



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,
August 19, 2008 8:02 P.M.**

Present:

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

DELEGATION: 7:40 p.m. Kevin Oberlin re. Application Z10/08 Pollock

Mr. Oberlin read from a prepared statement, citing negative impacts on the esthetics of the neighbourhood and traffic as issues which should be considered by the Committee. He distributed photos of a motor vehicle accident which occurred at the intersection of Second Street South and Seventh Avenue South earlier in the day. Mr. Oberlin stated that the loss of a residential rental unit would impact an already tight rental market. Mr. Oberlin closed his comments by requesting that the Committee maintain the zoning as it is and not change it to a local commercial designation.

Beth Vaudry re. Application Z10/08 Pollock

Mrs. Vaudry read from a prepared statement and presented a brief history of traffic accidents in the area. She indicated that an increase in traffic means an increase in accidents. Mrs. Vaudry explained that the current business, Thumbs Up, uses three parking spaces; i) Second Street South – a no parking zone which needs to be enforced in order to maintain a clear line of sight; ii) Seventh Street South, to the east of the subject property, which is troublesome for the neighbours and for traffic in the winter because it is narrow due to snowbanks; and iii) the stalls at the rear of the property, which are usually vacant because of the steep approach and narrow lane. Mrs. Vaudry asked that the Committee recommend refusal of the application to rezone.

Colin Bownling re. Application Z10/08 Pollock

Mr. Bowling introduced himself as being a neighbour, at 711 Second Street South. He summarized a submission made to Council on August 11th by stating that a commercial enterprise would change the character of the residential area, and that traffic would also have a negative impact. Mr. Bowling had been asked to read a letter from another neighbour, Mr. Brent and Mrs. Jacqueline Tew, which he did. He closed his presentation by indicating that, in order to create a healthy neighbourhood, residential uses should be moved into a commercial neighbourhood, and not the other way around.

Mr. Mior asked if there was anyone else who wished to speak.

I. **CALL MEETING TO ORDER:**

Art Mior called the August 19, 2008 regular meeting of the Kenora Planning Advisory Committee to order at 8:02 p.m.

II. ADDITIONS TO THE AGENDA: None**III. DECLARATION OF PECUNIARY INTEREST and THE GENERAL NATURE THEREOF:**

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

IV. MINUTES:**1. Approval of minutes of last regular meeting July 15, 2008**

Moved by: Terry Tresoor Seconded by: Colin Bird

THAT the minutes of the July 15, 2008 Kenora Planning Advisory Committee be accepted as distributed.

CARRIED

2. Corrections to minutes None
 3. Business Arising None

V APPLICATIONS:**1. Application for Consent B09 08 Wehner**

The City Planner read the planning report and indicated that, based on the Official Plan policy, and that of the Ministry of the Environment, respecting development on Alcock Lake, the recommendation was to refuse the application. Mr. Port stated that a request was received, from the Agent, Bruce Ormiston, for an adjournment of the matter pending provision of more information by the Applicant.

Discussion took place with respect to the sketch provided with the application and the possibility of reconfiguring the proposal. The Official Plan policy for number of consents permitted for lot creation was also discussed.

Moved by: Joyce Chevrier Seconded by: Terry Tresoor

THAT Application No. B09/08 Wehner, for the creation of one new lot, be adjourned until the Applicant can provide further information to the Committee.

CARRIED**2. Application for Consent B10 Walter and B11 Ludlow**

Discussion took place with respect to legal access being provided to all property owners.

Moved by: Wayne Gauld Seconded by: James Tkachyk

THAT Application for Consent No. B10/08 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 132 Peterson Drive - PART LOC D112 RP 23R3658;PART 1 PCL 33219 & PART;LOC MCA 156 PT 1 RP 23R5559;PCL 34460 (Walters) and :

THAT Application for Consent No. B11/08 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 42153-0012 Pcl 36393, SEC DKF Pt Location MCA4 Kenora Pt 2 23R5997 (Trudeau) over lands described as 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) 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 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 continuation of the driveway, across the subject lands be surveyed out at 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

3. Application for Consent B12 08 Scott

The Committee discussed the technical aspects of a restrictive covenant and its potential impact.

