



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**  
**April 17, 2012**  
**7:00 P.M.**

**Present:**

James Tkachyk	Chair
Wayne Gauld	Vice Chair
Terry Tresoor	Member
Ted Couch	Member
Wendy Cuthbert	Member
Ray Pearson	Member
Tara Rickaby	Secretary - Treasurer
Matt Meston	Planning Assistant & Minute Taker

**Regrets:** Vince Cianci Member

**DELEGATION:** None

**(i) Call meeting to order**

James Tkachyk called the April 17, 2012 meeting of the Kenora Planning Advisory Committee to order at 7:00p.m.

James Tkachyk reviewed meeting protocol for those in attendance.

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

**(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:

Ray Pearson – Z04/12 Aamiikowwiish

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

Adoption of minutes of previous meeting: March 20, 2012

Error in spelling of James Tkachyk's name on page 3.

Remove one word "the" from page 2.

**Business arising from minutes:** None.

**Moved by:** Ted Couch

**Seconded by:** Ray Pearson

That the minutes of the March 20, 2012 meeting of the Kenora Planning Advisory and Committee of Adjustment be approved as amended.

**CARRIED**

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

S01/12 Bell to be discussed later as part of the application.

- 1) Hydro One
- 2) Ministry of Natural Resources (MNR)
- 3) City of Kenora Roads Supervisor

**(vi) Other correspondence - None**

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

**1. A06/12 Figure 8**

**Required Parking Spaces**

Present for the meeting:

Brad Doerksen

Brad Doerksen introduced himself and went over his application and explained that he is required to provide 1.4 parking spaces relating to the proposed addition for retail space for the Figure 8 Baits building. Mr. Doerksen stated that there are 36 boat slips in front of the bait shop and that 75-80% of the customers access the property by boat. During the winter months all parking is used for the bait shop and not the laundromat. He also commented that the boat parking should be considered as customer boat parking as this fits in with the boating mentality of the City as part of the rebranding process that was recently undertaken.

The Secretary-Treasurer stated that Mr. Doerksen's point is well taken and that By-law enforcement as well as the Operations Manager have stated that parking has never been an issue with the former use as a laundromat. The proposal conforms with the intent of Zoning By-law and the Official Plan. It is minor and appropriate for the land in that, there are 36 boat stalls provided. The Secretary-Treasurer read out the planning department comments from the planning report. Most of the customer parking seems to be from the lake. Staff recommendation is for approval. If there was no addition to the building, simply a change of use, no additional parking would be required, per the Official Plan.

James Tkachyk asked the Committee for comment.

Ted Couch said that Figure 8's customers sometimes park in a private parking lot further down the street during the winter. The lot seems very congested and emergency access may be an issue.

Discussion took place regarding the design of the existing structures and the proposed addition.

James Tkachyk said that the large neighbouring parking lots sometimes ease the overflow of parking.

Brad Doerksen responded by saying that his docks are also used by customers from other business, so it is a reciprocal cycle that goes both ways.

Ray Pearson asked about the docking listed as public parking and about future rentals relating to the docks.

Brad Doerksen responded saying that there will not be seasonal boat slips.

James Tkachyk asked if any members of the public wished to comment – None.

Wayne Gauld asked what would happen if the land use changes and the Secretary-Treasurer stated that as long as the use does not change to residential, there is no requirement to provide additional parking in the Harbourn Centre area, per the Official Plan.

**Moved by:** Ray Pearson

**Seconded by:** Wendy Cuthbert

That the application for Minor Variance A06/12, Figure 8 to provide relief from section 3.29.1 (table 4) of Zoning By-law 160-2010 to allow an addition to the existing commercial building to be constructed without adding any addition on site vehicular parking on the property described as, PLAN M54 PT WESTERN CO MILL LOC PCL 24753 AND WATER LOT LOC RK1083, 405 First Avenue South be approved by the Planning Advisory Committee of Kenora as the proposed minor variance is consistent with the Provincial Policy Statement(2005), meets the purpose and intent of both the City of Kenora Official Plan (2010) and Zoning By-law 160-2010, is appropriate and desirable for the land and is minor in nature.

**CARRIED**

## **2. A07/12 Bichon**

### **Location of Accessory Garage**

Present for the meeting:

Earl Bichon

Earl Bichon introduced himself and explained his proposal to replace his current garage. The variance is required because accessory structures cannot be located closer to road than the main building is to the road in an R1 zone. Mr. Bichon also said that his current garage is not visible from the road and that his neighbours are aware of his application.

James Tkachyk asked the Secretary-Treasurer for comment.

