



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
May 17, 2011
7:00 P.M.**

Present:

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

DELEGATION: None

(i) Call meeting to order

Mr. Tkachyk called the May 17, 2011 meeting of the Kenora Planning Advisory Committee to order at 7:00 p.m.

Mr. Tkachyk reviewed meeting protocol for those in attendance.

(ii) Additions to the Agenda - None

Adoption of Agenda: May 17, 2011

Moved by: Terry Tresoor Seconded by: Alex Clark

That the Agenda of the May 17, 2011 meeting of the Kenora Planning Advisory Committee and Committee of Adjustment be approved as distributed.

(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:

Vince Cianci B06/11 Wm Lougheed (on today's Agenda)
Vince Cianci B08/11 Tew (on today's Agenda)

(iv) Adoption of Minutes of previous meeting:

Adoption of minutes of previous meeting: April 19, 2011

Corrections: None
Business arising from April 19 Meeting - None

Moved by: Terry Tresoor Seconded by: Wayne Gauld

That the minutes of the April 19, 2011 meeting of the Kenora Planning Advisory and Committee of Adjustment be approved as distributed.

CARRIED

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

(vi) **Other correspondence** – None

(vii) **Consideration of Applications for Minor Variance**

1. A01/11 Knopf Application to permit encroachment into side yard

Present at meeting: Lorne Knopf

Mr. Knopf presented his application for a minor variance and is seeking relief from certain regulations of Zoning By-law No. 160-2010, specifically from Sections 2.24 Permitted Yard Encroachments – Table 3 Eaves from 1 metre to .3 metres for a variance of .7m and from Section 3.11.1(b)(v) Accessory Structures to permit the structure to be closer than 1 metre to the west side lot line of the subject property. He explained that his land is 50' x 100' and is challenging with regards to topography and he wishes to construct a two stall accessory garage, accessible by an existing parking pad.

The Secretary-Treasurer commented that there were no objections from the Planning Department if eaves/eavestroughs etc were included in the permitted projection.

Comments from other Departments and Agencies

- There appear to be no issues from an Engineering, or Roads Department standpoint. Adequate room exists for future development of a turn-a-round, should the need arise.
- The Building Department has no objections provided ...all construction including roof projections and gutters are within their property lines and gutters, downspouts and splash pads are installed. Roof water is not to be directed to nor effect neighboring properties.

Mr. Knopf commented that any roof water would be coming onto his property. His Contractor commented that they may need to make another application to move the driveway to accommodate the 26' garage that would encroach onto the existing driveway.

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

Discussion ensued regarding the location of the garage and the importance of knowing where the property line is and that the approval should be for a zero lot line which would include eaves and eavestroughs. It was confirmed that a Mr. Knopf is using a 2006 survey to confirm lot lines.

Mr. 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: Alex Clark

That Application for Minor Variance A01/11 Knopf, 61 Eagle Crescent, PLAN M133 LOT 19 PT PCL 30743 and Parts 1 & 2 on Plan 23R 11263, seeking relief from Sections 2.24 Permitted Yard Encroachments – Table 3 Eaves for relief from 1 metre to permit the structure to be closer than 1 metre to the west side lot line of the subject property be approved, to a '0' lot line with the following conditions:

1. Roof water is not to be directed onto, or affect neighbouring properties.
2. All construction roof projections (eavestroughs, gutters etc) to be within limits of subject property.

3. The zero lot line is to include the eaves and eavestroughs and roof

CARRIED

2. A02/11 Hirayama Application to permit encroachment of deck into side yard

Mr. & Mrs. Hirayama presented their application for a minor variance and are seeking relief from certain regulations of Zoning By-law No. 160-2010, specifically from Section 3.24 Permitted Encroachments to permit a portion of a deck into the west side yard. The reason for the construction of the deck past the westerly wall of the residence is to be able to maintain the west side of the residence. The deck was constructed by their son as a surprise and without benefit of a building permit.

There is no objection, received in writing, from the neighbour. The Hirayamas would consider removing the extension, but are asking permission to keep it so steps could be added in order to gain access to windows on the west side currently not accessible.

The Secretary-Treasurer acknowledged that there was no room for maintenance on the west side but that steps would not be permitted without a variance stairways cannot be closer than 1 metre to any lot line. There is a concern with the layout of both the subject property and the lot to the west as there is an acknowledged encroachment. There is no survey of the property.

