



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

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

Regrets:	Ted Couch	Member
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DELEGATION:

Mr. Tkachyk opened the July 17, 2012 Planning Advisory Committee meeting at 7:00pm and provided the public with the rules of order by stating that delegations would be heard prior to the beginning of the regular meeting.

S01/11 Wright:

Bill Wright:

Bill Wright introduced himself as the applicant for Wright subdivision. He stated that he made some changes to the original application. He first went over the history of the property and his eventual decision to subdivide. He initially wanted to maximize the use of the land by creating eight back Lots and twenty-three total Lots. He stated that he reconsidered his design based on comments and concerns, as well as his own feelings and decided to remove the back Lots from the plan. The public's concerns mirror his own.

The block assigned to the docking was also removed and was relocated to the south side of the peninsula for future consideration; if back Lot development were ever to occur.

If there is communal docking it should be contained within the proposed subdivision and not projected into outside Lots. New draft submission is for the same layout except back Lots have been removed.

Alex Clark briefly stated that he has worked for three years on this and tonight is a culmination of what Mr. Wright has desired and that all concerns have been addressed.

Cole Lowes read from a prepared statement indicating concern about the potential of a communal docking area, water quality, wildlife and increased boat traffic.

Brad Lowes read from a prepared statement indicating that he is happy to hear the communal docking has been removed and also felt that the maps that were provided are misleading to what is actually being proposed.

Doreen Houston read from a prepared statement and explained where her property is located and stated that Lot 1 should not be developed.

Elsie Neufeld read from a prepared statement indicating that she is unhappy with the entire back lot concept, that her dock should not be used by the surveyor as a reference point, and Lot 1 (formerly Lot 23 on old plan) is still a concern regarding off site docking. The lack of a clear definition for what a bay is provides developers with a loophole for creating undesirable development. An illegal boat launch on the abutting property that was reported to MOE and the City of Kenora several years ago has received no attention.

Regrets:

Ron and Jane Delaquis. The Secretary-Treasurer read out their prepared statement indicating that the proposed boat slip across from their property is a concern. Increased boat traffic in the bay will be a problem due to the shallow water depths and wildlife. This slip should be located on the south side of the property.

(i) Call meeting to order

James Tkachyk called the regular meeting of the Kenora Planning Advisory Committee to order at 7:33p.m.

(ii) Additions to the Agenda

The Secretary-Treasurer requested that item B03/12 Moncrief be moved from old Business to the beginning of the land division agenda. This matter needs to be decided on before items B05/12 and B06/12 Moncrief are decided.

(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 indicated that he could not vote on applications B04/12 Boucha and S01/11 Wright because he was not present at the June 19, 2012 meeting, where those matters were discussed.

(iv) Adoption of Minutes of previous meeting:

Adoption of minutes of previous meeting: June 19, 2012.

Business arising from minutes: None.

Moved by: Terry Tresoor

Seconded by: Ray Pearson

That the minutes of the June 19, 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

The Secretary-Treasurer stated that the Ontario Municipal Board upheld the Committee's decision for the Tutura Consent application. The OMB has received the files from the Bell and Aamikkowiish appeals but no date has been set for hearings.

1. S01/11 Wright

Plan of Subdivision

James Tkachyk informed everyone that the Committee would be moving application S01/11 Wright to the top of the agenda in order to accommodate the large number people in attendance.

The Secretary-Treasurer reviewed changes to the planning report and based on red line changes submitted on July 12, 2012 and July 17, 2012 and after visiting the site the following changes are proposed:

- 1) Reduction in number of lots from twenty-three to fifteen by eliminating eight back shore lots. The lands associated with back shore property will be retained by the owner.
- 2) Change in dimensions of Block A, to be transferred to the City.
- 3) Elimination of communal docking parking area on north side of isthmus.
- 4) Adjustment of lot lines; lots one and two in order to provide docking location for lot one
- 5) Survey Block B on south side of the isthmus connecting Lots twelve and thirteen

Also, easements will still be required for lots thirteen and fourteen, in favour of retained lands.

