



City of Kenora
Planning Advisory Committee
60 Fourteenth Street N., 2nd Floor
Kenora, Ontario P9N 4M9
807-467-2292

**Minutes
City of Kenora Virtual Planning Advisory Committee
Regular meeting held by way of Zoom Meeting
Tuesday October 19, 2021
6:00 p.m. (CST)**

DELEGATION:

Present:

Ray Pearson	Acting Chair
John Barr	Member
John McDougall	Member
Tanis McIntosh	Member
Bev Richards	Member
Melissa Shaw	Secretary-Treasurer
Kevan Sumner	City Planner
Adam Smith	Manager Development Services
Tessa Sobiski	Minute Taker

1. In the absence of the Chair, member John McDougall delivered the Land Acknowledgment, called the meeting to order and reviewed the meeting protocol. The Chair, Ray Pearson entered the meeting at 6:08 and invited Adam Smith, Manager of Development Services to address the attendees. Mr. Smith provided clarification regarding the rehearing of file D10-21-12 Draft Plan of Subdivision. He noted that upon solicitor review it was decided to rehear this file in front of the committee and he clarified that all correspondence that was carried out last month is on public record and will be taken under consideration and that there is the opportunity for additional comments at this meeting.
2. Additions to the Agenda – there were none.
3. Declaration of Interest by a member for this meeting or at a meeting at which a member was not present. Member, John Barr declared a conflict on file D13-21-14 for potential bias.
4. Adoption of Minutes of previous meeting
 - The meeting minutes of September 21, 2021 were approved.
5. Correspondence relating to applications before the Committee.
 - One additional comment was received for D13-21-14, Rabbit Lake and one additional comment was received for D14-21-09, Temporary Use. The Secretary confirmed that members had received those comments.

- The Secretary confirmed that all members had viewed the recorded meeting and read the meeting minutes from the September 21, 2021 Planning Advisory Committee Meeting.

6. Consideration of an Application for Minor Variance:

- D13-21-12, Greenwood Drive

The Chair reminded the attendees to limit their deputations to five minutes or less.

The agent, Laura Wheatley presented the application for a minor variance to 65 Greenwood Drive to reduce the minimum lot size from 1ha to 0.4 ha. The minor variance results from a previous application for a consent to sever a portion of the property and add it to a neighbouring property which reduced the property size to 0.4 ha. A minor variance is now required to conform to the by-laws. The property is vacant land, is un-serviced and there are currently no plans for development on the property. The agent submits that the application is compliant with the Planning Act and meets the four tests for a minor variance. She noted that the neighbouring properties are of similar size and the subject property is not smaller than surrounding lots.

The City Planner, Kevan Sumner, presented the planning report. After interdepartmental and agency circulation, Synergy North commented that depending on the situation, easements might need to be provided for servicing and MECP commented that the proposal does not appear to require a Record of Site Condition. The Planner recommended that the application to seek relief from Zoning By-law 101-2015, Section 4.5.3(b), to allow for a lot in the Rural Residential Zone to have a minimum lot area of 0.4 ha, be approved.

The Chair asked if there was anyone who wished to speak in favour or in opposition to the application. There were none.

The Chair asked the Committee for questions. There were none.

Motion: John Barr

Seconded: John McDougall

That the application for minor variance file number: D13-21-12 to seek relief from Zoning By-law 101-2015, Section 4.5.3(b), to allow for a lot in the Rural Residential Zone to have a minimum lot area of 0.4 ha; meets the four tests and should be approved.

Carried.

- D13-21-13, Coney Island

The agent, Kim Meija presented the application for a minor variance which is the result of a consent application which was heard at the September meeting. 792 Coney Island was the subject of a lot addition and was in receipt of additional land with a condition of that approval being a minor variance. The minor variance is required to bring an existing dock and shed that was formerly encroaching on the

neighbouring property into compliance with the interior side yard setback By-law. The Zoning By-law requires 4.5 m and it is currently 0.19 m.

