



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 Building
 60 Fourteenth St. N., 2nd Floor
 March 17, 2015
 7:00 p.m.**

Present:	Wayne Gauld	Chair
	Ray Pearson	Member
	Vince Cianci	Member
	Graham Chaze	Member
	Christopher Price	Member
	Robert Kitowski	Member
	Charlotte Caron	Assistant Secretary-Treasurer
	Melissa Shaw	Minute-taker

Regrets:	Tara Rickaby	Secretary-Treasurer
	David Blake	Member

Delegation: None requested.

(i) Call meeting to order

Wayne Gauld called the March 17th, 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

Item: (ix) New Business:
 b) Property Standards Appeal Training

(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: Robert Kitowski declared he was not present at the February 17th, 2015 Kenora planning Advisory Committee meeting, conflict with respect to:

Item (x): Old Business
 A) Z05/15 Pedersen

(iv) Adoption of Minutes of previous meeting:

Adoption of minutes of previous meeting: (February 17, 2014).

Business arising from minutes: None

Discussion / Correction(s): None

Moved by: Ray Pearson **Seconded by:** Graham Chaze

That the minutes of the February 17, 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 -

Item (ix): New Business

- Correspondence from Ontario Human Rights Commissioner- 26 Feb 2015- Applying human right lends in zoning, licensing and municipal decision-making- Information Only

(vii) Consideration of Applications for Minor Variance

1. A02/15 King – Interior side yard setback

Present at the meeting: David King, Property Owner

Mr. David King, Owner of property located at 33 Kay Street, described as GOV'T SURVEY W PT LOT 4 PCL 17423, presented the application for consent for a minor variance, seeking relief from Zoning By-Law 160-2012 section 4.2.3 (d), which required an interior side yard setback of 2.5 meters for a two storey residence. The applicant is requesting approval to construct an addition to a dwelling 1.94 metres from the east side lot line, with a variance of .56 metres.

In considering the minor variance application, the Assistant Secretary-Treasurer confirmed it was the intent of the committee to determine whether the four test for legislative framework have been met: The general intent and purpose of the City's Official Plan and Zoning By-law must be maintained, the variance would result in a desirable and appropriate use of the land, building or structure, and the proposed variance is minor in nature. The application for minor variance meets the four tests; and as there were no planning issues, or objections from internal circulation, the recommendation is for approval.

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

The Chair asked whether there was anyone present who wished to speak either for or against the application. Mr. King's wife was present and stated she was in favour of the application.

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

Ray Pearson expressed concern that no comments were received from the neighbour at 23 Kay Street. Mr. King confirmed that he attempted multiple times to receive a written statement from said neighbour; knocking on her door, however, he was not successful.

Robert Kitowski asked Mr. King is there was any consideration given to the height of the proposed addition and the possible detriment to the views of the neighbour across the street. The Assistant Secretary- Treasurer confirmed that notice of the minor variance would have been received by all owners in the area buffer zone, which is 60 meters of the parcel in application.

Christopher Price asked the applicant if he had given any consideration to locating the the garage further back on the lot so that a minor variance was not required. Mr. King said it was explored; however the price of fill and concrete which would be required to relocate the garage was too costly. Mr. Price asked the applicant why he wouldn't construct a smaller addition, one which was 22 feet wide compared to the 24 foot wide proposal. Mr. King confirmed he required at minimum a 24 foot wide garage to provide adequate clearance for his personal vehicles and equipment.

Vince Cianci asked the applicant to confirm how the distance from the house to the east limit of the property was measured. Mr. King established that he had someone knowledgeable in the field assist him with GPS coordinates, however, was not willing to disclose said person's name or credentials.

Vince Cianci mentioned that the Committee has been struggling with this issue for some time, the general public providing lot lines that might not necessarily be accurate and true. Adding, it's in the applicant's best interest to have a survey completed before construction begins to measure precise property lines.

Graham Chaze had no further questions for the applicant.

The Assistant Secretary-Treasurer asked Mr. King if he could clarify the qualifications held by the person whom performed the drawing, Mr. King confirmed he was confident in the individual's ability to accurately perform the sketch, however was not at liberty to disclose their name or expertise.

Wayne Gauld expressed concern granting a variance based upon information which he could not confirm, stating, in order to make a decision, the Committee would need to be confident in the measurement of the eastern limit.

Vince Cianci referenced a previous decision made by the Planning Advisory Committee where a decision was based on the condition to provide a stamped survey performed by a certified Ontario Land Surveyor (OLS).

Moved by: Vince Cianci

Seconded by: Ray Pearson

That application A02/15 King, for consent for minor variance at 33 Kay Street and described as GOVNT SURVEY W PT LOT 4 PCL 17423, be tabled for approval until such time that a survey of the east boundary is completed by a certified Ontario Land Surveyor, and a copy of said Survey is provided to the Planning Advisory Committee.

