



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  
March 29, 2011  
7:00 P.M.**

**Present:**

James Tkachyk	Chair
Wayne Gauld	Vice Chair
Alex Clark	Member
Terry Tresoor	Member
Vince Cianci	Member
Wendy Cuthbert	Member
Tara Rickaby	Secretary Treasurer
Patti McLaughlin	Minute Taker

**Regrets:** Ted Couch Member

**DELEGATION:** None

**(i) Call meeting to order**

Mr. Tkachyk called the March 29, 2011 meeting of the Kenora Planning Advisory Committee to order at 7:00 p.m.

Mr. Tkachyk welcomed Wendy Cuthbert to the Planning Advisory Committee, and reviewed Open Meeting protocol for those in attendance.

**(ii) Additions to the Agenda - None**

**(iii) Declaration of Interest**

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

Alex Clark –S01/11 Wright – as Agent

Vince Cianci– B03/11 LMD - as employer of surveying company

**(iv) Adoption of Minutes of previous meeting:**

Adoption of minutes of previous meeting: February 15, 2011 –  
Corrections: None

**Moved by: Vince Cianci                      Seconded by: Alex Clark**

That the minutes of the February 15, 2011 meeting of the Kenora Planning Advisory and Committee of Adjustment be approved as distributed.

**CARRIED**

**(v) Correspondence relating to applications before the Committee**

NWHU – Re: Applications S01/11 and B03/11

MTO – Re: Application B03/11

- Both items to be discussed at presentation of Applications.

**(vi) Other correspondence**

a) Art Mior resignation – February 11, 2011

- Mr. Tkachyk, on behalf of the Planning Advisory Committee and the City of Kenora, thanked Art for his 20 year tenure with this Board and commented that he would be sadly missed.

b) Ontario Association Consent Authority (OACA) – March 9, 2011

- The Secretary Treasurer invited interested members to contact her by April 1<sup>st</sup> for information regarding the training session to be held in Woodstock from May 29<sup>th</sup> to June 1<sup>st</sup>. Provisions are for 2 attendees: 1 staff person and 1 Board member.

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

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

**S01/11 Wright – Application for plan of subdivision**

Present for the meeting: Alex Clark, Agent for William E. Wright and Dorothy B. Wright

Mr. Clark delivered a power point presentation, which included the Applicant's view of the planning requirements of the City of Kenora concerning application for a 23 lot Plan of Subdivision on property located on the south-west shore of Black Sturgeon Lake, accessed via the Ritchie Road.

Mr. Tkachyk asked the Committee for comment.

Secretary Treasurer received written comment from the NWHU, the MNR, the Municipal Engineer, the Municipal Roads Supervisor, Roy & Doreen Houston, Donald & Lillian Hamilton, John & Barbara Ross, Anastasia Wojtyniak & Grant Longe and Thomas Wojtyniak & Kathi Seigel (in absentia). A copy of the Preliminary Planning Report was available to those that wanted one.

Mr. Tkachyk asked Mr. Clark if he had anything to add.

Mr. Clark confirmed that he received comment from the municipal departments: Engineering and Roads and the MNR.

Mr. Tkachyk opened the meeting to those in attendance for comment.

Stephen Garrett - 79 Lawton Drive

Discussion ensued regarding restricted areas and embayment areas. City has to use the basis of the Official Plan respecting the Black Sturgeon Lake Special Policy Overlay. Some lot lines may have to be changed based on comments from the Northwestern Health Unit and the Ministry of Natural Resources.

Cathy Garrett - 79 Lawton Drive

Questioned the definition of the term "embayment", which the Secretary Treasurer clarified as being the term for "bay" on Black Sturgeon Lake.

Doreen Houston - 132 Lawton Dr

Requested clarification on the location of the proposed dock. Mr. Clark commented that there are 3 proposed docking areas of which one will be selected. The plan has provisions for one dock with 4 fingers for 8 boats, to provide access for the owners of the 8 backshore lots.