The City Planner presented the planning report. After interdepartmental and agency circulation, Synergy North commented that it has no objections however, an overhead pole line runs through the property and they maintain the right to access such equipment and materials in order to provide electrical service to the several customers the pole provides service to. The minor variance, if approved, would bring an existing dock and storage building in to compliance with the zoning by-law. The Planner recommended that the application, D13-21-13 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 3.34.1(c)(iii), be approved.

The agent added that there is no further development planned at this time.

The Chair asked if there were any members of the public that wish to speak in favour or against the application. There were none.

The Chair asked the Committee members for any questions or discussion. There were none.

Motion: Bev Richards

Seconded: Tanis McIntosh

That the application, D13-21-13 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 3.34.1(c)(iii), to allow for a shoreline storage building to be located 0.19m from the interior lot line and a shoreline dock to be located 0.0m from the interior lot line; meets the Four (4) Tests and should be approved.

Carried.

Member, John Barr excused himself from the meeting at 6:30 p.m.

- D13-21-14, Ascough Drive

Owner and applicant Brookes Francis made no statements.

The City Planner presented the planning report for a variance to Zoning By-law 101-2015 for the property located at 3 Ascough Drive with the effect of allowing a secondary dwelling to be located on a shoreline lot. The applicant intends to convert and expand an existing accessory structure to contain the proposed accessory dwelling. He noted that concern has been raised that the structure is closer to the property line than indicated on the sketch submitted by the applicant therefore a survey will be required prior to a building permit being issued and a further minor variance may be required. After interdepartmental and agency circulation the Kenora Fire and Emergency Services commented the need to ensure the secondary dwelling meets residential building and fire codes if approved and the MNRF commented they anticipated no impact on natural heritage values and have no concerns. Two letters from the public had been received expressing concerns regarding the proximity to the nearby Environmental Protection Zone, compliance with regulations regarding secondary dwellings, obstruction of views and reduction

of privacy and precedent for other waterfront properties. The Planner recommended that the application be approved subject to conditions.

The Chair asked if the applicant had anything to add. He did not.

The Chair asked if there was anyone from the public who wished to speak in favour of the application. There were none.

The Chair asked if there was anyone from the public who wished to speak against the application.

Dave Naychuck
5 Ascough Drive

Tara Rickaby spoke on Mr. Naychuck's behalf. Ms. Rickaby had previously submitted comments on behalf of the Naychuck's and brought forward an additional concern. While the Planner was doing a site visit and Mr. Naychuck was present, it was indicated that the height of the fence as it stands will be floor level with the addition which would infringe on the privacy of the Naychucks front yard. Ms. Rickaby noted that the intent of the Zoning By-law to not allow secondary dwellings on waterfront lots was that the lots tend to be smaller and the frontages narrower and to protect the waterways.

Mr. Naychuck commented that they have owned their property since 1986 and had to tear down an existing cabin to build because it was zoned a single dwelling property. He is concerned that the proposed secondary dwelling could become a bed and breakfast or a summer rental. A city employee informed him that the workshop garage is already too close to his property line, 22 inches too close. While he would be fine with an attached suite, he felt the proposed building would set a precedent for anyone on any lake within town limits. He also expressed concern regarding the setback from the shoreline and noted that the height of the floor would be seven feet above ground. He felt any foundation or footing work would be below water level. Mr. Naychuck does not feel the variance is minor and is concerned that other lake front owners would do the same if approved.

The Chair asked the Committee members for discussion or questions.

Member, Tanis McIntosh addressed the concerns of the public and agreed with the conditions that the Planner put into the report. Condition number one, being the environmental impact statement, would put some science behind the concern that the waterway would become overused or if the pilings would interfere with spring fed Rabbit Lake. The second condition, that the building permit needing an actual survey, would show the measurements from the water line and neighbouring properties. The site plan would have to agree with requirements so the owner would likely have to apply for additional variances. At that time consideration would be made to whether those variances were minor. Ms. McIntosh felt the Planner had done a good job putting conditions around the approval that need to be satisfied based on facts.

