



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  
May 20, 2014  
7:00 P.M.**

**Present:**

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

**Delegation:** None requested.

**(i) Call meeting to order**

Wayne Gauld called the May 20, 2014 meeting of the Kenora Planning Advisory Committee to order at 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:

- A03/14 Reid – Wendy Cuthbert, as sub contractor
- B03/14 Gagne – Ray Pearson, absent from April meeting.

**(iv) Adoption of Minutes of previous meeting:**

Adoption of minutes of previous meeting: (April 15, 2014).

**Business arising from minutes:** - None.

**Discussion / Correction(s):** - None

**Moved by: James Tkachyk      Seconded by: Terry Tresoor**

That the minutes of the April 15, 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. A04/14 Scheurmann****Request to increase permitted height of accessory garage**

Present at the Meeting:

Gordon Scheurmann, Owner

Gordon Scheurmann, Owner, 1815 Highway 17 West, presented the application. He is seeking approval to construct the height of the rear portion of a garage high enough to install a 4.3 metre garage door, using the lay of the land. A variance is required due to the height difference at the south end compared to the north end of the structure.

The Secretary-Treasurer commented that the grade change was noted on the site visit. Massing is not an issue; when viewed from the highway and property across the highway as the garage appears to be 4.5 m in height. The lands drop, to the south, where there is no affected neighbour. The proposed use of the garage is to house boats and vehicles. No comments were received from departments and agencies circulated.

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

Mr. Scheurmann commented that there will be no impact on any of the neighbours as it is a large piece of property. The Secretary-Treasurer added that written support was received, as part of the application, from the two neighbours (Szajewsky and Ratcliffe).

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

Ray Pearson inquired as to why the heights depicted on the drawing don't match the proposal. The Secretary-Treasurer clarified that the measurement is taken to the middle of the gable ends.

The Chair asked whether there was anyone present who wished to speak either for or against the application - None.

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

The Secretary-Treasurer advised the Applicant of the Appeal period and when to submit application for a building permit.

**Moved by: Ray Pearson                      Seconded by: Wendy Cuthbert**

That the Kenora Planning Advisory Committee approves Application for Minor Variance A04/14 Scheurmann, for property described as PT LOC 274P PCL 20479, for relief from section 3.11.1 b)(viii) to increase the height of an accessory structure from 4.5 m to 6.1 m for a variance of 1.6 m as the approval of the application for minor variance meets the four tests for the reasons provided in the planning report.

**Carried**

**2. A05/14 Moncrief****Request to enlarge/extend legally non-conforming use**

Present at the Meeting:

Sheryl Moyer, Agent for Moncrief Construction Ltd.

Sheryl Moyer, Agent, 134 Lakeside Crescent, presented the application. The applicant currently has a house on a piece of property on Black Sturgeon Lakes that is a legal non-conforming residential use in a TR-Tourist Recreational Zone. The application is for approval to build a shoreline deck and docks for residential use. The property has never been used for tourist recreational only residential.

The Secretary-Treasurer commented that the property is currently designated as a legally non-conforming residential use. It is a residential use on property zoned TR-Tourist Recreational. Under the Planning Act the Committee can determine whether a non-conforming use can be expanded upon. As Ms. Moyer pointed out it has never been used for a TR-Tourist Recreational use. An onsite visit determined airplanes on shore within the area. Ms. Moyer received comment from Fisheries and Oceans indicating no issues with the proposed development. The Secretary-Treasurer added that there are different tests for approval to permit the expansion of a legally non-complying use and read them out to those in attendance. The recommendation is for approval based on the land has not been used for anything other than residential for more than 25 years. The existing residential use will not change. Accessory docks and shoreline decks are consistent with the neighbourhood and zoning of both residential and tourist recreational. Airplanes are prevalent in neighbourhood with no impact to

actual residential use and no comments of objection regarding the proposed were received. She added if the applicant chooses to use it as Tourist Recreational then the docks and decks would be a permitted use. Ms. Moyer was advised that she may have to answer questions that were not addressed in the application. If the owners are not going to use the land as TR-Tourist Recreational then it is recommended that it be down zoned to RR-Rural Residential in the upcoming Official Plan and Zoning By-Law review.

