



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, April 8, 2010 7:51 P.M.

**Present:**

Wayne Gauld	Vice Chair
Art Mior	Member
Joyce Chevrier	Member
Terry Tresoor	Member
Vince Cianci	Member
Tara Rickaby	Secretary Treasurer

**Absent:** James Tkachyk, Chair, Ted Couch

#### PART A PUBLIC MEETINGS

##### I. APPLICATIONS:

Application for Consent B02/10 Kubisewsky  
Application for Consent B03 & B04/10 Poirier and Shaw  
Application for Minor Variance A02/10 Heatherington  
Application for Minor Variance A03/10 Favreau  
Application for Minor Variance A04/10 Heinrich

**DELEGATION:** None

#### PART B PLANNING ADVISORY COMMITTEE

##### I. CALL MEETING TO ORDER:

Wayne Gauld called the April 8, 2010 regular meeting of the Kenora Planning Advisory Committee to order at 7:51 p.m.

II. **CONFLICT OF INTEREST:** None

##### III. MINUTES:

a) March 16, 2010

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

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

2. Corrections to minutes: None

3. Business Arising: None

**CARRIED**

##### IV. Old Business

The Committee agreed to move to "Old Business" in order to accommodate the agent for the applicant for Consent B01/10 Magierowicz..

##### **Application for Consent B01/10 Magierowicz**

The Secretary Treasurer reminded the Committee of the request made of the Applicant: The proper dimensions of the leased area; and the information with respect to whether or not there is continuous egress from the building at 102 Matheson Street South, to the laneway, known as Hennepen Lane.

Randall Seller, agent for the Applicant stated that this is an application for consent for a lease over 21 years – it is for 50 years. There will be no requirement for a reference plan; the lease only needs to be stamped.

Discussion of the size of the fire escape took place. Mr. Seller explained the terms of an existing lease, which forms the first part of an agreement for access to the subject fire escape.

**Moved by:****Seconded by:**

THAT Application No. B01/10 Magierowicz, 227A First Street South, PLAN 3 BLK 2 PT LOT 38 lease of a portion of a fire escape in favour of PLAN 3 BLK 2 PT LOT 38 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) That the Applicant shall submit a report from a professional engineer (Ontario) which states that the fire escape structure is sound and meets the Ontario Building Code requirements.

NOTE: The following section(s) of the Planning Act apply:

## 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.

**CARRIED****V. APPLICATIONS:****1. Consent B02/10 Kubisewsky**

The Committee discussed the non-conformity of the subject lands with the current Zoning By-law. The dimensions and shapes of the lots do not comply. The lots were originally divided prior to 1947; the neighbourhood is intensively developed. Given that the property is to be transferred into the name of the son of the Applicant, and the son informed the Committee, and public, during the public hearing, that at some point the property will be allowed to once again merge title, and one house built on it, the Committee agrees that is the preferred outcome.

The Committee discussed the lack of parking for the property known as 632 ½ Third Street South and that the lands are not suitable for subdivision.

The servicing of the residences was also discussed.

The Committee considered whether or not the non-conforming lots were appropriate and that, generally, non-conforming uses are expected to be resolved through attrition or an act to reduce the non-conformity so as not to further entrench the use.

**Moved by:****Joyce Chevrier****Seconded by:****Vince Cianci**

THAT Application No. B02/10 Kubisewsky, 632 ½ Third Street South, PLAN 3 BLK 2 N OF WPT L 120 and 634 Third Street South, PLAN 3 BLK 2 E PT LOT 120, for consent to create one new lot be refused as the lands are not suitable for subdivision as they were originally severed into three, from a lot which is characteristic of the lot size in the area, the dimensions and shapes of the lots are not in accordance with the Zoning By-law and there is no area for off-street parking in favour of 632 ½ Third Street South, PLAN 3 BLK 2 N OF WPT L 120.

**CARRIED****2. Application for Consent B03/10 Poirier**

Discussion took place of the need for the easement in favour of the abutting property.

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

THAT Application No. B03/10 Poirier, PLAN 3 BLK 5 PT LOT 19 & 20, for consent for a lot addition and easement to and in favour of Plan 3 Blk 5, Pt Lot 20, Part 1 Plan 23R-9295, 223 Ninth Avenue S., 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 the transferor and the transferee not be the name of the same person on the Transfer/Deed of Land Form.

NOTE: The following section(s) of the Planning Act apply:

**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**

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**CARRIED**

**3. Application for Consent B04/10 Shaw**

The Committee discussed the side yard setbacks.