Member, John McDougall asked the Planner what the original intent was on the Zoning By-law not allowing secondary dwellings on water lots. Kevan responded that the Official Plan makes no distinction of waterfront lots but guessed that there were concerns regarding waterfront lots that the By-law was intended to address. Ms. Rickaby added that the intent at the time was that because the water lots were small that water quality would not be affected by overdeveloping each lot and that shorelines and areas were disturbed as least as possible. Mr. McDougall commented that we have a lot of waterfront lots in Kenora and if we start allowing secondary dwellings on waterfront lots it might create a challenge to stop the approvals. Mr. McDougall asked the applicant what the intended purpose of the secondary dwelling will be. The applicants plan is to move into the secondary dwelling with his wife so their son could live in the top half of the home and enable him to rent out the bottom half.

Member, Bev Richards commented that she agreed with the 2015 decision.

The Chair, Ray Pearson asked the applicant what his plan is, if the application is approved, for other accessory structures and if he considered adding onto the house. The applicant responded that the current structure is a stall and a half garage that is insulated and serviced and had that in mind when it was originally built. He plans on building a garage on the side of the house if this application is approved. Mr. Pearson commented that he agrees with the existing by-law and doesn't agree with adding a structure that will impede the site lines of the neighbours and is concerned about the precedent it would set.

Moved: Tanis McIntosh

Seconded: John McDougall

That the application, D13-21-14 to seek relief from the Zoning By-law 101-2015, Section 3.28.3(f), to permit a detached secondary dwelling to be permitted on a lot with water frontage; meets the Four (4) Tests and should be approved subject to conditions.

Defeated.

7. Consideration of an Application for Consent

- D10-21-13, Villeneuve Road

The agent, Ryan Haines presented the application by slide presentation for a lot addition by consent on the south west corner of a lot on Villeneuve Road. The subject property is 37 ha located 6 km north of City hall of which 0.9 ha is being proposed to be transferred as part of the lot addition. The larger property extends to Villeneuve Road to Villeneuve Road South and to the Winnipeg River and Winnipeg River Marina. There is a smaller parcel on the south east corner of that larger lot. Both parcels are rural and are of similar size to the proposed merged lot. There is identified spawning habitat to the east however, the agent clarified that there is a separation so the subject property does not border on the Winnipeg River. He explained that Villeneuve Road will not be part of the lot division and the long term plan is a sub division of the larger piece that will involve transferring the

road to the City of Kenora. The current adjacent property is 0.15 ha and will be increased to 1.15 hectares once the 0.96 ha parcel is added. The agent indicated that this proposal is consistent with the Provincial Policy Statement and while the Official Plan is silent on realignment of lot boundaries through consent, it will be consistent with surrounding properties and would bring the neighbouring property closer to the minimum size requirements for providing their own septic. He noted concerns by OPG regarding hazard lands and potential flood lands and clarifies that surveys will be conducted to identify these hazard lands to ensure no future development in these hazard lands. Mr. Haines commented that this addition brings the adjacent property closer to compliance with the Zoning By-law. The agent addressed concerns about current access across the properties and noted that while no evidence of this was found regarding this access, any legal access over the property will be maintained and Mr. Haines reiterated that all that is being requested is change of ownership.

The City Planner presented the planning report. Comments that came in after interdepartmental and agency circulation included comments from Synergy North that easements might need to be provided for servicing, from Ministry of Transportation that MTO Building and Land Use Permits may be required, and from OPG regarding the flooding rights and requested flooding easements be acknowledged on the parcel as a condition of approval. The Planner recommended that the application be approved and provisional Consent be granted, subject to conditions.

The Chair asked if there was anyone in the public who wished to speak in favour or against the application. There were none.

The Chair asked the committee for any questions or discussion.

Member, Ray Pearson asked the agent about the future development of the property. The agent responded that his understanding was that the owners only want to increase their lot size and reduce the risk of having future neighbours. Mr. Pearson asked about the access points or road and where that might be located. Mr. Haines responded that they did not find any evidence of the road but that in speaking with neighbours, they may have accessed along the shoreline to get to the far side but there doesn't appear to be an indication of an existing road.

