



A G E N D A

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 public will not be permitted into meetings at this time.

Public Access to the meeting can be found on the NEW Livestream at:

<https://kenora.civicweb.net/Portal/>

Land Acknowledgement

Councillor Poirier

Introduction/Summation of Intent:

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 members of Council 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.

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 Ontario Land 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.

Council Declaration of Pecuniary Interest & General Nature Thereof

- i) On Today's Agenda or from a previous Meeting
- ii) From a Meeting at which a Member was not in Attendance

1. Applicant Presentation

- The applicant (or representative) will present their planning application.

2. City Planner Report/Rationale

- City Planner, Kevan Sumner, to describe the details of the planning application.

3. Express Interest

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

- a) Is there any member of the public who wishes to speak in favour of the amendment?
- b) Is there any member of the public who wishes to speak in opposition of the amendment?

4. Discussion

- a) Members of Council – Discussion/Questions (no decision is made)

5. Questions

- Members of the Public – are there any questions of the application?

6. Close of Public Meeting

- No further questions/comments, meeting is declared closed.



The Corporation of the City Of Kenora
Notice of Complete Application and Public Meeting for a
Zoning By-law Amendment, File Number D14-21-08
Planning Act, R.S.O 1990, c.P13, s. 34

Take Notice that Council of the Corporation of the City of Kenora will hold a Statutory Public Meeting, under Section 34 of the *Planning Act*, to consider a Zoning By-law Amendment as it pertains to Zoning By-law No. 101-2015, at the following time and location:

**Statutory
Public Meeting**

When: Tuesday, November 9, 2021 at 12:00 p.m.

Location: Council Chambers, City Hall, 1 Main Street South, Kenora, ON

Council will be hosting a virtual meeting by live stream to allow for public viewing. Access to speak at the meeting can be made by registering with the City Planner at planning@kenora.ca

The Council of the Corporation of the City of Kenora will then have the opportunity to consider a decision regarding the application during their regular meeting on Tuesday, November 16, 2021 at 12:00 p.m.



Be Advised that the Corporation of the City of Kenora considered the Application for an Amendment to the Zoning By-law to be complete on August 23rd, 2021.

Location of Property: Unaddressed property on Sunset Bay Road, Kenora, ON, as identified in the key map above.

Purpose: to amend the current zoning of the subject property from "R1" Residential – First Density Zone to "R2" Residential – Second Density Zone.

Effect of Approval: to permit the development of semi-detached dwellings on the subject property.

Virtual Statutory Public Meeting: Although Council meetings are being held virtually via live stream, there are still several ways in which the general public can provide input on the proposed application, as follows:

- a. **Submit comments in writing:** Persons wishing to provide comments for consideration at the Statutory Public Meeting may submit such comments in writing no later than Monday November 1st, 2021 by email, to planning@kenora.ca or by regular mail to the address below, and quote File Number: **D14-21-08**.

Mr. Kevan Sumner, City Planner
60 Fourteenth Street North, 2nd Floor, Kenora, ON P9N 3X2

- b. **Register to Speak at the Public Meeting:** If you wish to speak at the Public Meeting, you are asked to register in advance by email, to planning@kenora.ca no later than noon on November 5th, 2021 and quote File Number: **D14-21-08**. To register by phone please call: 807-467-2059.

Failure To Make Oral Or Written Submission: If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of The Corporation of the City of Kenora before the by-law is passed:

- a) the person or public body is not entitled to appeal the decision of the Council of The Corporation of the City of Kenora to the Local Planning Appeal Tribunal.
- b) the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Appeal of a decision of the Municipality in respect of this Zoning By-Law Amendment may be made by any person or public body not later than 20 days after notice of the decision is given.

Notice of Decision: If you wish to be notified of the decision of the Council of The Corporation of the City of Kenora in respect of the application for zoning by-law amendment, you must make a written request to Heather Pihulak, Clerk of The Corporation of the City of Kenora at 1 Main Street South, Kenora, ON P9N 3X2

Additional Information is available during regular office hours at the Operations Centre. Please contact Kevan Sumner, City Planner, if you require more information: Tel: 807-467-2059 or Email: planning@kenora.ca
Personal information that accompanies a submission will be collected under the authority of the Planning Act and may form part of the public record which may be released to the public.

Dated at the City of Kenora this 28th day of October, 2021



November 2, 2021

**City Council
Committee Report**

File No.: D14-21-08

To: Kyle Attanasio, CAO

Fr: Kevan Sumner, City Planner

Re: Application for Zoning By-law Amendment

Location: Unaddressed Property, NE Corner of Sunset Bay Road and Transmitter Road intersection

Owners: Ayrie Developments (Kenora) Inc.

Agent: Hook, Seller & Lundin LLP (Kimberley Mejia)

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.

1. 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.

2. 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-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.



Figure 1 - Aerial image identifying the location of the proposed zoning amendment.

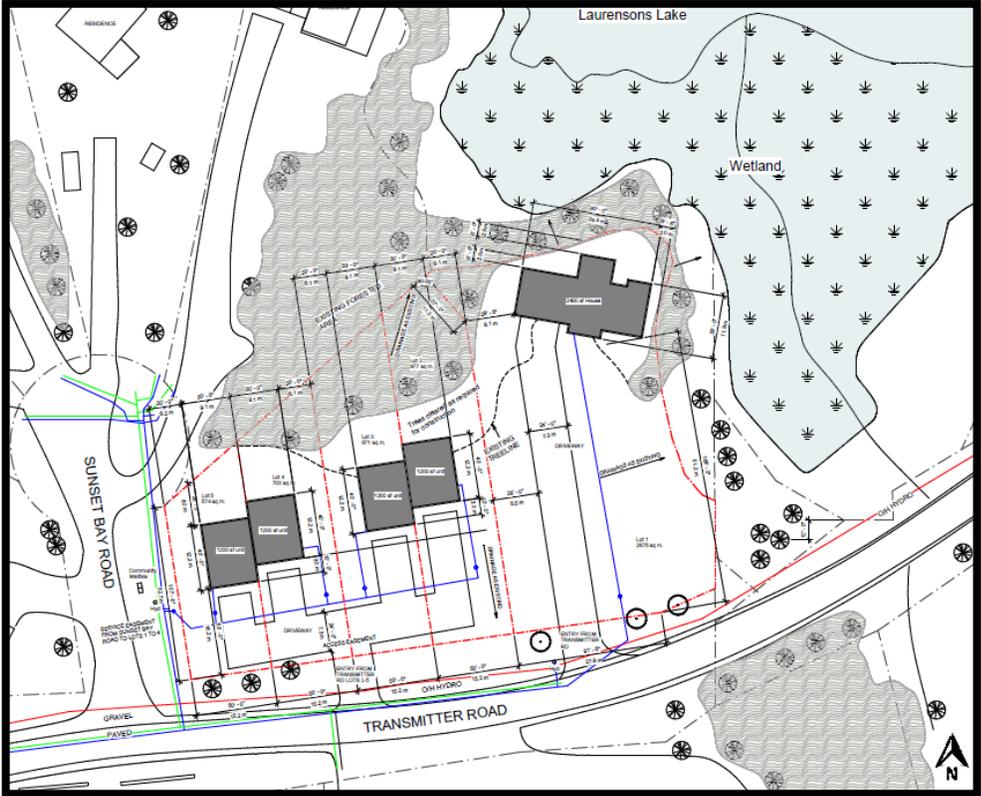


Figure 2 – Proposed site plan.

