



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 COMMITTEE OF ADJUSTMENT & PLANNING ADVISORY**  
**COMMITTEE**  
**REGULAR MEETING HELD IN THE OPERATIONS CENTRE**  
**60 FOURTEENTH ST. N, KENORA**  
**February 15, 2011**  
**7:00 P.M.**

**Present:**

James Tkachyk	Chair
Alex Clark	Member
Vince Cianci	Member
Ted Couch	Member
Tara Rickaby	Secretary Treasurer
Patti McLaughlin	Minute Taker

**Regrets:**

Wayne Gauld	Vice Chair
Art Mior	Member
Terry Tresoor	Member

**DELEGATION:** None

**(i) Call meeting to order**

James Tkachyk called the February 15, 2011 meeting of the Kenora Planning Advisory Committee to order at 7:00 p.m.

**(ii) Declaration of Interest**

The Chair called for declarations of conflict of interest – at this meeting or a meeting at which a member was not present: None declared

**(iii) Minutes:**

Adoption of minutes of previous meeting: December 15, 2010 –  
Corrections: None

**Moved by: Ted Couch                      Seconded by: Alex Clark**

That the minutes of the December 15, 2010 meeting of the Kenora Planning Advisory and Committee of Adjustment be approved as distributed.

**CARRIED**

**(iv) Election of Chair and Vice-Chair**

James Tkachyk turned the meeting over to the Secretary Treasurer to accept nominations and carry out a vote for Chair.

James stepped out of Chair position.

The Secretary Treasurer called for nominations for Chair.

Ted Couch nominated James Tkachyk, Seconded by Alex Clark.

The Secretary Treasurer called three times for further nominations.

The Secretary Treasurer declared nominations closed and asked Mr. Tkachyk if he would accept the nomination. James Tkachyk accepted the nomination.

The Secretary Treasurer called for nominations for Vice-Chair.

Vince Cianci nominated Wayne Gauld, Seconded by Ted Couch.

The Secretary Treasurer called three times for further nominations.

The Secretary Treasurer declared nominations closed and indicated that, in a written submission prior to the meeting, Wayne Gauld indicated that, if nominated, he would accept the nomination.

The meeting was turned over to James Tkachyk, as Chair and the Committee congratulated the new Chair and Vice Chair.

Secretary Treasurer clarified that the Terms of Reference for this Committee state that in the Chair's absence the Vice Chair may attend the Property and Planning Committee meetings.

**(v) Correspondence relating to applications before the Committee - None**

**(vi) Other correspondence**

- a) OACA Newsletter - The Secretary Treasurer will have information for the March meeting.

The Chair read a prepared statement of information for applicants and interested parties with respect to the public meetings held under the *Planning Act*.

**(vii) Consideration of Applications for Minor Variance - None**

**(viii) Considerations of Applications for Land Division**

**a) B01/11 Milligan - Easement - Withdrawn**

**b) B02/11 Brown - Easement**

Present for the meeting: Gene Brown

Mr. Brown presented the application for an easement over property, which he currently owns (but has an agreement to sell), to provide access to an abutting property he currently owns. The access, to the westerly property, and development by TransCanada Pipelines, is a driveway which is at a 43 percent grade; originally TransCanada Pipeline indicated it would be at approximately 17 percent grade. Access, by anything other than an ATV or four wheel drive vehicle, is impossible.

The Trans Canada Pipeline has no objections. The Planning Department has no issue, but recommendation is that maintenance, as a purpose, could also be considered as part of purpose of easement.

Discussion ensued over a prior application for severance of the lands included a condition that written confirmation be received, from the City Roads Supervisor, indicating that there is adequate location for a driveway entrance. The comment was that a request for an easement should have been done at that time.

Mr. Brown commented that the current access has a 43° slope and he can't get cement trucks or building supply trucks in. The buyer has agreed to share the driveway and he will have legal counsel draft up documents.

The Secretary Treasurer commented that in the original plan of survey there was only one place to access the property. Mr. and Mrs. Brown purchased the property two years ago and one of the conditions was that there was adequate location for access. Trans Canada pipeline has to be involved in driveway construction because of the proximity to the pipeline. She also reminded the Committee that when an application is submitted to the Committee, staff cannot refuse to bring it forward.

Vince Cianci recommended changing the width of the driveway to 10 metres from 5.5 metres.

The Secretary Treasurer received Mr. Brown's acceptance of the change.

The Secretary Treasurer called for the Committee's disposition: Three in favour and one sustained (Vince Cianci).

**Moved by: Ted Couch**

**Seconded by: Alex Clark**

**THAT Application No. B02/11 Brown**, owner of lands described as East Part of PLAN 23M945 LOT 15, Des as Parts 1 and 3 on Plan 23R 11870, for consent for an easement over a portion of the east part of Lot 15 to provide access to the west half of Lot 15 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 easement shall be in favour of property described as West Part of Lot 15 on Plan 23M 945, less Parts 1,2,3 on Plan 23R 11870 and be a width of 10.0 metres (generally 5 metres from the centre of the travelled portion of the driveway) to the western lot line of the East Part of Lot 15 on Plan 23M 945.

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 fulfil 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**

**(ix) Old Business - None**

**(x) New Business**

a) **Request to re-schedule March 2011 meeting** to March 29, 2011. Committee members approved the change.

**b) Property and Planning Minutes – January 17, 2011**

- James Tkachyk commented that the "2010 Black Sturgeon Water Quality Report" presented by Ryan Haines Consulting at the Property and Planning Committee meeting held January 11, 2011 was very interesting.

The Minutes for the Property and Planning Committee meeting will be available for the next meeting. There is a proposal to replace billboard signs along Lakeview Drive with a static digital sign for which a variance to Sign By-Law will be required.

**c) Community Improvement Plan – Open House**

- Western lands were included in the Official Plan but not eastern lands. It is proposed that an Amendment to Schedule A be made to include eastern lands – only the boundary will change. Without a Community Improvement Plan in place Council cannot offer incentives to developers.
- The Secretary Treasurer is requesting comment from the Planning Advisory Committee and representation of one member at the Focus Group to be held Wednesday, February 23 from 12:30 p.m.– 2:30 p.m. Alex Clark volunteered to attend. If others, not in attendance today, are interested in attending a decision on attendance will be made by staff. A reminder was also given, of the Open House, respecting the CIP, on Wednesday, February 23<sup>rd</sup> from 7-9 pm at the Operations Centre.

d) **Add Request for "Additions to Agenda"** to the next agenda.

**(xi) Adjourn**

**Moved by:** Ted Couch

**THAT** the February 15, 2011 Planning Advisory Committee meeting be adjourned at 7:55 p.m.

**MINUTES ADOPTED AS PRESENTED THIS 29<sup>TH</sup> DAY OF MARCH, 2011**

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**CHAIR**

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**SECRETARY-TREASURER**