The retained lands can be dealt with by another future application for subdivision and are not being considered at tonight's meeting.

The Secretary-Treasurer then reviewed the changes to the staff report and read out the list of conditions. Recommendation is for approval.

James Tkachyk asked the Committee members for comments and reminded the public that they are not permitted to speak from this point forward.

Ray Pearson stated that he still has numerous concerns despite the substantial changes to the application. How far is the steam buffer continuing? Will it extend past both roads? Second concern is the peninsula backing into Block A, will it affect runoff? The docking issue appears to have resolved itself.

The Secretary-Treasurer added that property lines have been adjusted for lots one and two and the road alignment has been changed on the northwest corner to accommodate lot sizes.

Vince Cianci stated that the cul-de-sacs should have a 20m radius. The Secretary-Treasurer replied that they will have a 30m radius.

Mr. Cianci continued that if any existing buildings on the property that are legal non-conforming are removed by future property owners; any new structures should be built in conformance with the zoning by-law. The Secretary-Treasurer stated that this can be part of the agreement of purchase and sale for lot two, and that it is a provision of Zoning By-law 160-2010 as amended.

Mr. Cianci then stated that the docking layout for Lot twenty-three is a good solution but has an issue with the new block (Block B) that is proposed. It is unclear what the new block is to be used for.

James Tkachyk gave William Wright permission to answer the question.

Mr. Wright responded that when he decided to suspend back Lot development, he wanted to retain a parcel of land so that if back lots were revisited in the future, there would be a possible communal docking location. Block B was also considered as another option for communal docking during the initial planning of the subdivision. It is necessary to have a potential future communal docking location relocated from the north to the south section of the property.

Vince Cianci then commented that the back lots can now be developed without any docking. He wondered if Block B is being retained for future docking or another reason.

Mr. Cianci also asked if land division by consent would subtract from the Black Sturgeon Lake Lot limit and the Secretary-Treasurer informed him and the Committee that lots created by consents and plans of subdivision both count.

Wendy Cuthbert asked about the changed lot lines of lot 1, and if Mr. Wright owns the frontage is there enough room for the required 10m vegetation buffer.

The Secretary-Treasurer responded that in accordance with the Official Plan and Zoning By-law 160-2010 as amended, not more than 25% of vegetation may be removed and that septic fields require a 30m setback.

Wendy Cuthbert commented that maybe a buffer larger than 5m is needed.

Alex Clark added that for the road closest to the lake, the stream fans out and is level as water flows to the lake. From the ash swamp the buffer was originally 10m wide and 3m wide further downstream. Further downstream the water is less than 5cm deep and therefore there is no concern about fish spawning because that part of the stream is not suitable for fish to begin with. The 5m buffer protects natural vegetation. MNR and DFO have no issues and have signed off.

Terry Tresoor stated that the developer has seemed to have solved all outstanding issues involving docking and thought that Mr. Wright has been fairly accommodating. He is not sure where the boat traffic concerns are coming from, as he said only one boat in two hours was on the lake when he was doing a site visit.

Wayne Gauld stated that he shares Ray Pearson's concerns about buffering for the retained lands and questioned the creation of Block B.

The Secretary-Treasurer stated that for existing structures a condition could be made that a letter be received from an OLS that verifies whether or not any existing structures comply with the zoning by-law.

Vince Cianci responded, regarding Lot 2 that he simply desires that any new structures be built in compliance with the current zoning standards.

The Secretary-Treasurer added that for the other concern about access, a condition can be added stating that any driveway locations be approved by the roads supervisor.

Wendy Cuthbert asked about the buffering for the 10m buffer for Lot ten and was informed that there is a 3m buffer on each side of the stream that flows through Lot ten.

Vince Cianci stated that he would prefer Lot 13 be kept intact without creating the additional proposed block. Block A should remain as it was before. The docking for Lot 1 is good.

Discussion took place regarding Block A.

Mr. Wright and the Committee agreed with a change to the lot lines for Block A and the red line plan was altered accordingly.

