



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
June 17, 2013
7:00 P.M.**

Present:

Wayne Gauld	Chair
Wendy Cuthbert	Member
Ted Couch	Member
James Tkachyk	Member
Ray Pearson	Member
Terry Tresoor	Member
Tara Rickaby	Secretary-Treasurer
Patti McLaughlin	Minute Taker

Regrets: Vince Cianci Member

Guest: Charlotte Caron Property & Planning Manager

DELEGATION: None requested.

(i) Call meeting to order

Wayne Gauld called the June 17, 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.

(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: (May 21, 2013)

Business arising from minutes: None.

Moved by: James Tkachyk Seconded by: Ted Couch

That the minutes of the May 21, 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

B07/13 Ervick (May 21, 2013 Meeting) – Comments received from the MTO.

(vii) Consideration of Applications for Minor Variance**1. A07/13 Price**

Side yard setback
Chris Price, Agent for Lisa Price

Chris Price, 1011 Park Street, Agent for Lisa Price, presented the application for a minor variance seeking approval to construct an attached single storey "lean-to" type shed to the south east corner of the existing residence within 1.397 m from the side yard when the required setback is 1.5 m. The justification is to add support to a retaining wall that was installed and failed. He added that there was no objection received from neighbours. He confirmed that the principle building is serviced with sewer and water.

The Secretary-Treasurer commented that because the shed will be attached it is treated as the principle building and requires a variance. Structure will be on west side of retaining wall. No objections from internal and external departments and agencies. The application meets the four 4 tests and is recommended for approval.

The Chair asked if the agent of the applicant had anything further to add regarding the application – Nothing to add.

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

James Tkachyk asked about eavestroughing to ensure water would be shed away from the building.

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.

Chris Price explained that the actual eave will be the eavestrough. The little part that sticks out will be eavestrough and it will be built in. A rain barrel will be used to collect water.

The Secretary-Treasurer commented that it meets the general intent of the Official Plan and Zoning By-law, is compatible and is efficient development. The required setback is appropriate and common in neighbourhood.

Wayne Gauld requested further input from the Committee – None.

Wayne Gauld confirmed that it was the Agent who prepared the drawings with measurements from the survey.

Moved by: Wendy Cuthbert Seconded by: Terry Tresoor

That the Kenora Planning Advisory Committee approves Application for Minor Variance A07/13 Price, for property described as 1011 Park Street, PLAN 33 BLK 7 LOT 46, for relief from section 4.2.3 (d) of Zoning By-Law 160-2010 to reduce the required side yard, for a principle structure, from 1.5 m (single storey) to 1.397m for a variance of 0.103 m (east side yard) which would authorize the construction of an attached storage shed in the east side yard 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 if the conditions are met.

CARRIED

(viii) Considerations of Applications for Land Division**1. B06/13 Gordon**

Lot Creation

Present for the meeting:

Randall Seller, Agent for Dale and Denise Gordon

Randall Seller, Agent for the Applicant, deferred his comments for consent for the creation of one new lot located at Darlington Drive and Duffus Road until after the Secretary-Treasurer presented her planning report.

The Secretary-Treasurer indicated that she attended on-site with Mr. Gordon and Mr. Seller. At this time a simplified drawing of the area was circulated. The retained lot which is the location of the existing family dwelling, garage and shed is accessed via Darlington Bay Road (a private road). The new lot will be accessed via Darlington Drive. The remnant piece of property south of the private road could be dealt with at this time as it is not a buildable lot; survey and transfer to abutting neighbour, to the City of Kenora or tie to the new lot to provide water access. The retained lot does not meet the requirements for frontage, but exists as a legal lot of record. Ease of access in favour of the property to the west should be a condition. It is not recommended that the City upgrade the private road (Darlington Bay Road) as the City does not own the right of way. Easements for access is recommended across private property. She added that she had not received comment from the NWHU. To-date nothing has been received from the Trans Canada Pipeline regarding blasting.

Randall Seller commented that he received a letter from the NWHU indicating the area is satisfactory for a septic system and will forward a copy to the Secretary-Treasurer. The small piece of property PIN 0150, owned by Mr. Gordon's, is too small to build on and they have no objection of adding it to the severed part or allowing 0089 to have it. It would be dealt with at the time of the severance.

