

City of Kenora Planning Advisory Committee 60 Fourteenth St. N., 2<sup>nd</sup> 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., 2<sup>nd</sup> Floor August 19, 2014 7:00 P.M.

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

**Delegation:** None requested.

#### (i) Call meeting to order

Wayne Gauld called the August 19, 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

• Zoning By-Law and Official Plan Review – Update – to be discussed under Item (ix) Old Business.

#### (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:

- A10/14 1541203 Ontario Ltd. (July 22, 2014 meeting) Wendy Cuthbert, business related to windows and doors – absent from the meeting.
- A12/14 RaySolar (today's meeting) Wendy Cuthbert, business related.

# (iv) Adoption of Minutes of previous meeting:

Adoption of minutes of previous meeting: (July 22, 2014).

#### Business arising from minutes: None

#### **Discussion / Correction(s):**

Correction: (i) Call to Order – James Tkachyk noted that the time "7:00 pm" needed to be added.

#### Moved by: James Tkachyk Seconded by: Ray Pearson

That the minutes of the July 22, 2014 meeting of the Kenora Planning Advisory Committee and Committee of Adjustment be approved as corrected.

Carried

#### (v) Correspondence relating to applications before the Committee

## a) A11/14 Everett Reduce side yard

<u>Letter of Objection</u>: From: Elisabeth Bouchard and Bernardine Kelly dated August 18<sup>th</sup>, 2014 The Secretary-Treasurer read the letter that expressed concern regarding parking and blockage of Bay Road and blocking of the western view.

#### (vi) Other correspondence - None

#### (vii) Consideration of Applications for Minor Variance

#### 1. A11/14 Everett

Present at the Meeting:

Stu and Linda Everett, Owners/Applicant

Stu Everett, Owner, 15 Bay Road, Kenora, Ontario, P9N 3P3, presented the application. Mr. Everett commented that the application was being made in order to change the existing deck to a threeseason sunroom. He explained how the proposal meets the four tests. 1) It meets the general purpose of the Official Plan as the expansion is a residential use in a residential area. 2) It meets the intent and purpose of the Zoning By-Law as it is consistent and characteristic of the surrounding neighbourhood. The existing neighbour's house is closer to the water and both homes on the other side are farther back. It is an older development and the proposal is consistent with the area. The amenity space is present on Crown land, fronting the property. The Applicants think the project is compatible. 3) It is an appropriate and reasonable use of the subject property; as they have aged they are using the deck less and less. They do not see an impact on the neighbour's use of the water as there is a buffer of trees that screen the deck on the side that is farther back from the water and would not impact the view. There is no impact on the view for the neighbours that are back of the property as they look over the top of the house. The closest neighbour has a window located lower down, with a view of the wall, not into the window. 4) The proposal is minor in nature as the setback is met when Crown land is considered. The breakwall is 8.4 m from the sunroom, which exceeds the 7.5 m requirement. The side yard request is .1 m due to the positioning of the house, but all other requirements are met.

The Secretary-Treasurer commented that, in addition to Mr. Everett's comments, Kevin Keith, MNR recommended purchase of the property fronting the subject lands. The existing residence is legally non-complying. She made reference to the one letter of objection received. Parking is not an issue as the parking requirements are not changing. The residential use is characteristic and the proposed will add privacy. The amenity space is not reduced. A site visit made at high water determined no cresting or breaching of the retaining wall. The recommendation is for approval.

The Chair asked the Owner if they had anything further to add regarding the application – No further comment.

The Chair asked whether there was anyone present who wished to speak either for or against the application – No comment.

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

Wendy Cuthbert requested confirmation that the sunroom will not be any bigger than the existing deck. The Secretary-Treasurer commented that the size is the same, and commented on the eaves as permitted encroachments.

James Tkachyk inquired as to whether the property is non-complying. The Secretary-Treasurer confirmed the non-compliance, as the applicant does not own the Crown land in front. Mr. Tkachyk further questioned whether the deck or porch are meeting the setback requirement. The Secretary-Treasurer explained that the covered area becomes part of the principle dwelling. If the Everetts purchased the property in front they wouldn't need the front yard setback. She added that when the deck was built there were no setback requirements from the water.

