

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 held in the Operations Centre Building
60 Fourteenth St. N., 2nd Floor
April 15, 2014
7:00 P.M.**

Present: Wayne Gauld Chair
Ted Couch Member
Terry Tresoor Member
Vince Cianci Member
James Tkachyk Member
Tara Rickaby Secretary-Treasurer
Charlotte Caron Manager of Property and Planning
Patti McLaughlin Minute Taker

Regrets: Wendy Cuthbert Member
Ray Pearson Member

Delegation: None requested.

(i) Call meeting to order

Wayne Gauld called the April 15, 2014 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

The Chair called for declarations of conflict of interest – at this meeting or a meeting at which a member was not present:

(iv) Adoption of Minutes of previous meeting:

Adoption of minutes of previous meeting: (March 18, 2014).

Correction: On page #1. under (iv) Adoption of Minutes from previous meeting
Ray Pearson was added as the seconder of the motion.

Business arising from minutes: - None.

Moved by: Terry Tresoor

Seconded by: James Tkachyk

That the minutes of the March 18, 2014 meeting of the Kenora Planning Advisory Committee and Committee of Adjustment be approved as amended.

Carried

(v) Correspondence relating to applications before the Committee

- A03/14 Reid – Tim Stefanishyn email supporting application -received April 15, 2014.

(vi) Other correspondence - None

(vii) Consideration of Applications for Minor Variance

1. A03/14 Reid

Application to increase maximum size of accessory deck

Present at the Meeting:

Bruce Anderson, Agent for Margaret Reid, Owner

Bruce Anderson, Agent for Margaret Reid, presented the application with the aid of pictures of the site. The variance is requested for decking that will bridge the area between the new gazebo and the existing cottage. The by-law permits a deck 80m² in size, but an additional 43.7m² is required to accommodate the deck/walkway. He clarified that he was the builder and that he and his crew discussed the best scenario for getting from one area to another given the steep slope of the land and the rugged terrain. The old boardwalk system needed to be changed. Bridging the area eliminates multiple levels of stairs and landings that would otherwise be required to get from one building to the other and to the lake. The Reids wanted to preserve the trees etc., ;changes to the old system would accommodate wheel chair accessibility, if required in the future.

The Secretary-Treasurer indicated that in 2001 there was a minor variance approved to reduce the front yard setback to 16.9m from 20m. The property is located in an older, waterfront subdivision on Black Sturgeon Lake. The minor variance approval is being sought to bring the construction of a shoreline deck into compliance with the Zoning By-law restriction for size of accessory structure for a lot abutting a navigable waterway. The shoreline development is approximately 23% which is less than the OP requirement for Black Sturgeon of 25%. The frontage at 88 metres exceeds the minimum of 61m required by the Zoning By-Law. The additional deck area is between the gazebo and residence and is the same level as the gazebo, so massing (appearance from the water) will not change. The change of grade does necessitate some form of a tiered deck/stair/walkway. The recommendation is for approval as the application meets the four tests. The Building Department commented that an amended building permit will be required and the department has reviewed the plans which if built in accordance will meet the OBC. She added that the undertaking to comply regarding an amended building permit was received.

The Chair asked the owner whether there was anything further to add regarding the application. None

The Chair asked if anyone from the public had anything to add - None

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

James Tkachyk requested clarification regarding the amended building permit. The Secretary-Treasurer explained that a building permit was issued for the existing gazebo/shelter and deck. Bruce Anderson added that the gazebo was built and they weren't sure at what height the final height of gazebo floor would be. He clarified that "gazebo" meant upper deck.

Ted Couch requested clarification regarding the picture provided by the Secretary-Treasurer, which was addressed by the Secretary-Treasurer as representing the built out stage of the construction. Bruce Anderson added that the configuration they chose made the most sense for getting to the water and to the gazebo.

Vince Cianci requested clarification with regards to the survey. He noted there were differences between the preliminary and the survey. The Secretary-Treasurer explained that the surveyor didn't label it and concluded that nothing was taken away or added on.

Wayne Gauld inquired as to the reference to wheel chair accessibility. Bruce Anderson explained that the Reids wanted the construction to support possible mobility issues in the future.

