



## **PROCEEDINGS**

for a Public Meeting

to discuss a Proposed Zoning By-law Amendment

(Re: D14-21-08 Unaddressed Property, NE Corner of Sunset Bay Road and Transmitter Road intersection)

**Tuesday, November 9, 2021**

**12:00 p.m.**

**City Hall Council Chambers**

\*Due to COVID-19 and the requirement for physical distancing, the meeting was livestream and can be found at: <https://kenora.civicweb.net/Portal/>

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**PRESENT:** Mayor D. Reynard  
Councillor G. Chaze  
Councillor M. Goss  
Councillor R. McMillan  
Councillor A. Poirier  
Councillor S. Smith  
Councillor C. Van Wallegghem

**Staff:** Kyle Attanasio, CAO  
Heather Pihulak, Director of Corporate Services/City Clerk  
Kevan Sumner, City Planner  
Adam Smith, Director of Development Services

### **Land Acknowledgement**

As we gather, we recognize that we are on Treaty Three Lands which are steeped in rich Indigenous history and home to many First Nations and Metis people today. We continue to be thankful for the partnerships with our Indigenous people.

Mayor Reynard opened the meeting and declared the purpose of public meetings is to present planning applications in a public forum as required by The Planning Act. Following presentations by the applicant and our City Planner, any Council members will be afforded an opportunity to speak and at that time, the meeting will then be opened to the public for comments and questions. The public is encouraged to read the City Planner's planning report in advance of the public meeting which may clarify questions in advance of the public meeting. Interested persons are requested to give their name and address for recording in the minutes. There is also a sign in sheet for interested members of the public at the back of the room.

Personal information collected as a result of this public hearing and on the forms provided at the meeting are collected under the authority of the *Planning Act* and will be used to assist in making a decision on this matter. All names, addresses, opinions and comments may be

collected and may form part of the minutes which will be available to the public. Questions regarding this collection should be forwarded to the City Clerk.

Notice was given by publishing in the Daily Miner and News which in the opinion of the Clerk of the City of Kenora, is of sufficiently general circulation in the area to which the proposed by-law amendment would apply, and that it would give the public reasonable notice of the public meeting. Notice was also provided by mail to every owner of property within 120 metres of the subject property, prescribed persons and public bodies, and posted online on the City of Kenora portal.

An appeal may be made to the Local Planning Appeal Tribunal not later than 20 days after the day that the giving of notice as required by section 34(18) is completed by either the applicant or person or public body who, before the by-law is passed makes oral submissions at a public meeting or written submissions to the Council, and may not be added as a party unless, in the opinion of the Tribunal there are reasonable grounds to do so. A notice of appeal can be filed with the City Clerk with the Tribunal's required fee.

An appeal may only be made on the basis that the bylaw is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform to an applicable official plan.

No decisions are made at public meetings concerning applications, unless otherwise noted. The public meeting is held to gather public opinion. The Council of the City of Kenora will have the opportunity to consider a decision at a future meeting of Council.

Herein the applicant will have the opportunity to speak on behalf of their application, and the City Planner will provide a summation of the report and recommendation, after which anyone who wishes to speak either for or against the application, will be given the opportunity to do so, and a record will be kept of all comments.

If anyone wishes to receive the Notice of the Decision of Council, please leave your name and address with the City Planner.

**Applicant, Ryan Haines, acting as agent presented his planning rationale.  
Ayrle Developments (Kenora) Inc. Hook, Seller & Lundin LLP (Kimberley Mejia)**

This is for a zoning bylaw amendment. The TransCanada Highway (Hwy 17) is located approximately 200m to the west of the subject lands. There is a religious establishment on the south side of Transmitter Road, across from the subject property. Subject property is on the eastern edge of the City's Settlement Area boundary in an area with relatively small waterfront lots (all less than 0.5ha). Lot is vacant with approximately 2/3 cleared and the remaining northern 1/3 is forested. There are existing municipal water and wastewater services along Transmitter Road and Sunset Bay Road. Existing hydro line runs along Transmitter Road on a small strip of City-owned property separating the lot from Transmitter Road. Propose a rezoning of 4 lots of the subdivision from Residential Zone 1 to Residential Zone 2 to permit semi-detached dwellings. Maintain existing Official Plan Designation (i.e. established area). Lot dimensions meet or exceed minimum requirements for Residential Zone 2. The severed lots will have a shared entrance from Transmitter Road while the retained lot will have a separate entrance, also from Transmitter Road (2 entrances to

Transmitter). The proposed development on the subject property would result in a density of 8.6 units/ha, below the City of Kenora's definition of low-density residential of less than 16 units/ha. The increase in units on vacant lands results in a more efficient use of lands and resources within the City and meets the goals of the PPS and the City of Kenora's Official Plan. Will contribute to the range and mix of housing available to current and future residents.

