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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  
June 16, 2015  
7:00 p.m.**

**Present:**

Wayne Gauld	Chair
Ray Pearson	Member
Vince Cianci	Member
Graham Chaze	Member
Robert Kitowski	Member
David Blake	Member
Christopher Price	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 June 16<sup>th</sup>, 2015, 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: No declaration of conflict of interest made.

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

Adoption of minutes of previous meeting: (May 19, 2015).

**Business arising from minutes:** - None

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

**Moved by: Robert Kitowski                      Seconded by: Graham Chaze**

That the minutes of the May 19, 2015 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. A03/15 Bechard****reduce front yard setback for accessory structure**

Present at the Meeting:

Jason Bechard, Owner

Jason Bechard, Owner of property at 1730 Railway Street, presented the application. He explained that he was making application to reduce the front yard minimum setback from 15 m to 9.09 m. He indicated that the rationale for the request was the loss of a home to a fire in the warehouse of the neighbouring property in 2013. At that time the eaves of the garage overlapped with those of the warehouse. Locating it is not feasible to rebuild it in the same location or to reduce the size; it cannot be located further back in the back yard without encroaching on the mantle of the septic field. The relocation of the house and the resulting setback requirements severely limited the size of the garage and where it could be located in order to be in compliance. The only location left was to locate it in the front yard and apply for a minor variance approval.

The Secretary-Treasurer commented that those who made a site visit would have noted the stakes representing the existing parking space, and proposed location of the structure. The Zoning By-Law does not allow an accessory structure to be built closer to the road than the house. The lot is undersized, and has reduced frontage for RR zone, and is a legal lot of record. When viewing the proposed structure straight on the garage will be slightly forward of neighbouring property. It is consistent with the character of neighbourhood. Support from the Northwestern Health Unit was received on June 10<sup>th</sup>, 2015. Massing is not an issue as the subject property has a line of large mature trees, between the two (2) residential structures. There has been nothing in writing received from the neighbour to west. The recommendation is for approval having not heard anything from the members of the public.

The Chair asked the Owner if there was anything further to add regarding the application.

Jason Bechard indicated that they are trying to replace what they had before the fire.

The Chair asked whether there was anyone present who wished to speak either for or against the application. There was no comment from those in attendance.

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

Vince Cianci inquired as to why the garage was not built during the construction of the home and why not attached to the home. Jason Bechard commented that this was discussed with the contractor, but plans changed when the home design went from single storey to a second storey. Conditions were too wet to pour a pad and had to move the house over. Jason further explained that attaching it to the home afterward would have required engineered drawings.

The Chair asked the Committee members whether they had any further discussion regarding the application.

David Blake commented that he visited the site and the proposed suits the property and neighbourhood.

Vince Cianci commented that in general the by-law does not permit free standing garages in front yards. The Secretary-Treasurer explained, in this case, permission for authorization to build closer to the street is the one request and a reduced front yard is the other request. Discussion ensued regarding garages in front yards.

Robert Kitowski indicated that his only concern was whether the neighbour was losing their view, which Mr. Bechard reassured that he had discussed the proposed with the neighbour. The site line will somewhat be reduced, but is presently impacted by the mature trees. Mr. Kitowski added that he would have liked a letter of recommendation confirming the neighbour's approval of this.

Ray Pearson expressed the same concern as Robert Kitowski. He added, however, that if there was a fence the neighbours view would be impacted anyway.

The Secretary-Treasurer clarified, for the record, that the request is for 9.09 metres not 9.0 metres as indicated by Mr. Bechard.

The Chair asked the Committee members whether they had anything further to say regarding the application, prior to making a decision. There was no further discussion.

**Moved by: David Blake**                      **Seconded by: Ray Pearson**

That the Kenora Planning Advisory Committee approves Application for Minor Variance A03/15 Bechard, for property at 1730 Railway Street and described as CON 5J PLAN M28 PT BLK B PCL 19388, for relief from section 3.11.1(b)(iii) accessory building, use or structure to be permitted to be built closer to the front lot line than the minimum distance required by this By-law for the main building on the lot by authorizing a variance from 15 metres to 9.09 metres, for a variance of 5.91 m; and (iv) to permit the accessory structure to be built closer to the street than the main building is to that street or 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. B03/15 Paroby for an easement for utility purposes**

Present at the Meeting:

Rod Shewchuk, Agent  
Diane Paroby, Owner

Rod Shewchuk, Agent for Diane Paroby, 214 Main Street South, Kenora, Ontario, presented the application. Mr. Shewchuk explained that this is an application to obtain consent to have a new easement over the front portion of property Mrs. Paroby purchased in October of 2014. The top quarter of the present property is a full 25 foot easement. Mrs. Paroby wants to add onto the west side of her building, off the dining room. The previous owner (in 1980) covered the existing sewer line easement with a dining room. Mrs. Paroby would like to relocate the infrastructure and easement. The owners to the west have agreed to allow the removal and replacement of a new water and sewer line and easement in favour of that property. Mr. Shewchuk added that the intention is to obtain consent for the easement and then obtain a Building Permit to increase the building to the west. The Planning Rationale provides a summary that goes back to when the property was purchased.