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 asked the Secretary-Treasurer for explanation regarding her comments concerning massing. The Secretary-Treasurer explained that massing is not an issue as the existing gazebo structure is closer to the lake than the deck/walkway.

The Chair asked for a motion to approve the application.

Moved by: Vince Cianci

Seconded by: Terry Tresoor

That the Kenora Planning Advisory Committee approves Application for Minor Variance A03/14 Reid, for property described as 60 Sunrise Trail, PLAN 23M795 LOT 8 PCL 33597 , for relief from section 3.11.1 1c)(vi) which restricts the size of an accessory structure for a lot abutting a navigable waterway, from 80m² to 123.7 m² for a variance of 53.7 m² as the approval of the application for minor variance meets the four tests for the reasons provided in the planning report.

Carried

(viii) Considerations of Applications for Land Division

1. B02/14 KRRDCFS

Request for Lot Creation & Easement

Present at the Meeting:

David Elliott, Agent for Kenora-Rainy River District
Child and Family Services (KRRDCFS)
Bill Johnson, Director of Finance for (KRRDCFS)
Allan Luby, Executive Director, Bimose Economic
Development

Bill Johnson, Director of Finance for KRRDCFS, presented the application. There are 2 parcels of land that the group home was built on that have merged together. The intent is to retain the land housing the group home and sell the piece that is the location of the former Our Lady of the Valley School. The application is for approval to sever the merged lands. A location survey of both properties was provided. Discussion ensued regarding the retained piece of property and the need for a reciprocal easement to provide access to the rear of each lot, by both property owners. The Secretary-Treasurer commented that the side yard set back from the new lot line was in compliance with the Zoning By-Law.

The Secretary-Treasurer commented that the applicants propose to re-establish a lot line and create an easement for access. The Planning Department has no issues as the use of the property is not going to change; there will just be more activity. The only concern identified by City Staff is bus loading and unloading. Mr. Luby confirmed that various scenarios were being considered and that the preferred option will be tested using buses, once the snow is gone. The only condition is that the easement be a minimum of 10 metres in width to allow for stock pile space for snow. The recommendation is for approval.

The Chair asked the owner whether there was anything further to add regarding the application- Nothing.

The Chair asked if anyone from the public had anything to add – None

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

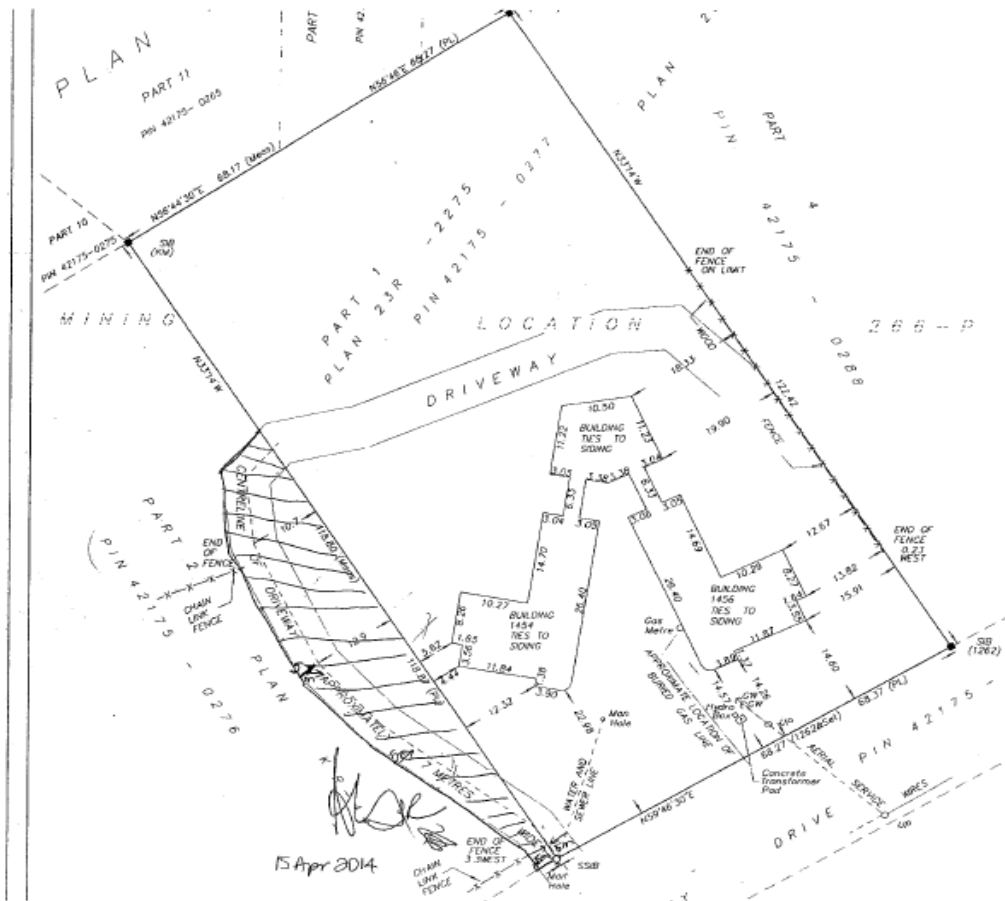
Vince Cianci inquired as to whether Committee members had seen the sketch. Ted Couch produced a sketch that showed parking spaces on the Fire Access Road. Bill Johnson clarified the location of the sidewalk. The Secretary-Treasurer explained that the easement will only be for egress and ingress and parking won't be allowed and would preclude the bus turnaround. Allan Luby commented that they had taken that into account.

