor that the retained property is in compliance with all provisions of Zoning By-law No. 160-2004.

If the conditions to consent approval are not fulfilled within one year of the date on this letter and the applicant is still interested in pursuing the proposal, a new application will be required.

CARRIED

4. Application for Consent No. B06/06 Kerr for the creation of one rural residential lot.

The Committee discussed protection of the F2 fishery and the buffer created by the 20 metre road allowance.

Moved by: Joyce Chevrier Seconded by: Jim Day

THAT Application for Consent No. B06/06 Kerr for the creation of one rural residential lot be approved with the following conditions:

1. The original executed Transfer/Deed of Land form, a duplicate original and one photocopy for our records be provided.
2. A Schedule to the Transfer/Deed of Land form on which is set out the entire legal description of the parcel(s) in question and containing the names of the parties indicated on page 1 of the Transfer/Deed of Land form be provided.
3. Three original copies (not a photocopies) of the reference plan of survey, bearing the Land Registry Office registration number and signatures as evidence of deposit therein, and illustrating the parcel(s) to which the consent approval relates and which must show in general the same area and dimensions as the sketch forming part of the application be provided.

4. That the transferor and the transferee not be the name of the same person on the Transfer/Deed of Land Form.
5. That a letter be received from Bell Canada indicating that there are adequate utility easements in place.
6. That a letter be received from the Northwestern Health Unit indicating that they have no objection to the proposed consent.
7. That, the Applicant transfers a 20 metre road allowance for any portion of the Anderson Road and/or Kerr Drive that crosses the subject property.
8. That the Roads Superintendent indicates, in writing, that there is an adequate location for a driveway entrance.
9. That the Applicant installs a rural addressing post and number at the end of each driveway to the satisfaction of the Chief Building Official.

** Note to approval**

- 1) That, in order to protect the F2 – Northern Pike spawning ground and nursery in the Winnipeg River inlet, the road allowance located along the east side of the subject property will not be declared surplus to the City's needs; and
- 2) That, in order to protect the F2- Northern Pike spawning ground and nursery in the Winnipeg River inlet, there will be no structure(s) permitted to be built on the road allowance located along the east side of the subject property.

If the conditions to consent approval are not fulfilled within one year of the date on this letter and the applicant is still interested in pursuing the proposal, a new application will be required.

CARRIED

V. OLD BUSINESS:

1. Application for Consent No. B03/06 Fregeau for the creation of one residential lot.

The Committee discussed impact of erosion and drainage on the property to the south as well as the need for more information with respect to Glen Cameron Drive.

Jim Day informed the Committee that the Bell Canada site is also the location of fibre optic lines.

Moved by: James Tkachyk Seconded by: Wayne Gauld

THAT Application for Consent No. B03/06 Fregeau be tabled pending the provision of the following:

- (i) a detailed design of the proposed driveway and entrance on to Glen Cameron Drive, and;
- (ii) an engineering analysis indicating how the proposed driveway and entrance will conform to City engineering specifications for sight lines, horizontal curves and vertical curves; and
- (iii) an erosion control plan and a drainage plan for the property and associated infrastructure works.

CARRIED

VI. NEW BUSINESS:

1) Questions re. Planning and Property Meeting –

VII. ADJOURN:

10:00 Art Mior called for a vote to continue the meeting past the curfew. Committee voted against continuing. The meeting of the Kenora Committee of Adjustment will be continued on a date to be determined.

Moved by: Jim Day

THAT the May 16, 2006 Committee of Adjustment meeting be adjourned at 10:01 p.m.

CARRIED

ADOPTED AS PRESENTED THIS 20th DAY OF June, 2006

CHAIR

SECRETARY-TREASURER