3. 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.



Figure 3 – Panoramic view of property from Sunset Bay Road.

4. 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)).

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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.

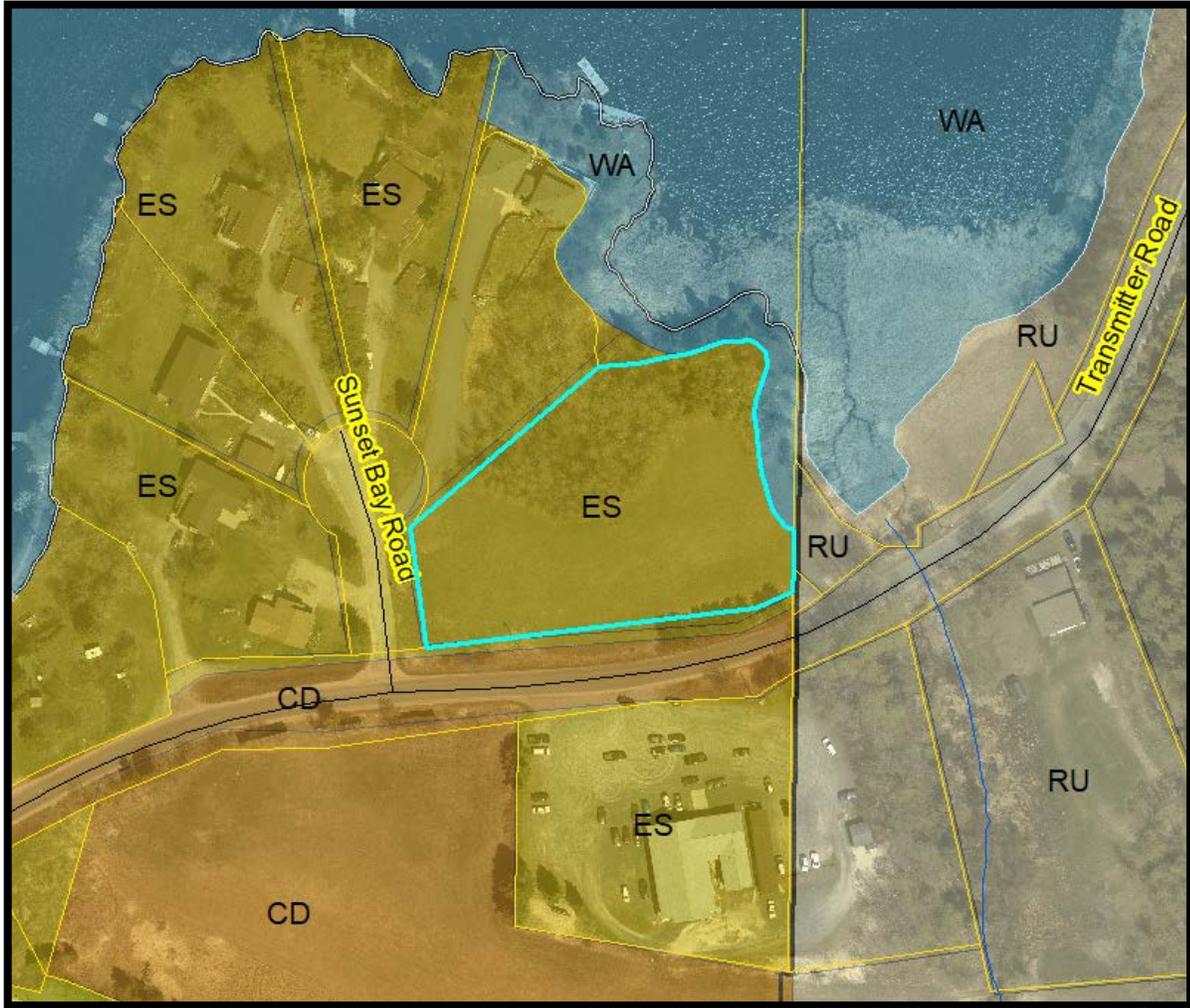


Figure 4 – Official Plan Mapping

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 (450m² lot area and 15m frontage).

