



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 &
PLANNING ADVISORY COMMITTEE
REGULAR MEETING HELD IN THE OPERATIONS CENTRE
60 FOURTEENTH ST. N., KENORA
November 22, 2011
7:02 P.M.**

Present:

James Tkachyk	Chair
Wayne Gauld	Vice Chair
Terry Tresoor	Member
Ted Couch	Member
Vince Cianci	Member
Wendy Cuthbert	Member
Tara Rickaby	Secretary-Treasurer
Nadia DeSanti	FoTenn Consulting Inc. (by telephone)
Patti McLaughlin	Minute Taker

DELEGATION: None

(i) Call meeting to order

James Tkachyk called the November 22, 2011 meeting of the Kenora Planning Advisory Committee to order at 7:02 p.m.

James Tkachyk reviewed meeting protocol for those in attendance.

(ii) Additions to the Agenda

- **New business**
 - OMB Hearing
 - January PAC Meeting

(iii) Declaration of Interest

James Tkachyk called for declarations of conflict of interest – at this meeting or a meeting at which a member was not present:

- Wayne Gauld Z02 11 New Beginnings, as Realtor
- Wendy Cuthbert S03 11 Lafreniere – abstain due to not being in attendance at public meeting.

(iv) Adoption of Minutes of previous meeting:

Adoption of minutes of previous meeting: October 25, 2011

Correction

A09 11 Nelson

Page 3, at the bottom, the motion is missing the word "CARRIED"

B12 11 Henley

Page 10, 3rd sentence down, James Tkachyk asked the Candide Henley if Nadia's interpretation made sense. Remove "the" before Candide.

Business arising from October 25, 2011 Meeting: None

Moved by: Terry Tresoor Seconded by: Ted Couch

That the minutes of the October 25, 2011 meeting of the Kenora Planning Advisory and Committee of Adjustment be approved as amended.

CARRIED

(v) Correspondence relating to applications before the Committee

- MNR email dated October 31, 2011 – Re: S03/11 Lafreniere – Natural Heritage Information Centre – no endangered species have been listed on the subject site.
- Reference Plan (revised) received dated November 14, 2011 Re: B17/11 Moncrief
- Entrance Permit received dated November 14, 2011 Re: B17/11 Moncrief
- Judith Reynard letter dated November 21, 2011 Re: Z02/11 New Beginnings – to be read out during discussion of matter.

(vi) Other correspondence None

(vii) Consideration of Applications for Minor Variance

1. A10/11 Sukkau Relief from height restriction for accessory garage

Present for the meeting: Norm Sukkau 29 Park Ridge Drive, East St. Paul, MB

Norm Sukkau presented the application for a minor variance and is seeking relief from section 3.11.1 (b.viii), of Zoning By-law 160-2010, as amended, to increase the maximum height limit from 4.5 m to 6.2 m. The extra height is needed to accommodate access required by a pontoon boat.

The Planning Department had no objections and indicated that the Applicant considered developing a portion of the garage as a sleep cabin, which would have meant no variance required, but has chosen to construct a garage for storage only, and therefore requires a variance.

Comments from other Departments and Agencies

- The Building, Engineering, Roads and Water and Sewer Departments had no comment.
- Kenora Fire & Emergency Services Department had no objection.
- Hydro One and Heritage Kenora had no comment.

Comments from the Public - None

James Tkachyk asked the Committee for comment.

Wayne Gauld requested clarification as to the location of the septic field. The area was pointed out to the Committee by the applicant.

James Tkachyk requested clarification as to the relationship of the property to the easement. Mr. Sukkau commented that the easement runs over his property, to access three other lots.

The Secretary-Treasurer noted that the Northwestern Health Unit had commented that there was no record of a permit for a septic field. Mr. Sukkau confirmed that a septic permit was in place.

The Secretary-Treasurer suggested that a certificate of approval from the Northwestern Health Unit be submitted as a condition of a building permit.

James Tkachyk asked whether or not there was anyone else present who wished to speak either for or against the application. There were no other comments.

Moved by: Wendy Cuthbert Seconded by: Vince Cianci

THAT Application for Minor Variance A10/11 Sukkau, Lot 8 Williams Road, PLAN 23M954 to increase the maximum height limit from 4.5 m to 6.2 m., be approved subject to the following condition:

- 1) That the Applicant provide a certificate of approval for septic field.

