



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
January 22, 2013
7:00 P.M.**

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

Regrets:	Ray Pearson	Member
	Ted Couch	Member
	Wayne Gauld	Member

DELEGATION: None

(i) Call meeting to order

James Tkachyk called the January 22, 2013 meeting of the Kenora Planning Advisory Committee to order at 7:00 p.m.

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

(ii) Additions to the Agenda – Zoning By-law Amendments.

(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:

Adoption of minutes of previous meeting: December 18, 2012.

Business arising from minutes: None.

Moved by: Terry Tresoor

Seconded by: Wendy Cuthbert

That the minutes of the December 18, 2012 meeting of the Kenora Planning Advisory Committee 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. A01/13 Lacy

Accessory Dock Side Yard Setback

Present for the meeting:

Chris Lacy, Applicant

Chris Lacy presented his application for minor variance for a proposed dock structure, indicating that he requires a variance from the required side yard setback of 4.5m to 3.59m, in order to have sufficient space to accommodate boat parking. He indicated that the affected neighbour has no concerns regarding the variance.

The Planning Assistant presented the staff report, indicating that the recommendation is for approval as the proposed variance would be minor in nature given the location of other docks in the surrounding neighbourhood and that the affected neighbouring property has ample frontage on Lake of the Woods to construct a dock if desired and would not be affected by this variance.

James Tkachyk asked the Committee for comment.

Vince Cianci questioned where the applicant had obtained his dimensions? Mr. Lacy replied that he had calculated the dimensions himself on site.

The Secretary-Treasurer added that the applicant undertakes to build to the required dimension approved by the Committee, when applying for a building permit.

Moved by: Vince Cianci

Seconded by: Wendy Cuthbert

That the application for minor variance A01/13 Lacy, to provide relief from section 3.11.1 (c) (ii) of Zoning By-law No. 160 -2010 to reduce the required minimum side yard setback for an accessory dock structure from 4.5m to 3.59m for a variance of 0.91m, 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 and Zoning By-law, is appropriate for the land and is minor in nature, for the reasons cited in the planning report.

Conditions: None.

CARRIED

(viii) Considerations of Applications for Land Division

1. B01/13 Vanachte

Consent – Lot Creation

Present for the meeting:

Howard and Tara Vanachte, Applicants
Pam Vanachte
Harvey Penner

Howard Vanachte presented his application for consent, stating that he would like to sever his current property in half to create one new lot. An easement is desired to provide access/egress for the retained lot. He indicated that the Northwestern Health Unit has provided an email indicating that septic suitability is not an issue.

The Secretary-Treasurer presented the staff report, indicating that the consent for the creation of one Rural Residential lot on the subject property is recommended for approval. Both lots exceed the minimum lot size and will have adequate road frontage, however an easement for access/egress will be created for the retained lot. There are no natural heritage or environmental issues.

James Tkachyk asked the Committee for comment.

Terry Tresoor asked about the lot to the northwest of the subject property.

The Secretary-Treasurer replied that, that lot had been created by consent many years ago.

Wendy Cuthbert asked about the frontage dimensions and suggested that a condition should be added stipulating that the access easement be 10m in width.

The Secretary-Treasurer added a new condition, that the access easement is to be surveyed out to a minimum of 10m in width and stated that the exact numerical frontage dimensions will not be known until the reference plan is created, but that the existing property will be divided exactly in half. If the frontage ends up to be less than the required 61m, then the consent would not be able to be proceed.

Vince Cianci questioned the number of previous land divisions for the subject property. The legal description and existing survey seems to indicate that the subject property has already exceeded the number of permitted divisions by consent and that no more consents are permitted.

Discussion ensued regarding the legal description of the subject property.

The Secretary-Treasurer informed the Committee that the Roads Supervisor has already approved an entrance permit for the subject property, and therefore one condition has already been met.