Motion: John Barr

Seconded: Bev Richards

That application D10-21-13 for consent for lot severance on an unassigned property located on Villeneuve Road and legally described as PCL 23981; PT W PT LT 2 CON 7 JAFFRAY PT 1, 2, & 3 KRF21, EXCEPT PT A TO 7 PL D76; CITY OF KENORA be approved and provisional Consent be granted, subject to conditions.

Carried.

8. Consideration for Draft Plan of Subdivision
 - D10-21-12, Transmitter Road, **Rehearing**

The Agent, Ryan Haines presented the application with a slide presentation. He notes that it differs slightly from last month to address questions and concerns from PAC members and the public.

The application is for a draft plan of subdivision on a property on Transmitter Road.

The subject property is a 0.58 ha lot zoned R1, is vacant, approximately two thirds is cleared and one third forested. There are sewer and water services along Transmitter Road and Sunset Bay Road and a hydro line along Transmitter Road. It is located adjacent to a subdivision on Sunset Bay Road which has smaller waterfront lots that are less than 0.5 ha. The proposal is for the creation of 4 new lots, none of which are waterfront lots. The Retained parcel, lot 5, is on the waterfront but there is no intention to develop it with water access. The proposal meets the requirements for both R1 and R2 designations.

Mr. Haines showed images of the access and easements for the lots and indicated that four lots will share one driveway with a second driveway for the retained lot. The lots all exceed the minimum lot areas for R1 or R2 zones and the frontages are all met or exceeded. The agent noted that the application is supported by the Provincial Policy Statement and the City of Kenora Official Plan. The agent discussed the previous OMB ruling over 20 years ago relating to a neighbouring property. He clarified that any planning decision is based on the current planning context and that the PPS and the Official Plan have gone through many changes and that the OMB does not operate with the doctrine of precedent. The agent felt that the proposal addressed concerns within the State of Housing Report 2018.

The agent showed images of the proposed house plans however, noted they are not part of the application. The price point for the semi-detached dwellings would have a price range of \$400,000. A slide was shown indicating the proximity of neighbours to each other and the proposed subdivision. The agent commented on the preservation of the forest area noting that some trees would be removed however, no more than is required.

The City Planner presented the planning report. It was the same report that was delivered last month. The Planner recommended that the creation of four (4) new lots be approved, as proposed in the draft plan.

The Chair asked the agents if they had any questions. They did not.

The Chair asked the public who wished to speak in favour of the application. There was none.

The Chair asked the public if there was anyone who wished to speak in opposition to the application. The following comments were heard:

Rod Sewchuck

Box 2440 Kenora, ON

Mr. Sewchuck explained that all lots off Transmitter Road are large lots facing the lake and continues to Gould Road for approximately 3 miles. Mr. Sewchuck found

the contents of the application and report irrelevant to the issues being discussed. He believed that more relevant issues were dealt with by the OMB in 2000 and that that the ruling was on point with the issues today. Mr. Sewchuck challenged some of the comments made in the report and clarified that the building to the west of the entrance to Sunset Bay Road is a garage and not a residence, the severance for the six lots was granted in 1979 and not 20 years ago as reports state and that the elevation of the subject property is higher than all five residences. Mr. Sewchuck felt that the entrances to Sunset Bay Road are scary enough without additional entrances to the east and felt the reports didn't address this safety issue. He also felt the trees would not necessarily remain a buffer if a view of the lake is wanted. He noted that the reports only refer to the OMB decision in regards to the abundance of lots at the time and he felt that there are many other lots available for sub division. He referenced a number of properties that he felt have potential. Mr. Sewchuck noted that five of the six lots were built on over 40 years ago and believed the principles quoted in the reports apply more to a larger lot of land, not the remaining lot on a 43 year old settlement. He noted that four of the five families have lived there since the beginning. Another issue of concern was the reference to the sidewalk. He commented that you have to cross a highway for access and that the sidewalk is often covered in ice and snow in the winter. He does not feel that the proposed duplexes show conformity to the existing lots and felt that the occupants of the duplexes would likely have items such as boats, vehicles, quads that would be viewed from Transmitter Road. He asked why the settlement could not be kept in conformity and to maintain what existed when they bought there.

