



City of Kenora
Planning Advisory Committee
60 Fourteenth St. N., 2nd Floor
Kenora, Ontario P9N 4M9
807-467-2059

Minutes

**City of Kenora Planning Advisory Committee
Regular Meeting to be held in the Operations Centre Building
60 Fourteenth St. N., 2nd Floor
July 16, 2013
7:00 P.M.**

Present:	Wayne Gauld	Chair
	Wendy Cuthbert	Member
	Ted Couch	Member
	James Tkachyk	Member
	Ray Pearson	Member
	Vince Cianci	Member
	Tara Rickaby	Secretary-Treasurer
	Patti McLaughlin	Minute Taker
Guest:	Charlotte Caron	Property & Planning Manager
Regrets:	Terry Tresoor	Member

DELEGATION: None requested.

(i) Call meeting to order

Wayne Gauld called the July 16, 2013 meeting of the Kenora Planning Advisory Committee to order at 7:00 p.m.

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

(ii) Additions to the Agenda – None.

B05/13 Energy Tech – Remove No. 9 from Conditions and make it a “Note to Approval”

This Item will be discussed under Old Business.

(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: (June 17, 2013)

Business arising from minutes: None.

Moved by: James Tkachyk Seconded by: Ted Couch

That the minutes of the June 17, 2013 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 - The Secretary-Treasurer commented that any correspondence received would be dealt with within presentation of the Applications.

(vii) Consideration of Applications for Minor Variance - Accessory garage closer to the street than the main building is to the street

1. A08/13 Lentz

Robert and Sandi Lentz, Owners

Sandi Lentz presented the application and explained that due to the property being split they only have one access via the laneway and no option to build on the north side of the property. They would like to tear down the existing shed and build a 16' x 20' garage for storage. Adding a garage will increase the value of their property, their neighbour's property and provide privacy for themselves and their neighbours. She believes the application meets the four (4) tests. There was no objection received from their neighbours. Rob Lentz confirmed that the garage would be built as per City requirements.

The Secretary-Treasurer reviewed the planning report and explained that the application is to permit the construction of an accessory garage closer to the street than the main building is to the street. The neighbourhood does contain such construction. There were no objections received from internal or external departments. The recommendation will be for approval to build 1 metre from the east side lot line and 3 metres from the south lot line, fronting the lane. The application meets all four tests.

The Chair asked if the agent or the applicant had anything further to add regarding the application

Sandi Lentz inquired as to how they would receive notice of the decision. The Secretary-Treasurer explained the process. She further added that the day after the end of the appeal period they could apply for a building permit.

The Chair asked the Committee members whether they had questions regarding the application.

Vince Cianci – inquired as to the 3 metre setback as opposed to an 8 metre setback in a rear yard. The Secretary-Treasurer explained that on lots fronting a navigable waterway, with only point of access to a road, the setback minimum is 3 metres from the roadway so that standard is being used for laneway lots. Vince cautioned that 3 metres seemed too short a distance to accommodate parked vehicles in front of garage.

Wayne Gauld confirmed with Rob Lentz that he found the survey bars and was comfortable that they represented the four corners of the property. Rob added that he had help from a neighbour in locating them.

The Chair asked whether there was anyone present who wished to speak either for or against the application. As there were no other comments from the public, the Chair indicated that the Committee would discuss the application and make a decision.

James Tkachyk commented that the setback for this proposed construction is no different than that of surrounding buildings within the vicinity in that they are all close to the laneway.

The Secretary-Treasurer commented that the only condition is that it be built 1 metre from the east side lot line and 3 metres from the south lot line, fronting the lane and that this information will be provided to the Building Department for review.

The Chairman asked for a motion to approve the application.

Moved by: James Tkachyk Seconded by: Ray Pearson

That the Kenora Planning Advisory Committee approves Application for Minor Variance A08/13 Lentz, for property described as 825 Railway Street, PLAN 3 BLK 5 S PT LOT 67, for relief from section 3.11.1 (vi) which restricts the location of an accessory structure of Zoning By-Law 160-2010 to authorize the location of an accessory garage closer to the street than the main building. The effect of approval would be authority to construct a detached accessory garage 1 metre from the east side lot line and 3 metres from the south lot line, fronting the lane as 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.

CARRIED

2. A09/13 Webb

Increase permitted encroachment
Christine Webb and Gerald Lacoste, Owners

Christine Webb presented the application for two (2) variances for development on their triangular shaped lot: one for the front yard and one for the east side of the property. The one for the front would accommodate the rebuild of an old deck that needs to be replaced and they would also like to increase its size to an existing planter and add a railing to make it safer around the cliff area of the property. The east side variance is required to build a porch bump out to open up the area to address an inside staircase issue allowing room to install a banister and provide an exterior access from that point.

The Secretary-Treasurer commented that the property is triangular in shape and a lot of record. Property is accessed by an unopened road allowance on the east. A neighbouring property looks over the property. There is a rock wall to the south, possibility it may be on City property. The request is to increase the permitted encroachment of deck and to reduce the exterior side setback from 4 m to .46 m. The Operations Manager has requested a survey to confirmation of property line and Kenora Hydro requires that the meter base be moved. The Planning Department noted the stairway is not to code and there appears to be a health & safety issue with no banister installed. The Application does meet the four tests, but suggests deferring a decision until a survey has been completed.