Vince Cianci also supported the changed lot lines for lot 1.

Wayne Gauld and Vince Cianci then both stated that they feel Block B should be eliminated.

Discussion took place regarding Block B.

Wendy asked if site plan control was used on Lot 1.

The Secretary-Treasurer responded that zoning is an easier and more transparent method for controlling development.

Moved By: Wendy Cuthbert

Seconded By: Terry Tresoor

That this draft approval applies to the Plan of Subdivision File No. S01/11 Wright Plan of Subdivision of CON 1M PT N OF N PT LOT 9 PCL28304, CON 1M PT N OF SPT OF LOT 9 PCL 41253 LESS RP 23R 6747 PARTS 1 – 5 & KR 2061 PART 2, red line changes submitted by A.M. Clark Natural Resources Consulting, dated July 12, 2012 and July 17, 2012 shows a total of:

- 15 Lots
 - 2 Municipal road allowances
 - 2 Blocks
- 1) That a Subdivision Agreement be signed and executed between the owner or Developer and the City of Kenora.
 - 2) That the Subdivision Agreement between the owner and the City of Kenora be registered against the lands to which it applies along with the Plan of Subdivision.
 - 3) Any road widening, as required by the City of Kenora, will be specified in the subdivision agreement between the City and the developer.
 - 4) That the street(s) shall be named to the satisfaction of the City of Kenora.
 - 5) That any dead ends and /or open sides of road allowances shall be terminated in a 0.3 metre reserve to be conveyed to the City of Kenora.
 - 6) That all roads be constructed to the rural standards, as approved by the City of Kenora Municipal Engineer.
 - 7) That the Developer shall receive approval from the Northwestern Health Unit, for the proposed Lot configurations with respect to the location of private sewage systems.
 - 8) That reciprocal easements for access be provided in favour of Lots 14 and 13 for access purpose.

- 9) That the developer agrees to grant such easements as may be required for utility purposes to Bell Canada and Hydro One Networks.
- 10) That the developer makes satisfactory arrangements with Hydro One Networks for the provision of electrical services for this plan.
- 11) That the Owner conveys lands to the City of Kenora included in the red-lined plan attached hereto and shown as Block A and that said lands to be rezoned to EP – Environmental Protection.
- 12) That Block B be located on the south of the isthmus connecting Lots 14 and 13 and between Lots 13 and 12 and to be retained by the developer.
- 13) An easement be provided for access to Block B in favour of owner of retained lands.
- 14) That the lands measured 5 metres either side of the stream (Lots 1 and 2) be rezoned to EP – Environmental Protection.
- 15) That the lands measured 30 metres from the shoreline, inland on Lot 1 be rezoned to EP – Environmental Protection.
- 16) That the lands on the north shore of Lot 15, extending 20 metres inland, be rezoned to EP –Environmental Protection.
- 17) That the lands measured on the northeast shore of Lot 14, extending 20 metres inland, be rezoned to EP-Environmental Protection,
- 18) That the lands be rezoned to conform with the City of Kenora Zoning By-law No. 160-2010, to BSL and/or EP.
- 19) That the agreement of purchase and sale for Lot 2 includes a requirement that if the existing structure is to be removed or re-developed it must comply with the zoning by-law of the day and that this will be noted in the subdivision agreement.
- 20) That the roads supervisor provides documentation in that there is an adequate driveway for each individual Lot.
- 21) That the developer, prior to final approval, shall submit a copy of the plan of subdivision to be registered in a format approved by the City of Kenora, and in "pdf" format.
- 22) That prior to the granting of Final Approval, the Kenora Planning Advisory Committee is to be advised by the developer that conditions 1 through 21 have been carried out to its satisfaction. Clearance letters from the City of Kenora and outside agencies are to be included.

