



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
SEPTEMBER 18, 2012
7:00 P.M.**

Present:

James Tkachyk	Chair
Terry Tresoor	Member
Vince Cianci	Member
Wayne Gauld	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 September 18, 2012 meeting of the Kenora Planning Advisory Committee to order at 7:00p.m.

Mr. Tkachyk reviewed the meeting protocol for those in attendance.

(ii) Additions to the Agenda

- a) Draft Official Plan Recommendation – Norman Park
- b) Meeting Format
- c) Circulation of applications/information to members.

(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:

Wayne Gauld declared a conflict on application A16/12 Ingo because he was involved as a realtor for the subject property.

(iv) Adoption of Minutes of previous meeting:

Adoption of minutes of previous meeting: August 21, 2012.

Business arising from minutes: None.

Moved by: Ted Couch

Seconded by: Terry Tresoor

That the minutes of the August 21, 2012 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. A14/12 Dixon****Minimum Lot Size Requirement**

Present for the meeting:

Gordon Dixon, Applicant

Mr. Dixon presented his application, indicating that he is applying for a minor variance in order to create one new lot on property located at 22 Tetroe Road. The proposed lot to be created will be 0.609 hectares in size, where the minimum lot size for rural residential zoning is 0.8 hectares. The variance is required in order for the proposed consent to be approved. The proposed lot will still be large enough to accommodate a large single detached home and garage, as well as support a private well and septic system, per the Official Plan.

James Tkachyk asked Mr. Dixon to clarify exactly what he is applying for.

Mr. Dixon replied that he is seeking a minor variance as a condition of approval for a consent application, to sever one lot from his existing property at 22 Tetroe Road and has located the proposed lot line such that his existing well and septic field are situated with adequate distance from the new lot line.

The Planning Assistant presented the staff report, indicating that recommendation is for approval. The proposed created lot of 0.609 hectares is consistent with the character of the surrounding area, given the size of some of the neighbouring lots and is minor in nature given that the proposed lot meets all other zoning requirements. The Northwestern Health Unit had been contacted regarding well and septic setbacks. Adjustments to the proposed lot line would only yield a minor increase in the size of the proposed lot, therefore the proposed lot line has not changed. A title search has revealed that Tetroe Road is owned by the former property owner, and the City is in the process of acquiring it.

James Tkachyk informed Mr. Dixon that the variance application and the corresponding consent application, B07/12 would be heard and decided on simultaneously.

James Tkachyk asked the Committee for comments.

Wayne Gauld requested that the letter from Dolores Frost be read out because it was too small to read in the report.

James Tkachyk asked if anyone from the public wished to speak for or against the application.

Debbie Scheibler, 37 Tetroe Road stated that she is in favour of the application.

Vince Cianci stated that since this is a new development, there is not sufficient reason to grant a variance to create a lot that is 0.609 hectares in size, the newly developed lot should be 0.8 hectares as the zoning by-law stipulates. The variance of 0.191 hectares is not a minor difference in size, it is the equivalent of approximately three City lots. Approval would set precedence for future applications. Creating the proposed new lot by way of a variance is not good planning. Mr. Cianci suggested that another application could come forward in the future, for a new lot north of the residence.

The Secretary-Treasurer replied that creating another lot to the north of the applicant's existing home would be fairly difficult due to the TransCanada Pipeline easement. Each scenario is different, granting approval in one case does not mean that it will be granted in all future applications.

Wendy Cuthbert commented that creating a normally configured lot is good planning.

Wayne Gauld asked if the Committee had ever granted a lot creation via a variance in the past.

The Secretary-Treasurer replied that past decisions are irrelevant and that each application is to be considered on its own merit. Discussion ensued.