Ms. Moyer commented that it is a personal residence and the owner does not have a plane.

Rob Perchuk, 35 Goss Road, commented that he is a future neighbour. He thinks the proposal is a good idea. It is not odd to see a plane in this area. It is not going to be something out of the ordinary.

Robert Neniska, 85 Meadow Trail, commented that he did not see a problem regarding the proposed. Most people enjoy watching the planes take off and land. He stated that he did not have a plane, and is an abutting neighbour.

The Chair asked the owner if they had anything further to add regarding the application – None.

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

Terry Tresoor inquired whether there were any regulations for having a plane on Black Sturgeon Lake. The Secretary-Treasurer explained that Transport Canada confirmed that the Lake is a non scheduled waterway. She added if there happened to be complaints the City would refer them to Transport Canada.

Vince Cianci inquired as to what caused the non-conformity. The Secretary-Treasurer explained that when it was rezoned it became legally non-conforming. It was zoned TR-Tourist Recreational, but has only been used for residential uses. Ms. Moyer added that it was done informally and rushed to prevent added expense in the future. She inquired if it is coming up for rezoning do they have time to ensure a Marina could still be entertained? The Secretary-Treasurer advised that if Moncrief Construction wants to relinquish the current zoning it would be considered in down zoning under the review.

Vince Cianci concluded that the proposed docks could be used as commercial docks and they would be legal.

Wendy Cuthbert inquired of Mr. Moncrief if the docks will be used as commercial or will they stay as residential use. Ms. Moyer commented that a study would be in order to determine if it was plausible to rezone to RR-Rural Residential. Wendy added that it would be easier to know what the plans are for the property. Discussion ensued regarding options to maintain compliance with the current zoning ie. keep it as residential, live there and run a Marina or turn the residence into a Store.

James Tkachyk inquired as to whether MNR were circulated for comment. The Secretary-Treasurer indicated that there are no values indicated in the Official Plan.

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 – If the use works for both Zones it will be fine.

James Tkachyk inquired as to whether there was a configuration given for the docks. The Secretary-Treasurer reviewed the configuration using the diagram from the submitted application that was circulated to members.

Wendy Cuthbert added that it will improve the property so she was in agreement.

**Moved by: Ray Pearson                      Seconded by: Terry Tresoor**

That the Kenora Planning Advisory Committee approves Application for Minor Variance A05/14 Moncrief, for property described as 351 Peterson Road, CON 2 M PT LOT 11 DES KR453 PARTS 5 7 REM PCL 23847, for relief from section 45 (2) which restricts the expansion/enlargement of a legally non-complying use for a variance to construct shoreline decking and docks as the approval of the application for minor variance meets the required tests for the reasons provided in the planning report, subject to the following condition:

1. That the applicant acquires all required building permits

**Carried**

### **3. A06/14 Belair**

### **Request to enlarge/extend legally non-conforming use**

Present at the Meeting:

Kelly Belair & Ashley Kolisnik, Owners

Kelly Belair, Owner, 286B Transmitter Road, presented the application. He has applied to get a minor variance to build a standard garage. He is of the understanding that the property has only been used as residential, and in the future he would like to rezone it to reflect the residential use.

The Secretary-Treasurer commented that the property is a legally non-conforming residential use as it is currently zoned ML-Light Industrial. The Applicant is seeking permission to build a residential accessory building. The owner's residence has been on the property since 1976. There are easements crisscrossing the entire property. Contact has been made with the broadcasting company and easements will be removed. Mr. Belair has applied to purchase the municipal lands between their property and the Transmitter Road. The City will release their easement. The Secretary-Treasurer reviewed the seven (7) tests (for variances for legally non-conforming). The accessory garage is characteristic to what is in the neighbour. There were no objections from the neighbours. There were no objections received from internal or external agencies/ departments. The Secretary-Treasurer recommended a down zone for the zoning by-law review.