Ray Pearson requested confirmation that the sunroom will be the same in size, which was confirmed by the Secretary-Treasurer. Terry Tresoor agreed with maintaining the same size.

#### Reduce side yard

Ted Couch commented that he was surprised by the comments from the MNR.

Vince Cianci inquired about the south east corner and asked whether there will be a new foundation. The Secretary-Treasurer replied that this would be up to the Building Department. Vince questioned whether this could disrupt water quality and were there not setbacks in place to maintain water quality protection as it looks like it is 10' from the water. Would hazard lands be addressed? The Secretary-Treasurer explained that the Building Inspector would address any issue regarding high water and hazard lands, and that no comments had been received from the CBO.

The Chair asked the Committee members whether they had anything further to say regarding the application, prior to making a decision.

Ray Pearson had no questions, James Tkachyk and Wendy Cuthbert were satisfied with what was being proposed.

Vince Cianci inquired as to how the piles would be placed. Mr. Everett explained that the plan is that they will have to be drilled as installation will be below the water level. A dock drilling rig will be required. They are hiring a consulting engineer to advise them and will be having discussions with drillers.

Wayne Gauld asked for confirmation that approval for this work would be up to the Building Inspector. The Secretary-Treasurer replied that it would.

Discussion took place regarding protecting water quality. The Secretary-Treasurer explained that to meet the intent, the decision could include a recommendation that only drilling can be performed for the foundation. Wayne Gauld confirmed that the Building Department would determine this. The Secretary-Treasurer confirmed that for issuance of a Building Permit all applicable law must be met. For example when DFO or MNR issues a work permit they can put stipulations on it, ie. silt curtain.

The Secretary-Treasurer affirmed that the MNR had no issues with the application. She advised the Committee that they could make the decision and as part of the recommendation add, 'consideration for the protection of the water quality' including mitigation as required to maintain or protect water quality.

No further discusson.

**Moved by:** Ted Couch Seconded by: Terry Tresoor That the Kenora Planning Advisory Committee approves the application for minor variance A11/14 Everett, for property at 15 By Road, and described as PLAN M 210 PART LOT 6, DESGN RP 23R 6767 PARTS 2 & 3 PCL 36777, for relief from section 4.2.3 (c) from a required front (water) yard setback of 7.5 m to 2.0 m for a variance of 5.5 m, and (d) from a required interior (west) side yard setback of 1.5 m to 1.4 m for a variance of .1 m , as the approval of the application for minor variance meets the four tests for the reasons provided in the planning report; and

That a building permit for the renovation of an unenclosed deck to a sunroom/living room as part of the principle dwelling, is required including mitigation measures if required to maintain / protect water quality.

Carried

Wendy Cuthbert left the meeting at 7:30 p.m.

#### 2. A12/14 RaySolar

# Reduce side yard abutting residential

Present at the Meeting:

Raynald Pambrun, Owner/Applicant

Ray Pambrun, Owner, 1870 Highway 17 East, Kenora, ON P9N 3W8, presented the application. He explained that he was making application seeking a variance to the 6 m side yard setback requirement on highway commercial property. The existing 16' x 24' accessory structure will be moved. Comments from neighbours provided are favourable. He concluded by stating that he hoped to continue to grow and develop his business by using existing structure.

The Secretary-Treasurer provided clarification that the variance is required for the south east corner. In the Zoning By-Law when there is a commercial use abutting a residential zone there is a different setback. In this case it is 7.5 m. The only residential use is to the south. To the east and north are commercial, but legally non-complying residential uses. All the properties are accessed by an unrestricted easement. Properties to the east are zoned light industrial. The existing lot is undersized. Permitted uses are listed in the planning report. Subject to site plan control, an agreement has been reached for how the development will look. Two letters of support were received. Comments were received from the NWHU expressing no objection. The general intent and purpose of the Official Plan are met as across the highway is a commercial use and the commercial use is not changing. A buffer is created from grade and tree line. An accessory structure is permitted in any zone. Recommendation is for approval.