Vince Cianci concluded that all we're looking at is creating an easement. The Secretary-Treasurer corrected that the application is for the creation of a separate lot and an easement to provide access to the rear of each lot by both property owners. Vince expressed concern regarding the remnant piece of land between the limits of the proposed easement and the east lot line. Discussion took place. David Elliot reminded that there is consent approval on the retained parcel, but no consent on the other piece and that the applicant is before the Committee for transparency purposes.

Discussion ensued regarding the bus turn-around and whose decision it would be. The Secretary-Treasurer commented that when development takes place on property classed as "Institutional" site plan control can be implemented, but this is between the bus company and the school to make sure students are safe and the City must be careful not to approve a hazardous situation. Allan Luby explained that when the Secretary-Treasurer brought it to their attention they brought in the bus company to try out the turn-around and they said it was fine.

- 6) 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.
- 7) 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 #6 have been fulfilled. Clearance letters from the City of Kenora and external agencies are to be included.

Carried



2. B03/14 Gagne

Request for Lot Creation

Present at the Meeting:

Rod Shewchuk, Agent for Celia Gagne
Celia Gagne, Owner

Rod Shewchuk, Agent for Celia Gagne, presented the application. Ms. Gagne clarified that she has two names: Celia Christensen and Celia Gagne. Mr. Shewchuk explained that in 1984 Dr. Christenson purchased the home and in 1987 purchased her residence and business. Upon the passing of Mr. Gagne, the properties merged on title. The applicant would like to have the properties separated and restored to what was on title in 1987. Dr. Christensen commented that the shed is on the property line and the eaves are over. She would like to clear up the encroachment issue at the same time. Mr. Shewchuk added that compounding the problem is the house at 303 Third Street South is zoned R2-Residential, Second Density and the Vet Clinic and home where Dr. Christenson lives at 301 Third Street South is zoned GC-General Commercial. He added that the application indicates the planning board to consider allowing an addition to the 301 by 1.5 metres, but to comply with General Commercial zoning only a 5m set back would be considered. He further added that they did request a 5m consideration at one time and would prefer the 1.5m, to make residential area wider, but they will go with the Board's decision.