Moved by: Wendy Cuthbert

Seconded by: Ted Couch

That the proposed application for Minor Variance A14/12 Dixon, to provide relief from section 4.5.3(b) of Zoning By-law No. 160-2010 as amended to reduce the minimum lot size from 0.8 ha. to 0.609 ha. for a variance of 0.191 ha. for property described as REM PCL 29484 BEING PT LOT 9 CON 7 J BEING 23R2991 PT 1, 3 23R3122 PT 1 23R2640 PT 1, 22 Tetroe 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 No. 160-2010 as amended, is appropriate for the land and is minor in nature, for the reasons cited in the planning report.

CARRIED

Noted that Vince Cianci was opposed to the application.

B07/12 Dixon

Consent for Lot Creation

Present for the meeting:

Gordon Dixon, Applicant

No discussion.

Moved by: Wayne Gauld

Seconded by: Wendy Cuthbert

That application B07/12 Dixon, consent for creation of one rural residential lot, has regard for Section 51(24) of the Planning Act, 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 as amended, per the reasons indicated in the planning report.

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

That Application for Consent B07/12 Dixon, 22 Tetroe Road, as REM PCL 29484 BEING PT LOT 9 CON 7 J BEING 23R2991 PT 1, 3 23R3122 PT 1 23R2640 PT 1, 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 an 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 the transferee not be the name of the same person on the Transfer/Deed of Land Form.
- 5) That a letter be received from Bell Canada indicating they have adequate easements for private service lines, or that none are required.
- 6) That a minor variance be approved to reduce minimum lot size from 0.8 ha. to 0.609 ha..

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

Noted that Vince Cianci was opposed to the application.

2. A16/12 Ingo**Required Front and Rear Yard Setbacks**

Present for the meeting:

Brian Ingo, Applicant

Wayne left the meeting at 7:35pm.

Mr. Ingo presented his application, stating that he requires a variance for the required front and rear yard setbacks in order to construct a single detached home, due to the lot configuration of the subject property. The lot is a lot of record which is wider than it is long.

The Planning Assistant presented the staff report and explained that recommendation is for approval, as the proposed variance will have no effect on the natural heritage of the lake or the neighbouring properties. If the application was for a more intensive use of the land, than a single detached dwelling, being that the subject property is zoned R3 – Third Density, then the reduced setbacks would be of greater concern. The subject property is an existing lot of record and it would be impossible to meet the required front and rear yard setbacks.

James Tkachyk asked if Mr. Ingo had any further comments. Mr. Ingo had nothing to add.

James Tkachyk asked the Committee for comments.

James Tkachyk asked if the proposed house would be larger than the former house that was on the subject property. Mr. Ingo replied that the attached garage makes the proposed new structure look larger, but that the new house is not significantly larger than what had existed on site previously.

Terry Tresoor asked if the subject property was located on Nash Street or Colonization Road? The Planning Assistant replied that the civic address as indicated on the tax roll is on Nash Street, although visually the property appears to be located on Colonization Road.

Wendy Cuthbert asked where the onsite parking would be. Mr. Ingo replied that entrance to the property would be from Colonization Road, with a driveway entering the garage.

The Secretary-Treasurer commented that the entrance to the garage would be from the west side of the property parallel to Colonization Road, not at a 90 degree angle, directly off from the roadway.

James Tkachyk asked if anyone from the public wished to speak for or against the application and received no response.

Wendy Cuthbert asked if denser development could be implemented on the subject property at a later time due to the zoning of the subject property being R3 – Residential Three.

The Planning Assistant replied that, denser development may be permitted, but that any future development applications on the subject property would be considered on their own merit, if they come forward.

Moved by: Vince Cianci

Seconded by: Terry Tresoor

That application for Minor Variance A16/12, Ingo to reduce the rear yard setback from 8m to 1.5m for a variance of 6.5m and the front yard setback from 7.5m to 4m for a variance of 3.5m to authorize the construction of a single family dwelling on the property described as PT LOC K8 REM PCL 3876, 20 Nash 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 No. 160-2010 as amended, is appropriate and desirable for the land and is minor in nature, for the reasons cited in the planning report.