Notes to Draft Approval:

1. It is the applicant/owner's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Planning Administrator, City of Kenora, 60 Fourteenth Street North, Kenora, ON P9N 4M9, quoting the City of Kenora file number.
2. Provisions of the required subdivision agreement will include cash in lieu of parkland dedication, a requirement to pay the Black Sturgeon Environmental

Sustainability Fee of \$275.00 per Lot, and a Lot levy of \$1000.00 per Lot, in addition to any other required fees.

3. All measurements in the subdivision final plan must be presented in metric units.
4. That draft approval for this development is for a period of three (3) years. The owner may apply for any extension at least sixty (60) days prior to the lapsing date.
5. That plan must be registered within 30 days following final approval be by the City of Kenora or approval may be withdrawn under subsection 51(59) of the Planning Act.

CARRIED

(vii) Consideration of Applications for Minor Variance

1. A12/12 Moncrief

Required Front Yard Setback

Present for the meeting:

Jonathan Moncrief, Applicant

Jonathan Moncrief presented his application explaining that he purchased the subject property with the original intention of renovating the existing house but decided based on professional advice that it would be better to rebuild new, as opposed to a renovation due to the state of the existing structure. The existing accessory garage presents a constraint and is why the proposed house must be 5m from the shoreline.

The existing structure is located 1.7m from the shoreline and the variance is sought to provide authorization for the new proposed structure to be located with a 5m setback from the shoreline. There is an existing driveway and detached garage on site as well as approval for a septic field location. The Northwestern Health Unit stated that the current holding tank and leach field is not an acceptable septic system.

The Planning Assistant presented the staff report and indicated that recommendation is for refusal as the application does not meet any of the four tests for a minor variance. The Ministry of Natural Resources also objected as a result of the unstable topography of the slope surrounding the building and the infill of the lake.

Jonathan Moncrief stated that he had received verbal conformation from Kevin Keith from the Ministry of Natural Resources and was told that the retaining wall is fine.

James Tkachyk asked if anyone from the public wished to speak on the application.

Don Lenaghan asked where the setback is measured from; the natural shoreline or the retaining wall?

Jonathan Moncrief replied that the setback is measured from the retaining wall.

Mike McClymont stated that he is not against the application entirely, just that he is concerned about his own privacy and view of the lake.

Carolyn Heyens asked who installed the retaining wall, to which Jonathan Moncrief stated he was unsure as it was present when he acquired the property.

Rose Derouard, a neighbour to the south, said that she could not recall the wall being there prior to the property's current owners.

Jonathan Moncrief replied that he was unsure how that was relevant to this application.

James Tkachyk asked Committee for comment.

Wayne Gauld had no comment.

James asked if the application has an attached site plan and then asked Mr. Moncrief that with lot coverage being only three percent, why is it not possible to locate the proposed home elsewhere on the property.

Jonathan Moncrief replied that he desires the home to be located 5m from shoreline and another location is not desirable. He purchased the property for the water front proximity.

Terry Tresoor said that he cannot support this application.

Wendy Cuthbert had no comments.

Vince Cianci had no questions and stated that the Ministry of Natural Resources has their own regulations for what the permitted line for building behind is. Also that this is a new subdivision; structures should meet required setbacks.

The Secretary-Treasurer replied that the current structure already existed.

Jonathan Moncrief stated that the back of the existing structure is 9.5m from the shore and cannot meet the 10m requirement which would be halfway towards compliance.

The Planning Assistant replied that section 3.5 of the zoning by-law does not apply to this scenario.

Ray Pearson stated that he has no comments and cannot support the application.

Moved by: Terry Tresoor

Seconded by: Ray Pearson

That the proposed application for Minor Variance A12/12, Moncrief to provide relief from section 4.5.3(k) of Zoning By-law No. 160-2010 as amended, to exceed the minimum front yard setback requirement by 15m to authorize construction of a single family dwelling that would have a front yard setback of 5m for a variance of 15m for property described as PLAN 23M 947 Lot 3, 415 Peterson Road, be refused by the Planning Advisory Committee of Kenora as the proposed minor variance is not consistent with the Provincial Policy Statement(2005), does not meet the purpose and intent of both the City of Kenora Official Plan (2010) and Zoning By-law No. 160-2010 as amended, is not appropriate and desirable for the land and is not minor in nature, for the reasons cited in the planning report.

