



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

## MINUTES

### CITY OF KENORA PLANNING ADVISORY COMMITTEE REGULAR MEETING HELD IN THE OPERATIONS CENTRE, 60 FOURTEENTH ST. N, October 19, 2010 at 7:00 P.M.

**Present:**

James Tkachyk	Chair
Wayne Gauld	Vice Chair
Art Mior	Member
Joyce Chevrier	Member
Terry Tresoor	Member
Vince Cianci	Member
Ted Couch	Member
Tara Rickaby	Secretary-Treasurer
Patti McLaughlin	Minute-taker

#### PART A PUBLIC MEETINGS

James Tkachyk discussed Open Meeting protocol and the mandate of the Committee.

**DELEGATION: B09/10 Luby (7:01 p.m.)**

Jeannie Luby explained that she would be representing David Luby who was away. She indicated that she did not have anything to add to the information submitted.

The Secretary-Treasurer stated that she would be addressing the amended application under Old Business.

**I. APPLICATIONS:** Application for Minor Variance A14/10 Staple

#### PART B PLANNING ADVISORY COMMITTEE

**I. CALL MEETING TO ORDER:**

James Tkachyk called the October 19<sup>th</sup>, 2010, regular meeting of the Kenora Planning Advisory Committee to order at 7:08 p.m.

**II. CONFLICT OF INTEREST**

Vince Cianci declared a conflict re: Old Business: Application for Consent B11/10 Nelson.

**III. MINUTES:**

September 16, 2010

- a. Corrections to minutes - None
- b. Approval

**Moved by: Joyce Chevrier Seconded by: Wayne Gauld**

**THAT** the minutes of the Planning Advisory Committee September 16, 2010 be approved as distributed.

**CARRIED**

- c. Business Arising - None

**IV. APPLICATIONS:** None

**V. OLD BUSINESS:**

**1. Application for Consent B10/10 Luby**

The Secretary-Treasurer gave an updated planning report. The Applicant proposes to sever two rural residential lots, referred to as Lot 2 and Lot 3 and Lot 1 retained. The amended Application is to provide for 2 single family dwellings. The lands making up Lot 2 and Lot 3 are to be rezoned to RR – Rural Residential. Lot 1 is the location of a residential unit and garage and is serviced with municipal sewer and water and is to remain zoned as R2. The application included a drainage plan. The Municipal Engineer recommends deeming Cross Street surplus and selling to the Applicant. The City must retain the northwest corner of Lot 2 for road widening because there is underground infrastructure. Lots 2 and 3 must be serviced in order for consent to be granted as per the requirements of the Official Plan. With respect to Laurenson Lake Hydro may require an easement. The MNR agrees with recommendations of the Environmental Impact Statement prepared by Ryan Haines, B.Sc. and the height of land (cliff on north side) will act as a buffer for any development and will be included in any site plan control agreement. The Municipal Engineer does not see an impact on the drainage pattern with the development of 2 residential lots.

The Secretary-Treasurer read out the conditions.

Mr. Tkachyk asked the Committee members if they had any questions.

Discussion ensued regarding the servicing of Lot 2 and 3 and the re-zoning of Lots 2 & 3. All queries were addressed by the Secretary-Treasurer.

Also discussed was drainage. Art Mior commented that the lack of a survey on file made it difficult to make a decision regarding the Laidlaw's drainage issue where water allegedly crosses private property to get to Laurenson Creek. Vince Cianci reminded the Committee that drainage has nothing to do with severance. The only thing of concern is what Mr. Luby plans to alter. Joyce Chevrier requested that a plan to mitigate the drainage pattern be part of the Building Permit. Wayne Gauld supported the drainage plan if approved by the Municipal Engineer. The Secretary-Treasurer indicated that the Municipal Engineer does not see an impact with the development of two residential lots, but the Committee could request, as part of Site Plan Agreement, that the location of the residential unit and accessory garage be included and then the drainage plan would address changes to the pattern and possible mitigation.

**Moved by: Art Mior                      Seconded by: Wayne Gauld**

**THAT** Application for Consent B10/10 Luby, for the creation of two (2) new lots from property described as 1216 River Drive, PLAN M25 PT LOT 11, be approved under 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 the transferor and the transferee not be the name of the same person on the Transfer/Deed of Land Form.
5. That the Applicant surveys out and transfers a portion of lands (from proposed lot 2 on amended plan), located on the northwest corner of the subject lands to the City of Kenora and required to accommodate road widening and existing underground infrastructure.

