

1. A05/15 Griffiths**Request to increase permitted height of accessory garage**

Present at the Meeting:

Anthony Griffiths, Owner

Anthony Arthur Griffiths, owner of property at 307 Trojan Street presented the application. He informed the Committee that the height restrictions on accessory structure within the current City of Kenora zoning by-law do not allow for the height of a 7 metre garage which he is requesting to construct. Mr. Griffiths informed the committee that a two story garage would allow for an arts and crafts room in a loft area. As such, the applicant requested that the committee grant relief from section 3.11.1(vii) which restricts the height of an accessory building to 4.5 metres.

As an opportunity for training, Melissa Shaw, the minute taker provided the planning report on behalf of the Secretary-Treasurer. Ms. Shaw established that committee members should have taken the opportunity to read the entire planning report as provided prior to the meeting, as well inspected the site of the proposed accessory structure. Ensuring that the Committee understood the application was for relief from Zoning By-law 160-2010 section 3.11.1 (b) (viii) which restricts the height of an accessory structure to 4.5m, and the effect of approval would be to authorize the construction of an accessory garage 7.0m in height, for a variance of 2.5m. She reminded the Planning Advisory Committee that Approval of the new Official Plan (and therefore adoption of the zoning by-law) is currently under review by the Ministry of Municipal Affairs and Housing. Once approved, the adoption of the new Kenora Zoning By-law (April 2015), section 3.34.1 (b) (viii) will permit accessory buildings to a height of 7.0 metres per the Committee's recommendation.

The Chair asked the Owner if there was anything further to add regarding the application, there were none.

The Chair asked whether there was anyone present who wished to speak either for or against the application, there were none.

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

The Committee members did not have further questions, with exception to Vince Cinaci whom asked for clarification on the foundation, and if there was an existing garage.

Mr. Griffiths confirmed that pad/foundation existed from the previous garage which was razed by fire. Other than the request for increased height to 7.0 metres, the dimensions of garage will not change.

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 further discussion from any members.

Moved by: David Blake

Seconded by: Graham Chaze

That the Kenora Planning Advisory Committee approves Application for Minor Variance A05/15 Griffiths, for 307 Trojan Street and described as PLAN M39 BLK L LOC X21 LOT 209 PCL 17091 AND LOT 210 PCL 17092, for relief from section 3.11.1 (b) (viii) which restricts the height of an accessory structure, from 4.5 m 7.0 m, for a variance of 2.5m m 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**(ix) Old Business****a) Update on Official Plan and Zoning By-Law**

The secretary-Treasurer received comments from Ministry of Municipal Housing and Affairs (MMHA), and there are a few points of discussion. Firstly, one recommendation from the Ministry pertains to the settlement area(s), which are built up areas where development is concentrated and designated in an official plan for long term development, typically within municipally serviced area. In our last Official

Plan, the Settlement Area as references in Section 1.4, was not captured correctly in the map schedule.

The settlement areas include mixed land uses', including rural lands, the Ministry is concerned that this will unintentionally force development of rural lots and wants to ensure their development will not impede the urban-style development or infrastructure. FOTEEN has suggested these rural lands be encapsulated within a Future development Area which will represent rural areas that may be prime locations for development or redevelopment.

MMHA suggested that the designated aggregate material areas are not large enough; looking for more direction from them regarding this.

MMAH made the recommendation that land division on rural zoned lands north of the by-pass be done so via consent. The argument has been made that it does not promote orderly development.

Lastly, the Secretary-Treasurer corrected MMHA on land division by consent, and allowing for four new lots to be created, versus three new lots, if the extension of Municipal Service is not required.

Wayne Gauld thanked the Secretary-Treasurer for the Official Plan update and asked about the clarifier site at the old Mill property, aware an application is being submitted to the Planning Advisory Committee, he asked if they developer will request a special meeting.

The Secretary-Treasurer said that the application was received today, and having not reviewed herself, could not comment on whether it was complete or not. She assumed a special meeting would be requested to present the package to the Committee, as asked members of the committee to email her with their availability the first week of October to arrange for this potential meeting.

The Secretary-Treasurer passed along the tragic news about one of the City coworkers, who passed away in a motor vehicle accident on September 9th, 2015.