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

Mr. Belair commented that he has spoken to the neighbours and they had no objections.

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

Wayne Gauld inquired as to how the owners would be accessing the garage. Mr. Belair explained that it would be via entrance opposite to the septic field. Wayne's additional question as to the age of the septic field was addressed by Mr. Belair as being the original since the house was built. The easement runs through the septic field but it will be removed.

James Tkachyk confirmed that Mr. Belair was aware that there were restrictions on the size of the garage and location to septic field. Discussion ensued regarding the City lands Mr. Belair was going to purchase. The Secretary-Treasurer explained using the drawing. Discussion ensued regarding the size of the property, the easements and the purchase of the property. The Secretary-Treasurer concluded that no easements will exist and the purchase of the property will not be made a condition.

The Chair asked whether there was anyone present who wished to speak either for or against the application. – None

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

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

That the Kenora Planning Advisory Committee approves Application for Minor Variance A06/14 Belair, for property described as 286B Transmitter Road, K 103 N PT DES KR 1041 PTS 9 10 & 11 PARCEL 13436, to permit the expansion of the residential, legally non-complying use, by construction of a residential accessory garage, as the use has continued since 1976 and has no impact on the neighbourhood, and is desirable development and minor in nature, subject to the following condition:

1. That the applicant acquires all required building permits.

**Carried**

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

**(ix) Old Business**

- **B03/14 Gagne**

### **Change in Conditions**

The Secretary-Treasurer commented that when the staff used the GIS an error was found. The 5 m condition would mean a reduced size residential lot. She added that she had spoken with Mrs. Gagne

and advised her that she was going to change it from 5 m to 1.5 m and she was in agreement. No required Notice or Appeal period is necessary.

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

**Moved by: Ted Couch                      Seconded by: Vince Cianci**

That the Kenora Planning Advisory Committee approves a Change of Conditions re: Consent B03/14 Gagne – as Third Street South – Pt Lots 59-60 Block 2, Plan 3, and 303 Third Street South, - Pt Lots 60-61, Block 2, Plan 3 to amend condition #5:

- 5) That the side yard (east) setback from the existing principle structure, including the attached shed, be a minimum of 1.5 metres from the new easterly lot line;

The intent of the original application, does not change and is not compromised. Both lots will meet the minimum size requirements of the zoning by-law.

**Carried**

**(x) New Business**

Planning Report Information

Wayne Gauld asked Committee members if they were receiving their application information in time to review it prior to the meetings. He asked if everyone was receiving their emails. He wanted to ensure that if information is sent by email that everyone is receiving it. It was confirmed that members are getting the applications approximately 2 weeks prior to each meeting, but the Planning Reports are sometimes received a few days before the meeting.

Wayne Gauld cautioned that with the two (2) Applications on the May Agenda concerning the seven (7) tests it is important that members received the emails as they were different from the usual four (4) test variances. The emailed information would have been important for any site visits. The Secretary-Treasurer commented that in the future phone calls will be made that there was further information available for pick up so members have it before the meeting. Wayne Gauld added that almost every meeting there is further information circulated at the last minute and all members may not be receiving it. He added if members have questions after reading their packages they are to contact The Secretary-Treasurer. The Secretary-Treasurer advised that any question she received would be answered and circulated to all members. Wayne Gauld confirmed that all members had their identification cards, for use during site visits.

**(xi) Adjourn**

**Moved by: Terry Tresoor**

**That** the May 20, 2014 Planning Advisory Committee meeting be adjourned at 7:50 p.m.

**Minutes adopted as presented this 17<sup>th</sup> day of June, 2014**

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**CHAIR**

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**SECRETARY-TREASURER**