The Chair asked if the agent of the applicant had anything further to add regarding the application

Gerald Lacoste commented that he has located all three pins. He works for an engineering company and his measurements were within inches of the legal plan. He offered to lay out a string line so that the building department He produced a "survey" plan from the home purchase.

Vince Cianci confirmed that the plan was actually a building location plan. The Secretary-Treasurer also produced a location plan with more content.

The Chair asked the Committee members whether they had questions regarding the application.

James Tkachyk requested clarity regarding Hydro's concern with the meter base. The Secretary-Treasurer explained that the Applicant is required to approach Kenora Hydro for more information regarding the raising of the meter base 4 to 5 ft above the deck.

Vince Cianci commented that the application seems like a good development.

Ted Couch confirmed that the mast does not have to be relocated just the meter box has to be raised. Mr. Lacoste confirmed that the mast was high enough as is a 2 storey home.

The Chair asked whether there was anyone present who wished to speak either for or against the application. As there were no other comments from the public, the Chair indicated that the Committee would discuss the application and make a decision.

Wayne Gauld confirmed with the Committee that they were satisfied with the dimensions provided on the sketch.

The Secretary-Treasurer summarized that by approving the increase permitted encroachment for front deck and the reduction of the exterior side yard it will authorize the extension of a deck and construction of an entranceway and stairway.

The Chairman asked for a motion to approve the application.

Moved by: Vince Cianci Seconded by: Ted Couch

That the Kenora Planning Advisory Committee approves Application for Minor Variance A09/13 Webb, for property described as 1016 Beach Road, PLAN 18 BLK 19 LOT 2 for relief from Table 3 – Permitted Yard Encroachments and section 4.1.3(e) of Zoning By-law No. 160-2010 to increase the permitted encroachment of an open deck to within .37m of the front lot line and from section 4.1.3 (e) to reduce the side yard requirement from 4m to .56m for a variance of 3.44m as 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.

CARRIED

3. A10/13 Patterson

Increase size of boathouse
Alex Clark, Agent for Thomas Patterson
& Kelly McKee Martin

Alex Clark, Agent, along with Kelly Martin presented the application. Alex provided a power point presentation to help Committee members understand how the application meets the requirement of the minor variance. The request is to increase the size of the boathouse to accommodate two (2) boats. He explained that the intent is to have a low profile covered structure for storage purposes. Mr. Clark provided two examples of structures in the vicinity. The structure design would be sensitive to neighbours ie. low and fairly flat and would have no impact on neighbouring properties enjoyment. The proposed dock would be shorter than what exists. He discussed the view from the properties to the north and concluded that the proposed construction posed no problems with views. He concluded that the application meets the general intent and purpose and feels it is minor in nature. In general a majority of the existing boathouses on Coney Island have provisions for multiple boats. He produced the following statistics: total of 43 boathouses on Coney Island - 27 boathouses are 2 stall or greater, 16 boathouses are one stall from an earlier era of camp life on the lake.

Kelly Martin commented that they bought the camp 15 years ago and the dock was in need of replacement. They have been having trouble getting someone out to repair it as the ice doesn't freeze in that area. She added that she knows of others on Coney Island who have replaced old boathouses with 2 stall designs. She added that they could have built a design with walls but wanted to be sensitive to their neighbours and have chosen the open wall concept.

Wendy Cuthbert clarified that it would be a frame construction with roof and closed side. Alex confirmed it would have one closed wall facing west and the rest of the sides would be open with a low roof.

The Secretary-Treasurer reviewed the planning report and referenced the GIS drawing produced by the Engineering Department explaining that the layering was a means of depicting the view projected from neighbouring properties. The Official Plan addresses land use compatibility: height and massing and outdoor amenity spaces. The shoreline in this area does not include any boathouses. The south views from the property directly to the north will be affected. There were no objections received from internal or external departments. She added that a letter of support was received from the Parkhills. The proposed accessory does not reflect development of area and does affect the property to the north. It does meet the intent of the Zoning By-law, but views from the north will be affected.

Alex Clark commented on the surrounding land use. He added that, with regards to views of the northerly neighbours, if on the shore the view is affected, but not affected if sitting on the deck. Ms. McKee Martin added that the neighbour to the far north (Appleby) provided verbal support. Mr. Clark explained that a person does not own a view. The current community standard is 2 stall boathouse around the rest of the island. The community standard has already been established.

The Chair asked if there was anyone present that wished to speak against the application.

Rick Reiss, 522 Coney Island, explained that he and Jean are the neighbours directly to the north of the proposed development. They bought their camp a couple of years ago. Their objection to this application is nothing personal and they just want to protect their property. They received a copy of the proposal and have expressed their concerns to Ms. McKee Martin. They hired the services of Scatliffe+Miller+Murray to provide an assessment of the proposed construction. A copy of the report was circulated to Committee members and forms a part of the file. The report concluded that the primary view from the Reiss property would be directly impacted by the construction of the boathouse with recommendation that they oppose the minor variance. Mr. Reiss concluded that he wanted to be factual and they had not had an opportunity to meet their neighbour and wanted to approach the issue properly.