Lois Forzley - 139 Lawton Dr

Wants to ensure that a boat launch is not associated with plans for docking. Mr. Clark indicated there is not a launch area included. The Secretary Treasurer explained how site plan control would be used to control development/use of docking area.

Cathy Garrett - 79 Lawton Drive

Questioned whether more docks could be added to service lots inaccessible to water due to steep grade. The Secretary Treasurer commented that site plan control is a tool to control how the shared docking space is developed.

Grant Longe - 343 A & B James Road

Indicated that he is speaking on behalf of 4 property owners that abut the Wright property. He commented that the land shown on the plan includes parts of their property and that the application should not be approved as presented due to the boundary dispute. The property owners he is speaking for also hope that all parties concerned will ensure the least amount of environmental impact to this area as it could affect 20 acres of their land, and requested that a page wire fence be erected to separate uses.

Dan Olscamp - 709 D Peterson Rd

As a member of the Committee involved with the Black Sturgeon Impact Study he has a concern regarding drainage and also finds it disconcerting that Mr. Clark is on the Planning Advisory Committee and is agent for this application. He continued by stating that the road from the back lots to proposed dock are in violation to the Official Plan and the Northwestern Health Unit's approval of septic systems on the terrain of lots 12-19 is questionable.

Secretary Treasurer

The drainage plan was reviewed by the Municipal Engineer. The Planning Advisory Committee relies on comment from those professionals for recommendations and suggested conditions to road development to make decisions on the development, as a whole.

Jane Van Toen - 612 Third Street North

Requested the time frame for talking about the boundary dispute as it might involve her property. She was advised by the Secretary Treasurer to seek legal advice or that of a surveyor. Ms. Van Toen also noted was that the proposed subdivision represents 1/6<sup>th</sup> of potential development on Black Sturgeon Lake.

Mr. Clark

The Application uses the current boundary line certified by an Ontario Land Surveyor.

Cathy Garrett - 79 Lawton Drive

With respect to hydrology re: lots 2,3,4 and the 10 metre buffer on either side - how is it controlled? The question was clarified to mean how is water quality controlled and what is the role of ash swamp.

Secretary Treasurer

The proposal is that the ash swamp is protected by zoning and/or site plan control, both of which are enforceable.

Doreen Houston – 132 Lawton Drive

Read a prepared statement which chronicled living at the lake for 22 years and her support for development but only in small pockets. She wants space between the lots, a point made in the Black Sturgeon Impact Study, and would like lot 23 to be the separator lot and increase space between lots to 200 metre width. The small bay should only have allowance for a small number of lots. She requested that a special report "species at risk" be prepared as she wants more information. Lot 23 should be protected, because it contains ash trees and they help to control the water quality. Lot lines need to be re-drawn for lots 19 to 23.

Roy Houston - 132 Lawton Drive

He was involved in the Black Sturgeon Lake Capacity Study and objected to this area not being called an embayment area.

Mr. Tkachyk asked for any further comment from members of Committee

Vince Cianci

He reviewed the proposed plans and determined that the lot frontages are 35' and 32' which falls short of the required 61' frontage. He stated the plan should include contours and the developers should build roads to eliminate the dog leg.

Mr. Clark

Discussion ensued regarding hydro which may be obtained from the Ritchie Road through lots 1 & 2, as appears on the draft plan of survey. Although hydro has not yet been involved in plan review.

Comments from outside Agencies:

The above areas will be re-inspected once the snow is gone and more is known about the location and grade of the road.

The MNR: With respect to critical fish habitat located in front of lot 23 and part of lot 22, suggests the applicant modify the site plan to provide each foreshore lot with suitable amount of frontage away from the critical fish habitat value. The Applicant is advised to contact the Species at Risk Biologist regarding endangered species. MNR will not consider providing tenure on Black Sturgeon Lake to provide for docking for back lot properties as per the Official Plan. )Comments in their entirety form part of the record.)

