



City of Kenora
Planning Advisory Committee
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Kenora, Ontario P9N 4M9
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**MINUTES
CITY OF KENORA COMMITTEE OF ADJUSTMENT &
PLANNING ADVISORY COMMITTEE
REGULAR MEETING HELD IN THE OPERATIONS CENTRE
60 FOURTEENTH ST. N., KENORA
March 20, 2012
7:00 P.M.**

Present:

James Tkachyk	Chair
Wayne Gauld	Vice Chair
Terry Tresoor	Member
Ted Couch	Member
Wendy Cuthbert	Member
Vince Cianci	Member
Ray Pearson	Member
Tara Rickaby	Secretary-Treasurer
Matt Meston	Planning Assistant & Minute Taker
Bruce Graham	Risk Management/Loss Prevention Officer

Regrets: None

DELEGATION: None

(i) Call meeting to order

James Tkachyk called the March 20, 2012 meeting of the Kenora Planning Advisory Committee to order at 6:30 p.m.

Bruce Graham introduced himself as the Risk Management and Loss Prevention Officer for the City of Kenora and informed the Committee members that the City is presently going through a work-well audit. Bruce then informed the Committee that he would be covering some of the main safety issues affecting PAC members. Driving is the main hazard the PAC member would encounter during their duties. PAC members from time to time as well, make site visits, although usually not active construction sites. The use of personal protective equipment (PPE) was also discussed.

The Secretary-Treasurer added that PAC members may still be walking on newly developed roads and the hazards that could be present would be associated with tripping and falling.

Bruce then handed out high visibility safety vests to all the PAC members. Identification cards are also being developed for PAC members to identify themselves to members of the public.

Bruce commented that if a PAC member is hurt on a site then they need to let him know about it and that he would have an answer about the insurance coverage by the next month's meeting.

Bruce left the meeting at 6:42pm.

The Secretary-Treasurer then spoke to the agenda item regarding the OACA conference in June and said that one Committee member would be able to attend and asked for interest from the members. Wayne Gauld volunteered and was selected to attend.

The Secretary-Treasurer provided the background on the Outdoor Commercial Patio policy that was presented at the last Property and Planning Meeting on March 13, 2012. The Planning Assistant then gave a short presentation outlining the proposed outdoor patio policy and the main issues and concerns associated with them.

James Tkachyk reviewed meeting protocol for the public in attendance and called to order the the public part of the meeting at 7:00pm.

(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: None

(iv) Adoption of Minutes of previous meeting:

Adoption of minutes of previous meeting: February 21, 2012

Corrections – Z03/12 Lafreniere Zoning amendment - address was listed as 192 Kerr Drive, but it should be 2100 Coker Road. Legal description was incorrect and was corrected.

Business arising from the February 21, 2012 meeting: None

Moved by: Ted Couch Seconded by: Ray Pearson

That the minutes of the February 21, 2012 meeting of the Kenora Planning Advisory and Committee of Adjustment be approved as amended.

CARRIED

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

(vi) Other correspondence - None

(vii) Consideration of Applications for Minor Variance

1. A02/12 Clinton Accessory Building Height

Present for the meeting: Sharen Elaine Clinton

Sharen Clinton introduced herself to the Committee and stated that she was a permanent resident of Winnipeg with the intention of making Kenora her permanent home in retirement. Her proposal is for the construction of a detached accessory garage structure with a storage loft for woodworking and other hobby activities. There were two dilapidated sheds on site which have been removed and the location of the proposed garage is on a current parking area. The variance is to authorize the proposed garage to be 5.58m in height, exceeding the limit of 4.5m. Mrs. Clinton also commented that the proposed garage would have not require plumbing or heat and that the Northwestern Health Unit has inspected the property but no letter has been received to date. She added that the proposed structure would have no negative impact on neighbouring properties, and letters from neighbours have been received stating that they have no objections.

