



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 15, 2012
7:00 P.M.**

Present:

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

Regrets: None

DELEGATION: None

(i) Call meeting to order

James Tkachyk called the May 15, 2012 meeting of the Kenora Planning Advisory Committee to order at 7:00p.m.

James Tkachyk reviewed the meeting protocol for those in attendance.

(ii) Additions to the Agenda

Under new business section: The Secretary-Treasurer commented that she would provide a Ministry of Natural Resources update regarding pre-consultation on planning applications.

(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:

James Tkachyk – A09/12 Nutley, as a person within the prescribed notice area.

(iv) Adoption of Minutes of previous meeting:

Adoption of minutes of previous meeting: April 17, 2012

Business arising from minutes: None

Moved by: Ted Couch

Seconded by: Ray Pearson

That the minutes of the April 17, 2012 meeting of the Kenora Planning Advisory and Committee of Adjustment be approved as distributed.

CARRIED

Ted Couch stated that he still has issue with the Figure 8 property, regarding the rear entrance of the property. The Building Inspection will be approved.

Wendy Cuthbert asked about the status of the Aamikkowiish file. The Secretary-Treasurer responded that there were some objections from the public regarding Aamikkowiish, however the recommendation will still proceed. Aamikkowiish will provide access and upgrades to the existing lane, and that by-law enforcement would handle any further issues.

Wayne Gauld asked what the process would be going forward. The Secretary-Treasurer stated that Council may render a decision on Tuesday May 22, 2012, with the 20 day appeal period ending June 12, 2012.

(v) Correspondence relating to applications before the Committee – None.

(vi) Other correspondence - None.

(vii) Consideration of Applications for Minor Variance

1. A09/12 Nutley

Encroachment into permitted front yard

Present for the meeting:

No representation present

The Planning Assistant asked if the Committee was comfortable making a decision without representation for Nutley and the Committee agreed that it would render a decision tonight.

The Planning Assistant then stated that the variance is for a permitted encroachment into the required front yard for an enclosed entranceway and the intent of the variance is to allow only for the entrance way to encroach, which would maintain the 7.5m required front yard should the structure be demolished in the future. Staff recommendation is for approval.

Wayne Gauld asked the Committee for comment.

Ray Pearson made comment about the road overlapping onto the exterior side yard of the property.

Moved by: Wendy Cuthbert

Seconded by: Terry Tresoor

That the proposed application for Minor Variance A09/12, Nutley to provide relief from section 3.24 (table 3) of Zoning By-law 160-2010 to permit an enclosed porch/entrance-way to be constructed to encroach 2.43 metres into the required front yard on the property described as CON 6J PT LOC 268 P PLAN M427 L 48 PCL28487, 8 Anne Crescent, 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. B03/12 Moncrief****Consent - Lot Addition**

Present for the meeting:

No representation present

The Secretary-Treasurer asked if the Committee was comfortable making a decision with representation for Moncrief being absent and the Committee agreed that it would make a decision tonight.

James Tkachyk asked the Secretary-Treasurer for comment.

The Secretary-Treasurer explained the application, which proposes to consolidate two remnant parcels into one in order to consider the entire property if it is developed in the future. It is proposed that approximately 46 ha be added to property which is approximately 74 ha in size. The retained lands include a house and garage. Staff recommendation is for approval.

James Tkachyk asked the Committee for comment.

Vince Cianci commented that this application appears to be a severance and not a lot addition. This application should be treated as a severance and it should count towards the three lot maximum for severances on a property.

Wayne Gauld stated that Moncrief should be consulted to determine their perspective before a decision is rendered by the Committee.

James Tkachyk suggested that the application be tabled to the next meeting on June 19, 2012 in order for the Committee to receive clarification from Moncrief on the intent of the application

The Secretary-Treasurer read a letter from the file for the Committee and stated that two new conditions be added to the application, that the lands described as lot 1 be consolidated on title and that all future land division only be permitted by way of a plan of subdivision.

Tabling was opposed by the Committee.

The Secretary-Treasurer stated that the application would be changed from a lot addition to a lot creation.

Moved by: Wayne Gauld

Seconded by: Ted Couch

This application B03/12 Moncrief for lot creation, 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 B03/12 Moncrief for lot creation of CON 3M W PT LOT 11 PCL 12048 less 11.6 ha incorporating an existing residential use to PT LOT 11 CON 2M + 3M DES;KR 453 PTS 1, 2, 3, 8, 9 excepting 23R-8506 PT 1,3PCL 41806 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 lands described in the application as lot 1 are to be consolidated on title.
- 5) That an undertaking be provided indicating that the notice that all future land division will be permitted only by plan of subdivision be registered on the title of the lands shown on the application as Lot 1.

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

- a) S01/12 Bell Plan of Subdivision

Special Meeting to consider amendments to S01/12 Bell to be held Thursday May 24, 2012 at 4:00pm.

The Secretary-Treasurer asked for quorum at the special meeting on May 24, 2012 and that she will provide an updated planning report.

b) New Business

- a) Ministry of Natural Resources update.

Discussion took place regarding MNR's involvement with pre-consultation on planning files.

The Secretary-Treasurer commented that many of the species at identified are common in Eastern and Southern Ontario, however that in Kenora these species are not as common.

The Secretary-Treasurer stated that the Ministry of Natural Resources will be conducting a study in June regarding the species at risk (whippoorwill and bobolink) relating to current applications. The MNR will use the reports and recommendations of Ryan Haines Consulting, as his work is considered to be accurate.

The Secretary-Treasurer added that Dan Olscamp has requested a 5 year review of the Black Sturgeon Lake policies. If all draft subdivisions for Black Sturgeon Lake are approved then there will still be capacity for 68 lots to be developed on the lake and that 165 total lots is a very conservative number. There will be \$65 000 in the 2013 budget request for a total review of the Black Sturgeon Lake guidelines and new parameters can be drafted if necessary.

James Tkachyk asked which file was the subject for the upcoming Ontario Municipal Board hearing. The Secretary-Treasurer informed him that it was for the Tutura file, on May 23rd at 11:00am.

CARRIED

c) **Adjourn**

Moved by: Terry Tresoor

THAT the May 15, 2012 Planning Advisory Committee meeting be adjourned at 8:01 p.m.

MINUTES ADOPTED AS PRESENTED THIS 19th DAY OF JUNE, 2012

CHAIR

SECRETARY-TREASURER