Comments from City Departments: The Municipal Engineer and the Municipal Roads Supervisor require more detail regarding roads to be assumed by the City ie. grade, angle of intersection, turnaround and sightlines. Clarity is required re: culverts and drainage and regulation of distance between homes.

The Secretary Treasurer recommends that the application be tabled until the boundary dispute is resolved. Notice will be provided once a date for meeting has been established.

**Moved by: James Tkachyk**

**Seconded by: Terry Tresoor**

**THAT the statutory public hearing for Application for Plan of Subdivision S01/11 Wright** be adjourned until the receipt of notice, from the proper authority, or from all affected neighbours, indicating that the dispute of boundary (shown on the west side of the draft plan which forms part of the application) has been resolved.

**CARRIED**

**B01/11 Milligan - Consent for Easement**

Present for the meeting: Randall Seller, Agent for Irene Milligan

Mr. Seller presented the application for consent of easement over a portion of property which has historically been an access driveway for both the subject lands and the lands abutting, owned by the neighbour, who also uses the driveway for access. The proposed 5 metre width of easement needs to be increased to a more appropriate 10 metre width. The respective neighbour's garage, if encroaches on the Applicant's property, should be addressed as a lot addition at the same time.

Secretary Treasurer

The satisfaction of any encroachment must be in compliance with the Zoning By-law.

Vince Cianci

If both entrances / driveways are being used then 2 easements are required.

Comments from Outside Agencies: The Northwestern Health Unit is not concerned about septic system at this time but letter of clearance will be requested.

Comments from City Departments: The Building and Roads Departments had no objections. The Planning Department had no objections.

**Moved by: Wayne Gauld Seconded by: Terry Tresoor**

**THAT Application for Consent No. B01/11 Milligan**, owner of lands described as Concession 1 of Melick, Part of Location D631 Part 1 on plan 23R4379 PCL 25687, 580B James Road, for an easement over a portion of property to provide driveway access to both the subject lands and lands abutting, owned by the neighbor, 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, for the purposes of access, shall be in favour of property described as Concession 1 of Melick Part Location D631 RP 23R4379 PART 2 PCL 32001 and be a width of 10 metres (generally 5 metres from the centre of the travelled portion of the driveway) and extend from the James Road access to the north corner of the existing parking areas associated with property described as Concession 1 of Melick Part Location D631 RP 23R4379 PART 2 PCL 32001.
- 5) That the City of Kenora receives a clearance letter, from the Northwestern Health Unit with respect to this application.
- 6) That a lot addition be approved if determined there is an encroachment of the garage.

**CARRIED**

8:50 p.m. Vince Cianci left the meeting

**B03/11 LMD - Consent to create 2 lots**

Present for the meeting: No one present

Mr. Tkachyk asked the Secretary Treasurer to speak to the application.

Secretary Treasurer

The Application was to be presented by Agent Ross Johnson for LMD Contracting for consent for the creation of two (2) new rural residential lots located along the Redditt Road (Highway 658), as an infill development. The new lots will not be subject to hydro easements.

Comments from Outside Agencies: The Northwestern Health Unit requested that the property owner contact them so they can go on-site to make their recommendations.

MTO had no objection but reminded that an Entrance Permit was required.

Comments from City Departments: The City Building Department and Roads Department had no objections. The Planning Department had no objections.

Secretary Treasurer to contact Agent to remind him that he has to attend to present application.

**Moved by: Wayne Gauld Seconded by: Alex Clark**

**THAT Application for Consent No B03/11 LMD**, for the creation of two (2) rural residential lots from property described as Concession 8 of Jaffray South Part Lot 4 RP KR21 PART 2 Parcel 21860 and Lot 4 Part Parcel 23325, 276 Redditt Road, 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 City of Kenora receives a clearance letter, from the Northwestern Health Unit, with respect to this application.
- 5) That the City of Kenora receives a clearance letter, from Hydro One Networks, Bell Canada with respect to this application.
- 6) That the side yard setback (between house and new lot line) is in accordance with requirements of Zoning By-law.
- 7) That the Transfer and Transferee not be the name of the same person on the Transfer Deed of Land Form.