Moved by: Terry Tresoor

Seconded by: Wendy Cuthbert

That application B01/13 Vanachte, consent for the creation of one Rural Residential lot, 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:

That Application for Consent B01/13 Vanachte, 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 the payment of any outstanding taxes, including penalties and interest (and any local improvement charges if applicable) shall be paid to the City of Kenora.
- 6) That a letter be received from Bell Canada indicating they have adequate easements for private service lines, or that none are required.
- 7) That a letter be received from Hydro One Networks that they have adequate easements for private service lines, or that none are required.
- 8) That a letter be received from Hydro One Networks indicating that there is no objection to the location of the driveway and associated easement for access/egress in favour of the retained lot.
- 9) That the registered owner(s) shall obtain, from the City of Kenora Road Supervisor, any required entrance approvals.
- 10) That the easement for access/egress in favour of the retained lot be surveyed out at a minimum of ten (10) metres in width.
- 11) That prior to endorsement of the deeds, the Secretary-Treasurer shall receive a letter, from the owner or owner's Agent/Solicitor, confirming that conditions 1 through 10 have been fulfilled. Clearance letters from the City of Kenora and external agencies are to be included.

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**Vince Cianci opposed****2. B03/13 Sieradzki****Consent – Lot Addition**

Present for the meeting:

Denise Sieradzki
Herman Carvahlo, Property Owner

Denise Sieradzki, agent for Red Lion Janitorial Services, presented the application indicating that she presently resides at 3 Ninth Avenue South and that the vacant lot adjacent to her south property line had merged with property owned by Red Lion Janitorial Services, which is situated at 9 Ninth Avenue South. The intent of the application is to add the former lot, which was merged, to the lot owned by the Sieradzki's. This addition would re-establish the former lot line that had disappeared due to the merger and consolidate the vacant lot with the property owned by the Sieradzki's. A new reference plan would not be required as the lot addition could already be described using existing information.

The Planning Assistant presented the staff report. The application as presented would require two minor variances as conditions of approval. The retained lot, as a result of the proposed consent would have less than the required frontage of 15m for R2 – Residential Second Density zoning and the existing residence on the retained lot would not meet the required interior side yard setback. The City recommends that consent be granted, conditional that the retained lot has 15m of frontage on Ninth Avenue South. This option would require a reference plan as a condition of approval. The land registrar would prefer a new reference plan be created.

James Tkachyk asked the Committee for comment.

A brief discussion ensued regarding the frontage of the retained lot.

Herman Carvahlo stated that he felt that smaller lots have been approved in the past and cannot see why their application as presented is unreasonable. As well his property has been surveyed before and it does not seem relevant to re-survey the property.

The Secretary-Treasurer explained that the application may be abandoned if obtaining a reference plan is not amenable or that they may appeal the decision of the Committee or any of the condition(s) to the Ontario Municipal Board.

Moved by: Vince Cianci**Seconded by:** Terry Tresoor

That application B03/13 Sieradzki, consent for lot addition, to add a parcel of land from property described as PLAN 33 PT LOTS 61, 62 & 63 BLK 6, 5 Ninth Avenue South to property described as PARTS OF LOTS 61, 62 AND 63 BLK 6, PLAN 33, 3 Ninth Avenue South, be approved as the application 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 B03/13 Sieradzki, 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 payment of any outstanding taxes, including penalties and interest (and any local improvement charges if applicable) shall be paid to the City of Kenora.
- 5) That the retained lot has a minimum frontage of 15m on Ninth Avenue South.
- 6) That prior to endorsement of the deeds, the Secretary-Treasurer shall receive a letter, from the owner or owner's Agent/Solicitor, confirming that conditions 1 through 5 have been fulfilled. Clearance letters from the City of Kenora and external agencies are to be circulated.

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

(ix) **Old Business** – None.

(x) **New Business**

- a) Legal Non-Conforming Zoning By-law change

The Secretary-Treasurer informed the Committee that there will be a housekeeping amendment to bring the zoning by-law up to standard with the applicable case law regarding non-conforming/complying rights. There have been a few situations this past year, which have put the current zoning by-law to the test regarding non-conforming uses and the City needs to update its zoning provisions.

- b) The Secretary-Treasurer advised the Committee that Matt Meston will be leaving the City of Kenora as of February 1, 2013. The Committee members wished Matt good luck.

(xi) **Adjournment**

Adjourn

Moved by: Terry Tresoor

THAT the January 22, 2013 Planning Advisory Committee meeting be adjourned at 8:30 pm.

MINUTES ADOPTED AS PRESENTED THIS 19th DAY OF FEBRUARY, 2013

CHAIR

SECRETARY-TREASURER