CARRIED

3. A 18/12 Gervais

Accessory Garage Height

Present for the Meeting

Joseph Gervais, Applicant

Wayne returned to the meeting at 7:48pm.

Joseph Gervais presented his application stating that he desires to construct an accessory detached garage on his property, located at 409 Airport Road that will exceed the required 4.5m height by 1.5m. The intention is to have a personal gym and storage space mezzanine on the upper level.

Planning Assistant presented the staff report, indicating that the recommendation is for approval and that an undertaking signed by the applicant, indicating that the upper level of the proposed accessory garage would not be used for a human habitation will be a condition of approval.

James Tkachyk asked the Committee for comments.

Terry Tresoor commented on the size of the building but had no objections to the application.

James Tkachyk asked if anyone from the public wished to speak in for or against the application and received no response.

Moved by: Ted Couch

Seconded by: Ray Pearson

That the proposed application for Minor Variance A18/12 Gervais, to provide relief from section 3.11.1 (b) (viii) of Zoning By-law No. 160-2010 as amended to increase the maximum height restriction of 4.5m by 1.5m to allow for an accessory detached garage, 6m in height to be constructed on the property described LOC 267P PT DES 23R10409 PART 2 PCL 42334, 409 Airport 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 No. 160-2010 as amended, is appropriate for the land and is minor in nature, for the reasons cited in the planning report.

Conditions:

- 1) That an undertaking be received from the applicant indicating that the upper level of the proposed accessory structure not be used for human habitation or a rental suite, as per the provisions of section 3.11.1 (b)(i) of Zoning By-law No. 160 – 2010 as amended.

CARRIED

(viii) Considerations of Applications for Land Division

1. B12/12 McLeod

Consent - Lot Addition

Present for the meeting:

Joyce McLeod, agent for applicant, Roger MacKay

Joyce McLeod presented the application stating that she desires to acquire the 200m² parcel of land that is adjacent to her property at 16 Universal Drive. She has experienced flooding issues in the past due to traffic travelling over her culvert.

The Planning Assistant presented the staff report indicating that recommendation is for approval. The subject property will still only meet the size and frontage requirements for one residential lot and therefore will not be permitted any further land division. The retained lot will be merged with the abutting lot that is in the same name as it will no longer be a whole lot in a registered plan of subdivision.

James Tkachyk asked the Committee members for comment.

Ray Pearson asked about the existing deck on the subject property. Ms. McLeod replied that the deck can be moved and that the main concern is flooding.

Vince Cianci asked about the easement over the subject property. The Planning Assistant replied that the easement is a Bell pole line and will have no effect on the application. There is no easement on the land being added to the subject property.

Vince Cianci asked about the 200m² being used for access. Mr. Cianci questioned if it was no longer required.

The Secretary-Treasurer replied that the retained lot would be merged with the abutting lot, which has access from Rabbit Lake Road. There was an old house on the retained lot that burned down many years ago.

James Tkachyk asked about the retained lot being merged with the abutting property. The Planning Assistant replied that because the retained lot and the abutting property are in identical names, the lots will merge. If the lots were not in identical names then they would not. If the retained lot was not able to merge with the abutting property, then the application would not be permitted.

Moved by: Wendy Cuthbert

Seconded by: Wayne Gauld

That application B12/12 McLeod, consent for lot addition, to add a 200m² parcel from property described as PLAN 23M871 LOT 18 PCL 39252 to property described as CON 6J LOT 4 PLAN 23M871 LOT 8 PCL 38752, 16 Universal Drive, solely for the purpose of consolidating the two lots, be approved by the Planning Advisory Committee as the proposed consent has regard for Section 51(24) of the Planning Act, Provincial Policy Statement (2005), and complies with the intent of the City of Kenora Official Plan (2010) and Zoning By-law No. 160 – 2010 as amended, per the reasons indicated in the planning report.