The Secretary-Treasurer indicated that the proposed easement will include the will realigning of the existing services from under the building. It would be a much narrower width than the existing easement. She added that a variance was not needed for the addition. The recommendation is for approval; the regular conditions to apply.

The Chair asked the Owner if there was anything further to add regarding the application. There was no further comment. There was no further comment.

The Chair asked whether there was anyone present who wished to speak either for or against the application. There were no members of the public present.

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

Vince Cianci inquired as to whether C.J. Edwards & Son investigated running the line down the street. Mrs. Paroby explained if they ran it down the street servicing would require an (effluent) pump and this option will be a gravity feed. She added, that dropping it down to Lakeview Drive was also considered, but the line is at capacity and would need upgrading to accommodate the extra load. Vince Cianci inquired as to why not go parallel to lot. The Secretary-Treasurer indicated that this option was viewed as the best solution.

Robert Kitowski inquired as to the number of test holes as he only found one. Mrs. Paroby estimated eight (8) holes across the neighbours' driveway.

Robert Kitowski requested clarification as he did not see, as one of the conditions, an option if the rerouting was unsuccessful. The Secretary-Treasurer confirmed that was the reason for test holes, which determines the amount of rock in the location. Discussion ensued with regards to if the consent lapses, or if they can't activate the line. The Secretary-Treasurer commented that they would cap the old line and put the live one in the new location. She added that once they get this approval and the pipe is laid the surveyor will obtain the measurements for the easement.

Ray Pearson commented that running the line down the street would have eliminated the easement altogether. The Secretary-Treasurer reiterated that this option was recommended by the City as the best solution.

The Chair asked the Committee members whether they had any further discussion regarding the application.

Vince Cianci commented that once they relinquish the 20' easement with the new 10' there will be diagrams available.

David Blake commented that Mrs. Paroby and Mr. Shewchuk have done their homework on this and it appears everything will work out fine.

The Chair asked the Committee members whether they had anything further to say regarding the application, prior to making a decision. There was no further comment.

**Moved by: Vince Cianci                      Seconded by: Robert Kitowski**

That application B03/15 Paroby, for consent for an easement in favour of PLAN M277 WPT L EPT LOT F PCL18937, right of way over property described as PLAN M277 L WPT D E , 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 payment of any outstanding taxes, including penalties and interest (and any local improvement charges if applicable) shall be paid to the City of Kenora.
- 5) 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 #4 have been fulfilled. Clearance letters from the City of Kenora and external agencies are to be included.

**Carried**

## **2. B04/15 Paton**

## **Create a new lot and easement for access**

Present at the Meeting:

Bruce Ormiston, Agent  
Nora Ann Paton, Owner  
Wade & Janis Robertson, Owner

Mr. Bruce Ormiston, Agent, for Nora Ann Paton, Wade and Janis Robertson, 214 Main Street South, presented the application. This was the initial Cameron property and is the location of the Cameron home (one of Kenora's historic properties), which was divided into 3 pieces in 1965 and is the middle piece on the drawing, Mrs. Paton is the south piece and Mrs. Robertson's piece is to the north. Mrs. Paton owns land under the water, which is shown on title. The property has some agreements registered on title: The Cameron home, which has numerous suites, has an agreement in place (since 1965) that allows the tenants to park along the piece that is shown as Part 3 as long as they don't interfere with Mrs. Paton's Part 4. It also restricts where one can build a home on Part 4, for site line protection. The Kings were entitled to build a boathouse on Part 5. There is another agreement that deals with water and sewer lines, and easements to avoid blocking site lines of Cameron home.

The east half of the boathouse will belong to Robertson's, along with an access easement to get there. This arrangement has been in effect since 1968. Pedestrian access has to go from Lottie Street (Seventh Avenue South) right down to the shore. Access is to be no wider than it has to, without

disturbing the tree line, and to be determined by a surveyor. The gas tank on-site will be drained and removed. The dividing line for the boathouse will be right down the middle. A new survey is required for the water lot and high water mark to Part 2. There is no need to have a party wall agreement for the boathouse. The Robertson's did receive approval from the Coast Guard to build a dock in front of their property, but the location is in the entrance to the channel. The current location is out of the traffic and would not promote any more congestion. It is suggested the two pieces be tied together, using a merger agreement. The Application is to formalize what has been in existence since 1968.