**CARRIED**

9:00 p.m. Vince Cianci returned to the meeting

**B04/11 Portier - Consent to create 1 lot**

Present for the meeting: Randall Seller, Agent for Eileen Portier

Mr. Seller presented the application for consent for the creation of one (1) new Black Sturgeon Lake lot located on Black Sturgeon Lake, north of the Portier Bridge, on East Melick Road. The retained property will maintain the existing residential use; the severed property, is to be transferred. The property is 4.05 acres in size and meets all minimum standards for a severance in the BSL zone. The transferred portion will receive scrutiny from Planning Board when developed.

Secretary Treasurer concurred with Mr. Seller stating that any concerns or matters regarding the Black Sturgeon Lake protected areas will be dealt with at time of development of the severed lands.

Mr. Tkachyk asked the Committee for comment.

Vince Cianci questioned the reference to the lands as residential.

The Secretary Treasurer commented that there is some rural residential land use in the area. The property is designated in the City of Kenora Official Plan 2010 as Black Sturgeon Lake (Restricted Development Area). Residential uses are permitted in this designation. The property is zoned "Black Sturgeon Lake".

Discussion ensued over which piece of property should be called "new" and which should be called "retained". The severed portion will be referred to as the "new" lot.

Mr. Tkachyk asked those in attendance for comment. Nothing was offered.

Comments from Outside Agencies:

The Northwestern Health Unit sent correspondence to the property owner and requested that the property owner contact them.

Comments from City Departments: The City Building Department and Roads Department had no objections. The Planning Department had no objections, but noted that the "trailer" on sketch must be removed, if used for human occupation, to comply with the Zoning By-law (Only one residential use is permitted per property).

**Moved by: Terry Tresoor                      Seconded by: Wendy Cuthbert**

**THAT Application for Consent B04/11 Portier**, for the creation of one (1) Black Sturgeon Lake lot from property described as CON 1M N LOT 5 PT PCL 8535 LESS PTS 4 5 8 9 23R5620 LESS PT 1 23R5754 LESS PT 1 23R-9057, 506 East Melick Road, 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 City of Kenora receives a clearance letter, from the City of Kenora Roads Supervisor stating that the entrance to the property has been approved, with respect to this application.
- 5) That the City of Kenora receives a clearance letter, from the Northwestern Health Unit, with respect to this application.
- 6) That the City of Kenora receives a clearance letter, from Hydro One Networks and Bell Canada indicating that there are adequate utility easements or that no easement is required.
- 7) That the City of Kenora receives an affidavit that the retained lands, new lot 4.05 acres in size are for one residential unit only.
- 8) That the Transfer and Transferee not be the name of the same person on the Transfer Deed of Land Form.

**CARRIED**

**(ix) Old Business – None**

**(x) New Business**

- a) Retirement Luncheon  
The Secretary Treasurer will organize a lunch for Committee members in honour of Art Mior's resignation.
- b) OACA Conference  
Discussed under Item # (vi) Other Correspondence
- c) Meeting Material  
James Tkachyk commented on the length of time he spent preparing for the meeting. Distribution of material via electronic format is causing difficulty when members want a printed copy of all material. Members would also like the drawings / maps to be larger so they can make out the measurements. It was suggested that members read the material on-line, but only print of the pages that pose an issue warranting discussion. Vince Cianci requested a copy of all information to be mailed by Canada Post.

**(xi) Adjourn**

**Moved by: Terry Tresoor**

**THAT** the March 29, 2011 Planning Advisory Committee meeting be adjourned at 9:21 p.m.

**MINUTES ADOPTED AS PRESENTED THIS 19<sup>th</sup> DAY OF APRIL, 2011**

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**CHAIR**

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**SECRETARY-TREASURER**