(x) New Business

a) Z03/15 Moncrief Recommendation

Present at the Meeting:

Randy Seller, Lawyer
Gerald Moncrief, Owner

Mr. Randy Seller, presented the application behalf of his client Mr. Gerald Moncrief, requesting the Committee approve a recommendation to Council, to consider a proposed zoning by-law amendment under Section 34 of the Planning Act. Amending the Zoning By-law 160-2010 specifically on property described as Pt ML D666 Melick Pt 2 KR 4, Pt E Pt Location D666 Melick as in LT 43312, except Pts 8 and 9 23R 12248, Pt Location D666 Melick Pt 7 23R 12248, Kenora from RU and EP to RU/EP. The lands shall be zoned to permit the development of a single lane access driveway in addition to the EP – Environmental Protection uses, and to bring the property into compliance. Mr. Seller requested the Planning Advisory Committee pass a recommendation to Council for approval of the zoning by-law amendment application.

The piece of property was a lot addition on the Hurtz property. The Committee will recall this property in issue of the City acquisition of Marks Lane and the abutting land holder access permission. This particular parcel abuts James Road; there is virtually no access across the lot without developing through the EP zoning area. The application for zoning by-law amendment is to allow for development of a single lane road to allow for access across the property.

Mr. Moncrief has arranged for Mr. Ryan Haines of Kenora Resource Consultants Inc. to complete a Scoped Environmental Impact Statement (EIS) for an Access Road to a Waterfront Property on Lower Black Sturgeon Lake. As per the report it is recommended that a single-lane road be built using overland construction which will minimize any ditching and/or grubbing of the wetland area, it is recommended that the ditches on the upland side have diversion berms constructed to disperse waters into the surrounding forest and not directly into the wetland area.

The Secretary-Treasurer pointed out that FOTENN planning and Urban Design was used in the review of the application and the early consultation. The only suggested amendments to the agreement was that the wording within the Scoped Environmental Impact Statement (EIS) as prepared by Ryan

Haines, highlight the Natural Heritage Areas as outlines in the Provincial Policy Statement (PPS). As per the planning report, the endorsement is for approval for a recommendation to Council for entering into a zoning by-law amendment agreement, which will also be subject to the conclusions outlined within the Scoped EIS prepared by Mr. Haines.

The Chair asked the Owner if there was anything further to add regarding the application, there were none.

The Chair asked whether there was anyone present who wished to speak either for or against the application, there were none.

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

Christopher Price inquired if there were any other feasible options to get a driveway from any other part of the property, without having to disturbed the designated EP area.

Mr. Seller responded by saying that the entire access area is covered by the EP designation and there is no other way to access other than through the EP designation.

Mr. Gerald Moncrief added that access to the property is off the James road, and through the EP designated area, there is no other way to the property without going through private lands.

Mr. Wayne Guald added that Mr. Moncrief has exhausted all other possible avenues for access and this is the only option.

Committee Member, Mr. Ray Pearson asked who would be responsible for ensuring the construction controls are met.

Mr. Seller responded by indicating the Scoped EIS report outlined the need for an engineered single land road, and a final inspection by Mr. Haines to confirm compliance.

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 further discussion from any members.

Moved by: Ray Pearson

Seconded by: Vince Cianci

That the Kenora Planning Advisory Committee approves a recommendation to Council for the October 13th, 2015 statutory public meeting, with the final decision to be made on October 20th, 2015, to consider a proposed zoning by-law amendment under Section 34 of the Planning Act, specifically on property described as Pt ML D666 Melick Pt 2 KR 4, Pt E Pt Location D666 Melick as in LT 43312, except Pts 8 and 9 23R 12248, Pt Location D666 Melick Pt 7 23R 12248 , Kenora from RU and EP to RU/EP [32] notwithstanding any other provisions of the By-law, on lands noted by [33] on the Schedules to the By-law the lands shall be zoned to permit the development of a single lane access driveway in addition to the EP – Environmental Protection uses.

Carried

(xi) Adjourn

Moved by: Christopher Price

That the September 15th , 2015 Planning Advisory Committee meeting be adjourned at 7:40 p.m.

Minutes adopted as presented this 20th day of October, 2015

CHAIR

SECRETARY-TREASURER