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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 Boardroom
60 Fourteenth Street N., 2nd Floor, Kenora ON
February 18, 2014
7:00 P.M.**

Present: Wayne Gauld Chair
Wendy Cuthbert Member
Terry Tresoor Member
Vince Cianci Member
Ray Pearson Member
James Tkachyk Member
Tara Rickaby Secretary-Treasurer
Patti McLaughlin Minute Taker

Regrets: Ted Couch Member

Delegation: None requested.

(i) Call meeting to order

Wayne Gauld called the February 18, 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: None

(iv) Adoption of Minutes of previous meeting:

Adoption of minutes of previous meeting: (January 21, 2014).

Business arising from minutes: None.

Moved by: Ray Pearson Seconded by: Terry Tresoor

That the minutes of the January 21, 2014 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. A02/14 Lilloco

Reduce Setback

Present at the Meeting:

Logan Lilloco, Owner

Logan Lillico, Owner, presented the application requesting a minor variance approval for the side yard in order to put a second addition over the existing foundation. He explained that the original foot print of the home meets the Zoning By-Law as is, but he was required to apply for a minor variance for the addition in order to meet the 2.5 metre requirement. He explained that the addition of the 2nd storey would not be any closer to the side yard lot line than is existing. There has been no objection from the neighbours.

The Secretary-Treasurer indicated that the proposal is to build closer to the lot line than the required minimum side yard setback of 2.5 metres for a two storey residence. The purpose is to construct a second storey 1.83 m from the south lot line. Comments received from Internal Departments and Agencies spoke to the proposal being characteristic to the neighbourhood, the addition of the second storey would not affect privacy and there would be no additional massing close to the roadway, as the addition is at the rear of the house. It was noted that there are a number of homes in the neighbourhood where setbacks are not met. The Building and Fire & Emergency Services Departments have no objection providing the design meets the requirements of the Ontario Building Code and the Ontario Fire Code. Kenora Hydro and the Water & Sewer Department had no concerns. The following departments had no comment or objection: Engineering, Roads, Parks, or Heritage Kenora. With consideration of the four tests the application meets the intent of the City's Official Plan and Zoning By-law, is desirable and appropriate and is minor in nature and the recommendation is for approval.

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

Mr. Lillico explained that the planned development would increase the property value in the area; it would not be intrusive as the present roof is quite steep and with the addition it would only be slightly higher and would not look too much different. It will be a hip roof which will take away from the tower affect.

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 questioned Mr. Lillico as to who prepared the sketch and how were the measurements determined.

Mr. Lillico commented that he took the measurements and his friend, a professional in the Building Inspection field, prepared the drawing.

Vince Cianci clarified is it safe to say that you did your own survey. Mr. Lillico agreed.

Vince Cianci commented that if we are preparing a legal variance I feel we need it surveyed so we have some real distances. He questioned where the applicant was going to get his set back from?

Mr. Lillico commented that, in conversation with his neighbour, it was indicated by the neighbour that his front retaining wall was on the property line. Wayne Gauld questioned whether there was a survey bar. Mr. Lillico confirmed there was one in the back corner of the yard.

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.

Discussion ensued with regards to surveys as a means to establish reasonable measurements and the problems with approving applications without one. Vince Cianci commented that regarding the application before them nobody has come up with a distinct line to go by. The Secretary-Treasurer commented that a Building Permit has been approved for a foundation and second storey. She added that the Committee could table the decision until a survey has been submitted.

Wendy Cuthbert reminded that the applicant is using the existing footprint and the only change will be an increase in height. She added that it seems unnecessary to request a survey given it is not going to change the existing variance. She expressed her support for the application. Terry Tresoor agreed. The Secretary-Treasurer commented that regardless of what the side yard is it is an existing structure. James Tkachyk clarified that we are just looking at the variance in front of us.

The Secretary-Treasurer read out the recommendation from the planning report.

The Secretary-Treasurer advised the applicant of the appeal period and process.

Vince Cianci did not support the recommendation.

Moved by: Terry Tresoor Seconded by: Wendy Cuthbert

That the Kenora Planning Advisory Committee approves Application for Minor Variance A02/14 Lillico, for property described as PLAN M38 LOT 32 PCL 6568, for relief from section Zoning By-law 160-2010 section 4.1.3 d which requires a minimum interior side yard setback of 2.5 metres for two storey dwellings. The effect of approval would be to authorize the construction of a second storey using the existing south side yard setback of 1.83 metres 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 - None

(ix) Old Business

a) 2014 OACA Conference

Ray Pearson will be attending along with the Property & Planning Manager and the Secretary-Treasurer.

(x) New Business

a) Survey Requirements – Minor Variance

The Committee discussed the approval process for minor variance applications without a survey and the challenge faced by members in making a decision. The Secretary-Treasurer commented that with regards to other Communities, some require surveys and others do not. Vince Cianci would prefer in the future that minor variance applications would include a building location survey of their property and old surveys would be acceptable. The Secretary-Treasurer commented that requiring a survey for a minor variance may generate comment at the political level. Wayne Gauld commented that on average most Real Estate transactions involve Title Insurance and do not require a building location survey. Further discussion focused on the difference between a survey and building location survey.

The Secretary-Treasurer requested the Minute Taker read out the following motion:

Motion to direct staff to require proof of a real property report / building location survey to be required as part of every application for a minor variance.

Wendy Cuthbert and Terry Tresoor did not support the motion.

Moved by: Vince Cianci Seconded by: Ray Pearson

That proof of a real property report/building location survey be required as part of every application for a minor variance.

Carried

(xi) Adjourn

Moved by: Terry Tresoor

That the February 18, 2014 Planning Advisory Committee meeting be adjourned at 8:05 pm.

Minutes adopted as presented this 18th day of March, 2014

CHAIR

SECRETARY-TREASURER