The Secretary-Treasurer commented that approval would formalize the agreement permitting the owner of property at 1.5 Seventh Street South to access a boathouse and dock on the property at 3 Seventh Street South. Internal comments received from the Planning Department indicated no new development, access to east side of boathouse is restricted to property described as Part 4 Plan 1025, a fee is required if the easement is approved and the gas tank on-site is not a permitted use. The Operations Department commented that if the fence between the two properties is determined, through survey, to be located on Part 3 or 4 of Plan KR 1025 the City will not be responsible for the maintenance/replacement, the user of east side of boat house is not to have access to the boat house over City property and the gas tank must be removed from City property. The following departments had no objection to the proposed: Building, Roads, Water & Sewer, Kenora Hydro and Heritage Kenora. Kenora Fire & Emergency Services did not comment. The recommendation is for approval as there is no new development and the proposed use has been in existence under a registered agreement since 1965. Approval will be with conditions for easement to access boathouse for pedestrian traffic only. A merger agreement between the property owner and the City of Kenora will be executed to tie the new lot east ½ of boathouse and the property currently owned by Robertson.

The Chair asked the Owner if there was anything further to add regarding the application. There was no further comment.

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

Craig Debbbo, 14 Seventh Street South, inquired as to the impact this will have on tenant parking for the Cameron House. Mr. Ormiston commented that there was another agreement where they can park on that easement and added it should not affect the parking. The Secretary-Treasurer added that her site visit witnessed 12 vehicles parked onsite and it seemed like it worked well.

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

Wayne Gauld commented that that the Committee needs to make sure of the location when looking at the pedestrian walkway. Mr. Ormiston explained, using a simplified version of the Planning Report drawing, that the intent is for a direct extension from boathouse to pedestrian walkway.

Ray Pearson requested clarification regarding the 3.7 m width in the Planning Report recommendation. Mr. Ormiston commented that Mrs. Paton wants this formalized, as an easement, to allow pedestrian traffic, while restricting the width to no larger than it has to be. Mr. Pearson added that a review of the aerial shot, of the centre of the boathouse, the width is substantially wider at the lake. He concluded that, at the lake, the owner would end up with a larger piece. He also enquired as to where the northern portion of property connects to the easement. He added one does not know where the boathouse sits. Mr. Ormiston commented that at the very least it would be 3.7 m, as you would need to be able to get off the land. Discussion ensued as to ensuring control of the 3.7 m width. The Secretary-Treasurer suggested adding wording to restrict the width, which Wayne Gauld added will depend on the results of the survey. Mr. Ormiston commented the intent is for a walkway that is sidewalk width and restricted to pedestrian access.

Vince Cianci suggested leaving ownership at the water's edge. Mr. Ormiston commented that the owner would want to own to high water mark. Discussion ensued regarding access to the centre of the boathouse so access on either side can be determined. Wayne Gauld suggested waiting until the survey results are in. Mr. Ormiston indicated that the intent is access to the boathouse from the east side, not looking for a survey showing the Robertson's owning any of the dry land, they will just be stepping over it to get to the boathouse.

The Secretary-Treasurer reiterated the easement will extend south from Part 2 with a walkway built onto the Robertson's side of the boathouse. She then read out the conditions.

Vince Cianci penned a drawing at the meeting offering a clarification on what was being proposed.

The Chair asked the Committee members whether they had any further discussion regarding the application.

David Blake commented on it being a historic area he was familiar with and could not see a problem with what was being proposed.

Graham Chaze commended the neighbours for working together.

Vince Cianci suggested leaving the easement at 3.7 m. Mr. Ormiston commented they do not want to make it any larger than they have to and were just trying to lie low and not disturb Mrs. Paton anymore than was necessary.

The Chair asked the Committee members whether they had anything further to say regarding the application, prior to making a decision. There was no further comment.

