



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
October 16, 2012
7:00 P.M.**

Present:

Wayne Gauld	Acting Chair
Terry Tresoor	Member
Ted Couch	Member
Wendy Cuthbert	Member
Vince Cianci	Member
Ray Pearson	Member
Matt Meston	Assistant Secretary-Treasurer & Minute Taker

Regrets: James Tkachyk Chair

DELEGATION: None

(i) Call meeting to order

Wayne Gauld called the October 16, 2012 meeting of the Kenora Planning Advisory Committee to order at 7:00 p.m.

Wayne Gauld reviewed the meeting protocol for those in attendance.

(ii) Additions to the Agenda

a) December PAC Members' Dinner Location

(iii) Declaration of Interest

Wayne Gauld 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: September 18, 2012

Business arising from minutes:

Vince Cianci stated that a copy of the minutes did not arrive in the mail for him.

Moved by: Ted Couch

Seconded by: Ray Pearson

That the minutes of the September 18, 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. A17/12 Konrad

Accessory Boathouse Setback

Present for the meeting:

Heinrich Konrad, Applicant
Donald Hutchinson, Interested party/neighbour

Heinrich Konrad presented his application, indicating that he had constructed his boathouse on his property without a permit, as he was unaware that one was required. The boathouse was built in its location because of the rock configuration; it was the most suitable place on the property to build. The requested variance is to bring the existing boathouse into compliance with the zoning by-law, regarding the required side yard setback.

The Assistant Secretary-Treasurer presented the staff report, indicating that the recommendation is for refusal. The 4.5m setback for marine accessory structures is taken from the Department of Fisheries and Oceans' guidelines for construction and the setback exists to ensure that development respects the privacy of neighbours and the environment. The applicant built without a permit and therefore the surrounding neighbourhood was uninformed of the development before it was built. If a permit had been applied for staff could have identified the current problem before construction had started.

The Chair asked if the applicant had anything to add and Mr. Konrad replied that he had nothing to add.

The Chair asked if there was anyone from the public who wished to speak in favour or against the application.

Donald Hutchinson, 14 Sunrise Cove, stated that he is against the proposed variance. The applicant constructed the boathouse without a building permit, did not consult with the neighbourhood prior to building and built within the required setback. If the proposed variance is permitted then it would set precedent for individuals to construct buildings without permits.

Discussion took place regarding what events led to the application being brought before the Committee.

The Chair asked how the existing structure could be brought into compliance without a variance.

The Assistant Secretary-Treasurer replied that the only way to bring the existing boathouse into compliance without the variance would be to physically relocate the structure or demolish it.

Discussion took place regarding the exact distance that the structure would have to be moved and that the survey bars should be used as a reference point.

The Assistant Secretary-Treasurer added that the property survey indicates the property lines but not the boathouse structure itself.

Heinrich Konrad asked why the boathouse was not questioned while it was being built and that moving it over 2.5m would not really change anything.

Vince Cianci stated that although building without taking out a permit is not good practice, the Committee should find a way to allow the structure to remain in place and that moving it over to meet the 4.5m setback would not really change anything. Perhaps the variance could be granted with a clause that if the structure was demolished, then any new construction would have to meet the required zoning standards. Moving the structure may cause more environmental harm than letting it remain in place.

Ray Pearson stated that he disagrees with allowing the structure to remain in its present location. The structure in question would be relatively easy to move and that approving the variance would set a bad precedent.

Wendy Cuthbert asked if a building permit had been issued for the principle dwelling that is on the subject property.

The Assistant Secretary-Treasurer replied that a permit was on file for the principle dwelling.

Discussion took place regarding how the compliance would be dealt with after the application was voted on by the Committee.

The Assistant Secretary-Treasurer stated that the responsibility of the Committee is only to approve or refuse the application. The Chief Building Official would determine the course of action for ensuring that the applicant complies.

Moved by: Ted Couch

Seconded by: Ray Pearson

That the proposed application for Minor Variance A17/12 Konrad, to provide relief from section 3.11.1(c) (ii) of Zoning By-law No. 160-2010 as amended to decrease the minimum side yard setback requirement from 4.5m to 2.0m for a variance of 2.5m to bring the existing boathouse structure into compliance on the property described as PLAN 23M949 Lot 10, Bruckenberger 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 development for the land and is not minor in nature, for the reasons cited in the planning report.

Conditions:

None.

CARRIED

Noted that Vince Cianci was opposed to the decision.

(viii) Considerations of Applications for Land Division – None.

(ix) Old Business – None.

(x) New Business

a) December PAC Members Dinner Location

Discussion took place amongst the members about where to have the December PAC dinner and it was decided that the Bijou would be the location.

The Assistant-Secretary Treasurer added that the December 18, 2012 PAC meeting would start at either 5:00pm or 5:30pm depending on the volume of applications on the agenda.

b) The Assistant Secretary-Treasurer briefed the Committee on a possible zoning by-law amendment application for a temporary use.

Discussion also took place regarding the Aamikkowiish Ontario Municipal Board hearing. The Secretary-Treasurer joined the meeting and informed the Committee that Aamikkowiish has abandoned the project and the hearing has therefore been cancelled.

(xi) Adjournment

Moved by: Terry Tresoor

THAT the October 16, 2012 Planning Advisory Committee meeting be adjourned at 7:45 p.m.

MINUTES ADOPTED AS PRESENTED THIS 20th DAY OF NOVEMBER, 2012

CHAIR

SECRETARY-TREASURER