Donna Pochailo

11 Sunset Bay Road

Mrs. Pochailo addressed both applications pertaining to the proposed sub-division. She gave a brief history of the area. She expressed concern regarding how the City can change the zoning and felt that it reduced the feeling of security about an important investment and reduced the confidence of residence in the City. She noted the OMB's decision in a previous sub-division request. Mrs. Pochailo referenced the Official Plan of 2015 and felt that the proposed semi-detached homes do not keep in character of the area nor the lot sizes. She commented that the large lot sizes and rural feel is what drew them to the area. Mrs. Pochailo compared the original lot sizes to the four smaller proposed lots. The largest proposed lot is substantially less than half the size of the smaller property of the original Sunset Bay neighbourhood and do not keep in character of the area. She commented that it is only by building semi-detached dwellings that the developer can fit the units on the proposed sites. She referenced section two of the Planning Report and questioned how more lots can be created than what is permitted by the Application for Consent. She asked what effect this will have on the sewer and water system in the area. She had concerns that there is nothing to prevent the purchasers of the units from renting them out or from removing the tree screen from the property. She also had concerns regarding the safety of walking on Transmitter Road and crossing the highway to the sidewalk. She summarized that she felt that this application is poor planning, does not keep in character with the area and does not keep in the City of Kenora Official Plan 2015.

Theresa Doran
7 Sunset Bay Road

Mrs. Doran agreed with her neighbours and pointed out that the aerial photos of the area are deceiving. She clarified that her property has been cleared with some Poplar trees remaining. She expressed concerns that the area would be clear cut for lake views and that all four of the properties would butt up against her front lawn and would reduce privacy and impede her view. She did not think it suited the neighbourhood and would be more suited to a sprawling diversified neighbourhood.

Tracey Wyder
2 Sunset Bay Road

Ms. Wyder agreed with her neighbours, particularly Mr. Sewchuck who she felt had done his research on available land in the area for development. She referenced plans for the City to develop more affordable housing and the State of Housing Report 2018 that states there was inconclusive data in many demographics throughout the City. She commented that while demographics do change, she felt that having a developer from Southern Ontario who does not know the area, the demographics or how the community operates is unfair to home owners and opens the door to other demographics on lake front properties. She expressed that development of small square footage housing should be done in appropriate areas and not in already developed sub-divisions.

The Chair asked the committee members for comments, questions or discussion.

Member, John Barr expressed support for the application. He explained that common wall duplexes and multiplexes are common in most urban areas of the country, that these are market affordable housing which will increase the tax base and provide housing opportunities for employees of any new business which might locate in Kenora. . He noted that the original lots on Sunset Bay Road were sized to encompass subsurface sewage disposal systems and felt that if sewer and water were available at that time, it is likely more smaller lots would have been created. He noted that lot 1 of the proposed subdivision is larger than the smallest lot (lot 6) of the original subdivision, that 2000 square foot homes could be built on each of the proposed lots with no variances required for side, front and rear depths and that duplexes offer some cost savings. Mr. Barr addressed the four main issues that have been expressed by those opposed to the plan. That the development is out of character or not compatible, he responded that he was not sure what that meant except for lot size. Further to this, with respect to the OMB decision in 2000, he responded that the decision was based on a different piece of waterfront property (not a back lot) and it was decided in a different time and for a different location. On potential loss of privacy, he responded that if that was a valid argument against development you wouldn't have any development. He explained that what one sees from the new proposed lots are garages and driveways separated by a road and forested areas and felt that even if all the forested area was cut back on the subdivision property to the northern neighbour, there would still be a substantial tree buffer. On the potential for increased risk of accidents because of driveway access and walking on Transmitter Road, he responded that the City Roads Department is

very quick to identify this type of issue, which it hasn't, and that there doesn't appear to be a lot of accidents in the area. The potential risk is no greater than that at many other intersections and driveways within the City due to its topography. Lastly, he addressed the environmental issue. He responded that while Laurens Lake may be at capacity for un-serviced lots, the proposed subdivision is serviced, with only one lakeside property separated by a 66 foot road allowance. He predicted that should sewer and water services ever be extended further down Transmitter Road, some owners of large un-serviced properties in the area would apply for severances to divide their lots into smaller units.