It is recommended that the Committee approve the application, 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 an which must show in general the same area and dimensions as the sketch forming part of the application be provided.
- 4) That the retained lot be merged on title with property described as CON 6J N PT LOT 4 RP KR1566 PART 1 PCL26669 LESS 23M 871 1-17 BLKS 18022 Universal Dr.

NOTE: The following section(s) of the Planning Act apply:

Conditions not fulfilled

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Lapse of consent

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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) B07/12 Dixon Consent for Lot Creation

This item was discussed concurrently with application A14/12 Dixon.

(x) New Business

- a) Official Plan Draft Recommendation – Norman Park

The Secretary-Treasurer stated that the Official Plan draft recommendation was distributed to the Committee members. Norman Park had a covenant registered on title since the early 1900's, which stated that the park be used for recreational and reforestation purposes only. Abitibi was the keeper of the covenant. Council and Lake of the Woods Development Commission had the covenant removed, to which there was little objection. The Official Plan and Zoning By-law can be used to limit the use of the park the recreational and reforestation purposes only. It seems that there is a concern regarding commercialization of the park.

Wendy Cuthbert commented that she was a member of the previous Council that had removed the covenant on Norman Park. The covenant was removed because Council felt that, on the advice of the municipal solicitor, it did not make financial sense to have a covenant on a piece of that the City owned.

Ray Pearson stated that the midway is another similar scenario and there is insufficient parking to accommodate large numbers of people and future use in the park should be analyzed.

The Secretary-Treasurer added that comments or input from Committee members are needed by September 25, 2012.

- b) Meeting Format

Vince Cianci explained to the Committee that he felt the previous meeting format, where each application was presented by the applicant and then discussed later in the meeting was a better format, and permitted meaningful discussion.

Ray Pearson asked why the format was changed.

The Secretary-Treasurer stated that the format was changed to make the meetings flow better; as too many applications were being tabled because applicants would leave the meeting and not be present later in the meeting to answer further questions from the Committee, when a decision was to be made. Additionally, it is the applicant's responsibility to present the application to the Committee.

James Tkachyk also commented that the current format ensures that fewer applications are tabled. In terms of meeting flow, applicants are not supposed to be talking directly to the Committee members. Discussion is to be directed through the Chair. The members are not supposed to negotiate with the applicants. The onus is on the applicant to present their application and staff is there to answer any questions that the Committee members and the public may have.

Discussion took place regarding the former and current meeting formats.

The Secretary-Treasurer stated that a podium would be used at future meetings to ensure that a clear transition is made for when applicants may or may not speak. The current meeting format will remain in place.

- c) Circulation of Agenda Items

Ted Couch stated that he feels the email content being circulated to the PAC members is too long and should be cut down.

Wayne Gauld also commented that the amount of paper being received should be reduced.

The Planning Assistant replied that the amount of paper will be cut down in the future and that any unnecessary pages from the applications will not be sent out.

Ted Couch asked about the Fotenn contract.

The Secretary-Treasurer replied that the Fotenn contract expires on October 31, 2012 and the City is currently accepting proposals for a new contract.

James Tkachyk commented that his term as the Chair of the Committee would end in December and that the Committee would have to elect a new Chair for 2013, as per the requirements of the Planning Act.

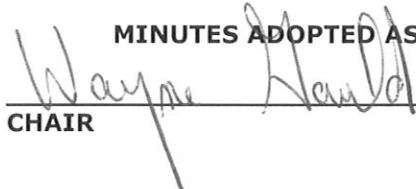
(xi) Adjournment

Adjourn

Moved by: Terry Tresoor

THAT the September 18, 2012 Planning Advisory Committee meeting be adjourned at 8:58 pm.

MINUTES ADOPTED AS PRESENTED THIS 16th DAY OF OCTOBER, 2012



CHAIR



ASSISTANT SECRETARY-TREASURER