Comments from other Departments and Agencies

- The Building Department will issue a permit if Committee approves the application.

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

Committee members expressed concern that there was no survey, specifically of the west lot line, and that one is needed in order to make a decision involving measurements.

Mr. 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.

Mr. Tkachyk explained that the Committee is concerned that approval may be granted and there could be an encroachment. He proposed that the decision be Tabled until the west property line is defined by survey.

Moved by: Wayne Gauld Seconded by: Vince Cianci
That Application No. A02/11 Hirayama, 230 Fifth Street South, PLAN M118 LOT 8, for seeking relief from Section 3.24 which permits unenclosed decks only in the front or rear yard, and only to within 1 metre of any lot line and relief to permit the deck to within .3048 m of the westerly lot line, be deferred pending the receipt of:

1. A real property report / building location survey in a form of a sketch of the west lot line location in relation to the residence and including all improvements.

CARRIED

Vince Cianci left the meeting at 7:35 p.m.

(viii) Considerations of Applications for Land Division**3. B06/11 Wm Lougheed Application for Consent for Easement in favour of Bell Canada**

Present for the meeting: Ross Johnson, Agent
 P.O. Box 593, Kenora ON

The Right-of-Way Manager for Bell Canada has applied on behalf of Wm Lougheed Trucking Ltd., the owner of lands described as Part 4, Plan 23R-11914, Lot 21 Plan 23M 135, for consent for an easement over a portion of property which was, in the past, used as Sunnyside Road, and over which there is an existing pole line. The lands are subject to an easement in favour of Hydro One Networks Inc., for utility purposes (Part 20 Plan 23R 11401). The proposed 5 metre width of the easement for access would mirror the width of an existing easement in favour of Hydro One Networks Inc., and driveway. The proposed length of the easement for access is 88 metres.

Mr. Johnson clarified that Hydro has an easement and Bell uses the same poles as Hydro and they want a separate easement.

Mr. Tkachyk asked the Committee for comment.

Mr. 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: Alex Clark
THAT Application for Consent B06/11 /Wm Lougheed, on behalf of Wm Lougheed Trucking Ltd., the owner of lands described as Part 4, Plan 23R-11914, Lot 21 Plan 23M 135, for an easement over a portion of property to provide access to the Bell service line located on private property, 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 easement, for the purposes of utility services, shall be in favour of Bell Canada and be a width of 10 metres (generally 5 metres from the centre of the pole line) and extend from Crystal Street (south) and Sunnyside Road (north) for approximately 53 metres.

CARRIED

Vince Cianci returned to the meeting at 7:39 p.m.

4. B07/11 Peloso Application for Consent for one new lot

Present for the meeting: Aynsley Weatherall, Agent

Mr. Peloso, owner of lands at 1024 Carlton Road is applying for consent to create one (1) new rural lot; both the new and retained lots would exceed frontage and size requirements of Zoning By-law No. 160-2010.

Ms. Weatherall presented an analysis of the application.

The Secretary-Treasurer commented that there were no objections from the Planning Department.

Comments from other Departments and Agencies

- The Roads Department indicated no objection, but there will be a culvert required.

Mr. Tkachyk asked the Committee for comment.

Vince questioned whether this severance was legal considering the property was severed in the past. He further suggested that the applicant considers moving the line to avoid a point and loss of usable land. Avoiding a point would create a more usable lot.

The Secretary-Treasurer commented that this application was reviewed in 2006 and was given condition approval. The Carlton Road created a natural severance and in a situation similar to lots on the East Melick Road, consents will be permitted on the subject property.

Ms. Weatherall was in agreement with considering movement of the line.

The Secretary-Treasurer commented that a condition will be the adjusted lot line and if the Owner objects it can be appealed. Discussion ensued.

Mr. 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.

Mr. Tkachyk recommended that moving the lot line be a recommendation rather than a condition. The Secretary-Treasurer commented that it will be presented as Option A or Option B and Mr. Cianci provided the red-lined sketch.

