



- Email correspondence was received July 18, 2015 regarding A04/15 Gabryluk from Celia Christensen. The Secretary-Treasurer read out the email dated July 18, 2015, and indicated that it forms a part of the record.

**(vi) Other correspondence** - None

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

**1. A04/15 Gabryluk**

**Permit accessory structure in front yard**

Present at the Meeting:

Marilyn Gabryluk, acting Agent for Owner  
Joseph A. Gregor

Marilyn Gabryluk, acting Agent for Corey Gabryluk, of property at 315 Third Street South, presented the application. Application has been made to bring a storage shed on the property into compliance. There is no access to the property from Third Street South. The front of the residence faces towards First Avenue South. All access to and from the property is from First Avenue South. The reason the shed was moved seven (7) years ago, to where it is presently located, was to allow the tenants to have a view of the lake. The shed is required to store lawn care items. It is a well-kept metal storage container.

The Secretary-Treasurer commented that the application being made is with regard to an existing shed in the north-east corner of the property and is for relief from two (2) sections of the Zoning By-Law: proximity to the front lot line given the minimum distance for the main building on the lot and location in the front yard. The property is a through lot and located on Third Street South and First Avenue South. According to the Zoning By-Law the shortest frontage distance on a street would be the Third Street South frontage. The home is a duplex dwelling. There is pedestrian access only from Third Street South. Vehicular access is from First Avenue South. The property off Third Street South is at a lower elevation than the street. The Applicant is applying for relief in order to bring the existing shed into compliance. It is an older area with all neighbouring properties fronting onto Third Street South. There is no compatibility e.g. height and massing issue. The design of the neighbourhood is front access onto Third Street South. There were no objections received from internal departmental circulation. The application came forward as a result of a complaint received regarding a second shed being built. With regards to functionality, the rear yard is the yard facing Third Street South as there is no provision for access. The recommendation is for approval based on those comments. There was an additional comment today regarding the use of the property fronting First Avenue South for rental for vehicles for those employed at the Bannister building.

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

Mrs. Gabryluk commented that the property off Third Street South has always been treated as the back yard. There are no windows facing Third Street South.

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

Joseph August Gregor, 315 Third Street South, commented that the shed he erected was taken down as soon as he realized that it was not permitted. He added that delivery men have had difficulty with the Third Street South address; there is no access to building, and find it convenient to use the First Avenue South access. He added that he was unsure which address to use as the house entrance faces the neighbouring property to the east, and not Third Street South or First Avenue South.

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

Vince Cianci requested clarification as to the intent of the application and if it was to allow the shed that is already there to remain and whether there was a building permit issued. The Secretary-Treasurer commented that the shed is a tin shed, so no building permit is required. She added that the situation came to light when the second shed was being erected and the application is to bring the existing shed into compliance.

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

David Blake commented that he looked at property extensively and could understand the concerns regarding the front and back yard as there is a lot of room on what the applicant thinks is the front of the property (facing south). There was ample room on the property and the shed could be placed in numerous locations, between the house and First Avenue South.

Vince Cianci commented that First Avenue South seems to be the front of the building due to the residence facing that direction.

Wayne Gauld commented that there is no exit to Third Street South. People have to go through the neighbouring property for access. He added that there was no access because they have elected to not provide it. Vince Cianci commented that it seems like the back yard is Third Street South at no fault of the homeowner.

Christopher Price commented that this being a through lot he saw several places where two (2) sheds could be placed. He noted the rest of the street have front yard access off Third Street South.

Robert Kitowski commented that the location of the shed seems like a secure location.

Ray Pearson commented that the shed is not appropriate facing Third Street South. Discussion ensued regarding allowing this shed to remain where it is. The Secretary-Treasurer commented that if it falls down and the desire is to replace it they will be able to. Ray concluded that with the information at hand he did not feel it was appropriate. Wayne Gauld agreed that there was more than enough room on the property facing First Avenue South.

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

David Blake inquired as to how many people lived in residence as there were six (6) vehicles parked in parking area, as also noted by Wayne Gauld. Marilyn Gabryluk confirmed that if somebody is visiting there may be more in the lot than the tenants vehicles.

Marilyn Gabryluk commented the shed was moved to allow the tenants, on the lower level, full view of the lake.

Vince Cianci commented that he agrees with the shed facing Third Street South. He made a motion to approve the application.

There was no seconder. The Secretary-Treasurer confirmed the motion failed.

Wayne Gauld made motion to refuse the application.