The Secretary-Treasurer explained that according to the Zoning By-law, Mr. Bichon needs a variance because an accessory garage cannot be located closer to the street than the main building is to the street in an R1 zone. There are no access issues and there is an existing legal non-conforming garage where the proposed garage is to be located. The garage is not visible from road and exceeds the required front yard setback. Staff recommendation is for approval.

James Tkachyk asked the Committee for comment and received no objections.

James Tkachyk asked members of the public for comment – none.

**Moved by:** Ted Couch

**Seconded by:** Ray Pearson

That the application for Minor Variance A07/12, Bichon, to provide relief from section 3.11.1 (b) (iv) of Zoning By-law 160-2010 to allow an accessory garage to be located closer to the street than the main building is to the street on the property described as CON 6 J N PT LOT 4 PCL 14669,129 Rabbit Lake Road, be approved by the Planning Advisory Committee of Kenora as the proposed minor variance is consistent with the Provincial Policy Statement(2005), meets the purpose and intent of both the City of Kenora Official Plan (2010) and Zoning By-law 160-2010, is appropriate and desirable for the land and is minor in nature.

**CARRIED****3. A08/12 Scott****Accessory Garage Lot Coverage**

Present for the Meeting:

Jessica Scott

Jessica Scott described her proposal and discussed the application to construct a detached accessory garage on her property at 26 Parsons and indicated that the neighbours had no objections to the application.

The Secretary-Treasurer asked if any trees or bushes are being removed to accommodate the proposed garage. Mrs. Scott responded that no trees or bushes will be cut down or removed.

The Secretary-Treasurer said the subject property was a corner lot and the Zoning By-law has changed to permit access from exterior side yards into a garage. The lot coverage is fine for entire property but the ten percent maximum for accessory structures is what is being exceeded. There were no objections from staff and the application meets all other requirements.

Wayne Gauld asked if a survey was used as a reference for the proposal? Mrs. Scott said that the site plan was based from measurements they took themselves, not a survey and that the neighbours have no objections.

James Tkachyk asked if parked cars are going to be projecting into the street as a result of the garage? Mrs. Scott replied that parked vehicles would be set back 1.5 feet from where they are currently parked now.

The Secretary Treasurer commented that some fill is required as part building permit and that the construction of the proposed garage cannot change the drainage pattern of the property.

**Moved by:** Wayne Gauld**Seconded by:** Ted Couch

That the application for Minor Variance A08/12, Scott to provide relief from section 3.11.1 (b) (vi) of Zoning By-law 160-2010 to exceed the maximum lot coverage restriction of 10% by 1.5% , for a variance of 1.5% to authorize construction of a 48.19m<sup>2</sup> accessory garage that would have an a lot coverage of 11.5% to be constructed on the property described as PLAN M17 N OF LOT 59 TO 62 PCL14582, 26 Parsons Street, be approved by the Planning Advisory Committee of Kenora as the proposed minor variance is consistent with the Provincial Policy Statement(2005), meets the purpose and intent of both the City of Kenora Official Plan (2010) and Zoning By-law 160-2010, is appropriate and desirable for the land and is minor in nature.

**CARRIED****(viii) Considerations of Applications for Land Division****1. B02/12 Baletki****Consent - Lot Addition**

Present for the meeting:

Dave McDonald, Agent for Baletki

Dave McDonald introduced himself and explained the application.

The Secretary-Treasurer indicated that Mr. and Mrs. Baletki own their current property and approximately 10 years ago the Ministry of Transportation offered the

adjacent lot for sale. The Baletkis purchased it and the whole property has been used by them. The Baletkis desire to sever a lot for their daughter and a lot addition is needed to keep their own drive way. There were no comments or objections from any internal departments. Use of the property for open storage does not comply with residential zoning and a condition needs to be that the property is brought into compliance and the open storage be removed from the site.

James Tkachyk asked the Committee for comment.

Wendy Cuthbert asked about the new lot entrance location. Dave McDonald said a new culvert would be there and be made condition.

No other comments were received.

James Tkachyk asked the public for comment and there were none.

**Moved by:** Wendy Cuthbert

**Seconded by:** Terry Tresoor

This application B02/12 Baletki, for a lot addition, has regard to the Provincial Policy Statement (2005), and complies with the intent of the City of Kenora Official Plan (2010) and Zoning By-law No. 160-2010, per the planning report.