Randall Seller questioned, if Darlington Bay Road is not a municipal road and there are no registered easements what is the logic of making it incumbent on the owner of the retained lot to get the easement. Mr. and Mrs. Gordon are not objecting to neighbouring properties using the road, but want them to look after obtaining their own easement. He added that there should be registered easements over all properties. There is no objection to keeping PIN 0089 in with severed portion, but he asked the committee to consider it the obligation of the neighbouring party to look after easement not leave to applicants.

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

Dale Gordon explained that he was fine with sharing the road as the road has been there for 100 years.

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

James Tkachyk questioned whether the MNR had any comment. The Secretary-Treasurer responded that the MNR was not asked to comment, and that there are no values identified in the Official Plan.

Ray Pearson questioned who owned the piece of water front, as on some of the sketches it appears like there is water access. The Secretary-Treasurer explained that it does not extend to the water as there is a road allowance. Discussion took place regarding the City owned shoreline, the private road staying in the Gordon's name and that it cannot be closed.

The Secretary-Treasurer confirmed with the group that a condition would be the merger of the piece to the retained portion.

Wayne Gauld confirmed that the three (3) neighbours use the private road to access their properties. Discussion ensued regarding the logistics of obtaining an easement from each property owner (4 applications) when the road has been there for 100 years. Randall Seller stated that it was unfair to this applicant to pay for it all to benefit to others. The majority of Committee members agreed to remove it as a condition as it is a private matter between the applicant and the neighbours.

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 reaffirmed that there was adequate area for a septic system. Randall Seller, who received the letter from the Northwestern Health Unit, indicated there was.

The Secretary-Treasurer read out the conditions.

The Chair asked that members if they had anything further to discuss – No discussion.

The Chair made a motion to approve the application.

Moved by: Ted Couch Seconded by: Ray Pearson

That application B06/13 Gordon, REM PT ML D131 PCL 3740 & REM PCL 30165 (Darlington Drive and Duffus Road), and 261 Darlington Drive KR1286 PT 1 TO 2 PCL 26126, for consent for creation of one new lot addition, 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 a 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 transferor and the transferee not be the name of the same person on the Transfer/Deed of Land Form.
- 5) That the City of Kenora Operations Department approves that location of the existing access point, for the new lot, from Darlington Drive.
- 6) That the remnant portion of land identified on property index map for Block 42153 – Sheet 7 of 7, as 0089 be consolidated by merger agreement with the new Lot 1 in order to provide water access to that lot.
- 7) That the land identified on property index map for Block 42153 – Sheet 7, as 0150 be consolidated by merger agreement to the retained lot.
- 8) 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.
- 9) 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 8 have been fulfilled. Clearance letters from the City of Kenora and external agencies are to be included.

CARRIED

2. B10/13 Perch Bay

Creation of one new lot

Present for the meeting:

Judy Vivian, Agent for Perch Bay Resort Ltd.

Judy Vivian, Agent for the Applicant presented the application for consent for the creation of a new lot at 50 Darlington Drive. They would like to divide the business and land into two(2) businesses, separating the trailer park from the main resort business. Both businesses would continue to operate as before. The benefit to this would be to sell the main resort business for a more affordable price and keep the trailer park business as an income source as we semi-retire.

The newly created lot will have a separate sewer water line. Access to the trailer park will be off Darlington Drive. She has been in contact with Kenora Hydro regarding the easement issue and is working with her electrical contractor regarding concerns with an existing service to the secondary building. She concluded that they have had interest from the local community to purchase but it is too expensive as one resort and dividing into two will make it affordable.

The Secretary-Treasurer presented the staff report indicating that access to the trailer park will be via Darlington Drive and not Pinewood Drive. The Operations Manager stated that a new service has to come off Darlington Drive and expressed concern regarding separate owners and noise control. The Secretary-Treasurer added that both pieces will be designated Highway Commercial. Mrs. Vivian

indicated that guests of the trailer park will access their docking as decided between the two owners. The Secretary-Treasurer commented that the Laundromat and house sketch did not make sense when she made a site visit and a letter is required from a surveyor indicating that buildings 1 & 3 meet the frontage requirement. There were no comments received from external agencies.