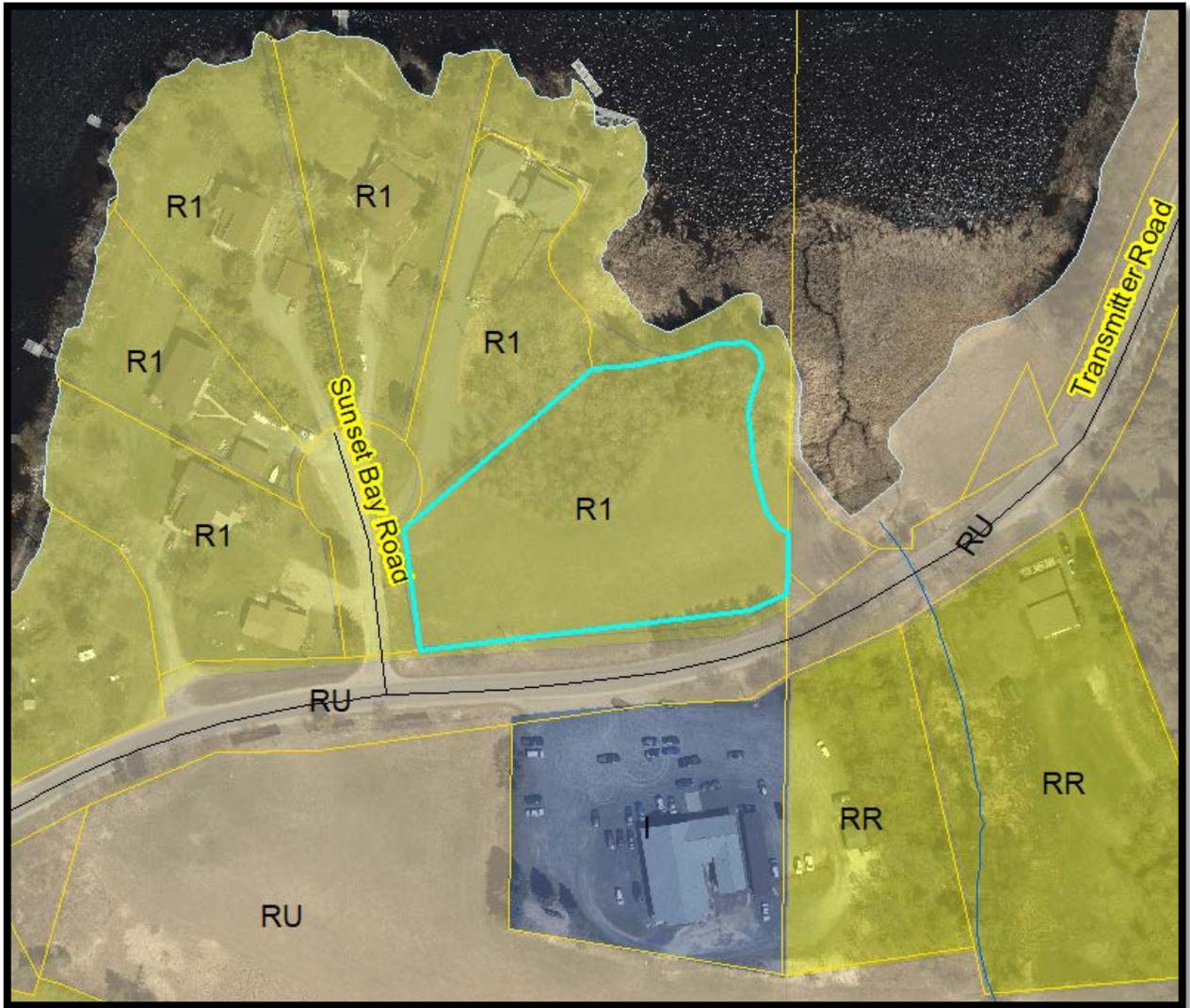


Figure 5 - Zoning By-law Mapping

6. Results of Interdepartmental and Agency Circulation

The proposed Zoning By-law Amendment was circulated for comment on August 26th, 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

7. Public Comments

Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on August 30th, 2021 to property owners within 120 metres, was being published in the Municipal Memo of the Newspaper on September 9th and 16th, 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 28th as the result of a deferral of the Planning Advisory Committee (PAC) open house from the September 21st PAC meeting to the October 19th PAC meeting, which required that the Statutory Public Meeting, in turn, be re-scheduled from October 12th to November 9th.

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.

8. 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.

Attachments

- Complete Application for Zoning By-law Amendment
- Notices of Application and Public Meeting
- Planning Advisory Committee Resolution
- Planning Advisory Committee Draft Minutes of the meetings of September 21st and October 19th, 2021.

**PLANNING RATIONALE
APPLICATION FOR:
CONSENT TO SEVER and REZONING**

AYRIE DEVELOPMENTS (KENORA) INC.

1.0 Physical Description of the Site:

The subject property is approximately 0.58 hectares in size. The property is surrounded by Established Area, with the south boundary of the property along Transmitter Road and the west boundary along Sunset Bay Road. The property is vacant land.

2.0 Description of the Site’s Planning History:

The present zoning for the property is Residential First Density (R1). The property is designated as Established Area on the Official Plan.

3.0 Description and Overview of the Proposal:

The current property consists of one PIN, being PIN 42168-0592. The property was acquired by the current owner, Ayrie Developments (Kenora) Inc. on July 26, 2021.

The current owner is proposing to construct two semi-detached dwellings and one single family residence on the property. The severed lots will have a shared entrance off Transmitter Road while the retained lot will have a separate entrance off of Transmitter Road. The subject property is proposed to be severed into four lots plus the remainder with the following area:

Lot 1:	574 sq m
Lot 2:	703 sq m
Lot 3:	871 sq m
Lot 4:	977 sq m
Retained:	2,675 sq m

Lots 2 and 3 will contain one of the semi-detached dwellings and lots 4 and 5 will contain the second semi-detached dwelling. Lot 1 will contain the single family residence and will be a waterfront lot. The four semi-detached dwelling lots will be “back lots” and will not be on the waterfront.

A copy of the proposed site plan is attached.

4.0 Description and Suitability of the Site:

The property is designated as “Established Area” in the City of Kenora, Official Plan. It is zoned R1 – Residential First Density. The current R1 zoning does not allow for semi-

detached dwellings as a permitted use. As such, the lots proposed to be severed will require a zoning amendment to allow for the construction/use of the semi-detached dwellings. There is an application for a zoning amendment to address this issue which is being considered concurrently.

Section 4.2.3(k) of the City of Kenora Zoning By-law 101-2015 states that “the minimum side yard setback shall be reduced to zero for the lot line corresponding to the party wall of a semi-detached dwelling.” As such, the sideyard set back requirement will be satisfied and no minor variance application is required.

5.0 Compatibility of the Proposed Development with Existing Adjacent Developments

Adjacent properties to the subject land are zoned R1 – Residential First Density to the north and west, I– Institutional to the south and RU – Rural to the east. It is felt that the proposed severance is compatible with existing development activities and land zoning designations.

6.0 Impacts on Municipal Services

The existing roads (Sunset Bay Road and Transmitter Road) are municipal roads, maintained year-round by the City of Kenora, and municipal services are supplied by the City of Kenora. The subject property is serviced by municipal sewer and water.

7.0 Provincial Policy Statement (2020 PPS)

Section 1.1.1(b) of the 2020 Ontario Provincial Policy Statement, states that “*Healthy, liveable and safe communities are sustained by: ... b) accommodating an appropriate affordable and market-based range and mix of residential types...*”

The proposed consent and zoning by-law amendments are consistent with this statement in the Ontario Provincial Policy Statement, as the consent will allow the owner to develop the property and provide housing within the City of Kenora.

8.0 Proposal Conforms to General Purpose and Intent and Goals of the City of Kenora Official Plan

The proposed consent is consistent with the City of Kenora Official Plan and the Ontario Provincial Policy Statement (2020) and achieves efficient development consistent with land use patterns.

TRANSMITTER DEVELOPMENT INFORMATION



661-9TH Street North, Unit C
Kenora, ON, P9N 2S9

The intention of this development is to meet high market demand for a variety of housing in the Kenora Area. The proposed plan is to provide four 1200 ft² single storey semi-detached units and one 3500 ft² multilevel house for sale at the indicated site on Transmitter Road. These homes will serve to meet a variety of much needed housing options supporting the growth of Kenora. The location of the site also provides many conveniences with stores such as Walmart, Canadian Tire, Home hardware less than 1.5 km away and downtown Kenora only 3 km away. Public transportation is also provided nearby on Highway 17 and River Drive.