CARRIED

(viii) Considerations of Applications for Land Division

1. B18/11 Herbacz

Application for Lot Addition

Present for the meeting:

Paul Herbacz, as Agent

Paul Herbacz presented the application for consent for a lot addition to property located at 124 Minto Crescent to satisfy an encroachment of a garage into property located at 122 Minto Crescent. Paul commented that he bought the house and there was a garage on it.

The Secretary-Treasurer commented that regardless of the encroachment the survey revealed that neither property meets the side yard requirements. She suggested that they be left legal nonconforming for side yard setbacks so that the situation can be rectified in the future and not entrenched.

Comments from other Departments and Agencies

- The Building, Roads and Kenora Fire & Emergency Services Departments have no comment.
- The Water and Sewer Department, Kenora Hydro and Heritage Kenora have no comment.

Comments from the Public - None

James Tkachyk asked the Committee for comment.

Vince Cianci suggested instead of transferring a portion of property running the depth of the lot that the survey follow the eaves of the garage, like a box. Paul Herbacz confirmed that the neighbour had input regarding the front to back lot line and was in agreement.

James Tkachyk asked whether or not there was anyone else present who wished to speak either for or against the application. There were no other comments.

James Tkachyk moved to close the meeting to allow discussion of Mr. Cianci's comments and suggestion.

Moved by: Terry Tresoor

Vince Cianci commented that he preferred a lot line that was eave to eave as it reduces the impact to the property at 122 Minto. The owner would only be giving up the land that is needed to satisfy the encroachment. Wayne Gauld and Ted Couch were in agreement.

Ted Couch wanted assurance that neighbours had been consulted. The Secretary-Treasurer indicated that they signed the application indicating that Mr. Herbacz was to act as agent.

Discussion ensued regarding reducing reduction of side yard and access to side yard.

James Tkachyk asked Terry Tresoor if he agreed to amend his original motion. He agreed.

Moved by: Terry Tresoor Seconded by: Wendy Cuthbert

That Application for Consent B18/11 Herbacz, M 586 LOT 13 PCL 31166 for a lot addition to PLAN M586 LOT 14 PCL 29833 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 survey instructions are to satisfy the encroachment of the garage only, including eaves.

Carried

(ix) Old Business

a) S03/11 Lafreniere Application for Plan of Subdivision

Present for the meeting: Doug Lafreniere, Developer
 Jeffrey Port, Agent

Nadia DeSanti, of FoTenn Consultants, presented the planning report commenting that the site has multiple zoning: RU – Rural, I-Institutional and BSL – Black Sturgeon Lake (Restricted Development Area). Of the 15 lots to be developed 6 are backshore lots and 9 are proposed to be waterfront lots. Proposed Lots 11 and 12 each accommodate four (4) existing residential dwellings. Review of the Official Plan and Zoning By-law has determined that Lot 3 is in the Restricted Development Area. There may be an issue as the minimum lot area and lot frontage is not in compliance with the zone regulations for lots in the Restricted Development Area. She added that Lot 3 may need to be enlarged to meet the requirement for frontage.

Comments from other Departments and Agencies

- The Roads Department commented that the hill to the left of the main road is very steep. Blasting may be required to meet grade requirements. The grade intersects with the main road in such a way that the descending and ascending traffic in winter conditions is unfavorable for safety and maintenance. To address these issues, the road could be developed from the top of the existing road. Road access to the lake is unclear as to location. The Draft Plan of Subdivision does not clearly indicate lot lines and entranceways. No design has yet to be received from the Developer to review and comment on the proposed roads.
- The Roads Department further commented that the drainage plan does not provide commentary regarding the capacity of the existing natural swales and

- /or proposed ditches. The culvert sizing as provided in the Plan does not provide any calculations or theory on how they are determined and are likely under sized. The runoff over private property will not be the responsibility of the City. Lot 9 may be taking on considerable runoff from the last 150 m or so of the road. It may be more favourable to locate the cul de sac abutting on Lot 9 approximately 50 m further west on the higher bed rock out crop. Drainage for all roads and lots should be as close to the property lines as possible. The final Drainage Plan should be signed and stamped for City files.
- The Northwestern Health Unit had no objection, but would like condition imposed that requires existing septic systems to be upgraded and that clay be brought into proposed Lots 6 and 7 to line the bottom of the proposed future septic systems on these two lots.
 - The MNR had no objection to the proposed subdivision. The development will be subject to the Screening Criteria for Determining Archaeological Potential as directed by the Ministry of Tourism. A Stage 1 Archaeological Assessment will be required as a result of this screening.
 - Ochiichagwe'babigo'ining First Nation, as the result of a meeting with the applicant's agent, is satisfied with the KPCFS Proposed Subdivision Black Sturgeon Lakes Fish Habitat Assessment.
 - There were no comments received from Hydro One.