It is recommended that the Committee approve the application, the following conditions be applied:

That Application for Consent B02/12 Baletki 838 Airport Road Concession 7 of Jaffray Part Lot 11 RP 23R8289 PARTS 2 TO 7 PCL 162002 to lands described as 830 Airport Road, Concession 7 of Jaffray PART JA3 RP KR556 PART 5 PCL24922 and 23R5290PART 3 PCL 35583 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 a letter be received acknowledging that the easterly property (838 Airport Road Concession 7 of Jaffray Part Lot 11 RP 23R8289 PARTS 2 TO 7 PCL 162002) is serviced with municipal sewer and water.
- 5) That the easterly property be brought into compliance with the Zoning By-law provisions for the R1 zone by removal of all items in open storage.
- 6) That a copy of an approved entrance permit be provided to the Secretary-Treasurer.

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**

## **2. S01/12 Bell**

### **Plan of Subdivision**

Present for the meeting:

Jeffrey Port, Agent  
Robert and Lisa Bell, Land Owners  
Dan Olscamp  
Tim DePorto  
David Byers  
Alex Clark

Mr. Port explained that Robert and Lisa Bell own the land that is being subdivided and that they had previously acquired the land to the south, through a severance, which was then consolidated into what is the current subject property. The proposed subdivision will include 17 water front lots and 6 backshore lots. As per the Official Plan, the entire subdivision will be subject to the Black Sturgeon Lake Restricted Development area. All waterfront lots must have a minimum of 122 metres of frontage and be 0.8 hectares in size and the backshore lots must be a minimum of 2 hectares in size and have 90 metres of frontage. All lots will be accessed from an interior road network that will be constructed and that road network will off of East Mellick Road. Lots 16, 17 and 18 will have easement access and the Bell's will assume lot 15 for their own use.

Lot number 1 would be short of the required 122 metres of frontage and would therefore require a lot addition as a condition of approval. The lot addition would be from Mr. Porto's property and his land would still have to have to comply with the Zoning By-law. The site has previously been used as a quarry and site remediation had been conducted with the Ministry of Environment involvement and there are no further issues relating to remediation. A septic field presently exists by way of easement and that it should be expanded to be as large as Block 2 in the draft plan of subdivision and be transferred over to the resident so that they own it outright as opposed to accessing it over an easement. Lots 16, 17 and 18 will have a shared driveway, which will be private.

Mr. Port explained that a Stage 1 Archaeological Assessment was undertaken and subsequently a Stage 2 and 3 Archaeological Assessment also was undertaken as well. Artifacts were found and reports were documented about the finds. A Stage 4 Assessment, which would be a full scale archaeological dig would not be required as the archaeological values would be protected through site plan control or zoning and would not be development zones.

Ryan Haines has conducted an Environmental Impact Study (EIS) for the shoreline and entire property. Lots 18 and 15 have pike and walleye spawning, lot 3 has pike spawning, lots 5 and 4 have walleye spawning and lots 9 and 11 have walleye spawning. EP zoning designations will be applied to the subdivision as part of the Zoning By-law amendment, that is required anyway as a condition of approval. Spawning will also be protected by restricting dock placement.

A drainage and road engineering study has been completed and the current road configuration has been modified for turning radius' and grades.

There is a hydro line that goes through the site and an easement existed when the previous consent was done.

The Secretary-Treasurer interjected and said that there is no evidence of this yet.

Mr. Port continued saying that lot servicing will be done by private sewer and water and the backshore lots will be serviced by wells.

With regards to natural heritage, the Ministry of Natural Resources stated previously that there were no objections subject to review of the application. However, a letter received from MNR on April 17, 2012 stated several objections that Mr. Port said he would not be commenting on tonight due to lack of time to digest MNR's comments. Mr. Port stated that he would review the MNR letter later and sit down with them to discuss it. Mr. Port then indicated that the only other environmental issue was with regard to the aggregate potential of the site. A study has been conducted and it has been determined that the site has extremely low probability for commercial aggregate potential.

Mr. Port commented that the backshore lots do not have access to Black Sturgeon Lake.

Mr. Bell indicated that there would potentially be 6 boat slips and parking spaces to be leased to the residents living on the backshore lots, which would be private and not public.

The Secretary-Treasurer stated that Hydro One has reviewed the application and has no issues but wants the applicant to know that low voltage distribution should occur by way of their local distributor. The Roads Supervisor had met with Mr. Bell on site and viewed the shared driveway that is located on the top of Tressel Hill, and commented that the drainage is good and the sightlines are as well.

The Secretary-Treasurer also addressed MNR's recent letter and stated that she had received it only a few hours ago and therefore no decision would be made at the meeting tonight. The Secretary-Treasurer then read out the letter for everyone on attendance and said that the matter would be added to the next meeting for a possible decision after the Committee has had time to consider it.

Mr. Port stated that he and the Secretary-Treasurer will need to meet with the Ministry about this and that the Ministry should to be changing the rules in the middle of the game.