Moved by: Wayne Gauld

Seconded by: James Tkachyk

THAT Application for Consent No. B12/08, for property described as 7 Beach Street, PLAN M19 LOT 1 PCL 11135 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 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 covenant restricting development of buildings and/or structures, with the exception of a septic field, and the planting of trees be registered on title of the north portion of the property, to be a maximum of 18.59 in width and 21.95 metres in depth.
- 5) That a letter be received from Kenora Hydro indicating that there are adequate easements in place.
- 6) That application for Minor Variance A09/08 Scott be approved.

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:

1. B18/07 Kortz – Request for change of conditions
No discussion.

Moved by: Terry Tresoor

Seconded by: Joyce Chevrier

THAT the Kenora Planning Advisory Committee amends the conditions of consent for Application B18/07 Kortz by removing #6. “That a letter be received from the Northwestern Health Unit indicating that there is adequate area for a private sewage system on each of lots 4 and 5 and that the sewage systems for lots 1, 2 and 3 are in good working order” as the NWHU has no objection and the structure has been removed.

CARRIED

VII. NEW BUSINESS:

1. Questions re. Planning and Property Meeting

Joyce Chevrier enquired as to the status of the tower project at Island View Condos in Norman. Tara Rickaby indicated that the public hearing is a requirement of the City’s Tower Policy and that the Planning Department has a conference call planned with the developer’s agent tomorrow. The Committee discussed “Gus the Horse”, of Sunnybrook Farms.

Art Mior asked about the pool at Island View Condos. Jeff Port indicated that there is still an obligation to the City, through a development agreement, as well as to Tarion with respect to the home warranty.

2. Application Z08/09 Pollock

Jeff Port highlighted the planning report and explained that he would prefer not to make a recommendation until after he has met with the Operations Manager with respect to the intersection.

Discussion took place with police reports.

Mr. Port read a letter from Dr. and Mrs. Libitka in which they stated that, in addition to other mitigating measures, they would do the following:

- specifically zone the building to be "professional use only", ie: medical, dental, chiropractic, attorney or similar. This way there will be no possibility of a convenience store, tattoo shop, etc in this location.
- day time hours only (no evenings).
- highest fencing allowable along the property line between 637 and 633 2nd Street South.
- fencing and creative landscaping along the east side of the property (as per sketch previously attached), fronting 7th Avenue South. If the neighbours don't feel this will make any difference to them, then we don't need to do it.

Mr. Mior asked the Committee for their comments: Wayne Gauld expressed surprise at the low statistics provided by KPS and suggested the situation will not get better with more traffic. Colin Bird stated that his concern was also with traffic, although more so in the winter than the

summer months. Joyce Chevrier wondered how many school children use the cross walk. Terry Tresoor stated that he couldn't support the amendment based on traffic issues. James Tkachyk expressed concern that the Committee does not have enough information to base a recommendation on. Vince Cianci agreed with those members who expressed concern with traffic issues.

Mr. Mior indicated that he does not support the amendment because the character of this old, residential, neighbourhood would be changed. He stated that the area from Fifth Avenue, east to Eighth Avenue should remain residential and not be changed into a mixed use area similar to the East Highway/Sunset Strip area.

Moved by: Terry Tresoor Seconded by: Joyce Chevrier

THAT the Kenora Planning Advisory Committee recommends refusal of Application Z10/08 Pollock for the following reasons: 1) increased traffic in a residential area; 2) maintenance of the character of the neighbourhood.

CARRIED

RECORDED VOTE:~

PAC	AYE	NAY	Dec. of Interest/ Not present at past meeting	ABSENT
Colin Bird	x			
Joyce Chevrier	x			
Vince Cianci	x			
Wayne Gauld	x			
James Tkachyk		x		
Terry Tresoor	x			
Art Mior, Chair	x			

3. OACA training opportunity – Collingwood Ont. – September 26, 2008

Discussion of the OACA training session took place.