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

Mrs. Vivian explained that they were friendly with all the neighbouring property owners and they had no issues with the proposed change.

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

James Tkachyk suggested a condition be that an Ontario Land Surveyor (OLS) check the buildings #1 and #3 for proper setback as building #3 appears questionable. The Secretary-Treasurer identified building #3 as an accessory building (Laundromat). He also inquired if both lots met the minimum lot size. The Secretary-Treasurer confirmed that they both exceeded the minimum as there will be a loss of one trailer site in the trailer park.

Ray Pearson commented on the property line and the trailer on Lot #18. If the trailer remains with the original property it won't meet the minimum setback ie. 5 metres and may need to be re-located further back on the property. The Secretary-Treasurer commented that a realignment of established trailer sites may be necessary.

The Chair asked whether there was anyone present who wished to speak either for or against the application.

Ray Pearson commented that it appears that there is already a road coming off Darlington Drive. Mrs. Vivian replied that there is no road, but many years ago, when the home beside them changed owners they moved the home as it was not on their property.

As there were no other comments from the public, the Chair indicated that the Committee would discuss the application and make a decision.

The Secretary-Treasurer read the conditions.

Wayne Gauld asked for a motion to approve.

Moved by: Ray Pearson

Seconded by: Terry Tresoor

That application B10/13 Perch Bay PLAN M33 PT LOT A RP23R5120 PART 3 & PT RD ALLOW PART 1 PCL 34659, 50 Darlington Drive, for consent for creation of one new tourist recreational lot, 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 a 15 ft. (5m) easement for the existing single phase line and transformer pole including down guy wires that comes from the west end road allowance (Pinewood Drive) be surveyed out and transferred in favour of Kenora Hydro.

- 6) That a copy of the entrance permit, from Darlington Drive, for the driveway access for the retained lot (rv park) be provided.
- 7) That a letter be received from the Sewer and Water Supervisor indicating that the retained lot (rv park) is serviced by municipal services.
- 8) That a letter be received from an OLS indicating that the structures indicated on the sketch as Building 1 & 3 and Trailer site 18 meet the minimum required setbacks of the Zoning By-law.
- 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 9 have been fulfilled. Clearance letters from the City of Kenora and external agencies are to be included.

CARRIED

(ix) Old Business

Z03/13 Lakeshore

Application to Amend Zoning By-law

Dale Smith, 313 Duffus Road, Applicant

Dale Smith, 313 Duffus Road, the Applicant, presented the application to amend the Zoning By-law for the stop up and sale of Wharf Street and to change the zoning to accommodate a condominium development.

The Secretary-Treasurer inquired as to the proposed height of the development.

Dale Smith explained that the proposed 15 m height has been changed to 21 m to accommodate the underground parking. He added that the revised height was to have been emailed to the Secretary-Treasurer. He added that the noise assessment will be conducted pending availability of the company hired out of Winnipeg, Manitoba.

The Secretary-Treasurer indicated that at the last meeting, the Committee discussed current parking issues at existing condos in the City; most require at least two stalls. This information was forwarded to Mr. Smith's agent after the May meeting. The proposed 19 spaces met the minimum requirement of the Zoning By-law, but 2 spaces per unit would be the ideal. With regards to the Public Hearing the Planning Department, the Property & Planning Manager and Councillor Roussin agreed that the Public Hearing should proceed, but that a decision not be made until all the information was in and to allow outside agencies to make comment.

Dale Smith expressed concern that 32 spaces would be hard to achieve with the proposed plan.

The Secretary-Treasurer provided reassurance that Council and the City were in support of the application but there are issues with parking when condo owners have two (2) vehicles per unit. She added that the following information is required to process the application: building height, parking, noise study, an amended sketch to show number of boat stalls and the turnaround for snow plow operations.

Dale Smith explained that he thought the stopping up of Wharf Street would provide enough space for a turnaround. The Secretary-Treasurer reminded Mr. Smith that this item was discussed, with Council at their February meeting. She also advised that the size of the turnaround is determined by the turning radius of the equipment and that acquiring property by easement may be necessary. Discussion ensued regarding the equipment type used in the surrounding area and the City's move to turnarounds for efficiency of operation. The Secretary-Treasurer suggested the Architect and Planner could address the turnaround issue.