6. That a Zoning By-law amendment, to rezone proposed Lots 2 and 3 to RR – Rural Residential and/or RR/HL – Rural Residential/Hazard Lands as appropriate, be approved by the Council of the City of Kenora.
7. That the property owner/Applicant purchases any municipal lands, not required by the City for drainage purposes and shown as unopened Cross Street, First Avenue and Second Avenue on Plan M.25 and consolidates the lands into proposed Lots 2 and 3.
8. That proposed Lots 2 and 3 are serviced with municipal sewer and water, at the Applicant's/Owner's expense.
9. That Kenora Hydro provides clearance letters indicating that there are adequate easements for utility purposes
10. That site plan control be implemented, in accordance with the recommendations of the Environmental Impact Statement prepared by Ryan Haines, B.Sc.:. Area indicated in report as Transects 1-3 a riparian buffer of 30 metres, to provide shoreline stability. In area indicated in report as Transects 3-7, in order to reduce runoff from potential landslides from the height of land to the wetland complex, a riparian buffer as a shoreline buffer, in addition to no removal of vegetation or development and restrictions for timing of construction periods are recommended in order to protect nesting shore birds and waterfowl ie. April 1 through July 1<sup>st</sup>, and that the Ministry of Natural Resources provides a clearance letter stating that such works are appropriate management of lands within the buffer zone of a provincially significant wetland. The areas to be described by survey by an Ontario Land Surveyor.
11. That a drainage plan, prepared by a professional engineer, and which shows storm water flow east into Laurenson Lake, onto Second Avenue East, and not to impact lands to the northwest, includes all lands/lots which have been given conditional approval under application S01/09 Luby, proposed Lots 2 and 3 and all unopened municipal roadways be approved by the Municipal Engineer.
12. That an entrance permit be issued for each of proposed Lots 2 and 3, and that entrance be permitted only from either Fourth Street or Second Avenue East, respectively.

#### **Conditions not fulfilled**

**53(41)** If conditions have been imposed and the applicant has not, within a period of one year after notice was given under subsection (17) or (24), whichever is later, fulfilled the conditions, the application for consent shall be deemed to be refused but, if there is an appeal under subsection (14), (19) or (27), the application for consent shall not be deemed to be refused for failure to fulfill the conditions until the expiry of one year from the date of the order of the Municipal Board issued in respect of the appeal or from the date of a notice issued by the Board under subsection (29) or (33). 1994, c. 23, s. 32.

#### **Lapse of consent**

**53 (43)** A consent given under this section lapses at the expiration of two years from the date of the certificate given under subsection (42) if the transaction in respect of which the consent was given is not carried out within the two-year period, but the council or the Minister in giving the consent may provide for an earlier lapsing of the consent. 1994, c. 23, s. 32.

1. Should human remains be identified during operations, all work in the vicinity or the discovery will be suspended immediately. Notification will be made to the Ontario Provincial Police, or local police, who will conduct a site investigation and contact the District Coroner. Notification should also be made to the Ministry of Culture office and the Registrar of Cemeteries, Ministry of Consumer and Commercial Relations. Other government staff may be contacted as appropriate, however, media contact should not be made in regard to the discovery.
2. Should other cultural heritage values (archaeological or historical materials or features) be identified during operations, all activity in the vicinity of the recovery will be suspended and the Ministry of Culture Archaeologist contacted. This condition provides for the potential of deeply buried or enigmatic local site areas not typically identified in evaluations of potential.

## 2. Application for Consent B11/10 Nelson – Consideration of amended sketch

Mr. Nelson has requested additional land that would be added on the west and extend to the back lot line. There was a minor discrepancy of measurement, but the Secretary-Treasurer stated that she has no issue with stamping the deed if the sketch is substantially similar to the preliminary survey.

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

THAT the Kenora Planning Advisory Committee hereby approves the amended sketch, redlined and dated October, 13<sup>th</sup>, 2010, which increases the lot size to approximately .819 ha, and which now forms the basis for the survey instructions associated with Application B11/10 Nelson; and

THAT all of the conditions of approval given previously (August 2010 and September 2010) continue to apply.

The Secretary-Treasurer requested the meeting be suspended to move to the Committee of Adjustment Meeting. (8:09 p.m.)

### PART C COMMITTEE OF ADJUSTMENT

#### I. CALL MEETING TO ORDER

James Tkachyk called the October 19<sup>th</sup>, 2010 City of Kenora Committee of Adjustment meeting, to order at 8:10 p.m.

#### II. CONFLICT OF INTEREST - None

#### III. MINUTES:

**September 16, 2010**

- a. Correction to minutes - None
- b. Approval

**Moved by: Joyce Chevrier      Seconded by: Wayne Gauld**

**THAT** the minutes of the Committee of Adjustment meeting of September 16, 2010 be approved as distributed.

**CARRIED**

- c. Business Arising - None

#### IV. APPLICATIONS:

##### 1. Application for Minor Variance A14/10 Staple

The Applicant wishes to build stairs to access the front of their residence. Committee discussed the impact of creating a new building line. Committee agreed to allow the encroachment into the front yard to accommodate a stairway.