**Moved by: David Blake                      Seconded by: Ray Pearson**

That application B04/15 Paton, for consent for an easement over Pcl 4872 SEC DKF, Pt Blk A PL M108 Pt 3 and 4 KR 1025 in favour of PLAN M108 PTBLK A DES RP KR1025 PART 1 PCL25414 & P WATER L S1061 RP KR1025 PART 7, as a right of way over property described as Part 4 Plan RK 1025, and consent for lot creation 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 transferee not be the name of the same person on the Transfer/Deed of Land Form
- 5) The gas tank, located on Part 4/Part 5 KR 1025 be removed, to bring the property into compliance with the zoning by-law;
- 6) That the right of way easement for pedestrian access over Part 3 and 4 of plan KR 1025 be a maximum width of 3.7m;
- 7) The easement, to provide pedestrian access to the easterly half of the boathouse (Lot 1), will be measured from the southerly extent of Part 3 on Plan KR 1025;
- 8) That the lot to be created shall use the interior east side of the central wall to delineate the westerly property line, southerly to the furthest extent of KR 1025;
- 9) That the northerly lot line shall be measured from the interior east side of the central wall to the furthest easterly extent of the limit of Part 5 on Plan KR 1025;
- 10) That the access to the east (new lot) side of the boathouse shall be developed in order to be accessed from Part 5 on Plan 1025;
- 11) That a merger agreement, between the City of Kenora and the owner of the property described as PLAN M108 PTBLK A DES RP KR1025 PART 1 PCL25414 be executed and registered on title, to ensure that the new lot (east ½ of the boathouse) and the property described above must be dealt with together unless consent is given by the City of Kenora or land division authority;
- 12) That any easements required for Kenora Hydro be executed;
- 13) That a fee of \$100 be received to process the easement;
- 14) 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.
- 15) 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 #14 have been fulfilled. Clearance letters from the City of Kenora and external agencies are to be included.

NOTE: The following section(s) of the Planning Act apply:

**Conditions not fulfilled**

**53(41)** If conditions have been imposed and the applicant has not, within a period of one year after notice was given under subsection (17) or (24), whichever is later, fulfilled the conditions, the application for consent shall be deemed to be refused but, if there is an appeal under subsection (14), (19) or (27), the application for consent shall not be deemed to be refused for failure to fulfil the conditions until the expiry of one year from the date of the order of the Municipal Board issued in respect of the appeal or from the date of a notice issued by the Board under subsection (29) or (33). 1994, c. 23, s. 32.

**Lapse of consent**

**53 (43)** A consent given under this section lapses at the expiration of two years from the date of the certificate given under subsection (42) if the transaction in respect of which the consent was given is not carried out within the two-year period, but the council or the Minister in giving the consent may provide for an earlier lapsing of the consent. 1994, c. 23, s. 32.

**Carried**

**(ix) Old Business – None**

**(x) New Business**

**a) S01/11 Wright**

**Request for extension of approval for subdivision**

Present at the meeting:

William Wright, Owner was not present at the meeting

The Secretary-Treasurer indicated that in 2011 approval was granted for the Wright draft plan of subdivision. Mr. Wright is requesting an extension of the approval time to allow him more time to establish Hydro One's utility plan that will show how hydro will be provided to the properties. Given the potential significance and unknown costs associated with the Hydro service he needs to satisfy himself of the cost of this component of the development before he can proceed. The time period granted by the approval authority will lapse in July of 2015. Discussion ensued regarding the conditions to-date, as noted and acknowledged by Mr. Wright, as not many have been satisfied and are still outstanding, pending the information from Hydro One. The recommendation is for approval with an expiration date deferred until July 2017.

The Chair asked whether there was anyone present who wished to speak either for or against the application – There were no members of the public present at the meeting.

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

Robert Kitowski requested clarification regarding the 2011 file number, but expiry in 2015. This is longer than three years. The Secretary-Treasurer explained it took one year to receive approval. Robert also inquired to the number of allowed extensions, which the Secretary-Treasurer indicated there was no limit, but the conditions satisfied to that date would be considered before approval of further extensions.

Ray Pearson inquired as to the present Committee's responsibility, if there were problems, when they were not part of the Committee in 2011. The Secretary-Treasurer reassured that they would be reviewing a different application submission.

Discussion ensued regarding the issue with the Hydro information and an appropriate extension period. The Secretary-Treasurer commented that the approval period is five (5) years under the Act, but has been met in past subdivision approvals within three (3) years, so the extending this period to 2017 or longer would be appropriate.

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

Discussion ensued regarding the extension period two years versus three and the provision to come before the Committee to request a further if required. The Committee decided a three (3) year extension would be appropriate and would bring the total period to five (5) years for this Application.

The Secretary-Treasurer read out the recommendation.

**Moved by: Ray Pearson                      Seconded by: Vince Cianci**  
**Recommendation**

That the Kenora Planning Advisory Committee approves the request of William Wright re. approval of application for plan of subdivision S01/11 Wright for lands described as CON 1M PT N OF N PT LOT 9 PCL28304, CON 1M PT N OF SPT OF LOT 9 PCL 41253 LESS RP 23R 6747 PARTS 1 - 5 & KR 2061 PART 2 to extend the approval period for an additional three (3) years in order to determine the requirements/costing of providing Hydro One Networks servicing to the lands; and That the date for expiration of draft approval is July 17, 2018.

**Carried**

**(xi) Adjourn**

**Moved by: Christopher Price**

**That** the June 16<sup>th</sup>, 2015 Planning Advisory Committee meeting be adjourned at 8:45 p.m.

**Minutes adopted as presented this 21<sup>st</sup> day of July, 2015**

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**CHAIR**

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**SECRETARY-TREASURER**