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

THAT Application No. B04/10 Shaw, 3 Blk 5, Pt Lot 20, Part 1 Plan 23R-9295, 223 Ninth Avenue S. for consent for two lot additions to 831 Second Street S., PLAN 3 BLK 5 PT LOT 19 & 20 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 the transferor and the transferee not be the name of the same person on the Transfer/Deed of Land Form.

NOTE: The following section(s) of the Planning Act apply:

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**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.

**CARRIED**

VII. **NEW BUSINESS:**

- 1. **Questions from Property and Planning Meeting:** None
  
- 2. **Z02/10 DeGagne - Application to Amend Zoning By-law:** Nothing to report
  
- 3. **A01/10 Paton –** The Committee discussed the reduction of front yard setbacks and whether or not a survey should be required in order to make a decision. Further discussion took place with respect to how decisions are made. The Secretary Treasurer reminded the Committee of the criteria for decision making under Section 45 of the Planning Act.

VIII. ADJOURN

**Moved by: Terry Tresoor**

**THAT** the April 8, 2010 Planning Advisory Committee, be adjourned at 8:31 p.m.

**CARRIED**

ADOPTED AS PRESENTED THIS 18<sup>th</sup> DAY OF MAY, 2010

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CHAIR

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SECRETARY-TREASURER



## MINUTES

### CITY OF KENORA COMMITTEE OF ADJUSTMENT REGULAR MEETING HELD IN THE OPERATIONS CENTRE, 60 FOURTEENTH ST. N, APRIL 8, 2010 8:32 P.M.

#### PART C COMMITTEE OF ADJUSTMENT

##### I. CALL MEETING TO ORDER

Wayne Gauld called the April 8, 2010 City of Kenora Committee of Adjustment meeting, to order at 8:32 p.m.

##### II. CONFLICT OF INTEREST - None

##### III. MINUTES:

March 16, 2010

**Moved by: Joyce Chevrier**

**Seconded by: Terry Tresoor**

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

2. Corrections to minutes: None

**CARRIED**

3. Business Arising - None

##### IV. APPLICATIONS:

###### 1. Minor Variance A02/10 Heatherington

The Committee agreed that the development is appropriate for the neighbourhood.

**Moved by: Art Mior**

**Seconded by: Joyce Chevrier**

**THAT** Application for Minor Variance A02/10 Heatherington, PLAN 23M946 LOT 6, Barkman Close, for relief of Section 5.1.1.(i)8 to increase the maximum height of an accessory garage from 4.5 metres to 5.3 metres, 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.

**CARRIED**

###### 2. Minor Variance A03/10 Favreau

The Committee discussed the length of time this use has continued and that there were letters of support from each abutting neighbour.

Some members consider the Zoning By-law's provisions respecting home occupation too stringent.

**Moved by: Terry Tresoor**

**Seconded by: Art Mior**

**THAT** Application for Minor Variance A03/10 Favreau, 26 Peter St. W., PLAN M17 E PT LOT 47, for relief of 5.1.4 (vii) and (viii) to permit a home occupation in an accessory building and no required hours of operation of the home occupation be approved, to bring the home occupation into compliance with the Zoning By-law 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.

**CARRIED**

**3. Minor Variance A04/10 Heinrich**

Discussion took place with respect to the permitting process and the relationship between the MNR, DFO and the City.

**Moved by: Terry Tresoor**

**Seconded by: Vince Cianci**

THAT Application for Minor Variance A04/10 Heinrich, 1023 Beach Road, PLAN 18 BLK 20 LOT 1, to increase the maximum size of an accessory structure on a lot abutting a navigable waterway from 80 m<sup>2</sup> to 113.65 m<sup>2</sup>, for a variance of 33.65 m<sup>2</sup>, be approved, conditional upon receipt of a letter, from the Ministry of Natural Resources, stating there is no objection to the dock structure, as

**CARRIED**

V. **OLD BUSINESS:** The Committee was reminded of the posting of the Final Draft of the Official Plan and the draft Zoning By-law to the portal. The public consultation process was reviewed.

VI. **NEW BUSINESS:** None

**VII. ADJOURN**

**Moved by: Terry Tresoor**

**THAT** the April 8, 2010 meeting of the Kenora Committee of Adjustment be adjourned at 8:57 p.m.

**CARRIED**

ADOPTED AS PRESENTED THIS 18<sup>th</sup> DAY OF MAY , 2010

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CHAIR

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SECRETARY-TREASURER