Capacity of two-lane local streets is approximately 1,000 vehicles per day. Development will result in increase of up to 4 vehicles per hour at peak times, with total trips of 38 per day. Traffic volumes after the proposed development fall within the capacity of the existing infrastructure in the area and the traffic generated from the proposed residential development will not materially affect the operations of the road network.

One item that has come up is a past OMB ruling which is over 20 years old. Any planning is based on current planning legislation. There has been significant change in provincial policy statements. It really looks at better use of lands and any past rulings does not impact on any future or current proposals. A previous application on an adjacent property was part of an Ontario Municipal Board (now Ontario Lands Tribunal) hearing between 1999 and 2000. The PPS and Official Plan have gone through numerous changes since then (2005, 2014, 2020), with significant implications for this application. The Ontario Municipal Board does not operate with doctrine of precedent.

In the 2018 state of housing report, Kenora identified a lack of diversified housing options. The report concludes that the City of Kenora should focus on developing the vacant land within the City's Established Area as the first step towards closing Kenora's housing gap. The gap in housing options has been further exacerbated of the 126 new units constructed within the City of Kenora over the past five years, 105 were single detached dwellings.

A Zoning By-Law Amendment is proposed to rezone the subject property from R1 to R2. The proposal complies with the PPS (2020) and City of Kenora Official Plan (2015). The proposed zoning is in keeping with the surrounding land uses. The proposal is transit supportive and can promote active transportation due to proximity to local services, business, and amenities. The proposal utilizes existing municipal services and the proposal would aid the City in diversifying its housing stock.

**Kevan Sumner, City Planner presented the planning report for the zoning amendment application:**

**Introduction**

An application has been received to change the zoning of a portion of the subject property from "R1" Residential – First Density Zone to "R2" Residential – Second Density Zone to allow the future development of four proposed lots with semi-detached residences.

**Description of Proposal**

A concurrent application for subdivision has been approved, with conditions, to create four new lots on the property. The proposed zoning amendment would allow for the four new lots to be developed with two two-unit dwellings, with each semi-detached unit being situated on its own lot, as illustrated in the proposed site plan below, provided by the applicant.

## **Existing Conditions**

The subject property is an approximately 5820 square metre lot located on the south shore of Laurensen Lake, on the northeast corner of the intersection of Transmitter Road and Sunset Bay Road. The property remains undeveloped despite having been created as a lot more than 40 years ago and being zoned for residential development.

Approximately 2/3 of the property has been cleared, with a stand of trees remaining on the northern 1/3. The high point of the lot is located near the corner of Sunset Bay Road and Transmitter Road, with a steady slope from there to the shoreline reserve along the lakeshore. The area of Laurensen Lake in front of this property appears to be a marsh, but has not been formally identified as part of the Laurensen Lake/Creek Wetland Complex, which is a Provincially Significant Wetland.

Neighbouring properties on Sunset Bay Road range in size from approximately 2200 to 3850 square meters in area and have been developed with single-detached homes. A church and unserviced rural residential lots are located on the opposite side of Transmitter Road.

## **Consistency with Legislated Policy and City Directives**

### **a) Provincial Policy Statement (PPS) 2020**

This application for rezoning is consistent with the policies of the PPS, including Policy 1.1.3.1, which states that "Settlement areas shall be the focus of growth and development". Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion, amongst other criteria. This policy further states that land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

Policy 1.1.3.3 states that planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas... and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Policy 1.1.3.6 states that new development taking place in designated growth areas (such as areas designated and available for residential development in Kenora's Settlement Area) should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Policy 1.4.3 states that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market by:

- permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities, and all types of residential intensification, including

additional residential units, and redevelopment in accordance with Policy 1.1.3.3. (Policy 1.4.3(b));

- directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs (Policy 1.4.3(c)); and
- promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed (Policy 1.4.3(d)).

#### **b) City of Kenora Official Plan (2015)**

The Land Use Designation of the subject property is Established Area (Figure 3), which provides for residential, commercial, industrial and institutional uses such as schools, places of worship, cemeteries, long-term care homes, hospitals and health centres. The property is located within the boundary of the City's designated Settlement Area, which is the built up urban area of the municipality where development is concentrated and which has a mix of land uses (Section 1.4).

Policy 4.1.2(c) of the Official Plan states that residential development shall be encouraged in the Established Area through plans of subdivision, condominium and consent as infilling or redevelopment of existing uses on full municipal services. Medium density residential use shall be supported provided that the development is in keeping with the character of the area.

