



City of Kenora
Planning Advisory Committee
60 Fourteenth Street N., 2nd Floor
Kenora, Ontario P9N 4M9
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**Minutes
City of Kenora Virtual Planning Advisory Committee
Regular meeting held by way of Zoom Meeting
Tuesday September 21, 2021
6:00 p.m. (CST)**

Video Recording: <https://youtu.be/j5rswmSyE34>

DELEGATION:

Present:

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

- i. The Chair, Ray Pearson called the meeting to order at 6:00 p.m. A Land Acknowledgement was delivered and the meeting protocol was reviewed.
- ii. Additions to the Agenda – there were none.
- iii. Declaration of Interest by a member for this meeting or at a meeting at which a member was not present – there were none.
- iv. Adoption of Minutes of previous meeting
 - The meeting minutes of August 17, 2021 were approved.
- v. Correspondence relating to applications before the Committee.
 - No written correspondence was received.
 - The Secretary-Treasurer noted that in respect to application D10-21-12, additional material was sent Monday September 20th and a Draft Plan of Subdivision certified by an Ontario Land Surveyor was circulated today September 21st.
- vi. Consideration of an Application for Consent
 - D10-21-10

The agent, Kim Mejia presented the application relating to 792 and 794 Coney Island. The applicant is Nicholas Logan and Christine Skene who are the owners of 794 Coney Island. The application is to sever a small portion of 794 to be added to the neighbouring property at 792 Coney Island owned by Mr. Cumpsty. The purpose is to bring a dock located on the Cumpsty property that currently encroaches on the Logan property into compliance. The agent noted that there will

be an application coming forward next month in respect to the Cumpsty property. The purpose is to bring it into compliance and rectify the encroachment.

The City Planner, Kevan Sumner presented the Planning Report. The application is consistent with the Provincial Policy Statement. The City of Kenora Official Plan is silent on this subject. In regards to the Zoning By-law, the proposed severance will bring 792 Coney Island closer to conforming to the minimum lot frontage and minimum lot area. The Planner noted that an application for Minor Variance will be required to bring an existing deck and accessory structure into compliance with the zoning by-law. After interdepartmental and agency circulation, Synergy North noted that they have an overhead pole line that runs through the properties and maintains the right to access such equipment and materials to provide electrical service. If approved, the application would allow the severance of a small parcel from the subject property, to add to the neighbouring property at 792 Coney Island. The Planner recommended that the application be approved subject to conditions.

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

The agent noted that an application for minor variance will be heard in October.

The Chair asked if the members had any questions or comments. There were none.

Motion: John McDougall

Seconded: John Barr

That application D10-21-10 for consent for lot severance on property located at 794 Coney Island and legally described as PIN 42162-0160; CITY OF KENORA and the addition of the severed parcel to the property located at 792 Coney Island and legally described as PIN 42162-0159; CITY OF KENORA be approved.

Carried.

- D10-21-11

Owner, Trevor Palmquist presented the application to sever a portion of the lot of 19 Sandstone and add it to 11 Sandstone. The neighbour's garage is currently encroaching onto 19 Sandstone and has been paying rent on that encroachment. The severance would make it easier for the owners of each property.

The City Planner presented the Planning Report. The application is consistent with the Provincial Policy Statement. The City of Kenora Official Plan is silent on this subject. In terms of the zoning by-law, the proposed lot addition would bring 11 Sandstone Place into compliance with the by-law. After interdepartmental and agency circulation, Synergy North noted that the existing easements would be transferred with the change of ownership. If approved, the severance and lot addition will result in the realignment of lot boundaries to correct encroachments that have existed for many years and bring both properties into compliance with the Zoning By-law. The Planner recommended that the application be approved subject to conditions.

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

The Chair asked if any committee members had any questions or comments. There were none.

Motion: John Barr

Seconded: John McDougall

That application D10-21-11 for consent for lot severance on property located at 19 Sandstone Place and legally described as PIN 42172-0621; CITY OF KENORA and the addition of the severed parcel to the property located at 11 Sandstone Place and legally described as PIN 42177-0153; CITY OF KENORA be approved.

Carried.

- D10-21-12 (Draft Plan of Subdivision)

The agent, Ryan Haines presented the application for plan of subdivision located on Transmitter Road. The agent discussed the location, context and character of the surrounding areas of the subject property. The property is zoned R1 and is 5820 square meters. The lot is currently vacant and consists of 2/3 cleared land and 1/3 forested area. There are existing water and wastewater services and an existing hydro line along Transmitter Road. Mr. Haines discussed what is considered a small lot and large lot and cited the Zoning By-law. The applicant felt that 1 ha is what would be considered a large lot and would characterize the adjacent subdivision as having small waterfront lots and noted that many properties to the east would be considered undersized legally non-conforming lots.