Moved by: Wayne Gauld Seconded by: Ted Couch

THAT Application for Consent B07/11 Peloso, for the creation of one new rural lot from property described as, 1024 Carlton Road, being Part of the north part of broken lot 17, PT N PT OF BKN LOT 17 Concession 2 of Melick, RP 23R 6770 PART 2 PCL 36821, 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 a photocopy) 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 Transfer and Transferee not be the name of the same person on the Transfer Deed of Land Form
- (5) That the land division will be in accordance with the sketch either Option A or Option B. (attached)

CARRIED

Vince Cianci left the meeting at 7: 56 p.m.

5. B08/11 Tew Application for Consent for one new lot

Present for the meeting: Ross M. Johnson, Agent, Glen Tew Jr., Ginnette Tew

Mr. Johnson, Agent for Glen Tew Jr. and Tracy Gudreya, owners of lands described as Concession 2 of Melick, South ½ of LOT 4 PCL 18500 , 865 East Melick Road presented the Application for consent for the creation of one (1) new rural lot. The Owner is requesting permission to sever property and move the current home onto the new lot and build another home on the original lot.

The Secretary-Treasurer commented that there is the potential for aggregate on the west side, but it is such a small band that there is no Planning issue.

Comments from other Departments and Agencies

- The Roads Department requires an Entrance Permit and lands over which the School Road is traveled will need to be transferred to the City. Both the relocation of the current home and the new construction will need to meet set back requirements of the current zoning by-law.

Mr. Johnson questioned the proximity of an existing building to the working farm on the other side. The Secretary-Treasurer indicated that she is not familiar with the matter.

The Secretary-Treasurer explained that the proposed location of the severed lot would be disorderly development. Additionally, MDS 1 formula, per OMAFRA and Official Plan policy applies.

Mr. Tew explained that his plan was to eventually create two lots, but didn't want to do it now.

Mr. Tkachyk asked the Committee for comment.

Discussion ensued as to the benefits of creating 2 lots now versus later.

Mr. 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.

Mr. Tkachyk requested that the Secretary-Treasurer clarify the minimum distance requirement and requested that the Committee vote on the original request.

Moved by: Wendy Cuthbert Seconded by: Terry Tresoor

THAT Application for Consent B08/11 Tew, for the creation of one (1) new rural lot from property described as, Concession 2 of Melick, South ½ of LOT 4 PCL 18500, 865 East Melick 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.
- 4) That the transferor and transferee not be the name of the same person on the Transfer Deed of Land Form.
- 5) That a clearance letter be received from the Northwestern Health Unit indicating that there is adequate area for a private sewage system on the new lot, in addition to the lot which will be created when the School Road is surveyed and transferred to the City of Kenora, and that the existing private sewage system is in proper working order.
- 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 applicant provides a calculated MDS setback, to an MDS I standard in order to determine that the proposed severed lot will not negatively affect the operating livestock operation located on property described as CON 2M LOT 4 N PT PCL9330.

CARRIED

Vince Cianci returned to the meeting at 8:25 p.m.

(ix) Old Business - None

(x) New Business

Application for Amendment to Zoning By-law Z01/11 Ambs

The Secretary-Treasurer commented that Mr. Ambs chose to amend the Zoning By-law in order to bring an additional apartment unit, former garage, into compliance. A Site Plan that shows 4 parking stalls is required to be in compliance with the Official Plan.

The Building Department had no objections to the application and there were no objections from the Fire Department.

Discussion ensued regarding the single exit and compliance to Fire Code. The Building Inspector reviews the Fire Code requirements for residential units.

Recommendation:

Moved by: Wayne Gauld

Seconded by: Wendy Cuthbert

THAT Council approves Application Z01/11 Ambs, to amend the Zoning By-law No. 160-2010 specifically for property described as 540 Second Street South, Kenora, Plan 3, Block 2, Lot 149E from R2 to R3, for a maximum of four (4) residential units, and relief from the west side yard requirements from 2.5 metres to 2.13 metres to bring the property into compliance with Zoning By-law No. 160-2010 as the application is consistent with the Provincial Policy Statement (2005) and the City of Kenora Official Plan (2010); and further

THAT the project is subject to site plan control and that one additional on-site parking stall be created.

Carried

(xi) Adjourn

Moved by: Terry Tresoor

THAT the May 17, 2011 Planning Advisory Committee meeting be adjourned at 8:53 p.m.

MINUTES ADOPTED AS PRESENTED THIS 21st DAY OF JUNE, 2011

CHAIR

SECRETARY-TREASURER