Member, Bev Richards asked the agent if there were basements in the duplexes. The agent confirmed there will not be basements and that there are no plans for fences around the duplexes. The City Planner confirmed for Ms. Richards that there are no by-laws that prevent putting fencing around a property. The Planner confirmed for Ms. Richards that there are setback requirements for side and rear yards and felt that there is likely room in the side yard on the duplexes. She asked the Planner if there are any rules requiring the homes to face a certain direction to which Mr. Sumner replied that they regulate where homes can go on the property and not how they are viewed from the street. Ms. Richards expressed concern about the driveways and slippery conditions. She asked if they intended to level the property to the road and asked about signage or reduced speed on the road. Mr. Sumner responded that the Roads Department took a close look but did not identify any concerns with issuing an entrance permit for those driveways.

Member, Tanis McIntosh expressed that we are in need of more accommodation and discussed the challenges of professionals in need of housing in the area. She commented on the issue of the driveway and felt that the development would still have to go through site plan approval which would address those issues. She expressed her support for the application and discussed the transition areas in other cities from higher density to lower density and felt this would almost fit that type of transition. She noted that coming from the highway you would first see higher density and behind that, lower density along the waterfront. She felt the proposed lots are not on the water and felt that it flows with how a bigger city would have been planned but on a smaller scale.

Member, John McDougall expressed sympathy for those in need of housing in the area and suggested that other options are looked at as brought up by Mr. Sewchuck. He also expressed sympathy for the existing residents however, noted that someone could have built there in 1979 and be looking down on them and that was always a reality. Mr. McDougall's view was that the proposed size of the lots compared to what exists now and the value of the homes that are potentially going to be built compared to what is there now is not a fit and out of character with what currently exists. He discussed that the current residents had a vision of how they wanted to develop their estate-like, waterfront lots and 40 plus years later a lot that wasn't developed could change the landscape of the area. It's much different than what may have been intended when the lots were developed. Mr. McDougall does not feel it is a fit and that the committee owes it to the people that have a significant investment and vision to look out for them and protect their interests

particularly when there are other options available in the City. He felt that there are other options for developers in the community.

Tanis McIntosh expressed concern about the idea of other options. She thought that if a developer thought other options were viable they would be developing there. She mentioned the cost of servicing could reduce viability of developing. She felt the reason for this lot being developed is likely because it is economical to do so which means this is where affordable housing can be built. She clarifies not low income housing.

John Barr asked Mr. Haines whether lot number 5 could be accessed off Sunset Bay Road, which is a public road. Mr. Haines responded that he is not sure it would have any impact and noted that the Roads Department did not have concerns with the proposed entrances.

Moved: John Barr

Seconded: Tanis McIntosh

That draft plan of subdivision File No. D10-21-12, the subject property located on the northeast corner of the intersection of Transmitter Road and Sunset Bay Road, being PIN # 42168-0592, meets the criteria as set out in Section 51 (24) of the *Planning Act* and it is further recommended that approval be subject to the proposed conditions as outlined in the City of Kenora Planning Report, as well as any others deemed necessary by the City of Kenora.

Carried.

Member, Tanis McIntosh requested a five minute break. Meeting resumed at 8:47 p.m.

Member, John Barr made a motion that the meeting be extended to 10:00 p.m. as necessary. Seconded: Tanis McIntosh

Carried.

9. Recommendation to Council

- Amendment to the Zoning By-law
 - i. D14-21-08, Transmitter Road

The agent, Ryan Haines presented the application for rezoning of the four lots of the subdivision from R1 to R2 to allow for the construction of semi-detached dwellings.