The Chair asked the Owner if they had anything further to add regarding the application.

Mr. Pambrun commented that he didn't have anything further to add and that it was well stated by the Secretary-Treasurer.

The Chair asked whether there was anyone present who wished to speak either for or against the application – No comment.

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

Vince Cianci commented that the variance, to .7 m is less than the general provision of 1 m and suggested this should be considered.

The Secretary-Treasurer commented that the largest permitted encroachment is .6 m for a bay window.

Vince Cianci added that he would like to see 1 m.

Discussion took place regarding the size of the accessory and the principle building.

The Committee will table the decision until the end of tonight. So Ray needs to amend the application and then they can make a decision tonight.

Motion to table the application until later tonight.

Moved by:Ted CouchSeconded by:Ray PearsonThat application for minor variance A12/14 RaySolar, be tabled pending receipt of an amended application.amended

Carried

Wendy Cuthbert returned to meeting at 7:50 p.m.

## 3. A13/14 Sinclair

Reduce front & exterior side yards

Present at the Meeting:

Gary Sinclair, Owner, 101 Main Street Rideout, Kenora, ON P9N 3E7, presented the application. He commented that he was looking for relief from 7.5 m to 2.5 m for the front yard and from 4.0 m to .2 m at the narrowest point for the exterior side yard setback. The road allowances are significantly wider than the travelled portion of the road. He added that he wants to remove the cement pad and replace it with a wrap around porch. The house is approximately 100 years old and the average in the neighbourhood is probably 60 years old. The proposed is not out of line with what is currently there. Lends to the character of the neighbourhood. There were no issues from Kenora Hydro.

The Secretary-Treasurer commented that there is substantial distance between the travelled portion of the Tenth Street road allowance and the property. The Official Plan designation is Established Area. Kenora shall support the location of affordable housing in an integrated manner within a new or existing development. There were no inter-departmental concerns. Kenora Hydro performed two inspections and have no concerns at the present time, but an existing service may need to be upgraded or moved depending on the final enclosed deck design and finished height. Three letters of

Gary Sinclair, Owner/Applicant

support were included with the application. The setback from the road allowance has provided amenity space. No comment of objections were received from the Roads Department. The Secretary-Treasurer concluded that residential uses are permitted. The proposed has no impact on neighbouring properties and therefore the recommendation is for approval.

The Chair asked the Owner if they had anything further to add regarding the application. – No further comment.

The Chair asked whether there was anyone present who wished to speak either for or against the application – No one came forward to comment.

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

Ray Pearson requested clarification regarding the exterior side yard setback variance of .2 m. Main Street is the side (80.77') the front yard is Tenth Street because it measures 80'. There is an 11 m distance between the travelled portion of Tenth Street and the residence because the road is offset. If the road is changed they would be .2 m from maybe a sidewalk.

James Tkachyk expressed concern regarding the exterior side. The drawing seems to be out. Can't see the measurements on the plan.

Discussion ensued regarding the plan measurements: conversion from metric to imperial, the impact a .2 m setback could have on future changes for the area and the location of services.

Terry Tresoor commented that the proposed would make the 100 year old house look pretty good.

Wendy Cuthbert inquired as to the slope.

Ray Pearson commented that the proper dimensions are not provided and part of the deck is covered.

Discussion took place regarding status of the Tenth Street road allowance.

The Chair asked the Committee members whether they had anything further to say regarding the application, prior to making a decision.

Vince Cianci clarified that where it is Main Street is the front and Tenth Street is a side. He does not think the town will develop the area. This is the side that suits the applicants. He suggested the City will never require Tenth Street.

James Tkachyk commented that he would not support the application and suggested the City sell Mr. Sinclair 10 feet.

Wendy Cuthbert commented that she does not have a problem with it even if it was enclosed.

Wayne Gauld expressed concern regarding the enclosed but agreed that he doesn't see that area being developed differently, street wise or service wise.

Gary Sinclair commented that, from a safety perspective, the covered deck gives his son a way out of the bedroom onto the roof.