CARRIED

(viii) Considerations of Applications for Land Division

1. B03/12 Moncrief

Consent – Request for change of conditions

Present for the meeting:

Sheryl Moyer, Agent

The Secretary-Treasurer stated that the Committee approved application B03/12 for the creation of a new lot on May 15, 2012, not a lot addition as was applied for and on June 21, 2012 request of change of conditions was applied for.

The Committee agreed to consider this application in advance of B05/12 and B06/12.

The Secretary-Treasurer began by stating that item B03/12 Moncrief was moved up from old business to be voted on now, because it needs to be decided on before applications B05/12 and B06/12 can be considered.

The Secretary-Treasurer reviewed the requested changes of conditions for B03/12; being the removal of number four and five of the decision:

- 1) That the lands described in the application as Lot 1 are to be consolidated on title.
- 2) 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.

The recommendation is to approve the request as the conditions would impede the applicant from further dividing lands by consent when the number of consents approved on the lands are consistent with the City of Kenora Official Plan (2010) Section 8.10.2, and that notice be given, per the provisions of the Planning Act, three plus one rule - four lot maximum. Application B03/12 was approved at the May 15, 2012 meeting for the creation of a new lot. This was a change as the application was for a lot addition.

James Tkachyk asked if he could vote on this application and the Secretary-Treasurer informed him that he could, as he was present at the May 15, 2012 meeting.

Vince Cianci commented that removing the condition stating that any further land division on the subject property may be done only by plan of subdivision would be fair.

Terry Tresoor said that any further planning issues can be dealt if and when they arise in the future.

The Secretary-Treasurer indicated that if the Committee approved a Lot addition then it would not count towards the three + one rule for consents per lot. She commented that both lots are in the same name and as soon as a reference plan is deposited on one of them title may merge.

The Secretary-Treasurer went over staff report and indicated that representation was not present at the May 15, 2012 meeting. Recommendation is for approval to remove the two conditions.

Moved by: Vince Cianci

Seconded by: Wayne Gauld

That Application for Consent B03/12 Moncrief, 120 Bruckenberger Road – Concession 3M W PT LOT 11 PCL 12048 for Lot creation 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 transfer and transferee not be the same of the transfer deed of land.

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. B05/12 Moncrief

Consent for Creation of a new Lot

Present for the meeting:

Sheryl Moyer, Agent

James Tkachyk asked for a motion from the Committee to continue the meeting past 10:00pm.

Moved By: Wayne Gauld

Seconded By: Terry Tresoor

That the July 17, 2012 Planning Advisory Committee meeting be continued until all agenda items have been completed.

CARRIED

Sheryl Moyer, Agent for Moncrief Construction presented the application for the creation of one new eight hectare Rural Residential Lot for residential use. There is a prospective buyer for the lot intended to be created.

The Planning Assistant presented the staff report and added that the Northwestern Health Unit has no objections. Recommendation is for approval.

The Planning Assistant also read out submitted comments received relating to the application.

The Secretary-Treasurer added that the retained lot could have a home industry use on it currently because of its zoning and size.

James asked for comments from members of the public:

Anita Muscat-Tyler read from a prepared statement, commenting that Moncrief Construction is selling land to an employee. Residents were promised that the subject property would remain as green space. She is concerned about home industry potential and the 20m strip for future road allowance. The size of the proposed Lot seems suspicious and the lot addition to Lot 1 would provide water access.

Don Lenaghan stated that there are other applications that may affect this one. He stated that he would wait until application B06/12 is discussed to comment.

Ken Shrier commented that he would prefer to see the proposed created Lot be divided into two smaller lots instead of the proposed lot size. The proposed size of the created lot seems to indicate that a home industry is intended.

Jim Gibson stated that everyone is suspicious because there was an aircraft repair shop proposed previously and now it seems that a home industry may be in the works.