He noted that it will maintain the Official Plan designation and that the lot sizes meet or exceed the minimum requirements for R2 and contribute to the range and mix of housing. The development would result in a density of 8.6 units per hectare which is considered low density. It will result in a more efficient use of land and meets the Provincial Policy Statement and the City of Kenora Official Plan. The agent noted that the State of Housing Report 2018 concluded that the City should focus on developing vacant land within the City's established areas. He discussed diversified housing in the area and references the Canadian Mortgage and Housing

Commission which showed that 105 of 126 new housing units built in the last five years were single detached dwellings.

The Planner presented the planning report. He recommended that the application for Zoning By-law Amendment be approved.

Kim Meija clarified that the developer is not from Southern Ontario and are local.

The Chair asked if there was anyone in the public who wished to speak in favour or against the application. There were none.

The Chair asked if the members had any questions or discussion. They did not.

Motion: Tanis McIntosh

Seconded: John Barr

RESOLVED THAT the **PLANNING ADVISORY COMMITTEE** recommends that the Council of the Corporation of the City of Kenora approve Zoning By-law Amendment File No. D14-21-08, the subject lands are unassigned address on the northwest corner of Sunset Bay Road and Transmitter Road intersection identified in Schedule "A" of this resolution. The purpose of the Zoning By-law amendment is to rezone the subject lands from "R1" Residential First Density Zone to "R2" Residential Second Density Zone.

The effect of the Zoning By-law Amendment is to promote redevelopment of the subject lands with uses that comply with provisions of the "R2" zone.

The Committee has made an evaluation of the application upon its merits against the Official Plan, Zoning By-law and the Provincial Policy Statement 2020, and provides a recommendation to Council purely based on these matters; whereas the Committee may not have had the opportunity to hear public comments in full.

Carried.

ii. D14-21-09, Temporary Use – BSL

The applicant, Kyle Lewko presented the application for a temporary campground permit. He clarified that it was not for a campground but for one camper. Mr. Lewko apologized for the sewer situation and informed the Committee that they have corrected this by getting a holding tank and pump to pump from camper to tank and will have the tank pumped out. He explained that the docks were built before they bought the lot and that they are in the process of applying for a permit. They are aware of the protected area and do not plan to build on or disrupt this area. Mr. Lewko noted that the campfire pictured was from May Long weekend and that they did not have any fires during the fire ban. He summarized that they planned to start building next summer and that it was their intent to bring the lot into By-law compliance and will be in contact with the By-law Department moving forward.

The Planner presented the planning report for a temporary use approval for the use of the subject property as a campground for a single camper for a period of up to three years in the BSL Restricted Development Zone. The Planner recommended that the application be refused.

The Chair asked the applicant if he had any comments. The applicant explained that they were not living there and they were there 24 days this year. They are hoping to make a cottage there and hoped to be there during the process.

The Chair asked if there was anyone from the public who wished to speak in favour of the application. There were none

The Chair asked anyone from the public wished to speak in opposition to the application. The following comments were received:

Gloria Meija

214 B Wyder Drive

Mrs. Meija felt that the intent was not evident by the applicants that they want to build in the near future. She pointed out that in the applicants supporting letter they stated that they already know where to put the cabin therefore she did not understand why it would take three years. Secondly, she noted there is no building permit application, and thirdly a building plan has not been submitted for approval. Mrs. Meija asked that the Committee look at the advertisement for the sale of the property to determine if the existing dock was there at the time of sale and if so, she felt that the previous owners should be fined and be told to remove the docks. She expressed her disappointment in the owners for putting waste water on the property and not having a holding tank for sewage disposal. She felt the applicant should be fined, she agreed with the Planner's report and believed that the archaeological site and the shorelines of Black Sturgeon Lake should be protected. Mrs. Meija asked what would happen after three years and felt that there would be other reasons for the applicants not to build. Mrs. Meija brought up other trailers located on the lake that are not following the By-laws and understands that the applicant may not see the fairness in this. She asked that the By-law Officers take note of all the trailers on Bell's Point Road as there are additional people going against the By-law. She believed that the applicants should remove the trailer from the property, that Black Sturgeon is not a campground, and asked that all residents of Black Sturgeon Lake follow the By-laws and reiterated that she is not in support of this application.