As demographics change, housing needs are also changing. Households with less than 4 members are the fastest growing household types in Canada, currently making up 75% of the population. The 3 bedroom semi-detached homes are designed to provide comfortable accommodation for working professionals, young families, seniors or others who are looking for an affordable but well built modern home. The semi-detached plan allows for many construction efficiencies reducing costs. This development also makes efficient use of existing servicing and roadway which is already provided to the site.

A larger 3500 ft² home is proposed to be constructed on the remaining waterfront lot to take advantage of the premium shoreline views of Laurenson's Lake. While this house will have beautiful views over the Lake, there is no intention to provide lake access at this location. The development will ensure that the 20 meter shoreline reserve is maintained and not developed. This will ensure a buffer and screen between the proposed house and the Lake.



View from Transmitter Road at Sunset Bay Road

Lot Size and Character

The design and layout of the proposed buildings is intended to suit the area and fit with a cottage country aesthetic. The smaller lots (2-5) are all larger than standard local building lots and meet the requirements for low density residential development. Additionally the semi-detached buildings have been designed with side entrances and roof profiles that tie the units together into one building. From the street these units will appear as larger single buildings on double wide lots. This strategy was taken to ensure that they do not stand out from the neighborhood. All the buildings will be built for direct sale to market rather than rented by the developer. We expect the future owners to take pride in these well built homes.

Privacy

The proposed buildings will have little effect on the privacy which has been enjoyed at the existing residence yards onto Sunset Bay. The new buildings are separated by long distances and tree lines from existing residences. The backyards of the new buildings will look onto garages and backyards of nearby properties as is typical in residential development. All the proposed buildings are single storey



View from Building Location on Lot 5

so they will not look down into neighboring yards. Only one of the proposed units will have a clear view onto Sunset Bay Road. The included photos shows a panoramic view from this intended build site. Due to the placement, distance and tree screening, the new development will offer much greater privacy than current spacing between existing houses in the area indicates.

Traffic

The Municipal roads department has not voiced any concerns about the proposed accesses or increased traffic. New entrances onto Transmitter will abide by municipal and provincial regulations . To ensure that the new entrances onto Transmitter will not present increased danger to pedestrians and vehicles in the area a traffic study has been undertaken. We expect the increase in local traffic caused by 5 additional residences to be far less than other potential land uses at this site.

Environment

The proposed development will have little impact on Laurenson’s Lake. The proposed homes will all be serviced by municipal sewer and water so there is no danger of increased sewage leaching into the lake from these buildings. Further, the 20-meter shoreline reserve on Lot 1 is to be maintained. This will provide a significant stormwater run-off buffer between the development and the lake. This development represents an environmentally responsible way of building. The shared envelope of the semi-detached buildings also provides many environmental benefits reducing construction and long-term energy inputs. The use of existing municipal services and roads negates much of the impact on the environment which would be required to extend roads and services to unserved sites. This site also enables walking, biking, and public transport to many urban conveniences reducing vehicle energy consumption and emissions.

Sunset Bay Semi-Detached

1200 sq ft single storey house
3 Bed
2 Bath
574 to 977 sq m deep lots



Semi-Detached Floorplan



Semi-Detached Front Elevation



Semi-Detached Interior Living Space

Overall, this development will serve the needs of a growing city in a responsible manner by making efficient use of serviced lots close to town. The development respects the character of the neighborhood, privacy of neighbors while having low impact on the environment and local traffic.

As a 100% Kenora owned development company, our firm goes to great lengths to ensure we are considering the impacts of our work. Maintaining our treasured cottage country feel, limiting our footprint on established local tourism and ecological areas, maintaining the atmosphere and architecture of residential areas we chose to build in... all in an effort to provide much needed, new affordable housing solutions for our city. We hope from the information provided in this package that you get a better feel for the proposed Sunset Bay Development, but ask that you reach out directly if you have any further questions or concerns. We are local people, developing locally to better meet the needs of our community!

BRIAN KRAYNYK
 President, Ayrie Developments

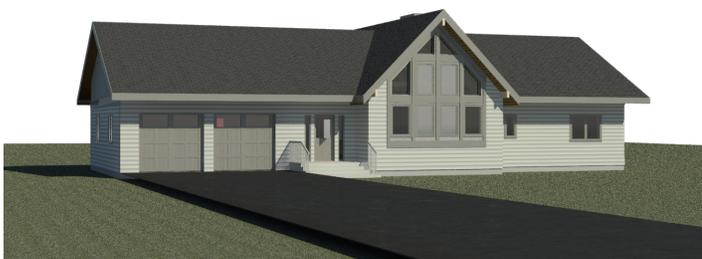
Phone: 807-467-1663
 Email: brian.kraynyk@kenon.ca

Sunset Bay Lakehouse

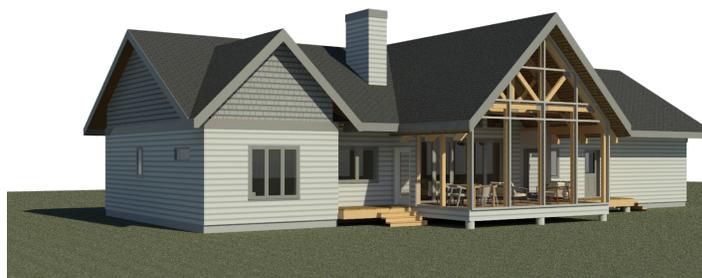
- 3500 sq ft single storey house
- 3 Bed
- 2 1/2 Bath
- 2 car garage
- 2765 sq m lot
- Basement with Laundry area and 8 ft ceilings
- 280 ft shoreline frontage with a view over Laurenson's Lake