The Secretary-Treasurer indicated that clearance has been received from the NWHU and that from a planning perspective there are no objections. She stated that if a sleep cabin was part of the proposed accessory garage then the structure would be allowed to exceed 4.5m in height, therefore the proposed increase in height is not an unreasonable use of the land. Shore allowance is not a part of this application and there were no objections from internal City circulation and external agencies. The staff recommendation is for approval, a previous condition was that a clearance letter be received from the NWHU, but that has since been met and can therefore be removed as a condition.

James Tkachyk asked if any Committee members had any concerns and there were none.

James Thachyk asked if any members from the public wished to speak to this application. There was no response.

Moved by: Wayne Gauld Seconded by: Ray Pearson

That the application for Minor Variance A02/12 Clinton, to provide relief from section 3.11.1 (b) (viii) of Zoning By-law 160-2010 to increase the maximum height restriction from 4.5m to 5.58 m for a variance of 1.08m to permit the construction of accessory garage on the property described as CON 1M PT LOC D631RP 23R4379 PART 1 PCL 25687, 580B James 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 for the land and is minor in nature.

CARRIED

2. A03/12 Grandmont Side Yard Setback

Present for the meeting: Phillip Grandmont

Phillip Grandmont began stating that his neighbours had no objections to his proposed dock and circulated some photographs to the Committee members as well as a copy of his presentation. He said that his application for a new deck and dock support is minor because he is seeking relief from one section of the Zoning By-law only, with regards to the side yard setback for a variance of 3.84m.

The Secretary-Treasurer said that internal circulation and external agencies circulated had no objections. The NWHU has no objections and the Department of Fisheries and Oceans would not be relevant for this application. Some lots in this subdivision were under site plan control, however this one is not. There is a hydro easement on the opposite side of the lot location. The intent of the Zoning By-law is to provide ample separation between neighbours and ensure low density development.

James Tkachyk asked Mr. Grandmont if he had anything to add and then asked the Committee members for comment.

Ted Couch asked if there was an existing dock present. Mr. Grandmont explained his neighbours' dock locations. James Tkachyk observed that the water level on the one side of the lot is much shallower than on the other side, as well that he was not sure how 0.66m was determined. Mr. Grandmont replied that the distance was measured from the survey peg, as indicated in the photos.

James Tkachyk asked why the dock needed to be so close to the lot line.

Mr. Grandmont replied saying that it is due to the location of the rocks in the water, which will be used as foundation.

Mr. Grandmont stated that the reason for the close proximity to the lot line was due to water depth. He desires to have a dock projecting straight out into the water based on the property line projection into the water. Also due to wanting to utilize the rock configuration the variance of 3.84m is required.

Terry Tressor and Wendy Cuthbert also had concerns about the proximity to the property line and asked if it would be possible for a few more feet to be added between the dock and property line. This also may affect future neighbours; a parked boat on the side of the dock closest to the property lines would block the neighbours' view of the lake. As well that floating docks do not always stay in one place.

Vince Cianci added that if a new neighbour wanted to build a boathouse, it may not be possible due to the close proximity to the lot line, if the setback was reduced forever. He also stated that he did not believe that the water levels would change that drastically. The anchors would be fine if they were that close to the lot line but the dock should not be as boats are parked on both sides a dock.

Ray Pearson commented that he also had issue with a parked boat projecting in front of the neighbour's property in such close proximity to the property line.

James Tkachyk asked if any members from the public wished to speak to this application. There was no response.

The Secretary-Treasurer stated that only a floating dock could be approved. Marine accessory structures are treated differently than regular accessory uses in the Zoning By-law. Conditional approval was discussed.

James asked the Committee for any further comment or re-evaluation, by the applicant and the Secretary informed Mr. Grandmont that he could change his application, present it at the April meeting or he could step outside and change his plan and allow the Committee to vote on it later tonight.

Discussion took place regarding the location of anchors. Mr. Grandmont stated that due to the rock location the anchors need to be located where indicated on his plan because there water is too shallow or shoreline too muddy elsewhere.

Wayne Gauld suggested that the anchor point could remain where indicated on the application but have the dock angled away from neighbour's property so that a parked boat would not affect the neighbours property. That anchors and decks can be built where indicated on the application but not structures.