Jim Quinn asked about the proposed use of the created Lot and about access to Lot 1. He also stated that Cottage industries are not desired.

Gerry Moncrief stated that he only came to this meeting because of application B03/12 involving the removal of two conditions. The subject land could accommodate a home industry at any time. The intent of the lot creation is for residential use. He thought he was doing the neighbourhood a favour by creating larger lots thereby reducing the number of lots in the area and is not sure why there is such strong opposition.

James Tkachyk asked the Committee for comments.

Ray Pearson stated that he does not feel there is enough information to make a decision right now and should table this application until application B06/12 is heard.

Ray Pearson asked about the 20m strip for future road allowance. Is it intended to connect to Peterson Road?

The Secretary-Treasurer replied that there is no indication of future development, however access be a requirement for further subdivision.

Vince Cianci commented that the home industry potential seems to be the only stumbling block. Perhaps there could be a condition that home industries not be permitted on the subject property.

The Secretary-Treasurer replied that a zoning by-law amendment would be required for that and an exception number would be needed.

Wendy Cuthbert stated that she has no issues with this application. The zoning by-law governs the entire City and cannot be modified simply to suit every individual's desires. The 20m strip is good planning.

Terry Tresoor commented that this application meets all requirements and the Committee cannot speculate as to what future potential owners may or may not do with the land. The zoning by-law will control development and use.

James Tkachyk commented that the Committee should try to not create potential issues in the future. They could lose control in the future if the Committee is not firm enough today. There is give and take in planning and the resident concerns are valid.

Wayne Gauld had no comment.

Doug Brown asked permission to speak and suggested that a compromise could be that the proposed created Lot could be reduced in size such that it would be small enough to not permit a home industry. The neighbourhood is comfortable with a home occupation but not a home industry.

The Secretary-Treasurer commented that if two lots were created instead of one, then the subject property would meet the three plus one rule and be at capacity for Lot creation by consent.

Sheryl Moyer stated that the future owner is not interested in having a home industry at all and that a home industry is already permitted on the subject property. She indicated that she is not sure what the problem is.

Moved By: Wendy Cuthbert

Seconded By: Terry Tresoor

That application B05/12 Moncrief, consent for creation of one rural residential Lot, has regard for 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 B05/12 Moncrief, 120 Bruckenberger Road, CON 3W PT LOT 11 PCL 12048, 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 no further land division take place on the subject property, unless done via plan of subdivision
- 5) That a letter be received from the Roads Supervisor indicating that there is a suitable, appropriate location for an entrance/driveway.

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

3. B06/12 Moncrief

Consent for Lot Addition

Present for the meeting:

Sheryl Moyer, Agent

Sheryl Moyer, Agent for Moncrief Construction explained the application for lot addition to a two acre Lot in a subdivision. There will be no additional shore lands added. Once the lot addition is complete the new lot will be 5.8 hectares in size.

The Planning Assistant presented that staff report. The Northwestern Health unit has no objections to the application. Staff recommendation is for approval.

Sheryl Moyer stated that there is no intention of a home industry, the Lot being added to is intended for personal use only.

The Secretary-Treasurer added that the Ministry of Natural Resources has approved dredging in front of lot 1.

Ken Shrier commented that he has no issue with the dredging or the potential storage of an airplane by the owner. However, the lot addition (which would make the subject property large enough to permit a home industry) is a concern. He wonders if the applicant has intentions that the public does not know about. In 2003 Moncrief Construction attempted to start an aircraft repair industry on Peterson Road, which was refused by the City. The main question is why is the applicant, who already owns the retained property, adding land to Lot one? Gerry Moncrief had promised to set aside this area as green space. A hiking trail has been built mostly across the area of land to be added to Lot 1. He is opposed to the Lot addition and does not know what the purpose is. Is this a resurrection of the previous intention of having an aircraft repair industry on site? The proposed Lot addition would contribute to increased noise, pollution, water quality deterioration and environmental damage.

He added that Beauty Bay is an example of what can happen to a lake community when too much industrial use is present.