Mr. Haines showed the Draft Plan of Subdivision. Lot 1 is the retained lot and no new water lots are being created. Lots 2-5 are new lots with easements running along the south side of lot 3 and 4 as well as an easement running east to west for sewer and water.

The agent explained that the four proposed lots off of Transmitter Road do not require any changes to the Official Plan designation. The applicant's intention is to create two semi-detached dwellings on lots 2-3 and 4-5 in order to provide more affordable housing in the area however, they are described as higher end housing and felt that this will contribute to a range of housing in the City of Kenora. He showed that the lots meet or exceed the dimension requirements. Mr. Haines discussed the issue of privacy and noted that planning policy is fairly silent on this matter with the exception of side yard requirements and distances and he felt that all the lots meet or exceed those requirements. He explained that the density of this subdivision is still considered low and that the application meets the goals of the Provincial Policy Statement and the Official Plan.

Mr. Haines discussed the proposed subdivision's proximity to public transportation and that amenities are within walking or biking distance.

The agent noted the previous ruling on an adjacent property 20 years ago by the OMB. He asked the committee to consider that the OMB board does not operate

with a doctrine of precedent and that previous rulings do not influence decisions on current applications.

Mr. Haines discussed public interest and the need for housing developments like this in the City of Kenora. He cited the 2018 Housing Report that identified a lack of diversified housing options and included that the City should focus on developing vacant land in established area. He explained that construction in Kenora has focused on single detached houses and that this is much higher than the national average and feels the City should encourage different types of developments.

The agent summarized his report.

The City Planner presented his Planning Report. The application is to divide ownership of the subject property into five separate proposed lots, to enable development of five dwelling units. Mr. Sumner noted that the ownership of Transmitter Road was questioned however it is an established municipal road that the City maintains and which the proposed new lots would have access to. The application is consistent with the Provincial Policy Statement and the City of Kenora Official Plan. The R1 zone does not permit semi-detached housing that the applicant is proposing, therefore a zoning amendment is required. After interdepartmental and agency circulation, Kenora Engineering, Roads, Water and Wastewater and Bell Canada had comments related to services and easements. As of the date of the report, seven letters of opposition were received from members of the public.

The Planner recommended that the creation of four (4) new lots be approved as proposed in the site plan subject to conditions.

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

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

Pat Shewchuck

10 Sunset Bay Road

Mrs. Shewchuck sent a letter on September 17th. She noted that the appealed subdivision 20 years ago was due to the lot being out of character and shape for the area and would set a precedent. She felt that these issues are still relevant. Her concerns for this application included that she was not given enough time to read the Planning Report and did not have access to the Planning Act, that a duplex does not conform with the neighbours which are all water front lots, that the area has been established for over 30 years, and that there is other undeveloped land available for residential use within the City.

Robert Pochailo

11 Sunset Bay Road

Mr. Pochailo asked about sewer and water easements for lot 1 and inquired about the plan for City services. He had concerns regarding the road report and felt that an additional two to three driveways onto Transmitter Road would be problematic due to the speed and quantity of traffic. Mr. Pochailo expressed concerns regarding the lack of response from the Ministry about runoff, that the trees referenced would not provide privacy and that the proposed development is out of character for the area. Mr. Pochailo referenced the previous application where the decision stated it was bad planning and he feels it still is today. He noted that the lot has been designated R1 for 40 years, doesn't believe it should be changed and that there are many other suitable areas for development in the City.

The City Planner clarified for Mr. Pochailo that the plan referenced two driveways for the duplexes and one driveway for the single dwelling and that easements would be assigned as required as a condition of the application for all five lots.

Tracey Wyder
2 Sunset Bay Road

Mrs. Wyder expressed concern regarding the definition of large and small size. She felt it was clear that the lots were designed due to sewer and water but are now on City services. She felt that the area is an original and unique space and should be considered. She clarified that the lots were forced onto City services due to water quality of Laurensen Lake. Other lots in the area are not on City services therefore she felt they should not be a reflection of lot sizes. Additional concerns included that they subdivision would be out of character and felt that the driveways sight lines would not comply with MTO regulations due to corners, hills and traffic. Mrs. Wyder explained that the lots were bought with the idea that they would be estate settings and these are unique. She noted that they were not allowed to subdivide their property in the past. She noted that this is an estate subdivision and that there are other areas within the City that could be developed. She asked the City to maintain what was originally put forward.

Ken Ames
6 Sunset Bay Road

Mr. Ames expressed that he did not feel the area is not accessible for biking and walking due to the speed of traffic on the highway, the sidewalks along the highway not being accessible in winter and poor sight lines. He inquired about the road that would be accessing all lots and noted that he feels the subdivision is wrong for the area.