#### Moved by: Terry Tresoor Seconded by: Wendy Cuthbert

That the Kenora Planning Advisory Committee approves the application for minor variance A13/14 Sinclair, for property described as 101 Main Street Rideout, and described as PLAN M39 PT LOTS 1&2 LOC X21 RP 23R8460 PART 1 PCL 39402, for relief from Zoning By-law 160-2010 section 4.2.3 (c) from a required front yard Main Street setback of 7.5 m to 2.5 m for a variance of 5.0 m, and (d) from a required exterior side yard Tenth Street setback of 4.0 m to .2 m, for a variance of 3.8 m , as the approval of the application for minor variance meets the four tests for the reasons provided in the planning report; and

That application is made for a building permit for the construction of a deck, in accordance with the Ontario Building Code.

Wendy Cuthbert left the meeting at 8:27 p.m.

A12/14 RaySolar – amended application to 1 m side yard for south east side yard setback.

No discussion.

# Moved by: Ray Pearson Seconded by: Ted Couch

That the Kenora Planning Advisory Committee approves the application for minor variance A12/14 RaySolar, for property described as 1870 Highway 17 East, and described as CON 2 JAFF PT LOT 5 RP 23R4811 PART 1 PCL 34336, authorizing relief from Zoning By-law 160-2010 section 4.8.3 (k) from 7.5 m on the south and east side to 1 m for a variance of 6.5 m, as the approval of the application for minor variance meets the four tests for the reasons provided in the planning report.

Carried

Wendy Cuthbert returned to meeting at 8:33 p.m.

## (viii) Considerations of Applications for Land Division - None

## (ix) New Business

## a) Z02/14 Whitta

Present at the Meeting:

Darren & Amanda Whitta, Owner/Applicant

Add storage facility as a use

Amanda Whitta, Owner, 31 Villeneuve Road, Kenora, ON P9N 3E7, presented the application. They purchased the property in June. The intent is to put each an indoor and outdoor storage facility on the property, to be added as a use. The plan is to live there and develop the property commercially. Ms. Whitta described the current business as an example of what would be expected.

The Secretary-Treasurer commented that there are two proposed locations; one is indoor storage similar to the picture circulated, with access off of Greenwood Drive. The other is outdoor storage and is accessed off Villeneuve Road. No comments were received from Bell or TransCanada. The proposed location for the indoor storage facility is designated as Commercial Development Area and the balance of the lands are designated as Rural. The open boat storage supports the Zoning By-law regarding not storing boats in residential yards. No natural heritage issues were identified. There were no comments received from the public to-date. The proposed will be subject to site plan control. The recommendation is to approve, with site plan control.

The Chair asked the Owner if they had anything further to add regarding the application – No further comments.

Wendy Cuthbert inquired as to how many boats / trailers would be allowed and can they put them anywhere. The Secretary-Treasurer answered that this would be subject to site plan control. Wendy asked about the uses.

Terry Tresoor inquired as to whether the number of units would be restricted? The Secretary-Treasurer responded that the development would fall under site plan control.

Vince Cianci commented that his concern was view, but it will be tucked away.

The Chair asked whether there was anyone present who wished to speak either for or against the application – There was no one present.

The Chair asked the Committee members whether they had questions regarding the application - None.

The Chair asked the Committee members whether they had anything further to say regarding the application, prior to making a decision - No further comments.

#### Seconded by: **Ted Couch**

Moved by: **Terry Tresoor** That the Kenora Planning Advisory Committee, having reviewed the application, recommends that the Council of the City of Kenora approves the proposed zoning by-law amendment Z02/14 Whitta, to amend the Zoning By-law 160-2010, as amended, for the property described as 31 Villeneuve Road, CON 7 J S PT LOT 3 RP KR126 PARTS 3-5 PCL 22741, City of Kenora, District of Kenora from RU to RU[31] nothwithstanding any other provisions of the By-law, on lands noted by [31] on the Schedules to the By-law the lands shall be zoned to permit Rural uses and a storage facility, including structures normally incidental to the foregoing as the application is consistent with the Provincial Policy Statement (2014), and meets the purpose and intent of both the City of Kenora Official Plan (2010).