The Secretary-Treasurer commented that one of the lots will be designated as open space and the zoning amendments and site plan control will be implemented in some areas. The Northwestern Health Unit has not provided any comment on this

development yet and given the large size of all the lots, lot realignment will likely not be required.

First Nations had been sent notice for comment and nothing had been received to date. The Secretary-Treasurer then read out the comments and draft conditions from the staff planning report.

James Tkachyk asked Mr. Port for any additional comments.

Mr. Port stated that he had comments on 13 of the 32 conditions and that in the interest of time he would not go through them at the meeting tonight, instead he would like to sit down with the City at a later date to discuss.

James Tkachyk asked the Committee for comment.

Wayne Gauld asked who owns a piece of lot 14 he was not sure about and asked about if there would be any access from the existing road or if it was strictly from the new road to be constructed. Mr. Port responded that the access to lots will be from the (new) internal road network. Wayne also asked who is building the roads, to which he was told that the applicant is. Lots 16, 17 and 18 will be by private road with easements, not public.

Ted Couch had no objections.

The Secretary-Treasurer stated that some of the lots did not meet frontage requirements and that there could be an exception number applied to this, as part of the application to rezone.

James Tkachyk asked why lot 22 had no dimensions on the new road being created. There appears to be a discrepancy and the surveyor needs to re-calculate lots 20, 21, 22 and 23 and lot 10 needs to have measurements verified as well.

Terry Tresoor had no issues and said he would need time to digest all the information about this application.

Wendy Cuthbert asked about access for the back lots. If docks are constructed and leased out, would that not be a commercial use?

The Secretary-Treasurer responded that a zoning amendment would be required for commercial use. Water access for backshore lots would be done by tenants in common. If a backshore lot was sold then the corresponding slip would go with it. The docks cannot be leased to anyone. Each person only gets 1 dock slip.

Ray Pearson had the same question as Wendy. He also stated that the MNR comments gave him some cause for concern. The shoreline restriction from 20m to 30 m seems harsh.

David Byers made comment about not being aware of spawning ground location for this subdivision. He also asked if asked about lot size and frontage. Mr. Port responded that the interpretation of the Zoning By-law is that lot area is more important than frontage and that the number of backshore lots have to be less than the number of waterfront lots.



James Tkachyk asked the Committee for any further comment and then asked the public for comment.

Tim DePorto stated that his property is located adjacent to the proposed subdivision and that he feels the quality of the lake and water should be paramount. He said that he is not anti-development but feels that the quality of the lake should be the number one priority. He also stated that if docks are constructed then boat traffic increases may have safety issues, especially around the vicinity of lot 7.

Alex Clark spoke about there being one commercial well on the property currently and that there should be requirements for more wells to be tested. He also talked about the Endangered Species Act and species at risk. Rules of engagement need to be clear when dealing with MNR. The MNR has identified species at risk and they seem to be inconsistent with the recent comments they sent in at the eleventh hour. MNR should establish a value and stick to it instead of changing things in the middle of the game.

Dan Olscamp commented on behalf of the Black Sturgeon Lake Property Owners Association, that the provision for the boat slips for the backshore lots is still a concern. He asked for copies of all decisions made as a result of discussion between the City and the Developer.

The Secretary-Treasurer asked if it was sufficient if the conditions of approval would meet the concerns of the public? The final staff planning report would give all the answers that they are looking for.

James Tkachyk asked if there was anyone else who wished to speak regarding this application and got no response. He also stated that this application would be tabled until the May 15, 2012 PAC meeting.

Mr. Byers was given a copy of the staff planning report.

**(ix) Old Business**

- James Tkaychyk stated that there was no old business.
- The Secretary-Treasurer commented that Staff are still working on a definition for irregular waterfront lot frontage calculations.

**(x) New Business**

a) Z04/12 Aamikkowiish Non-profit housing

Tom Carten, Solicitor for Aamikkowiish Non-Profit Housing introduced himself and began by stating that the intention of the application is to amend the zoning by-law from R1 to R2 for the subject property and to utilize both of the lots to build a one storey four-plex that would straddle both lots and would front onto a lane. The intent is to make improvements to the lane in order for it to provide access to the property.

The Secretary-Treasurer commented that the site plan indicated the proposed four-plex is one storey and the interior side yard would be a party wall with two units on each lot and parking being provided on site. The City will not be improving the lane.

Mr. Carten is aware that the City would not be improving the lane and as well as the requirements relating to hydro upgrades on site.

The Secretary-Treasurer added that there is sewer and water services to the property, but only 1 connection and there should be 2 connections for the site to be adequately serviced. As well that where the party wall is located there could be a consent. The lots may have to be deemed.