Robert Kitowski requested clarification regarding the reason it was placed facing Third Street South and whether it was thought to be a more secure area.

The Secretary-Treasurer read out the correspondence, from the abutting neighbour, objecting to the application with the reason being the shed location was not characteristic of the neighbourhood.

Ray Pearson commented that the location of the shed does not meet the intent of City Kenora Zoning By-Law.

**Moved by: Robert Kitowski                      Seconded by: Christopher Price**

That the Kenora Planning Advisory Committee refuses Application for Minor Variance A04/15 Gabryluk, for property at 315 Third Street S., and described as PLAN 3 BLK 2 LOT 62 & PT LOT 255 PCL 39202 authorizing relief from Zoning By-law 160-2010 section 3.11.1(b(ii) (iii) which state that an accessory structure shall not be built closer to the front lot line than the minimum distance required by this By-law for the main building on the lot; nor be located in the required front yard or the required exterior side yard in the case of a corner lot as the application for minor variance fails to meet the intent of the City of Kenora Official Plan - the design and character of the neighbourhood is such that the front lawns/yards front Third Street South.

**Carried**

The Secretary-Treasurer explained to Mrs. Gabryluk the proceedings now that the application was refused. The Notice of Decision would be mailed out to Marilyn Gabryluk, Cory Gabryluk and Mr. Gregor. Marilyn provided her address as 605 Fifth Ave S Kenora ON P9N 2A9. It will be up to Cory

Gabryluk to make application if he wants to appeal this decision to the OMB. He can contact The Secretary-Treasurer for further information.

Vince Cianci left the meeting at 7:33 p.m.

### **(viii) Considerations of Applications for Land Division**

#### **1. B05/15 Riess and B06/15 Hedley, Appleby, Levin**

#### **Two lot additions**

Present at the Meeting: Ross Johnson, Agent, for Riess/Carter and Hedley/Appleby/Levin, Owners

Ross Johnson, Agent for Riess/Carter, owners of 522 Coney Island (south lot) and Hedley/Appleby/Levin, owners of 516 Coney Island (north lot), presented the application. Due to the configuration of the shoreline the boathouse that was constructed ended up in front of the Appleby property. It has been there for quite a long time and is a fairly old boathouse. The majority of land in the land exchange is coming from Appleby property as it is the larger piece. Mr. Ross concluded that it is a good solution the neighbours have come up with and hoped the application would be granted.

The Secretary-Treasurer stated when a lot addition comes forward where all parties are in agreement and there is no new development and no planning issues that it should be recommended for approval. She read out the regular conditions for approval, which included a letter be received from the Northwestern Health Unit in support of the application.

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.

Ray Pearson requested clarification with regards to ownership of the two (2) triangles on the sketch, which The Secretary-Treasurer confirmed that Applebys owned the south triangle. Ray added that the proposed location of land transfer makes perfect sense as line is parallel with dock.

The Chair asked the Committee members whether they had questions regarding the application. There were no questions.

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

Ray Pearson moved to approve the application.

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

That application B05/15 Riess/Carter, for consent for a lot addition, to add a .34m<sup>2</sup> parcel from property described as PLAN M113 LOT 1 TO 3 PT LOT 4 PCL22433 CNY to property described as P 414 PART PARCEL 3052 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 a letter be received from the Northwestern Health Unit indicating no objection to the

application.

- 5) 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.
- 6) 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 #5 have been fulfilled. Clearance letters from the City of Kenora and external agencies are to be included.

**Carried**

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

That application B06/15 Hedley/Appleby/Levin et all , for consent for a lot addition, to add a .05ha parcel from property described as P 414 PART PARCEL 3052 to property described as PLAN M113 LOT 1 TO 3 PT LOT 4 PCL22433 CNY 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.

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**Carried**

Vince returned at 7:40 p.m.

**(ix) Old Business – None**

**a) Official Plan and Zoning By-Law**

The Secretary-Treasurer contacted the Ministry of Municipal Affairs and Housing regarding an update on the review and she expects it may be completed by the end of August. When it is received it will go to Council for approval. All the appeal periods will run at the same time e.g. Zoning By-Law, the Official Plan and Keewatin CIP.

**(x) New Business - None**

**(xi) Adjourn**

**Moved by: Christopher Price**

**That** the July 21<sup>st</sup>, 2015 Planning Advisory Committee meeting be adjourned at 7:42 p.m.

**Minutes adopted as presented this 18<sup>th</sup> day of August, 2015**

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**CHAIR**

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**SECRETARY-TREASURER**