Moved by: Joyce Chevrier

Seconded by: Terry Tresoor

THAT Wayne Gauld be authorized to attend the OACA training seminar in Collingwood Ontario on September 26, 2008 and that 2 nights accommodation, flight, rental vehicle for 3 days and per diem paid/reimbursed.

CARRIED

VIII. ADJOURN

Moved by: Terry Tresoor

THAT the August 19, 2008 Planning Advisory Committee, be adjourned at 9:20 p.m.

CARRIED

ADOPTED AS PRESENTED THIS 16th DAY OF SEPTEMBER, 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,
 August 19, 2008 9:21 P.M.**

Present:

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

I. CALL MEETING TO ORDER

Art Mior called the August 19, 2008 City of Kenora Committee of Adjustment meeting, to order at 9:21 p.m.

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

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

III. MINUTES:

Approval of minutes of last regular meeting: July 15, 2008

Moved by: Joyce Chevrier

Seconded by: Colin Bird

THAT the minutes of the Committee of Adjustment meeting held July 15, 2008 are adopted as distributed.

CARRIED

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

IV. APPLICATIONS:

1. Application for Minor Variance A09 08 Scott

No discussion; issues addressed during discussion of application B12/08 Scott.

Moved by:

James Tkachyk

Seconded by: Wayne Gauld

THAT the Application for Minor Variance No. A09/08 Scott, being made in conjunction with Application for Consent No. B12/08 be approved to reduce the rear yard from 8 metres to 3.05 metres for a variance of 4.95 metres; and

To give permission to locate an unenclosed deck in the west side yard; and

To reduce the west side yard requirement from 3 metres to .5 metres for a variance of 2.5 metres.

CARRIED

2. Application for Minor Variance A10 08 Villeneuve

Discussion took place with respect to property owners building over easements. This patio and structure are movable as they are constructed of landscaping bricks and stones, in addition to

the pergola structure. The City's Engineering Department has provided new wording for the easement, which is recommended as a condition of approval.

Moved by: James Tkachyk Seconded by: Terry Tresoor

THAT the Application for Minor Variance No. A10/08 Villeneuve be approved for a reduction of the side yard setback from 2.5 metres to .15 metres for a variance of 2.35 metres, with the condition that easement be amended to indicate the City will not be responsible for any restoration beyond turf and sod rehabilitation should such a structure located be within the easement corridor. No building permit is to be issued until the City has in its possession a copy of the registered easement agreement.

RECORDED VOTE:~

PAC	AYE	NAY	Dec. of Interest/ Not present at past meeting	ABSENT
Colin Bird		x		
Joyce Chevrier	x			
Vince Cianci	x			
Wayne Gauld	x			
James Tkachyk	x			
Terry Tresoor	x			
Art Mior, Chair	x			

CARRIED

3. Application for Minor Variance A11 08 Alzheimer

No discussion.

Moved by: Joyce Chevrier Seconded by: Terry Tresoor

THAT the application for Minor Variance No. A11/08 Alzheimer, be approved to permit daytime adult care, in addition to child care on the property the proposed use is appropriate to the area and maintains the intent of both the Zoning By-law and Official Plan.

CARRIED

4. Application for Minor Variance A12 08 Images – Application withdrawn – Request for consideration for partial reimbursement of application fee

Discussion took place with respect to a policy for refunds.

Moved by: Joyce Chevrier Seconded by: Terry Tresoor

THAT the request for full or partial refund, made by Margaret Charlebois, of Images, be approved for a refund of \$150.00.

CARRIED

V. OLD BUSINESS: None

VI. NEW BUSINESS: None

VII. ADJOURN

Moved by: Terry Tresoor

THAT the August 19, 2008 meeting of the Kenora Committee of Adjustment be adjourned 9:36 p.m.

CARRIED

ADOPTED AS PRESENTED THIS 17th DAY OF SEPTEMBER, 2008

CHAIR

SECRETARY-TREASURER