#### **c) Zoning By-law No. 101-2015**

The property is currently zoned "R1" Residential – First Density Zone (Figure 4). This zone allows for the development of single-detached housing and other compatible uses serviced by municipal water and sewer, or with municipal water only. The R1 zone does not permit the development of semi-detached housing that the applicant is proposing for the four western lots in the associated subdivision, and therefore a zoning amendment is required.

The proposed "R2" Residential – Second Density Zone allows for the development of single detached, semi-detached, and semi-detached housing, and other compatible uses on municipal water and sewer systems. Minimum lot area and frontage requirements in the R2 zone are the same as those of the R1 zone (450m<sup>2</sup> lot area and 15m frontage).

#### **Results of Interdepartmental and Agency Circulation**

The proposed Zoning By-law Amendment was circulated for comment on August 26<sup>th</sup>, 2021. The following is a summary of comments received in response.

Kenora Building	No concerns
Kenora Community Services	No concerns
Kenora Economic Development	No concerns
Kenora Engineering	Servicing will be unique as it has to come off the flank instead of the frontage, with each dwelling requiring its own service to the City mains.

Kenora Environmental Services	No concerns
Kenora Fire & Emergency Services	No concerns
Kenora Roads	Ground water drainage will need to be established in the ditch line along Transmitter Road which would flow north towards Laurenson Lake. Entrance permits required prior to development. Hydro lines seem quite low on the property adjacent to Transmitter Road.
Kenora Water and Wastewater	The proposed water/wastewater servicing requires easements so that each house is serviced individually and the owner is responsible from the property line to their respective residences for both services. The sewers are only accessible on Sunset Bay Road and the preferred water main connection is also there as well. Suggest access by municipally owned lane way which would contain the water and sewage supply and collection mains that are a minimum of 150mm in diameter and the sizing is dependent on the Engineering department's preferred design standards.
Ministry of Environment, Conservation, and Parks	No concerns
Synergy North	No concerns

### Public Comments

Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on August 30<sup>th</sup>, 2021 to property owners within 120 metres, was being published in the Municipal Memo of the Newspaper on September 9<sup>th</sup> and 16<sup>th</sup>, and circulated to persons and public bodies as legislated.

A new notice for the Statutory Public Meeting was mailed out and published in the Municipal Memo on October 28<sup>th</sup> as the result of a deferral of the Planning Advisory Committee (PAC) open house from the September 21<sup>st</sup> PAC meeting to the October 19<sup>th</sup> PAC meeting, which required that the Statutory Public Meeting, in turn, be re-scheduled from October 12<sup>th</sup> to November 9<sup>th</sup>.

The minutes and relevant resolution from the PAC meeting are attached to this report.

As of the date of this report, ten letters have been received from members of the public expressing opposition to the proposed zoning amendment. Three individuals or couples have each submitted two letters. One individual submitted a letter of their own and co-signed a second letter. One letter has a subject line indicating the associated subdivision (D10-21-12), but has been included because it was received after the subdivision was approved and appears directed at this application.

Some letters of opposition make reference to a Municipal Board order from March of 2000, which overturned a consent application that would have created a new lot from a neighbouring property in 1999. Other concerns mentioned in the letters include:

- New dwellings would overlook neighbouring lots, resulting in loss of privacy.
- The new lots would be out of character with neighbouring properties, due to a smaller size, lack of frontage on or orientation towards the lake, and allowing for a different demographic in the neighbourhood.
- Safety concerns regarding driveways on to Transmitter Road.
- Increasing traffic on Transmitter Road.
- Site plan submitted by developer is preliminary and inaccurately identifies two dwellings on an adjacent property.
- Potential impact on Laurenson Lake.
- Impact of development on neighbouring property values.
- Frustration with the processing of this application and the associated subdivision application.

### **Evaluation**

Amendment of the zoning from R1 to R2 will allow the developer to develop semi-detached dwellings on the four lots in question. The site plan submitted indicates that the intention is to maintain the same density (1 dwelling per lot) as would be required under the current R1 zoning, though the R2 zoning does permit two dwelling units per lot and other uses not permitted in the R1 zone.

Both the Provincial Policy Statement and the Official Plan are supportive of the type of residential intensification that the proposed zoning by-law amendment would support, making more efficient use of a lot within the designated Settlement Area that has ready access to existing municipal sewer and water services.

The rezoning of the property from R1 to R2 is not anticipated to exacerbate any of the nuisance factors identified by the neighbouring residents. The property is no higher than the adjacent property on the opposite side of Sunset Bay Road and large portions of the northern property line are buffered by a stand of mature trees. The nearest residence is approximately 50m from the site of the westernmost of the proposed new dwellings, offering significant space for additional privacy measures. The Roads Department has noted no concerns with the creation of new driveways on to Transmitter Road. The proposed lots being rezoned do not have frontage on Laurenson Lake, and we have identified no grounds for concern regarding any impact on the lake.