Floorplan



Front Elevation



Back Elevation



Interior Living Space

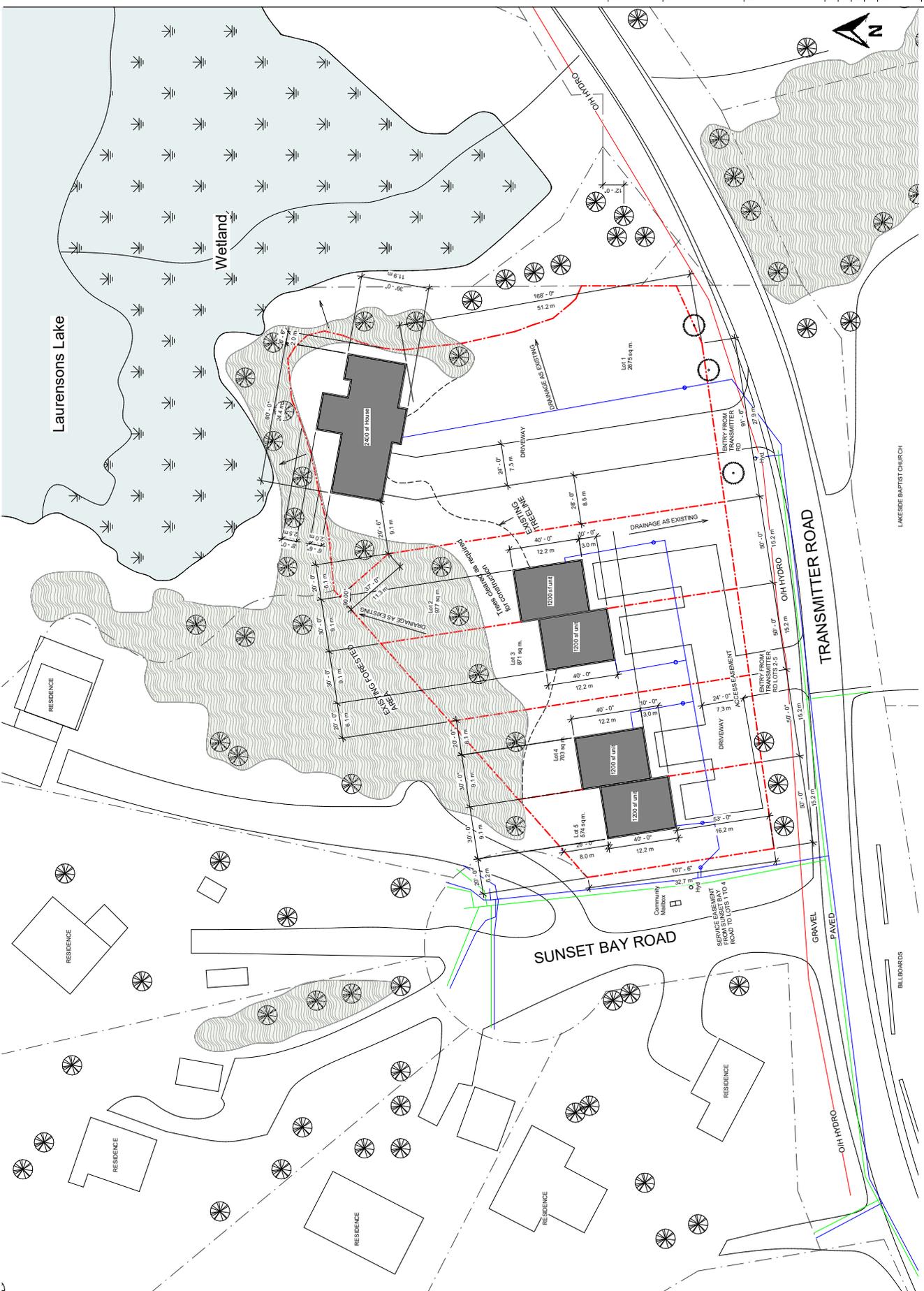


Interior Kitchen



Veranda

Existing lot to be subdivided into 5 individual lots.
 Lots 2-5 to be rezoned as R2 for construction of duplexes
 Easement for access to units on lots 2-4 from Sunset Bay
 Easement for servicing to units on lots 2-4 from Sunset Bay
 New entry to Transmitter Road to lot 1
 New entry to Transmitter Road to lots 2-4



Owner
 Sunset Bay/Transmitter Road

Project Description
 Sunset Bay/Transmitter Road

Drawing Location
 Preliminary Site Plan

Project Number	X
Date	Preliminary Site Plan
Drawn By	PH
Checked By	ML
Drawing No.	000.1

Scale: 1/8" = 1'-0"



LBE group inc.

LBE Group Inc.

815 Ottawa Street
PO Box 80
Keewatin, ON P0X 1C0
(807) 547-4445
info@lbegroup.ca
www.lbegroup.ca

October 29, 2021

Ayrie Developments
661 9th Street North, Unit C
Kenora, ON
P9N 2S9

RE: Transmitter Road Development – Traffic Impact

Attn: Brian Kraynyk

We have completed a preliminary review of this project with respect to the impact on traffic in the area. Based on trip generation models for the development we are expecting peak traffic flow rate of 4 vehicles per hour between the hours of 7-9 am and 4-6 pm, with a total daily number of trips of 38.

The boundary road network is comprised of local roads with speed limits of 50 km/h. Traffic is anticipated to be entering the area primarily on Transmitter Road from the west through the Highway 17E/Transmitter Road intersection. Traffic leaving the area is anticipated to primarily follow the same route to the west.

In general, the capacity of the 2 lane local streets will be close to 1,000 vehicles per day. The intersection that is anticipated to be the primary entrance/exit point is controlled via a stop sign on Transmitter Road. A rule of thumb for an intersection with stop sign is 35 seconds/vehicle and therefore based on the projected traffic flow rates we do not anticipate any unacceptable wait times at that intersection.

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.

Respectfully,
for LBE GROUP INC.

Andrew Brookes, P. Eng., CMVP



The Corporation of the City of Kenora

PLANNING ADVISORY COMMITTEE MEETING RESOLUTION

MOVED BY: Tanis McIntosh

SECONDED BY: John Barr

DATE: October 19, 2021

RESOLVED THAT the **PLANNING ADVISORY COMMITTEE** recommends that the Council of the Corporation of the City of Kenora approve Application for Zoning By-law Amendment, File No. D14-21-08, the subject lands are Unassigned Address NE Corner of Sunset Bay Road and Transmitter Road intersection and identified in Schedule "A". 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 the provisions of the R2- Zone, including but not limited to Semi-detached dwelling units.

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.

DIVISION OF RECORDED VOTE				CARRIED ____√____	DEFEATED
Declaration of Interest (*)	NAME OF PLANNING MEMBER	YEAS	NAYS		
	Richards, Bev		√		
	Kitowski, Robert				
	Pearson, Ray	√			
	Barr, John	√		CHAIR	
	McDougall, John		√		
	McIntosh, Tanis	√			

Schedule "A"- File No. D14-21-08





**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 many 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. and will increase the tax base. He noted that the original lots on Sunset Bay Road were sized developed to encompass subsurface sewage/septic 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 ~~On~~ the OMB decision in 2000, he responded that the decision ~~it~~ was based on a different piece of waterfront property (not a back lot) and it was decided in ~~was~~ a different time and for a different location. On potential loss of privacy, he responded that if that was a valid argument against ~~in~~ development you wouldn't have any development. He explained that what one sees from the new proposed lots ~~the surrounding properties~~ 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 sub-division property to the northern neighbour, there would still be a substantial tree buffer. On the potential for increased risk of accidents

~~because of dangerous 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, note any dangerous roads 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 ~~He noted that the area is no different than other areas of the City~~ due to its topographygeography. The ~~lastly,~~ he addressed the environmental issue. He responded that while Laurens Lake may be at capacity for un-serviced lots, ~~there is now sewer and water service down this road.~~ 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 ~~about the road allowance and~~ 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~~ the 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

SHEWCHUK, ORMISTON, RICHARDT & JOHNSON LLP
B A R R I S T E R S & S O L I C I T O R S

Bruce A.J. Ormiston, B.A., LL.B.
Rod W.W. Shewchuk, B.A., LL.B., L.U.F.
Tyler E. Johnson, B.A., LL.B.
Joshua O.J. Szajewski, B.A., J.D.
Dustin J. Fuller, B.A., J.D.
Ryan F. Keleher, H.B.A, J.D.