Janet Hyslop

Thanked the City Planner for his report and echoed the concerns of resident Gloria Meija. The Hyslops concerns included maintaining access to safe water and felt that if approved, it could extend to neighbouring properties. She noted that a property in the area had ten or more campers on it at one time. Mrs. Hyslop asked the City to consider that by allowing this temporary use that it will create other issues for property owners in the future. Mr. Hyslop expressed concerns for the land use of three lots in the area where there were a large number of trailers on the properties and felt that one lot was being operated as a campground as well as a commercial space with heavy equipment and oil and gas containers. He had concerns for the water quality in the area and expressed frustration that the ability to enjoy their property is being diminished. The Hyslops noted that they've had to be vigilant over

the past two summers with the increased use and have encountered dangerous situations on the lake. Mr. Hyslop expressed disappointment about the wastewater and other issues. They reiterated they are not in support of the application.

The Chair opened the floor the Committee members for comments and discussion.

Member, Bev Richards asked the applicant if the trailer was purchased with the property. Mr. Lewko confirmed that they moved the trailer onto the property.

Member, John Barr thanked Gloria and Janet for their comments and clarified that when campers were referenced, he assumed they meant trailers. Mr. Barr asked the applicant if the trailer was moved recently, based on 2019 photos, to which the applicant clarified that in 2019 they did not own the property. Mr. Barr discussed the mapping of the archaeological site and questioned whether simple denial of the application solves the issues with the sewage disposal, the docks in the Environmental Protection Area and the archaeological site. He indicated that he supported the Planners recommendation but felt that if Mr. Lewko took measures to resolve those issues and reapplied for the temporary use, he may get better input from the Committee. He discussed the issue with trailers in the City and noted that they need to be looked at seriously in terms of the Official Plan and the Zoning By-law. He indicated that there are few areas where trailers are legally permitted.

Motion: Bev Richards

Seconded: John McDougall

RESOLVED THAT the **PLANNING ADVISORY COMMITTEE** recommends that the Council of the Corporation of the City of Kenora refuse the application for temporary use File No. D14-21-09, the subject lands are unaddressed property lot 1, Plan 23M966 Bell's Point Road PIN 42134-0552.

The purpose of the temporary use approval for the use of the subject property is a campground for a single camper for a period of up to three (3) years, in the "BSL" Black Sturgeon Lake (Restricted Development Area Zone).

The effect of the temporary use application would allow a campground

That the application for Temporary Use By-law, File No. D14-21-09, to permit the temporary use of the property legally described as PIN 42134-0552, for a campground for a period of up to three (3) years, in the "BSL" Black Sturgeon Lake (Restricted Development Area Zone) should be refused.

Member, John Barr asked for clarification on the motion. It was clarified that the motion was to recommend a refusal of the application to Council.

Carried

10. New Business

- OP and ZBL Review – The OP draft is under provincial review and no updates are expected until closer to Christmas. The Planning Division is working on the Zoning By-law text and mapping and are currently

working with consultants. Both documents should come to the public early in the New Year for public input.

- PAC meetings will carry on virtually for the time being
- The City Planner confirms that tiny houses and trailers will be looked at during the OP and ZBL reviews.
- Member, Bev Richards congratulates Melissa Shaw and Kevan Sumner on a job well done on the applications.
- Discussion around the issue of trailers. Mr. Sumner comments that while there is no simple ticketing process, there is good success with voluntary compliance and that there are not a lot of resources available to go out looking at issues.

11. Adjourn

That the October 19, 2021 Planning Advisory Committee meeting be adjourned at 9:55 p.m.

Minutes of the Kenora Planning Advisory Committee meeting, Tuesday October 19 2021, are approved the 16th day of November, 2021.

Chair,

Secretary-Treasurer, Melissa Shaw