The Chair asked the Committee members whether they had questions regarding the application.

Wendy Cuthbert questioned whether the conceptual drawing of the boathouse was to scale, which Mr. Reiss indicated as being not to scale.

James Tkachyk commented that the by-law allows the right to build a structure 80m² in size at this location. He addressed Mr. Reiss stating the applicant could still build something that will affect the view. He added that he would like to see something in writing from the neighbour who expressed verbal support for the proposed construction.

Ray Pearson concurred with the comments from Mr. Tkachyk and stated that the application is not minor in nature; it does exceed the requirement by a great deal.

Ted Couch commented that the major concerns have been addressed and the Agent said in proposal that view is subjective to those living on lake.

Vince Cianci asked Mr. Riess whether if he was familiar with the old boathouse. Mr. Riess commented that he had seen it as a child. Mr. Cianci added that the requirement has no control over the width of the boathouse and cautioned that refusal of this application would not provide protection of view.

The Secretary-Treasurer reminded the Committee that the decision can be either to approve or refuse the application.

Vince Cianci expressed his support for the 2 stall boathouse, but suggested the proposed orientation could be up for discussion. The Secretary-Treasurer explained that the decision does not have to speak to the orientation, simply the variance in size.

Alex Clark referred to the conceptual drawing produced by Scatliffe+Miller+Murray and assessed it as appearing much larger than what is being proposed. He emphasized that the standard today is for a 2 stall. Kelly Martin added that they were within the regulation to put walls up, as per the old boathouse and that would have been their preference.

Rick Riess commented that the solid wall proposed on the south is what is creating the view issue. He added that a single stall larger than the old boathouse would be okay. He emphasized that he was just trying to preserve the value of his purchase.

The Secretary-Treasurer reminded the Committee that they can put conditions on a decision of approval and that site plan control can be applied to any property abutting a navigable waterway.

The Chair asked whether there was anyone present who wished to speak either for or against the application. As there were no other comments from the public, the Chair indicated that the Committee would discuss the application and make a decision.

Vince Cianci re-emphasized his support for the double stall design and that this style is needed. He suggested a closed in "shed like" area could be located along the east side of the dock adjacent to the rock shoreline allowing the one closed end to be open and permitting a view to the south. This could be made a condition of approval. Ted Couch supported this suggestion as removing the wall mitigates the issue.

Ray Pearson commented that the design is nice and care was taken in trying to meet the neighbour's needs. He reiterated his concern that approval of this size, which substantially exceeds the by-law, may impact the shoreline if other property owners want to do the same. Discussion took place with respect to ownership of multiple lots in the older plan of subdivision in the area.

Wendy Cuthbert supported the application and provided comment on her on-site visit to the property. She concluded that the only affected view would be from beach level which has been improved by shortening of the dock from the old boathouse design. Ms. Cuthbert suggested to the Applicant that changing the closed in wall to be constructed on the east rather than face south might be considered.

Discussion took place with respect to altering the orientation and usefulness of the storage area.

Vince Cianci's suggestion of postponing the decision until the next meeting until the two Parties come up with a workable plan caused concern for Ms. Martin as the dock is not sustainable at this time.

Wendy Cuthbert asked Mr. Riess if the wall on south side was moved would that appease him. He commented that it would be hard to visualize, but he liked Mr. Cianci's idea of giving it a month to provide time to look at the extremes, sit down with Mike Scatliffe and neighbours to discuss the big things: roof pitch, size, scale and colour. Ms. Cuthbert added that she sees movement on the side of the Applicant ie. move the solid wall and they are trying to work with the neighbour here and they do want to get a project done. Kelly Martin expressed concern as to whether any change of design would be met with neighbour approval.

Wayne Gauld recommended the Committee make a decision tonight and the Secretary-Treasurer advised that there is an appeal period. James Tkachyk stated that an appeal could hold the project up for 1 year, depending on the OMB scheduling.

- 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 the owner/operator of the propane operation provides a copy of the TSSA approved Risk and Safety Management Plan, which considers the closer proximity of development to the propane operation.
- 7) That a letter be received from the Northwestern Health Unit indicating that there is adequate area for a new sewage system on the new lot and that the private system on the retained is up to standard.
- 8) That a letter be received from Bell Canada/Hydro One Networks indicating that easements are either adequate or not required.
- 9) 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.
- 10) 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.

CARRIED

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

- Site plan control will apply for any development of the property. Provisions for a drilled well, to MOE standards, to be part of the Site Plan Agreement with the City of Kenora.

(x) New Business - None

(xi) Adjourn
Moved by: James Tkachyk

THAT the July 16, 2013 Planning Advisory Committee meeting be adjourned at 9:10 pm.

MINUTES ADOPTED AS PRESENTED THIS 20th DAY OF AUGUST, 2013

CHAIR

SECRETARY-TREASURER