Bernd M. Richardt, B.Sc., LL.B. Retired

214 Main Street South
P.O. Box 1970
Kenora, Ontario P9N 3X8
Telephone (807) 468-9828
Fax (807) 468-5504

Please refer to file no.

September 8, 2021

Via Delivery

City of Kenora, Planning Department
2nd Floor, 60 Fourteenth Street North
Kenora, ON P9N 4M9

Attention: Kevan Sumner, City Planner

Dear Mr. Sumner,

Re: File D14-21-06 and File Number: D10-21-12

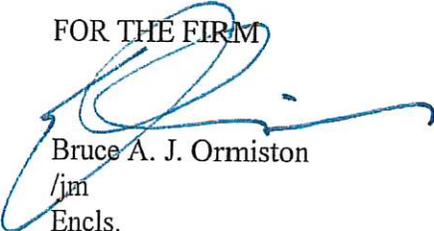
Our firm represented the _____; in March 22, 2000 in an appeal to the Ontario Municipal Board in relation to an application by the _____ to sever their property (Part 2, Plan 23R-4505 into two (2) lots.

Our appeal was allowed, and the severance **was not** granted. The present applicant incorrectly indicates that the severance was approved. The residence to which they refer to is a garage. The issues in 2000 were almost identical to the present application although this application is requesting not two (2) lots from one but five (5) lots from one lot. This is a major change in the use at that location and is contrary to zoning. The Order which is attached dealt with the issues at hand and the position of our planner Mr. Sniezec residing in Sudbury at the time was wholeheartedly adopted by the Ontario Municipal Board.

The _____ will also separately be writing to you with their objections.

Yours truly,

FOR THE FIRM


Bruce A. J. Ormiston

/jm

Encls.

September 8, 2021

Via Delivery

City of Kenora, Planning Department
2nd Floor, 60 Fourteenth Street North
Kenora, ON P9N 4M9

Attention: Kevan Sumner, City Planner

Dear Mr. Sumner,

Re: File D14-21-06 and File Number: D10-21-12

We are strongly opposed to this application by Aries Development Inc. to amend the zoning by-law to allow 5 family units to reside on Part 7, Plan 23R-4505, and the severance application to sever Part 7 into 5 separate parts. Presently, only one family unit is allowed as is the case with the remaining 5 owners (see attached overhead photo)

We moved and invested here approximately 40 years ago because we wanted to live in a low-density lake subdivision close to the center of the city and its amenities but combined with the atmosphere of a cottage property and the greater privacy and rural setting that goes with it.

The overall effect would be ultimately to devalue our property. Should this application be allowed to move the area to higher density, there would be additional environmental concerns to consider in an already stressed natural environment. We presently enjoy the presence of blue herons, ducks, loons and numerous other wildlife.

Other significant concerns as follows:

1. Building would overlook the other present occupied lots in the immediate area because the new buildings would be built on a hill;
2. The new lots would be out of character with the dwellings in the surrounding area. Almost all Lawrence Lake property is zoned R1;
3. Entrances would be a serious safety concern because the entrances and exits are on an incline close to a turn in the Transmitter Road;
4. Traffic over Transmitter Road has greatly increased since 2000 as it is presently used to access further development east on the lake & further and also accesses the new Strand Board mill near the Airport and further development in that area;

5. The plans indicate an easement to units 1-4 but we could not find reference to an easement for unit 5.

Mr. Sniezec gave detailed evidence and his 16 points starting on page 3 of the Order are almost all relevant to the matter at hand.

His point No. 12 states "Bad precedent would be created. If approved, further development could take place on the Part 7 parcel of land which is now vacant land." This statement appears to have been prophetic given it is Part 7 which is now the subject of this application.

The Board Chair (M.A. Rosenberg) made certain observations in his decisions on page 5 as follows:

The Board also finds that the proposed house on the severed lot will be built on a hill overlooking both the house on the retained lot and other homes in the immediate vicinity. The Board finds that there will be a loss of privacy to the neighbours and there will be an unacceptable adverse impact. The neighbours will be restricted in the use and enjoyment of their own property.

*The Board finds that the new proposed lot is not of similar size or orientation with surrounding lots and the consent represents bad planning. Section 51(24) of the **Planning Act** has not been adequately addressed. Planning is not done in a vacuum. Surrounding land uses and compatibility are legitimate planning concerns.*

Respectfully submitted,

ISSUE DATE:

MAR. 22, 2000

DECISION/ORDER NO:

0434



PL991139

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

M. Doran, R. Pochailo and R. Shewchuck have appealed to the Ontario Municipal Board under subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the Kenora-Keewatin Planning Board which granted an application by Ronald and Patricia Wyder, numbered B-13/99 for consent to convey part of the lands composed of Part 2, Plan 23R-4505 and Part 1, Plan 23R-7629, located on Sunset Bay, in the Town of Kenora
O.M.B. File No. C990328

A P P E A R A N C E S :

Parties

Counsel* or Agents

City of Kenora

R. Seller*

M. Doran, Dr. R. Pochailo
and R. Shewchuck

D. F. MacDonell*

**MEMORANDUM OF ORAL DECISION DELIVERED BY M. A. ROSENBERG
ON MARCH 1, 2000 AND ORDER OF THE BOARD**

Ronald and Patricia Wyder, own a one acre parcel of land located at the northwest corner of the intersection of Transmitter Road and Sunset Bay Road just off Highway 17 East in the City of Kenora. The lot is irregular in shape and is situated on Lawrence Lake. On the lot is an existing residence. The owners applied to the Kenora-Keewatin Planning Board for permission to sever a lot about one-third of an acre in size and retain the existing lot with the house on it on the two-third acre retained parcel. The retained lot would have lake frontage whereas the severed lot would not have any lake frontage.

The consent was granted by the Kenora-Keewatin Planning Board subject to five conditions which the owners have agreed to. The conditions refer to a proper survey being prepared and as well, the Planning Board altered the dimensions of the severed lot. In addition, all the driveway entrances and exits for the two lots would be off of Sunset Bay Road. A number of residents who live in the immediate area appealed the decision of the Planning Board to the Ontario Municipal Board.