The Secretary-Treasurer read out the draft conditions of approval.

Jeffrey Port, Agent for Doug Lafreniere, summarized his Supplementary Planning Report which was circulated to Committee members. He said he was pleased to see the recommendation for staff approval. He indicated that there were only a few conditions that he would like to speak on. He reiterated the analysis of Lot 3 from the September 20, 2011 meeting in that the Official Plan is clear in its intent behind the restricted areas being to reduce social crowding in embayments, but one must consider where the embayment is. When the line was drawn there lacked precision. The Committee has to consider that Lot 3 faces an open stretch of lake, not an embayment Lot 3 faces the open expanse and part of Lot 2 faces towards the embayment, which is not an issue as it has required frontage. It is very clear in Mr. Port's opinion that Lot 3 is in compliance with the Official Plan. The question is what is the configuration of the Lot? Mr. Port stated that the Zoning By-law may need to be adjusted ie. move the restricted area over so it is conforming with the Official Plan. He stressed that the Official Plan is very clear Lot 3 faces the open part of lake and that decisions must consider not where the line is but what the intent is.

The Secretary-Treasurer indicated that the overlay showed a matching of the lines, in both the Official Plan and Zoning By-law schedules and when they match the intent of both the provisions of the Official Plan and Zoning By-law have to be met. She reminded that BLS Official Plan #2 was adopted by Council and then incorporated into wording of the current Official Plan. Areas were identified through that Study and Lot 3 is currently zoned/designated as part of the BSL Restricted Area.

Doug Lafreniere commented larger lots are less affordable for people to purchase.

Jeffrey Port summarized that Lot 3 should not be considered to be in the restricted area and concluded that this was his, and his client's, position.

At this point Jeffrey Port reviewed conditions that were of a concern:

The City's expectation for trail development was questioned and addressed by the Secretary-Treasurer who explained that the Official Plan's intent is to provide an opportunity for people to walk through the subdivision without walking on private property. Jeffrey Port commented on the need for a trail corridor if there was no trail plan in place and commented that it would not be good planning.

The requirement to demolish 2 of the 4 dwelling units was questioned by Mr. Port, and it was the position of the developer that it would be a waste to get rid of them when he would like to keep them. The common sense approach would be to keep the 4 units as the density would still be lower than the Official Plan policy for density in the BSL and the density would not be making things worse, than the former institutional use.

The Secretary-Treasurer commented that changing the former Institutional use to residential has the potential for higher social crowding.

Jeffrey Port requested that condition no.24 be amended to indicate it is for the communal docking.

Mr. Port questioned, with respect to condition no. 28, the intent of the \$1,000 lot levy with regards to this application as the access road would be the Coker Road which was of an acceptable standard and did not require developing by the developer. It was noted that the matter could be dealt with through the subdivision agreement.

Jeffrey Port requested a meeting with the Secretary-Treasurer and Nadia DeSanti to work through the conditions. All Parties were in agreement.

Doug Lafreniere explained that buying property and working through the requirements has been more expensive than he anticipated and his preference was for more, smaller lots as it would be difficult for people to buy 400' lots versus 125' lots. He questioned where the trails (bike etc.) were to be located who was going to maintain them. He indicated that, of the 4 buildings, one is occupied and three are not, but all have heat and servicing. The 2 lots are 14.12 ac and 8.14 ac so there is lots of room and meets the intent of the Official Plan.

James Tkachyk reaffirmed that Agent, Jeffrey Port would be working with city staff to address the nine (9) draft Conditions and that a decision could be made at the December 20, 2011 meeting.

James Tkachyk asked the Committee for comment.

Vince Cianci questioned why Kenora was pursuing block 16 and back lot accessing. He requested clarification as to how that came about. The background of the Black Sturgeon Lake Management Study was provided. The strip would be privately owned. Discussion ensued regarding the creation of a strip of land and ownership. The Secretary-Treasurer commented that it will be a part of the plan of subdivision and she would have legal counsel review the requirement for site plan control.