#### Carried

# b) Z03/14 Carvalho-Robertson

**Rezone from HC to R1** 

Jessica Carvalho, Owner/Applicant

Present at the Meeting:

Jessica Carvalho, Owner, 608 Airport Road, Kenora, Ontario P9N 0A7, presented the application. She purchased the former Skyline store and would like to rezone the property from Commercial to Residential. The tanks have been removed and Pinchin has given a clean environmental report. The store and gas bar have not been successful for the past few owners. It is existing development, nothing is changing. It would be similar to the other single family dwellings in the area other than the church.

The Secretary-Treasurer commented that the Preliminary Report indicates that there is no environmental damage and the lot is municipally serviced. The area is residential in nature other than the church and NAV-CAN site. The proposal promotes sustainable development. The R1 designation still provides opportunity for a secondary dwelling unit. It is adaptive reuse of the land an structure, and it creates an affordable housing unit. No comments were received from Hydro and Bell. No heritage issues were determined. The application is for down-zoning from commercial to residential. There were no objections or issues raised. No comments received from the public to-date. The Secretary-Treasurer concluded that the Statutory Public Meeting will be held at 11:00 a.m. on September 2<sup>nd</sup>, 2014.

The Chair asked the Owner if they had anything further to add regarding the application – No further comment.

The Chair asked whether there was anyone present who wished to speak either for or against the application - No one wished to speak.

The Chair asked the Committee members whether they had anything further to say regarding the application, prior to making a decision – No further comments.

#### Moved by: **Ted Couch** Seconded by: James Tkachvk

That the Kenora Planning Advisory Committee, having reviewed the application, recommends that the Council of the City of Kenora approves the proposed zoning by-law amendment Z03/14 Robertson-Carvalho to amend the Zoning By-law 160-2010, as amended, for the property described as 608 Airport Road, CON 7J S PT LOT 9 KR726; PART 6 PCL25069 City of Kenora, District of Kenora from LC Local Commercial to R1 Residential First Density notwithstanding any other provisions of the By-law, as the application is consistent with the Provincial Policy Statement (2014), and meets the purpose and intent of both the City of Kenora Official Plan (2010) and Zoning By-law No. 160-2010, as amended for the reasons outlined in the planning report.

Carried

# c) Appoint The Secretary-Treasurer and Assistant Secretary-Treasurer

Section 44(8) of the Planning Act states that the Planning Advisory Committee shall appoint the Secretary-Treasurer and the Assistant Secretary-Treasurer.

Moved by:Ray PearsonSeconded by:Wendy CuthbertThat the Kenora Planning Advisory Committee, hereby appoints Tara Rickaby as Secretary-<br/>Treasurer for the City of Kenora Planning Advisory Committee (Land Division Committee and<br/>Committee of Adjustments), under Section 44.8 of the Planning Act; and

That the Kenora Planning Advisory Committee hereby appoints Charlotte Caron as Assistant Secretary-Treasurer, to act in the capacity of Secretary-Treasurer in case of absences or conflicts.

#### (x) Old Business

#### a) Zoning By-Law and Official Plan Review – Update

The Keewatin Neighbourhood CIP working group met in Keewatin on Wednesday, August 20<sup>th</sup>, 2014, for a-walk-about with focus on "What Keewatin is today, what it could be in the future". Renderings were passed around. Discussed at the meeting: Affordable housing, growing the village back to what it was and the need for small service commercial enterprises. The focus is is that there is hope in revitalizing Keewatin. The Secretary-Treasurer advised that there is a survey on-line and the link will be sent to the community for feedback. She provided examples of questions asked.

The Official Plan and Zoning By-Law Review will include administrative changes based on new provincial policies. She reviewed other proposed changes and reminded the Planning Advisory Committee of the Public meeting Thursday, August 21<sup>st</sup> from 4:00 pm to 8:00 pm in the Operations Centre Training Room.

# (xi) Adjourn Moved by: Terry Tresoor

**That** the August 19, 2014 Planning Advisory Committee meeting be adjourned at 9:10 p.m.

# Minutes adopted as presented this 16<sup>th</sup> day of September, 2014

CHAIR

SECRETARY-TREASURER