The Secretary-Treasurer indicated that approval of the application will separate uses. From Third Street South the lot that has the grey house has 22.6m of frontage and a reduction of 3.5m will still leave it larger than what is required for R2 and will bring the existing structure into compliance with the Zoning Bylaw. The residence at 301 Third Street South had various building permits issued. The

residence at 303 Third Street South was constructed in 1984. The 2 lots owned by the applicant, described as part lots, have merged on title. The Applicant wishes to reconfigure the lots to accommodate the encroachment of a shed, and an existing deck built to the property line and then create one new lot, separating again, the two lots and associated residences and other structures. The Planning Department recommends that the new lot line be increased by 3.5m to accommodate the 5m minimum setback for uses in the GC-General Commercial Zone abutting residential zone to protect both the residential and the commercial uses in the future. The Water & Sewer Department commented that an easement will be required for the 300mm water main through the property. City would do survey for that and have easement transferred. This could be done as a cost share.

The Chair asked the owner whether there was anything further to add regarding the application.

Mr. Shewchuk inquired as to a change in line ie. 5m as recommended, would he be required to prepare a minor variance application if we can conform. The Secretary-Treasurer explained that there would be no requirement for a variance.

The Chair asked if anyone from the public had anything to add – Nothing.

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

James Tkachyk clarified where the 5m measurement would be made ie. the most easterly side of shed. The Secretary-Treasurer commented that if over the line it will have to be surveyed anyway. Mr. Tkachyk wondered if another option would be to take the shed down. Dr. Christensen did not favour this option due to the expense.

Terry Tresoor requested clarification regarding the lot line for 303 Third Street South, as there is a big space. Vince Cianci answered that the lot line does not mean a thing as the properties merged.

Vince Cianci expressed concern regarding the 5m, as it is a sizable amount of land, but understands it brings it into complete compliance. He suggests the 1.5m would be the preferred solution. The Secretary-Treasurer pointed out the reference to 5m setback in the zoning bylaw. She added that it also protects commercial use and allows for a buffer zone. Wayne Gauld understood Vince's opinion but advised should go with the Zoning By-Law.

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.

Dr. Christensen expressed concerns with how much of grass lot would remain if take 5m? What would be left from the 303 lot to the boundary if there was a small addition in the future?

Wayne Gauld suggested, since there is no rush to do this, Committee could consider putting this over in order to answer the questions.

Dr. Christensen inquired if there were any detrimental issues doing this? The Secretary-Treasurer answered that now both will be in compliance with bylaw and will be able to add on in future and may be able to add a garage. It is still bigger than residential lots. She added that because you're being asked for a 5m set back nothing on the ground will change, but will give more buffer area so building cannot go into that area. It is protection for both residence and general commercial use. There is an easement and it is separate, not in buffer.

Mr. Shewchuk and Ms. Gagne left the room to discuss the matter and returned several minutes later.

Discussion ensued regarding the Water & Sewer easement that goes under the deck. Dr. Christensen commented that she may want to make the porch bigger and better and improve entrance. The Secretary-Treasurer commented that permission is given for putting up something that can be removed if have to dig underneath it.

Dr. Christensen concluded that she wants to go with the 5m setback as per the recommendation.

Wayne Gauld made motion to approve as recommended.

Moved by: James Tkachyk Seconded by: Ted Couch

That application B03/14 Gagne, for consent for a lot creation, for properties described as 301 Third Street South – Pt Lots 59-60 Block 2, Plan 3, and 303 Third Street South, - Pt Lots 60-61, Block 2, Plan 3, be approved as the application has regard for the Provincial Policy Statement (2014), section 51(24) of the Planning Act, 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:

- 1) The original executed Transfer/Deed of Land form, a duplicate original and one photocopy for City 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 side yard (east) setback from the existing principle structure, including the attached shed, be a minimum of 5 metres from the new easterly lot line;
- 6) That the property owner provide the City of Kenora with an easement, for utility purposes, for the existing water main transecting the subject lands. The City of Kenora will pay the cost of the surveying of the easement, and provide survey instructions;
- 7) 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.
- 8) 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 #7 have been fulfilled. Clearance letters from the City of Kenora and external agencies are to be included.

Carried

(ix) Old Business - None

(x) New Business - None

(xi) Adjourn

Moved by: Terry Tresoor

That the April 15, 2014 Planning Advisory Committee meeting be adjourned at 8:20 p.m.

Minutes adopted as presented this 20th day of May, 2014

CHAIR

SECRETARY-TREASURER