Don Lenaghan stated that, in 2002, the City denied the idea of an aircraft repair industry on the subject property. He lives across from the subject property. There is some concern about the dredging as well.

The Secretary-Treasurer replied that the owner intends to construct an airplane hangar for personal use.

Mr. Lenaghan continued that maybe people are being paranoid but that there is concern about the potential for home industries. There is some concern due to the history of the property and that the lot addition will provide access to the lake. Do not understand why the lot being added to needs to be larger.

James Tkachyk asked the Committee members for comments.

Ray Pearson stated that he is torn because this application meets all requirements; however he understands resident concerns about home industries.

Wendy Cuthbert commented that a plane could be accommodated on the subject property presently, without the lot addition approval. Shoreline is not being added as part of this application.

The Secretary-Treasurer added that the use of the property for an aircraft repair industry would require a zoning by-law amendment.

Michael Laspina commented that if this approval for lot addition is granted then the land use policies will be changed for this property forever and any future owner could have a home industry. Giving the subject property the capability to support a home industry is bad planning.

Jim Gibson stated that Mr. Moncrief could clear the situation up if he made his intentions clear and state that there is no intended home industry use. Adding enough land to the subject lot to make it large enough for a home industry seems suspicious.

Gerry Moncrief replied that he is no longer an owner of Moncrief Construction. There are no intentions for an aircraft repair shop, and he does not want any further development/intensification in the area either. His brother is applying to add property to his own property; there is no hidden agenda. Mr. Moncrief also added that he cannot speak for the actions of future potential owners, however.

Ron Nawolski stated that he has no objection to the application. A home industry is already permitted on the retained lot. The home industry comments seem unreasonable.

Lisa Moncrief commented that there are no ulterior motives. Currently the plane in question must be stored at a commercial facility; this proposal allows it to be stored on private property.

Moved By: Wendy Cuthbert

Seconded By: Terry Tresoor

That application B06/12 Moncrief, consent for Lot addition, to add a 5 hectare parcel from property described as PT LOT 11 CON 2M + 3M DES KR 453 PTS 1, 2, 3, 8, 9 EXCEPTING 23R-8506 PT 1, 3 PCL 41806 to property described as PLAN 23M949 Lot 1, has regard for 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:

- 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.

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****1. B04/12 Boucha****Consent for Easement**

Present for the Meeting:

The Secretary-Treasurer stated that she had informed James Hook, who is the Agent for Boucha, that he did not need to attend this meeting. Decision on this application was tabled on the last meeting because there was too much unknown information for the Committee to make a proper decision.

Bell Canada has infrastructure located on the abutting land owners' property, however all utility locations indicated on the survey submitted with the application are correct; therefore the abutting land owner will need to deal with Bell Canada himself. The Committee can proceed with the Boucha application. A site visit was conducted by Bell Canada and Mr. Harbour to determine the location of poles and guy wires.

The City has entered into an agreement with the applicant regarding the acquisition of a portion of Ritchie Road.

Moved By: Wayne Gauld**Seconded By: Ray Pearson**

That Application for Consent B04/12 Boucha for easement in favour of Bell Canada and described as Parts 1-5 (inclusive) on Plan 23R – 12028 over lands described as CON 6J N PT LOT 5 RP 23R2469 PT 10 11 12 13 14 15 16 RP 23R2636 PART 4 PCL28729 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) If the City of Kenora does not own the lands currently used and known as Ritchie Road, that the applicant transfer lands to the City sufficient that the City would assume ownership of lands measured of 10m from the centerline of both sides of the travelled portion of the road. The City of Kenora would assume all related surveying and transfer costs.

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.

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CARRIED

2. New Business

- a) Report on OACA Conference – Not discussed due to time.

3. Adjournment

Adjourn

Moved by: Terry Tresoor

THAT the July 17, 2012 Planning Advisory Committee meeting be adjourned at 10:55pm.

MINUTES ADOPTED AS PRESENTED THIS 21st DAY OF AUGUST, 2012

CHAIR

SECRETARY-TREASURER