### **Recommendation:**

That Council hereby approves an Application for Zoning By-law Amendment, File No. D14-21-08, to change the zoning of a portion of the subject property from "R1" Residential - First Density Zone to "R2" Residential - Second Density Zone; and further

That Council gives three readings to a by-law to that effect.

Any person may express his or her views of the amendment and a record will be kept of all comments.

Mayor Reynard questioned if there was anyone who wished to speak in favour of the amendment?

There were none.

Mayor Reynard questioned if there was anyone who wished to speak in opposition of the amendment?

Mr. Rod Shewchuk is strongly opposed to this development. The developer intends to amend the zoning bylaw to develop five separate lots. Laurensen Lake is still a beautiful lake and lots are wide at the lake side. If this is allowed to proceed it will devalue their property and if it is to move to higher density they are concerned about the environmental impacts. Most of the property fronting Laurensen's Lake is single dwelling homes. In 1999 a neighbour made an application to sever the property into two lots. It wasn't easy but neighbours felt strongly enough that they were opposed to that development. The issues raised at that hearing are basically dealing with the same issues we are today. The original hearing for this lot was heard in September 2021 and three planning board members were present. The decision at that hearing was defeated and a few days later notice was received that it was rescinded and would be reheard. The proposed lots should conform to the current lots including shape size and dimensions. There is no mention in any reports that additional use of the sewer and water on that line may be an issue. These entrances are a danger to someone as this is a country road with no sidewalks. Very careful when exiting and entering Transmitter Road. In conclusion why cannot we maintain the current conformity?

Theresa Doran expressed that by changing it to R2 and allowing it we don't think they conform to the neighbourhood at all. Feel it is important to note that they are a unique subdivision and hate to see their property devalue after all these years.

Mr. Ken Ames believes that the City of Kenora should be protecting its treasures in the area such as Laurensen's Lake. Have a hard time believing that they have a plan for low cost housing if this is what they are proposing. The 2000 decision was denied because of non-conformity. He is concerned about all the traffic and privacy of the property. There is non-conformity of all types of buildings. Rezoning doesn't solve anything. They are not building anything that the City wants. The City is pushing this to line their pockets with cash. Is the City passing on that the developer wants to put in his own water and sewer. There is history here and it didn't fly in 2000 so why should it fly now. Don't understand where we need this housing at all. Many low cost rental units are gone and all of a sudden we are jumping all over this doesn't make any sense.

Tracy Wyder expressed that Mr. Shewchuk has brought many items forward that the five owners are concerned about. It seems we are creating more housing for more people that really aren't here. Theresa Doran has mentioned she is concerned about privacy and her belongings. Having lived in many areas of the country and addressing the fact that our economy is really poor right now and the need for low income housing. Our homes and legacy homes would belong to our children. As recently as this spring looked at building on our property and it appears that wouldn't be possible. Not interested in having low income housing

in my estate area. I have travelled throughout the City and it is hard for our bylaw officers to keep up with the transients in our city. Don't want low income people living in my area. People that are desirable want to have attractive single house living. Look at it as rare advantages of living in Kenora.

Mayor Reynard asked if there were any questions of Council.

Councillor Chaze questioned about the rehearing and the claim made by Mr. Shewchuk about the rehearing. It is important to make the distinction between rezoning and subdivision. There was no seconder to the motion so therefore the vote did not take place. Technically there was no vote and it was recommended it was reheard again. The rezoning was then recommended it be put over for one month. In terms of plan of subdivision and from a legal perspective. There was quorum while we have terms of reference for planning advisory committee and sometimes the odd situation arises and we decided to get legal opinion to ensure we followed proper process.

Mayor Reynard regardless of the decision of PAC, the process dictates that. PAC serves as the body to hold a public open house and provide a recommendation to Council. Plans of subdivision is the legal authority which was approved and the rezoning is the authority of Council.

Councillor Chaze one members of the public made reference to low income housing. Is what being proposed subsidized housing or is there some confusion. Based on information provided by the developer there is in no way low income housing. We don't zone occupancy we zone uses.

Councillor Smith sought confirmation that the development is single dwelling for all four lots. Severances have passed and zoning not passed to allow R2 it would stay R1 and developer could develop four single houses on that property regardless.

Mayor Reynard asked if there were any questions?

Mr. Ken Ames questioned a meeting in August 2021. It may be a reference to a notice date, there was no meeting in August, there was a meeting in September and it came back in October. It's the date the applicant submitted the application to the City.

As there are no further questions, Mayor Reynard declared this public meeting CLOSED at 1:02 p.m.