Vince Cianci and Ray Pearson agreed with Wayne Gauld.

James Tkachyk suggested that on the shore nothing should be constructed closer than 0.66m, except the deck.

Mr. Grandmont stepped outside the meeting to reconsider his application at 7:46pm.

The decision on this application was tabled until after consideration of the next application.

Mr. Grandmont rejoined the meeting at 8:02pm.

The Secretary-Treasurer interjected that the variance is for a marine accessory deck only as it is at grade level, however if a boathouse were to be built in the future it

would be subject to the 4.5m setback requirement. The approval would be to permit relocation for existing dock and existing onshore deck

James Tkachyk called for the vote.

Moved by: Wendy Cuthbert Seconded by: Ted Couch

That the Application for Minor Variance A03/12, Grandmont at property described as PLAN 23M954 LOT 5 (Williams Road) for relief from section 3.11.1c)(ii) of Zoning By-Law 160-2010 to reduce the minimum side yard setback for an accessory structure (onshore deck only) on a waterway from 4.5 metres to .6604 metres for a variance of 3.84 metres be approved by the Planning Advisory Committee of Kenora as the proposed minor variance is consistent with 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.

CARRIED

3. A04/12 Quinn Cottage Setback

Present for the meeting:

Jim Quinn

Mr. Quinn stated that the existing structure (single family dwelling) is legal non-conforming with a 17.7m setback from the shoreline. He wishes to turn his screened in porch into a four season use room. The existing porch is approximately was not constructed squarely. Mr. Quinn wishes to square it off at 3.65m wide by 4.87m across. Neither neighbour has an issue with this proposal.

The Secretary-Treasurer stated that she was unsure why the structure had an odd shape as building permit had been issued for it, and that the City had received nothing from the NWHU to date regarding this application.

Mr. Quinn interjected that he has email confirmation from the NWHU that there are no objections.

The Secretary-Treasurer indicated that there were no other planning concerns; the structure is legal non-conforming, squaring off the structure does not affect any Black Sturgeon Lake or Official Plan policies as the use is remains residential. Approval of this application would bring the property into compliance with the Zoning by-law and move the building envelope closer to the water on a permanent basis.

James Tkachyk asked the Committee members for comment.

Vince Cianci asked about the reduced front yard and to why approval could not be granted without altering the setback.

Vince Cianci was concerned with the front yard setback, saying that if the existing house were torn down a new house could be built at the same setback again. He wondered if this could be worded to say "for the southeast corner of the structure" instead of changing the whole front yard setback, it would apply for the whole property if it was a normal minor variance.

Discussion took place regarding permitting the structure as an encroachment into the front yard.

Mr. Quinn stated that he did plan to construct an addition to the side of the structure in the future and discussion ensued.

James asked about the land topography and Mr. Quinn responded by saying that it was a gentle slope, not steep.

James Tkachyk asked if any members from the public wished to speak to this application. There was no response.

Moved by: Wayne Gauld Seconded by: Ted Couch

That Application for Minor Variance A04/12, Quinn for relief from section 4.5.3(k) of Zoning By-law No. 160-2010 on property described as 30 Sunrise Trail, PLAN 23M795 LOT 5;PCL 34434 , to reduce the front yard setback (water) from 20m to 16.6m for a variance of 3.4 m on the south east corner of the screened room as indicated on a real property report dated 25 April 2002, be approved by the Planning Advisory Committee of Kenora as the proposed minor variance is consistent with 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.

CARRIED

4. A06/12 Tower Front Yard Setback

Present for the meeting: Graham Sprange (Manager)
Jenina Hristova (Architect)

Graham Sprange introduced himself as the property manager for the Tower Motel and distributed drawings and renderings of the proposed patio to abut the Tower Motel, as well as letters of support from adjacent businesses. The proposed patio would improve the use of the space and the visual appeal.