**Moved by: Vince Cianci      Seconded by: Ted Couch**

That Application for Minor Variance A15/10 Staple, 208 Ottawa Street, PLAN 22 LOT 25 W PT LOT 26, for relief from Section 3.24 of the provisions of Zoning By-law 160-2010 respecting permitted encroachment of an exterior stairway be approved to permit an encroachment of 3 metres from the building face of the dwelling unit, as the general intent of both the Official Plan (2004) and Zoning By-law 160-2004 is maintained, the application is minor and the use is appropriate and in character with the neighbourhood..

**CARRIED**

#### V. OLD BUSINESS: - None

**VI. NEW BUSINESS:**

Joyce Chevrier requested an update regarding Mr. Lougheed's request to purchase City road allowance. The Secretary Treasurer explained that the Minutes of the Property and Planning Meeting indicate that the City has approved a portion of the road allowance be sold to Mr. Lougheed.

**VII. ADJOURN**

**Moved by: Terry Tresoor**

**THAT** the October 19<sup>th</sup>, 2010 meeting of the Kenora Committee of Adjustment be adjourned at 8:26 p.m.

**CARRIED**

ADOPTED AS PRESENTED THIS 16<sup>th</sup> DAY OF NOVEMBER, 2010

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CHAIR

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SECRETARY - TREASURER

The Planning Advisory Committee meeting resumed with New Business. (8:27 pm)

**VI. NEW BUSINESS:****1. Application for Zoning By-law Amendment Z05/10 Shoppers**

The Secretary-Treasurer explained that Shoppers Home Health has purchased property formerly owned by CSP Print and Marketing Ltd. They are requesting a re-zoning of the lands from ML – Light Industrial and HC – Highway Commercial to HC – Highway Commercial to consolidate the zoning.

Committee in agreement.

**Moved by: Art Mior**

**Seconded by: Joyce Chevrier**

**THAT** the City of Kenora Planning Advisory Committee recommends approval by Council of Application No. Z05/10 Shoppers, for property described as PART MILL RESERVE RP 23R6524 PART 3, to rezone from ML – Light Industrial and HC – Highway Commercial to HC – Highway Commercial, to permit warehousing and storage as the use is appropriate to the area and meets the intent of the Kenora Official Plan.

**CARRIED****2. Application for Zoning By-law Amendment Z06/10 Nelson**

Mr. Nelson is requesting lands be rezoned from RU – Rural and RR – Rural Residential to RR – Rural Residential in order to meet a condition of approval of consent.

**Moved by: Joyce Chevrier**

**Seconded by: Terry Tresoor**

**THAT** the City of Kenora Planning Advisory Committee recommends approval by Council of Application No. Z06/10 Nelson, for property described as part of Concession 8 of Jaffray Part of Lot 12 PCL 21535 Part 1 3 KR1861 PCL 28242 and to be shown on a schedule to the By-law, to rezone from RU – Rural and RR – Rural Residential to Rural Residential, to permit the creation of one new rural residential lot, the use is appropriate to the area and meets the intent of the Kenora Official Plan.

**CARRIED**

**3. Application for Zoning By-law Amendment - Lougheed**

The Secretary Treasurer indicated that the Committee has already given consent to create 2 new rural residential lots; this application is a condition of approval.

**Moved by: Art Mior                      Seconded by: Terry Tresoor**

**THAT** the City of Kenora Planning Advisory Committee recommends approval by Council of an application by Wm Lougheed, for 2 proposed lots which form the subject lands associated with Application B05/10 Lougheed and to be shown on a schedule to the By-law, to rezone from RU – Rural to Rural Residential, to permit the creation of two new rural residential lot, the use is appropriate to the area and meets the intent of the Kenora Official Plan.

**CARRIED**

**VII. ADJOURN**

**Moved by: Terry Tresoor**

**THAT** the October 19<sup>th</sup>, 2010 Planning Advisory Committee meeting be adjourned at 8:40 p.m.

**CARRIED**

ADOPTED AS PRESENTED THIS 16<sup>th</sup> DAY OF NOVEMBER, 2010

\_\_\_\_\_  
CHAIR

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SECRETARY-TREASURER

The Secretary-Treasurer reminded current Committee Members and anyone interested in applying to sit as a member of the Kenora Planning Advisory Committee to complete an application form and submit it to the City Clerk by November 19, 2010.