



City of Kenora
Planning Advisory Committee
60 Fourteenth St. N., 2nd Floor
Kenora, Ontario P9N 4M9
807-467-2059

MINUTES

CITY OF KENORA PLANNING ADVISORY COMMITTEE REGULAR MEETING TO BE HELD IN THE PLANNING, BUILDING AND ENGINEERING BUILDING, 60 FOURTEENTH ST. N, May 15, 2008 7:31 P.M.

Present:

Art Mior	Chair
James. Tkachyk	Vice Chair
Joyce Chevrier	Member
Terry Tresoor	Member
Vince Cianci	Member
Wayne Gauld	Member
Tara Rickaby	Assistant Secretary-Treasurer
Regrets:	Colin Bird, Member, Jeff Port, Secretary Treasurer

I. **CALL MEETING TO ORDER:**

Art Mior called the May 15, 2008 regular meeting of the Kenora Planning Advisory Committee to order at 7:31 p.m.

II. ADDITIONS TO THE AGENDA:

- Addition to "New Business" – Staff – Zoning By-law Amendment Z09/08 1703591
 - Proposal to change meeting times
- Addition to "Old Business" – Joyce Chevrier – Animal shelters

III. **DECLARATION OF PECUNIARY INTEREST and THE GENERAL NATURE THEREOF:**

- | | | |
|----|--|---------------|
| a) | On today's agenda | None declared |
| b) | From a meeting at which a Member was not in attendance | None declared |

IV. MINUTES:

April 15, 2008

Moved by: Joyce Chevrier Seconded by: Terry Tresoor

THAT the minutes of the special Planning Advisory Committee meeting April 15, 2008 be approved as distributed.

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|-----------------------------|------|
| 2. Corrections to minutes – | None |
| 3. Business Arising – | None |

CARRIED

V. **APPLICATIONS:**

1. Application for Consent B05/08 M & L/Green et al.

The Committee discussed the ownership of the subject property and surrounding properties.

Moved by: James Tkachyk

Seconded by: Wayne Gauld

THAT Application for Consent B05/08 M&L/Green et. al for an easement for access purposes in favour of PIN 42153-0011, Pcl 39577 SEC DKF: Part of Location MCA4, Kenora Pt 2 Plan 23R8527 (Green), PIN 42153-0013 Pcl 16714 SEC DKF, Pt Location MCA4 Kenora as in LT44211

Ext Pt 1 & 2 23R5997 and Pt 1 & 2 23R8527 (Ludlow), PIN 42153-0012 Pcl 36393, SEC DKF Pt Location MCA4 Kenora Pt 2 23R5997 (Trudeau) over lands described as D 104, D 130 & D 122 PCL 851;REM 806 REM PCL 40653 (M & L Development Ltd.) 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 a letter be received from the City of Kenora Roads Supervisor indicating that an entrance permit is not required, or that an entrance permit has been issued.
5. That the owners of lands in favour of the easement be required to enter into a crossing agreement with TransCanada as per the following National Energy Board Act requirement:
6. That the owners of lands in favour of the easement be required to enter into a crossing agreement with TransCanada as per the following National Energy Board Act requirement: All crossings of the pipeline right-of-way by any facility as defined by the National Energy Board (NEB) Regulation 112 must have TransCanada's prior written authorization. A crossing facility may include but is not limited to driveways, roads, access ramps, trails, pathways or utilities. In accordance with the NEB Act, the owner may be required to enter into a crossing agreement with TransCanada prior to the construction of any facility. The owner agrees to meet all clearances and design requirements outlined in the crossing agreement and the NEB Pipeline Crossing Regulations.
7. That the continuation of the driveway, across the Walters property (PART LOC D112 RP 23R3658;PART 1 PCL 33219 & PART;LOC MCA 156 PT 1 RP 23R5559;PCL 34460) and Ludlow property (PIN 42153-0013 Pcl 16714 SEC DKF, Pt Location MCA4 Kenora as in LT44211 Ext Pt 1 & 2 23R5997 and Pt 1 & 2 23R8527) also have an easement of favour of property owners Green (PIN 42153-0011, Pcl 39577 SEC DKF: Part of Location MCA4, Kenora Pt 2 Plan 23R8527) and Trudeau (PIN 42153-0012 Pcl 36393, SEC DKF Pt Location MCA4 Kenora Pt 2 23R5997).
8. That the easement be surveyed out at ten (10) metres in width.