Theresa Doran
7 Sunset Bay Road

Mrs. Doran had concerns about four lots backing onto her property without a back lane or separation.

Brad Wyder
2 Sunset Bay Road

Mr. Wyder discussed the importance of the tourism industry in Kenora and had concerns about the impact that changes to the landscape would have to Laurensens

Lake and the surrounding area. He did not feel this proposal is in the best interest of the City or the province and felt that there are other places in the City to develop and that this area should be kept the way it's been.

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

Member, John McDougall asked if the property had been acquired by the applicant and Kim Mejia confirmed it has. Mr. McDougall asked for clarification regarding the use of the word affordable housing. The agent, Mr. Haines clarified that the proposed dwellings would not be considered affordable housing by the Federal Government's definition but that a semi-detached dwelling would make the dwellings more affordable to buyers and that based on the drawings, they are not geared to low income buyers.

Mr. McDougall inquired if creating fewer lots was considered given the small sizes of four of the lots. The agent could not speak on the decisions made by the developer.

Mr. McDougall asked a clarifying question of Pat Shewchuck regarding when they purchased in the subdivision. She indicated that it was 1978 when the lots went up for sale and they purchased around that time.

Member, John Barr had the agent clarify that the unpatented block, shown along the shoreline on the east and north side of lot 1 and on the north side of number 7 Sunset Bay, was a 20 meter road allowance set-back. Mr. Barr asked what the price point for the semi-detached dwellings might be, assuming lot 1 would be priced higher. The agent did not have that information. The agent confirmed for Mr. Barr that the back of the duplex dwellings on lots 2/3 and lots 4/5 will look towards the back of the dwellings on Sunset Bay, ie., the garages and driveways of the properties on Sunset Bay. The front of the dwellings will look towards Transmitter Road.

When questioned, the agent also confirmed that the March 2000 decision by the OMB was not related to the property which is the subject of this file but related to the "Wyder" property on the other side of Sunset Bay.

The agent verified that lots 2-5 would be considered back lots and that lot 1 would be a waterfront lot.

Mr. Barr asked City staff if there is any option to regulate the construction of the dwellings to conform to the surrounding areas. Mr. Sumner responded that under current regulations they need to conform to the Zoning By-law but that a zoning amendment could include site specific requirements. Mr. Sumner confirmed for Mr. Barr that there is a sidewalk on Highway 17 which ends close to Transmitter Road and that the application does meet both R1 and R2 requirements for lot sizing, yard depths and sewer/water servicing.

The Chair, Ray Pearson asked the agent whether the units will be rentals or for sale. The agents understanding is that the intent is for them to be sold.

There is discussion about water servicing to the lots. The City's requirement was that there be connection to services from Sunset Bay Road and it's up to the developer as to how they extend those services and would be at the cost of the developer. Easements would be registered where they cross other properties.

Tracey Wyder inquired about the type of application and there is discussion about when a variance is required.

Ken Ames received clarification from the agent that the maximum height of a building for R2 zone is 10 meters.

Motion: John Barr

That the creation of four new lots be approved, as proposed in the site plan as the proposed site plan meets the criteria as set out in Section 51(24) of the *Planning Act* and that Draft Approval may be given by the Planning Advisory Committee. The draft approval applies to the site plan, circulated as File No. D10-21-12, for the subject property located on the northeast corner of the intersection of Transmitter Road and Sunset Bay Road, being PIN # 42168-0592. It is further recommended that approval be subject to the proposed conditions, as well as any others deemed necessary by the City of Kenora.

Defeated.

- vii. Recommendation to Council
 - Amendment to the Zoning By-law
 - i. D14-21-08

The agent, Kim Mejia requested that D14-21-08 be deferred until the October meeting as they felt there were not enough committee members present.

It was noted that the Committee does have quorum with three members present.

Motion: John Barr

Seconded: John McDougall

That file D14-21-08 for the rezoning of the property be delayed until the October, 2021 meeting.

Carried.

- viii. New Business
 - OP and ZBL Review – the draft Official Plan has been submitted to the Ministry and a longer review is expected however should be completed by the end of the year. The Zoning By-law has started with a comprehensive internal review and the Advisory Committee will meet next week for the first time.
 - In-person meetings – virtual meetings will continue.
- ix. Adjourn

That the September 21, 2021 Planning Advisory Committee meeting be adjourned at 8:09 p.m.

Minutes of the Kenora Planning Advisory Committee meeting, Tuesday August 17 2021, are approved the 19th day of October, 2021.

Chair,

Secretary-Treasurer, Melissa Shaw