Dale Smith explained that the noise study would be conducted when an engineer is hired to do it. The Secretary-Treasurer advised that it was required prior to the start up of construction as agreed to by Council and as per the Official Plan. She added that it was a requirement due to the close proximity to the CPR line.

Dale Smith explained that he is considering using materials and methods of construction widely used in British Columbia. The Secretary-Treasurer suggested consulting with The Ministry Municipal Affairs and Housing for information regarding approved practices in Ontario.

The Chair asked the Committee members for comment.

Wayne Gauld asked if there was any possibility to get more parking spaces in, maybe not 2 per unit, but better than the minimum requirement. Provisions for guest docking would also be recommended.

Dale Smith was in agreement that the intent is to not have people parking on the street.

Ted Couch agreed that parking is the problem. He added that he lives on a dead end street with no provisions for a turnaround.

Terry Tresoor agreed that parking was a problem, but expressed that he was in favour of the development.

Wayne Gauld clarified that tonight's meeting is to deal with the whole application along with a Zoning By-law amendment.

Ray Pearson said that he supports the application, but at this point the development is only a concept and the designers need to design it to meet at least the minimum requirement and it would be better to exceed the minimum for parking even if it warrants less units. The role of the Committee is not to design the development. James Tkachyk agreed with Ray. Ray added that sprinklers are dependent on size and height and that the development should be further along.

Wendy Cuthbert agreed with the comments from the rest of the Committee. Parking is always an issue for her but not here as the development is in a quieter area. She concluded that she is excited about the development as it meets a need.

Dale Smith added that more height would be required to make it more appealing ie. gable roof versus flat roof design. He indicated that he would like to defer tomorrow's public hearing until he can provide all of the information. The Secretary-Treasurer asked him to confirm that he wished to defer and he acknowledged. The Secretary-Treasurer to consult the Planning Act to determine if the height going from 15 m to 21 m constitutes a significant change and whether or not there will be new notice required.

Wayne Gauld advised that this Committee, as a whole, was in favour of the project.

The Secretary-Treasurer commented that the recommendation to Council would be to defer until there is more information. She invited comment from the Committee regarding parking. Wayne Gauld wants the applicant to bring back a design with more parking. Ray Pearson suggested reducing the plan to 12 units and continue with the parking you have.

Wayne Gauld explained that committee is not saying it has to be 2 spaces per unit, but try to get more than the minimum. See if you can get more. If you can't we'll take a look at it. The Committee would like to work with you all the way.

Dale Smith explained that he only found out today that the Committee was recommending more parking.

The Secretary-Treasurer suggested that it be deferred pending receipt of an amended application.

Wayne Gauld was in agreement to defer until the next meeting. The Secretary-Treasurer commented that the next meeting of Council is the same day as the next Planning Advisory Committee meeting, when it goes forward will be dependent on when we receive the amended application.

Dale Smith inquired what to do about the statutory public hearing on June 18th, 2013. The Secretary-Treasurer explained that she will call The Ministry of Municipal Affairs and Housing regarding cancellation protocol. Charlotte Caron questioned whether there would be a problem if it was held anyway. The Secretary-Treasurer said the change in height may cause an issue for some members of

the public. She added that if cancelled the statutory public hearing will be re-advertised at the expense of the applicant.

Wayne Gauld confirmed that there was not enough information for the Committee to make a recommendation to Council.

Wayne Gauld concluded that the Committee would look at what the applicant can propose for parking.

The Secretary-Treasurer commented that she would email Dale Smith regarding the statutory public hearing first thing in the morning and would copy the applicant's Agent.

DEFERRED

(x) New Business - None

(xi) Adjourn
Moved by: Terry Tresoor

THAT the June 17, 2013 Planning Advisory Committee meeting be adjourned at 9:00 pm.

MINUTES ADOPTED AS PRESENTED THIS 16th DAY OF JULY, 2013

CHAIR

SECRETARY-TREASURER