NOTES:

NOTE1: All crossings of the pipeline right-of-way by any facility as defined by the National Energy Board (NEB) Regulation 112 must have TransCanada's prior written authorization. A crossing facility may include but is not limited to driveways, roads, access ramps, trails, pathways or utilities. In accordance with the NEB Act, the owner may be required to enter into a crossing agreement with TransCanada prior to the construction of any facility. The owner agrees to meet all clearances and design requirements outlined in the crossing agreement and the NEB Pipeline Crossing Regulations.

NOTE 2: Section 112 of the NEB Act requires that anyone excavating with power-operated equipment or explosives within 30m of the pipeline right-of-way must obtain leave from the pipeline company before starting any work. To satisfy this NEB requirement, you may send your request for leave directly to TransCanada with supporting information explaining how the work will be carried out. Once you obtain written approval for your excavation request, you must notify TransCanada at 1-800-827-5094 or Ontario One Call at 1800-400-2255 15 business days before the start of any excavation using power-operated equipment and 30 business days before the use of explosives within 30m of the pipeline right-of-way limits.

NOTE 3:

Notice must be given to TransCanada directly (1-800-827-5094) or through Ontario One Call (1-800-400-2255) a minimum of 15 business days before the start of any construction on or within 30m of the pipeline right-of-way and 30 business days before conducting any work involving explosives.

Any grading not otherwise permitted by the NEB Act or Crossing Regulations, that will affect the right-of-way or drainage onto it, regardless of whether or not the grading is conducted on the right-of-way, must receive TransCanada's prior written approval. Grading activities on the right-of-way will only be permitted when a TransCanada representative is present to inspect and supervise them.

No fill or building material may be stored on the pipeline right-of-way unless prior written approval is obtained from TransCanada.

The Owner shall ensure through all contracts entered into, that all contractors and subcontractors are aware of and observe the foregoing terms and conditions.

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

VI. OLD BUSINESS:

- **Animal Shelter** - Joyce Chevrier reviewed her observations on the decision of Council with respect to a change to the "Keeping of Animals" by-law. She expressed concern that this Committee's recommendation was not acknowledged by Council. Mrs. Chevrier spoke to the time it took this Committee to make the recommendation. She commented that she expects future problems based on Council's decision on Monday night and recommends that the same recommendation be brought forward during the comprehensive review of the Zoning By-law and Official Plan, next year. Art Mior stated that he thinks that good planning background went into the recommendation that went forward to the Property and Planning Committee. He reminded those present that the recommendation of PAC was not specific to the property in question, and he suggested that Council will still deal with the recommendation. Mr. Mior asked the Committee's indulgence in permitting Alex Clark to speak. Mr. Clark expressed his appreciation for PAC's support and considerations under the *Planning Act* and use of common sense. He explained that Council postponed two items: 1) the kennel license for Rescue North and 2) the decision on the PAC recommendation. He stated that Council introduced and gave three readings to a by-law amending the "keeping of animals" by-law by adding "Light Industrial" as a zone in which kennel, breeding and working shelters are permitted, in addition to the RU – Rural zone. Mr. Clark went on to say that they will be seeking legal counsel and will take action against Council because of hardship caused to the community. He said that Council has the right to postpone a decision, but not indefinitely as the *Planning Act* legislates the timing requirements for a decision by Council. He stated that Council has 120 days to make a decision and that April 17th was the first day used for counting and that the last day they have is June 17th. Mr. Clark stated they will go to the OMB if no decision is made. Mr. Clark feels that the matter likely will not make it past the pre-hearing stage as Council tried a back-door change to the zoning. He said that Council hasn't acted in good faith. Mr. Clark thanked the Committee for the opportunity to speak. Vince Cianci asked what big cities do with animal shelters.

Mr. Clark responded, citing the Cities of Toronto and Hamilton as examples. Discussion took place with respect to what is healthy for a dog as far as an enclosed building is concerned.

VII. NEW BUSINESS:

1. Questions re. Planning and Property Meeting -

Joyce Chevrier asked whether or not Council has made a decision with respect to the proposed communications tower. Tara Rickaby explained that Council has indicated that they will not consider an amendment to the existing site plan agreement without the City's tower policy being followed; that includes public consultation.

Wayne Gauld asked whether or not there the Herbacz matter is now complete with the transfer of a portion of Homestake Road to the City. Tara Rickaby stated that the Herbacz will be applying for a technical consent in order to divide their property. The transfer of the road to the City permits a "natural" severance of the property.