Jeffrey Port is an experienced and qualified planner employed on a contract basis by the City of Kenora. Mr. Port gave evidence before the Board in support of the severance. Mr. Port said the following:

1. Official Plan Amendment No. 10 redesignates the subject property from "Residential Limited Service Area" to "Urban Residential" because sewer and water services were available to the site;
2. The zoning by-law was changed on the property from "Residential Limited Service to "Residential First Density R-1". This allows for one single family detached dwelling per lot, i.e., no duplexes;
3. All municipal requirements in the zoning by-law have been met with regard to lot frontage, lot area etc., on both the severed and retain parcels of land;
4. Section 3.2.2 of the Official Plan policies have been met, i.e., Sections (a) through (m);
5. No objections were received from any commenting agencies;
6. The immediate abutting neighbours to the northwest and south have no objections;
7. Section 51(24) of the *Planning Act* has been adequately addressed;
8. There is an existing ten year supply of vacant lots in Kenora but the Minister of Municipal Affairs suggests a twenty year planning horizon;
9. There are no adjoining plans of subdivision because all of the lots in the area were created by consent;
10. The creation of one more lot would not significantly increase traffic in the area;
11. This is an interior lot being created, not a lakefront lot; and
12. There is no adverse impact on anyone.

On cross-examination, Mr. Port admitted that:

- (a) A new house built on the severed lot would overlook all of the other lots in the immediate area, because the new house would be built on a hill.

Stuart Everett who is the brother of the co-owner, Patricia Wyder, also gave evidence before the Board in support of the severance. Mr. Everett said the following:

1. His sister and brother-in-law went through the proper planning procedures;
2. An additional lot was approved by the local Planning Board;
3. The new lot meets the minimum requirements of the zoning by-law;
4. There is no significant traffic problem by adding one new lot to the area but

Transmitter Road may some time in the future, be a busy road depending on whether a new plant would be built in Kenora;

5. The immediate abutting neighbours did not object; and
6. The previous covenant on title restricted the property until sewer and water services were available. Now there is sewer and water available for all of the lots in the area;

Joseph Sniezec is an experienced and qualified planner. Mr. Sniezec gave evidence before the Board in opposition to the proposed severance. Mr. Sniezec said the following:

1. The lots in the immediate area range in size from .29 acres to 1.3 acres. Most of the lots were over ½ acre in size;
2. All of the immediate properties have shoreline frontages on Lawrence Lake;
3. The size of the existing lot is only .82 acres in size. The proposed severed lot would be about 1/3 of an acre and the retained lot ½ acre;
4. A proper survey may reveal that variances may be required on the retained lot;
5. Only two dimensions in the plans filed with the Board are correct;
6. The Planning Board did not have the benefit of a Planning Report when it made its decision;
7. The official plan policies relating to minimizing potential conflicts between dwellings has not been met because in this case, a new lot is out of character with the dwellings in the surrounding area;
8. Privacy relating to the retained parcel of land would be affected because a new house on the new severed lot would overlook the existing house on the retained lot;
9. The proposed lot is significantly smaller than the existing lots in the area;
10. All the lots in the area have their frontages defined by water frontages. This new severed lot would not have any water frontage;
11. Section 51(24)(c)(d) and (f) of the *Planning Act* have not been complied with because:
 - (a) No conformity with the Official Plan policies, i.e., the new lot is not of a similar size or orientation as other lots in the area;
 - (b) Lots to the west of the development are larger in size;
 - (c) All lots in the area are oriented towards the water;
 - (d) The lot is out of character with the area;
 - (e) The lot will stand out like the proverbial "onion in a rose garden";
12. Bad precedent would be created. If approved, further development could take place on the Part 7 parcel of land which is now vacant land;

13. The area is characterized by large lots with large homes on them, oriented towards the lake;
14. A new small house on the severed lot would be out of character with the existing large homes in the immediate area;
15. The new lot would be an intrusion into the existing development in the area; and
16. The severed lot represents bad planning and is inconsistent with good planning.

Three property owners who live in the immediate area also gave evidence before the Board in opposition to the severance. They were Mr. Sewchuk, who lives two properties to the north of the subject site, Dr. Pochailo, who lives three properties to the north of the subject site and Mr. Doran who lives four properties to the north of the subject site. Their concerns were as follows:

1. The neighbours all have large lots with large homes on them. A smaller lot with a smaller home would be out of character with the area;
2. New house would be built on a hill overlooking their homes and there would be a certain amount of loss of privacy;
3. All homes overlook the lake. The new severed lot would not overlook the lake;
4. The new severed lot would have a house on it which would overlook the retained lot house and there would be a certain lack of privacy in that regard;
5. Many vacant lots in the area. Do not need any more new lots;
6. The immediate abutting neighbours may not object because they may want to subdivide their own lands some time in the future;
7. This is the thin edge of the wedge and possible domino effect;
8. Decrease in the market value of their properties;
9. The new lot will stick out like a sore thumb; and
10. Sets a bad precedent for the area.

The Board has carefully weighed all the evidence and prefers the testimony of Mr. Sniezec, Mr. Sewchuk, Dr. Pochailo and Mr. Doran. The Board finds that a 1/3 acre lot is out of character with surrounding lot sizes and does not comply with Section 51(24)(c) and (f) of the *Planning Act*. The proposed severed lot although technically complying with the minimum requirements in the zoning by-law, is an interior lot with no water frontage. All of the other lots in the immediate area have water frontage on Lawrence Lake. In addition most of the surrounding lots are much larger in size. The character of the area is large lots, with large homes on them, fronting on Lawrence Lake. The proposed interior lot is much smaller and what is proposed is a small home on the lot. The Board finds that a

small lot with no lake frontage is incompatible with the surrounding area.

The Board also finds that the proposed house on the severed lot will be built on a hill overlooking both the house on the retained lot and other homes in the immediate vicinity. The Board finds that there will be a loss of privacy to the neighbours and there will be an unacceptable adverse impact. The neighbours will be restricted in the use and enjoyment of their own property.

The Board also finds that there is a sufficient ten year supply of serviced vacant lots available in the City of Kenora and the Board is not satisfied that a need exists to justify an additional lot. The Board though does acknowledge that services are available to the site.

The Board also has some concerns relating to the survey condition in that without a proper survey before it, the applicants may or may not require additional variances relating to the retained portion of land. The Board finds that the new proposed lot is not of similar size or orientation with surrounding lots and the consent represents bad planning. Section 51(24) of the *Planning Act* has not been adequately addressed. Planning is not done in a vacuum. Surrounding land uses and compatibility are legitimate planning concerns.