The Secretary-Treasurer commented that the property is accessed from Lakeview Drive and Street A. The parking requirements will be met, according to the site plan submitted with the application. Site plan control will apply. Front parking is currently accessed directly off of Lakeview Drive off of the road. The proposed patio, due to its location would reduce the number of legal non-conforming parking spaces that are accessed directly from Lakeview Drive. There have been no objections from internal City Staff or external agencies circulated. The patio would fully encroach into the 6m setback bringing it to a 0m lot line. The land survey indicated that the closest building is 6.6m from the line. The minor variance is for the patio deck only, an ancillary use that is permitted to encroach by 6m.

Vince Cianci said he thought the patio was a good idea however the parking seems to project out onto the street.

Wendy Cuthbert commented that the loading zone does not appear to have a lot of room and is unsure if a truck would be able to access the through space with the patio being located where it is.

The Secretary-Treasurer said that site plan control will be used for development of the property.

James Tkachyk asked the Committee for further comment. It is recommended that consideration be given to locating the barrier free stalls closest to the deck and that bollards be placed around the perimeter of the patio.

Moved by: Terry Tresoor Seconded by: Wayne Gauld

That Application for Minor Variance A05/12, Tower for relief from section 4.5.3(k) of Zoning By-law No. 160-2010 on property described as 630 Lakeview Drive RP 23R8032 PARTS 1, 2, & 3 PCL 38627 be approved to authorize an encroachment of 6 metres into the required front yard, in order to permit the construction of a commercial outdoor patio per the sketch provided, as the proposed minor variance is consistent with 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. Note that site plan control will apply to this development, including location of bollards around the perimeter of the patio and consideration of locating the barrier free parking directly to the west abutting the patio.

CARRIED

(viii) Old Business

a) OACA Conference (June 3-6) – Dealt with at beginning of meeting.

b) Calculating frontage on waterfront pie shaped lots

The Secretary-Treasurer circulated a sketch depicting water front lot calculations provide by Jeffrey Port, for the Committee to consider.

Discussion took place.

The Secretary-Treasurer stated that the intent of the zoning by-law was to provide wide enough lots to ensure distance separation and also serves to keep from over development in a waterway.

Wendy Cuthbert said that the illustration in the zoning by-law does not match the definition.

Terry Tresoor stated that example B from the sheet that was circulated makes the most sense.

The Secretary-Treasurer indicated that the illustration needed to match the definition. The Committee was in favour of keeping the illustration and modifying the definition.

Moved by: Vince Cianci Seconded by: Ray Pearson

That the definition for calculation of lot frontage in a lot abutting a waterway be developed to correspond with the illustration in page 2-18 labeled illustration of a waterfront lot abutting a street.

CARRIED

(ix) New Business

a) Outdoor Commercial patios on City Land notice of public consultation

– Discussed at beginning of meeting

b) Ontario Municipal Board cost recovery policy

The Secretary-Treasurer stated that this policy was approved by Council on March 19, 2012. Vince Cianci commented that if a developer wins at the OMB they can apply for recovery of costs.

c) Change of conditions – Application for consent B08/11 – Tew

This application was approved in April of 2008, for the creation of one lot however the preliminary reference plan indicated two parts/possible lots. The applicants applied for a change of condition, to create two lots.

Moved by: Ted Couch Seconded by: Wayne Gauld

THAT the Kenora Planning Advisory Committee hereby approves the request for a change to the conditional approval as follows: That Application for Consent B08/11

Tew, for the creation of two rural lots from property described as Concession 2 of Melick South ½ of LOT 4 PCL 185000, 865 East Melick Road be approved with the following conditions; and
THAT all of the conditions of approval given previously continue to apply.

CARRIED

Please include this change in conditions with the original conditions of approval associated with the above-noted file.

The Secretary-Treasurer stated that on April 11, 2012 at 5:00pm there would be a Ministry of Municipal Affairs training session. Catering will be provided.

(x)

Adjourn

Moved by: Terry Tresoor

THAT the March 20, 2012, Planning Advisory Committee meeting be adjourned at 9:06 p.m.

MINUTES ADOPTED AS PRESENTED THIS 17th DAY OF APRIL , 2012

CHAIR

SECRETARY-TREASURER