The Secretary-Treasurer then read out the comments from the staff planning report. The City will not be opening 19<sup>th</sup> Avenue North. Amenity area is not prescribed and that some of the conditions may be met before the application goes to council. Landscaping and setbacks may also be an issue.

Mr. Carten responded by saying that staff comments made sense regarding the deeming issues and that the applicant will locate the building envelope to comply with the zoning requirements. As well could the sewer and water requirements be only for one set instead of two be made into a condition? Mr. Carten also stated that the beginning of July is now the closing date.

James Tkachyk commented that in the future something could be done with one of the lots. Many semi-detached homes exist on a single lot with deeming rules.

The Secretary-Treasurer added that an undertaking may be needed to deal with this and that landscaping is required as well.

James Tkachyk asked the Committee for comment.

Wayne Gauld asked if the property was being accessed from the back lane as he has concerns about the lane in the future or if it is the owners' responsibility to maintain the lane? The neighbouring property owner had already developed part of the back lane to provide access to his property. There is also concern about emergency access. Would fire trucks and emergency services be able to access the property? The Secretary-Treasurer said that Warren Brinkman has not responded or provided comments on this application yet.

The Secretary-Treasurer also stated that a large amount of fill would be needed on the lot.

Wayne Gauld said that the lane could be an issue in the future with regards to servicing, as well as the issues of building without a survey to know where property lines are located.

Ted Couch asked where the closest fire hydrant is located and the Secretary-Treasurer said that there is a hydrant on Sixth Street. Ted Couch also voiced concerns over emergency vehicle access and hydro requirements.

Terry Tresoor commented that the lane would need to be upgraded immediately for construction vehicles such as a cement truck to be able to access the property.

Wendy Cuthbert asked about a building permit for the lane. The City would require upgrades to the lane. The re-zone would permit the four-plex to be built on the lot but that would still not solve the access issue.

James Tkachyk commented that it seemed odd that in some cases the applicant must build a Municipal maintained road but then grant this where there is no road.

Wayne Gauld stated that a building could be built on the site tomorrow but that access is still an issue. Would it be easier for the City to deal with this issue presently, as opposed to in the future?

The Secretary-Treasurer said that she would talk with Warren Brinkman about this.

Wayne Gauld added that the City should be involved in whatever takes place.

The Secretary-Treasurer stated that three conditions be that the City develops a standard of development for the lane based on fire and emergency services comments and further investigation by the engineering department. The deeming issues would be another condition as well as landscaping. Hopefully these can be resolved by the time the application reaches the main meeting.

Terry Tresoor asked if the lane is maintained by the City currently and was informed that it is not. The City will not be maintaining the lane. Mr. Tresoor then said that the City is creating this approval which is not conforming and that it is a publicly owned but not maintained.

Carol Blight, the manager for this project stated that the subject property is the last piece in 17 available properties for affordable housing. They have been looking for a suitable lot for over two years and the subject property is suitable. The tenants need access to education and job opportunities and that this property was a last resort. A contractor could make a decent laneway into the property and the neighbour would have to be worked with.

If the applicant retained a contractor to make road and lot improvements that would be part of the development agreement.

James Tkachyk asked if this is being tabled or being sent to the main meeting?

**Moved by:** Wayne Gauld

**Seconded by:** Terry Tresoor

That the Kenora Planning Advisory recommends that the application for zoning by-law amendment Z05/12 Aamikkowiish, to amend the Zoning By-law 160-2010, as amended, at the property described as described as 612 Nineteenth Avenue North, PLAN M103 LOTS 85 AND 86 PCL 7592 DKF by changing the zoning from R1-Residential Single Density to R2 – Residential, Second Density . This change will permit the development of a four-plex,. The application is consistent with the Provincial Policy Statement (2005), and meets the purpose and intent of both the City of Kenora Official Plan (2010) and Zoning By-law No. 160-2010, as amended for the reasons outlined in the planning report. The approval should be conditional upon:

- 1) The site plan and application form being amended to provide accurate information regarding the front and rear yard setbacks; and
- 2) Acknowledgement from the applicant that the property will be landscaped, not only incorporating existing trees but by including a formal grassed area (seed or sod).

**CARRIED**

(xi) **Adjourn**  
**Moved by:**

**THAT** the April 17, 2012 Planning Advisory Committee meeting be adjourned at 9:29 p.m.

**MINUTES ADOPTED AS PRESENTED THIS 15<sup>th</sup> DAY OF MAY, 2012**

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**CHAIR**

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**SECRETARY-TREASURER**