Carried

(viii) Considerations of Applications for Land Division

1. B02/15 Woychyshyn

Lot creation

Present at the Meeting:

Frank Woychyshyn, Property Owner

Mr. Woychyshyn presented the application for consent for a lot addition. Owner of property located at 806 Ottawa Street PLAN 18 BLK 51 LOT 3 and 802 Ottawa Street, PLAN 18 BLK 51 PT LOT 4. He explained that the two properties which he purchased in 1975. In accordance with section 53 of the Planning Act, the vacant lot can be sold without consent, however, the improved lot requires consent if it is to be sold in advance of the vacant lot.

1. The Assistant Secretary-Treasurer commented on the application. The recommendation is for refusal, for the following reasons: Not in accordance with Planning Act section 51(24)f) (f) the dimensions and shapes of the proposed lots; Does not comply with the following policies of the City of Kenora Official Plan (2010)

3.4 Land Use Compatibility ss a) Height and massing – the structure on the south ½ of Lot 4 is built lot line to lot line, on a 15.43m x 15.43m corner lot; b) Pattern of the surrounding community; With the exception of the residential structure located on the north ½ of Lot 4, the massing on the subject property is not characteristic of the surrounding area; g) Parking – there is no opportunity for on-site parking to be developed on the subject property and h) Loading and service area cannot be developed on the subject property, without developing the vacant Lot 3.

2. Does not comply with the following provisions of the City of Kenora Zoning By-law 160-2010, as amended:

3.29 PARKING PROVISIONS

3.29.1 Parking Spaces Required

When any new development is constructed, or a use is changed, provision shall be made for off-road motor vehicle parking spaces in accordance with the requirements of Table 4 and this Section. All parking and loading spaces, and all associated driveways and aisles shall be provided in accordance with the provisions of this By-law, and shall:

- a) be set aside for and used exclusively for that purpose;
- b) not be obstructed; and
- c) Be located on the same lot as the use or building for which they are provided, except where otherwise permitted.

The separation of the two lots would mean that there would not be any parking area for either a residential or commercial/office/institutional use, as the currently vacant Lot 3, would no longer be available to develop for commercial (including parking) purposes.

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

Mr. Woychyshyn gave an overview of the economic state of downtown Keewatin; littered with vacant commercial buildings. Mr. Wochychyn's intent is to sell the properties, however, prospective purchasers are interested in the vacant lot as a stand-alone, and do not want the commercial liability attached. Mr. Woychyshyn explained that he purchased the two lots separate from one another, and was under the impression they would remain two distinct parcels. He expressed concern having never received notice of the merging.

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

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

Vince Cianci explained to Mr. Wochyshyn that the merging of title should have been explained to him by his lawyer. Mr. Cianci then suggested to the Committee that Mr. Woychyshyn be granted a severance approval. The Assistant Secretary-Treasurer explained to Mr. Cianci that granting the lot creation would be in contravention of Section 53 of the *Planning Act*. Mr. Cianci confirmed he understood the contravention, however argued that the parcels were purchased at separate times, the half lot existed as a stand-alone for many years, until a mistake in filing on behalf of his lawyer caused them to merge. Mr. Cianci recommended the Committee has an obligation to correct an error.

Ray Pearson and Wayne Gauld expressed further concern with granting an approval in contravention of Section 53 of the *Planning Act*. However, it was noted that if Mr. Woychyshyn had not owned the neighbouring property, or if the titles were in different names, he would not be required to seek approval for an application for consent.

The Assistant Secretary- Treasurer reminded Committee Members to evaluate the application based on the Provincial Policy Statement the City of Kenora Official Plan, Zoning- By-law, and the provision of the Planning Act.

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

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: Graham Chaze

That application B02/15 Woychyshyn, 806 Ottawa Street PLAN 18 BLK 51 LOT 3 and 802 Ottawa Street, PLAN 18 BLK 51 PT LOT 4, for consent for lot creation on the corner of Ottawa and Wharf Street, described as, S ½ of Lot 4, be approved.

Carried

(ix) New Business

a) Correspondence from Ontario Hyman Rights Commissioner- 26 Feb 2015- Applying human rights lend in zoning, licensing and municipal decision-making- Information only

The Assistant Secretary-Treasurer informed Committee members the within the City of Kenora there is no minimum separation distance (MSD) for group homes or other zoning restrictions, they are permitted in each zone.

b) Property Standards Appeal Training

The Planning Advisory Committee also hears appeals by registered owners of property who have received a Property Standards Order regarding a component(s) of their property that does not conform to the Property Standards By-law. The Assistant Secretary-Treasurer informed the committee that they would be arranging further training within Property Standards. Committee members agreed on an upcoming Monday evening to hold the training session. Note: Three members of the Committee will be unavailable the first two weeks of April, 2015.

(x) Old Business - Z02/15 Pedersen was approved at today's Council meeting

(xi) Adjourn

Moved by: Christopher Price

Second: Robert Kitowski

That the March 17th, 2015 Planning Advisory Committee meeting be adjourned at 8:11 p.m.

Minutes adopted as presented this 21st day of April, 2015

CHAIR

SECRETARY-TREASURER