Wayne Gauld requested clarification as to whether trails were part of the Official Plan policy. The Secretary-Treasurer indicated yes under 7.6.

Jeffrey Port commented that it is a new item in the Official Plan and needs discussion due to ambiguity in policy. Terry Tresoor and Ted Couch indicated that it does not make sense, in their opinion.

James Tkachyk asked if anyone from the public wished to speak to the application.

Philip Hanstead commented that he was for it, as a Realtor, and expressed his support as it is employment for the community.

James Tkachyk asked whether or not there was anyone else present who wished to speak either for or against the application. There were no other comments.

Moved by: Wayne Gauld

Seconded by: Ted Couch

That Application for Consent S03/11 Lafreniere, for the creation of fifteen (15) new residential lots, a block and a new local road on Black Sturgeon Lake, described as 2100 Coker Road, Part of Lot 11, Concessions 5 and 6, Geographic Township of Melick, City of Kenora, District of Kenora, be deferred subject to the following:

- Pending further discussion between the City of Kenora staff and the Applicant in which time a final recommendation for conditions will be determined.

Carried

b) B17/11 Moncrief

Creation of one new lot

The Secretary-Treasurer read out the conditions from the last meeting and indicated that a reference plan had been re-submitted with the side lines realigned; and that an entrance permit had been approved for a location away from the 90 degree corner.

James Tkachyk asked the Committee for comment - None

James Tkachyk asked whether or not there was anyone else present who wished to speak either for or against the application.

Dan Olscamp commented that the point of contention is where the entrance to the property is presently flagged and he wanted it noted for the record that it is in a dangerous spot.

James Tkachyk explained that the location was approved as part of the entrance permit.

Moved by: Wendy Cuthbert

Seconded by: Vince Cianci

That Application No. B17/11 Moncrief, for consent for the creation of one rural lot from property described as, MELLICK CON 2 AND 3 PT LOT 11 RP KR453 PARTS 2 AND 9 AND PT PARTS 1 AND 2 PCL 41806, Peterson Road, 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.

Carried

8:45 p.m. Wayne Gauld left the meeting

(x) New Business

a) Z02/11 New Beginnings

**Application for Zoning By-law
Amendment - Recommendation**

Present at meeting:

Philip Hanstead, Agent for 2005738 Ontario Ltd

Philip Hanstead, acting as Agent for 2005738 Ontario Ltd., owner of property located at 701 First Street South, explained that he was looking for support for this application based on the fact that a church had operated at this site for 50 years, previous to current ownership. He explained that originally the requirement was for 10 parking spaces which he believes has been met, but he is having trouble with the requirement concerning exiting onto Seventh Avenue South. Other churches in the area do not have off street parking. He added that the basement would not be used except for two afternoons per week; possibly by staff.

The Secretary-Treasurer read a letter submitted by a neighbour, Judith Reynard who indicated that there was a problem with parking in the past when it operated as a church.

The Planning Department commented that in order to comply with the Zoning By-law No. 160-2010, the zoning would have to be changed specifically in the following:

- to bring the exterior side yard into compliance,
- to permit 10 parking stalls with no barrier free parking stall
- to permit an additional 7 parking stalls to be located off-site by permitting an institutional use to parking spaces may be supplied off-site within 90 m of the main pedestrian access of the building, structure or use for which the parking spaces are required, provided that a Site Plan Agreement is registered on the title of the lands used for parking, which commits the parking spaces to the related institutional site.
- to permit direct access to parking from Seventh Avenue South,
- to permit lot coverage of 52%
- a rear yard of 5.7 metres
- no landscaped buffer strip along Seventh Avenue South
- Reduce the minimum lot size to 445 m²

The other alternative is to leave the reduced yard setbacks as legally non-conforming.

Comments from other Departments and Agencies

- The Roads Department commented that:
 1. The current parking arrangements have already exhausted the property of meeting our bylaws for parking
 2. The development of new parking spaces would not fit with the present area of narrow lots and residential
 3. The addition of new parking spaces at this site would not meet the requirements for the number of parking spaces required for this institution
 4. Backing out onto street is a safety issue with this many vehicles.
- The Engineering, Water & Sewer, Kenora Fire & Emergency Services and Heritage Kenora had no comment.
- The Building Department commented that the use of the building will not change. The Major Occupancy Classification of both a Daycare Center and a Church is Group A – Division 2. A building permit is not required unless there is construction.