2. Road Access Act decision

Wayne Gauld distributed a Court of Appeal decision *Blais vs Belanger* which is precedent-setting decision which will affect right of access issues for property owners who cross other property to reach their own.

3. Application for Zoning By-law Amendment Z09/08 1703591

Tara Rickaby explained that this application is being made as a condition of approval for the 19 lot subdivision at the end of Williams Road.

Moved by: Joyce Chevrier Seconded by: Wayne Gauld

THAT the Kenora Planning Advisory Committee hereby recommends that the Council of the City of Kenora approves Application for Zoning By-law Amendment Z09/08 1703591 as it is a condition of approval for a plan of subdivision and all of the planning issues have been addressed through the subdivision process.

CARRIED

4. Proposal to change meeting times

Tara Rickaby indicated that the Planning Staff proposes to change the meeting times for monthly meetings from 7:00 p.m. to any time between 4 pm and 5 pm to start. A decision will be made at June's meeting.

VIII. ADJOURN

Moved by: Terry Tresoor

THAT the May 15, 2008 Planning Advisory Committee, be adjourned at 8:05 p.m.

CARRIED

ADOPTED AS PRESENTED THIS 17th DAY OF JUNE, 2008

CHAIR

SECRETARY-TREASURER



City of Kenora
 Planning Advisory Committee
 60 Fourteenth St. N., 2nd Floor
 Kenora, Ontario P9N 4M9
 807-467-2059

MINUTES

**CITY OF KENORA COMMITTEE OF ADJUSTMENT
 REGULAR MEETING TO BE HELD IN THE PLANNING, BUILDING AND ENGINEERING
 BUILDING, 60 FOURTEENTH ST. N,
 May 15, 2008 8:06 P.M.**

Present:

Art Mior	Chair
James. Tkachyk	Vice Chair
Joyce Chevrier	Member
Vince Cianci	Member
Wayne Gauld	Member
Terry Tresoor	Member
Tara Rickaby, Assistant Secretary Treasurer	

Regrets: Colin Bird, Member, Jeff Port, Secretary Treasurer

I. CALL MEETING TO ORDER

Art Mior called the May 15, 2008 City of Kenora Committee of Adjustment meeting, to order at 8:06 p.m.

II. DECLARATION OF PECUNIARY INTEREST and THE GENERAL NATURE THEREOF:

On today's agenda None declared
 From a meeting at which a Member was not in attendance

III. MINUTES:

April 15, 2008

Moved by: Joyce Chevrier **Seconded by: Terry Tresoor**

THAT the minutes of the Committee of Adjustment meeting of April 15, 2008 be approved as distributed.

CARRIED

- | | |
|-----------------------------|------|
| 1. Corrections to minutes - | None |
| 2. Business Arising - | None |

IV. APPLICATIONS:

1. Application for Minor Variance A03/08 Stewart

Discussion took place with respect to the difference to allowing a variance to the required front yard versus the increase of the permitted encroachment into the required front yard.

Moved by: Terry Tresoor

Seconded by: James Tkachyk

THAT Application for Minor Variance No. A03/08 Stewart be approved to increase the permitted encroachment of a balcony into the front yard 1.8 metres to 3.65 metres for a variance of 1.85 metres as a balcony is appropriate development, the general intent of both the Zoning By-law and Official Plan are maintained and the variance is minor in nature. The effect will be to permit the construction of a balcony overlooking the water.

CARRIED

2. Application for Minor Variance A04/08 McDonald

The Committee discussed the sketch and the requirement to ensure no encroachment of the structure onto the abutting lot.

THAT Application for Minor Variance No. A04/08 McDonald be approved to reduce the north side yard setback from 1 metre, for an attached carport, to .762 metres, including the eaves and the eave troughs, for a variance of .238 metres as a carport is appropriate development, the general intent of both the Zoning By-law and Official Plan are maintained and the variance is minor in nature. The effect will be to permit the construction of an attached carport.

CARRIED

V. OLD BUSINESS: None

VI. NEW BUSINESS: Reminder of special meeting – May 22, 2008 at 4:00 p.m.

VII. ADJOURN

Moved by: Terry Tresoor

THAT the May 15, 2008 meeting of the Kenora Committee of Adjustment be adjourned 8:21 p.m.

CARRIED

ADOPTED AS PRESENTED THIS 17th DAY OF JUNE, 2008

CHAIR

SECRETARY-TREASURER