



**City of Kenora
Planning Advisory Committee**

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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
February 19, 2013 - 7:00 P.M.**

Present:	James Tkachyk	Chair
	Terry Tresoor	Member
	Vince Cianci	Member
	Wendy Cuthbert	Member
	Ted Couch	Member
	Wayne Gauld	Member
	Ray Pearson	Member
	Tara Rickaby	Secretary-Treasurer

Regrets: Patti McLaughlin Minute-taker

DELEGATION: None

(i) Call meeting to order

James Tkachyk called the February 19th, 2013 meeting of the Kenora Planning Advisory Committee to order at 7:00 p.m., and reviewed the meeting protocol for those in attendance.

(ii) Additions to the Agenda – The Secretary-Treasurer noted that application A03/13 Kowalski has been removed from the agenda as the development did not require a variance in order to proceed. The Secretary-Treasurer suggested that election of Chair and Vice-Chair be moved, on the agenda, to after the only application is heard and decided upon. The Committee agreed.

(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 (January 22, 2013)

Business arising: None

Corrections: None

Moved by: Wendy Cuthbert

Seconded by: Vince Cianci

That the minutes of the January 22, 2013 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) Considerations of Applications for Minor Variance

- A02/13 Hobday Maximum size of dock/boathouse – Randy Seller, Robert Hobday in attendance

Randy Seller, Agent for the Applicants presented the application for increased maximum size of dock/boathouse explaining that his clients wish to construct a two-stall boathouse on top of a new docking system. The total area would be approximately 130 m², which is over the permitted 80 m² maximum allowed in the zoning by-law. Mr. Seller referred to a number of two stall boathouses in the neighbourhood and concluded that the development is characteristic and desirable in the area. He stated that this new construction is being constructed per the requirements of the Ministry of Natural Resources using steel piles.

The Secretary-Treasurer noted that the application now includes a dimension from the side yard that the minimum 4.5 metre side yard setback is shown and is met and therefore one of the suggested conditions of approval will be removed from the recommendation. The sketch does not indicate maintenance of the 3 m wide vegetative strip which is a policy set out in the Official Plan.

The Secretary-Treasurer further commented that there was no comment or objection received from any of the neighbours.

Mr. Pearson asked about access to the dock, from the shore. Mr. Hobday explained that some stairs will be required, from the residence down, and that a ramp will be constructed, ensuring that the vegetation is not removed.

Mr. Cianci noted that the original recommendation was to require that an OLS placed the foundation of the structure to ensure that the side yard setbacks are met. The Secretary-Treasurer indicated that the sketch, with the dimensions indicating adequate side yard setbacks had been submitted and indicated that the recommendation will not include that condition any longer.

Moved by: Ted Couch

Seconded by: Ray Pearson

That the Kenora Planning Advisory Committee approves Application for Minor Variance A02/13 Hobday at property described as Parts 2 and 3 on Plan 23R 11745, Lakeside Crescent, for relief from section 3.11.1c)(iv) of Zoning By-Law 160-2010 regarding the maximum size of an accessory building or structure located in a yard abutting a navigable waterway, to authorize the variance from 80 m² to 130.8 m² for a variance of 50.8 m², conditional upon the applicant/owners providing the Building Department with the following at the time of application for a building permit:

- that the property owner undertakes to maintain a 3 m vegetative buffer strip adjacent to the shoreline;

The approval application for 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 and is minor in nature if the conditions are met.

Carried

(viii) Election of Chair and Vice-Chair

James Tkachyk turned the meeting over to the Secretary-Treasurer to run the election.

The Secretary Treasurer called for nominations for Chair.

Ted Couch nominated Wayne Gauld, which was seconded by Wendy Cuthbert.

The Secretary-Treasurer called a second and third time for nominations for Chair.

As there were no further nominations, the Secretary Treasurer declared nominations closed and asked Wayne Gauld if he would accept the nomination. Mr. Gauld accepted the nomination.

The Secretary Treasurer called for nominations for Vice-Chair.

Terry Tresoor nominated Ray Pearson, which was seconded by James Tkachyk.

The Secretary-Treasurer called a second time for nominations for Vice-Chair. James Tkachyk nominated Wendy Cuthbert, which was seconded by Ted Couch.

The Secretary-Treasurer called a third time for nominations for Vice-Chair.

As there were no further nominations, the Secretary Treasurer asked Mr. Pearson whether he would accept the nomination. Mr. Pearson thanked his nominators but declined the nomination as he feels he would like more experience on the committee.

The Secretary-Treasurer asked Ms. Cuthbert if she would be willing to accept the nomination. Ms. Cuthbert replied in the affirmative.

Ted Couch moved that nominations be closed. The Secretary-Treasurer thanked everyone.

Mr. Gauld assumed the Chair.

(ix) Consideration of Applications for Land Division - None

(x) Old Business

B02/13 - Vanachte Decision – The Secretary-Treasurer explained that Mr. Cianci discussed this item with Mr. Johnson; the surveyor who developed the survey plan for the subdivision on Worona Road. Mr. Johnson indicated that indeed there had been consent for the creation of three lots in the past and that the subject property is the retained land. Mr. Johnson also indicated that, for a few years, the manner of description and registration of lands was changed, which is why the retained lands are described including reference to the plan of subdivision. Mr. Johnson told Mr. Cianci that that manner of describing and registering lands did not last long as it was confusing.

After being informed of the situation, the Secretary-Treasurer contacted the OACA technical team, which confirmed that the only way to change the decision is to appeal it to the Ontario Municipal Board. After conferring with the Chair it was decided to advise Mr. Cianci of this option. Mr. Cianci is concerned about impact on the current property owner. There will be no impact to the current property owner; consent was granted. If, in the future, a legal description such as this one is provided, a professional title search will be required to be provided by the Applicant, to the Secretary-Treasurer.

Mr. Cianci explained that the lot was not a part of the plan of subdivision and then related the history of how lands have been described and the reference plan as a tool in land description and conveyancing.

Discussion took place with respect to tabling of decisions and the practice of identifying issues in advance of the meeting so that research can be done and possible options and/or recommendations for disposition provided to the Committee.

Mr. Cianci asked that he still have his package mailed to him, in the future, as he received only the digital versions this time.

(xi) New Business – None

(xii) Adjournment

Moved by: Terry Tresoor

THAT the January 22, 2013 Planning Advisory Committee meeting be adjourned at 7:55 pm.

The Secretary-Treasurer reminded the Committee that the March meeting will be held on the 26th, rather than the 19th of March.

Minutes adopted as presented this 26th DAY March, 2013

Chair

Secretary-Treasurer