The Secretary-Treasurer recommended the agent/applicant check with the Fire Department to see if the basement could be legally used for office space.

James Tkachyk asked if there were any comments from the public.

Carol Lawson, Pastor of Church, commented that the building would be used for a church service and that they wouldn't be using the basement.

James Tkachyk asked the Committee for comment.

Terry Tresoor gave his support for the application.

Wendy Cuthbert required clarification regarding the 10 parking spaces, which the Secretary-Treasurer confirmed did meet the requirements of Zoning By-law, with the exception for the requirement of a buffer between the parking stalls and the street, and that stalls would be accessed directly from the street.

The Committee discussed the parameters around parking in the church parking lot and exiting onto Seventh Avenue South and whether there was a safety concern and whether caution signage would need to be erected. Also discussed was the fact that when baseball events were attended people parked all over in much the same manner as would be required of church one day per week.

Vince Cianci explained that there are cars parked everywhere for ball games. There is lots of parking available. There is no need to limit the parking to just around the building of the proposed church.

Ted Couch commented that the basement is a key issue because if it cannot be used there would be a reduction in the parking requirement.

James Tkachyk suggested imposing the condition that the church make provisions for four (4) off street parking spaces with additional off site spaces to be adjacent public spaces.

James Tkachyk asked whether or not there was anyone else present who wished to speak either for or against the application.

Philip Hanstead thanked the Secretary-Treasurer for being so helpful.

The Secretary-Treasurer commented that the property could remain legally nonconforming for lot coverage and setbacks. The requirement for parking stalls is causing the problem. The Committee suggested giving the applicant relief on the number of stalls to six (6) and make it parallel parking along Seventh Avenue South. The Secretary-Treasurer added that the landscape buffer strip would provide for an in and an out. The Site Plan Agreement would be without the requirement of financial security but an undertaking would be needed to address the parking and buffer zone requirement. Carol Lawson confirmed that a garbage bin would not be needed.

The Secretary-Treasurer confirmed that, from the Committee's standpoint, the reasons for recommendation in support of the application were as follows: the location was across from the park area and parking is permitted along First Street South, parallel parking was a safer option and would permit development of buffer strip and the setbacks are acceptable legal nonconforming.

Moved by: Vince Cianci Seconded by: Terry Tresoor

THAT Council approves Application Z02/11 New Beginnings, to amend the Zoning By-law No. 160-2010 specifically for property described as, 701 First Street South, Kenora, Plan 3, Block 4, Part Lot 21, from R2-Residential, Seond Density to I[20]-Institutional [20] to require six parallel parking stalls on site; and,

THAT the setbacks and lot coverage are acceptable legal nonconforming; and further,

THAT there is abundant parking provided along First Street South and on the Central Park property to accommodate parking during the use of the church.

9:30 p.m. Wayne Gauld returned to the meeting.

b) OMB Hearing – A07/11 Tutura

- January 25th, 2012 at 10:00 a.m. in the Training Room.
- Those Committee members who could attend were encouraged to do so.

c) Planning Advisory Meetings

i) December 20th, 2011

- Last meeting of the year at **5:00 p.m.** in the Operations Centre Boardroom
- Dinner to follow at Casey's at 6:30 p.m. in the smaller room.

ii) January 17th, 2012

- There will be no meeting in January as the Secretary-Treasurer will be away.

d) Staff Complement – Planning Department

- Karen Brown, C.A.O., confirmed that a successful candidate has been chosen for the Planning Department Administrative Assistant position.

e) Property Advisory Committee Board Member

- James Tkachyk asked Karen Brown, C.A.O., if the City was going to advertise for another Property Advisory Committee Board member?
- Karen Brown asked the Committee for their preference.
- Ted Couch indicated that they would like another member.
- Karen Brown would request that the position be re-advertised.

(xi) Adjourn

Moved by: Terry Tresoor

THAT the November 22, 2011 Planning Advisory Committee meeting be adjourned at 9:32 p.m.

MINUTES ADOPTED AS PRESENTED THIS 20th DAY OF DECEMBER, 2011

CHAIR

SECRETARY-TREASURER