In the result, the Board orders that:

1. The appeal is allowed; and
2. The consent is not granted.

"M. A. Rosenberg"

M. A. ROSENBERG
MEMBER

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Kenora, On.
P9N 0G7

September 9, 2021

Mr. Kevan Sumner
City Planner
60 14th Street N.
Kenora On.
P9N 3X2

Mr Sumner,
RE: file # D14-21-08

Please consider my arguments against the rezoning of this particular piece of property.

I just recently sent you a letter with some of my arguments against File # D10-21-12, which I believed was an application to the rezoning of this parcel of land from "R1" Residential -1st density to "R2" Residential-2nd Density.

Any development, other than a single family dwelling would stick out like a sore thumb.

All of the lots in the area have their lots defined by water frontage. This proposed lot would not have lake access so I believe that it would be incompatible with the surrounding area.

I would be concerned that there would be a loss of privacy, with multiple dwelling on this hill overlooking my home and other homes in this neighbourhood. I would feel restricted in the use of my property.

Thank you for your consideration.

Kenora, ON

P9N 0G7



September 10, 2021

Council of the Corporation of the City of Kenora

The Kenora Planning Advisory Committee

We are writing this letter to express our strong opposition to the proposed rezoning and subdivision of the property at the corner of Sunset Bay Road & Transmitter Road.

Zoning By-law Amendment File Number D14-21-08;

Draft Plan of Subdivision, File No. D10-21-12.

At the outset, we would like to make note of the fact that we have been given only a "preliminary site plan". We feel it is unfair to expect our final comments, not knowing exactly what the developer's final plans are. However, we will comment based on the information we have available.

We would also like to point out a significant error on the Preliminary Site Plan. Wyder's property (directly across Sunset Bay from the lot in question) is shown as having 2 residences. There is in fact only 1 residence and 1 garage. This might create a false impression that a subdivision was allowed in the past.

See copy of Preliminary Site Plan.....Attachment #1

This is significant because on October 19, 1999 we opposed a subdivision proposed by Ronald and Patricia Wyder of their lot into 2 properties. This subdivision was initially approved by the Kenora – Keewatin Planning Board. The decision was subsequently overturned by the Ontario Municipal Board. This creates a precedent for further subdivisions in this immediate neighbourhood.

See copy of the Ontario Municipal Board Decision / Order #0434 issued Mar 2, 2000.
Attachment #2

Many of the arguments made against subdivision in the OMB decision of March 2000 apply to the current application for Zoning Amendment and subdivision.

The area is characterized by large lots with large homes oriented towards the lake. Small multi unit houses on the severed lots would be out of character with the large homes in the immediate area. The original lots in this development (excluding the subject property – Part 7- See Plan 23R.4505 attachment #3) range in size from 2217.61 sq m to 3856.69 sq m . The size of Part 7 is 5821.94 sq m. However, the proposed severed lots would range in size from 574 sq m to 977 sq m except for lot 1, which would be 2675 sq m. The new lots would be an intrusion into the existing development.

The proposed development will also be detrimental to the area for several other reasons:

- 1) **Safety:** The access to these properties would come off Transmitter Road in an area where there is a hill and a curve at the bottom of the hill. This will limit visibility both for vehicles on Transmitter Road as well as those attempting to access Transmitter Road from the proposed properties. Transmitter Road has become a very busy thoroughfare. In recent years due to a housing development (Barkman Close) at the end of Transmitter Road. This road is also used extensively for access to the Weyerhaeuser Mill. Therefore, having two driveways with a minimum of 5 vehicles (plus boats, trailers, snowmobiles and ATVs) accessing the road in an area of limited visibility, would be a major safety hazard. In addition, we can foresee a problem with overflow guest parking spilling out onto the side of Transmitter Road making the situation even more hazardous.

- 2) **Wildlife & Health of Laurensen Lake:** The property in question has been advertised as waterfront property. Actually, the shoreline of this property is a solid wall of bullrushes several feet deep before reaching any water. This area is a nesting ground for many species of birds and the water beyond is a shallow area of the lake which is a spawning area for Northern Pike. Also, the shoreline of Laurensen Lake is already fully occupied thus putting considerable stress on the lake. Therefore, if this property is developed with the intention of having access to the lake, it should not be allowed.
See copy of City of Kenora -Image and Ownership plus photos - Attachment #4.

- 3) **Property Value:** Property values are very likely to go down in an area where multi-family units are built. This area was developed approximately 40 years ago with large wooded lots to provide a degree of privacy between neighbours. The size of the severed lots would be significantly smaller than the other lots in the area and would not have water frontage as the other lots do. We moved and invested here because we wanted to live in a low -density lake subdivision close to the centre of Town and its amenities, but combined with the atmosphere of a cottage property and the greater privacy and

rural setting that goes with it.

The development that is being proposed is inconsistent and out of character with the existing properties. If allowed, it will set a bad precedent for the area and may encourage similar development on nearby vacant land.

From recent meetings with my neighbours and from discussions with others who are not directly impacted, we know that our opinions are shared. As stated by M.A. Rosenberg of the OMB, in his ruling (Decision/Order #0434 see Attachment 2) "Planning is not done in a vacuum. Surrounding land uses and compatibility are legitimate planning concerns." Therefore, we urge you to disapprove the proposed rezoning and subdivision.

Sincerely

Existing lot to be subdivided into 5 individual lots.
 Lot 2-5 to be reserved as RT-2 for contribution of easement.
 Easement for access to units on lots 2-4 from Sunset Blvd.
 New entry to Transmitter Road to lot 1.
 New entry to Transmitter Road to lot 2-4.



Owner	Sunset Bay/Transmitter Road
Project Description	Sunset Bay/Transmitter Road
City/County	Preliminary Site Plan
Scale	000.1
Drawn By	
Checked By	
Project No.	

Attachment #1

ISSUE DATE: MAR. 22, 2000 DECISION/ORDER NO: 0434
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PL991139

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

M. Doran, R. Pochailo and R. Shewchuck have appealed to the Ontario Municipal Board under subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the Kenora-Keewatin Planning Board which granted an application by Ronald and Patricia Wyder, numbered B-13/99 for consent to convey part of the lands composed of Part 2, Plan 23R-4505 and Part 1, Plan 23R-7629, located on Sunset Bay, in the Town of Kenora
O.M.B. File No. C990328

APPEARANCES:

Parties

Counsel* or Agents

City of Kenora

R. Seller*

M. Doran, Dr. R. Pochailo
and R. Shewchuck

D. F. MacDonell*

**MEMORANDUM OF ORAL DECISION DELIVERED BY M. A. ROSENBERG
ON MARCH 1, 2000 AND ORDER OF THE BOARD**

Ronald and Patricia Wyder, own a one acre parcel of land located at the northwest corner of the intersection of Transmitter Road and Sunset Bay Road just off Highway 17 East in the City of Kenora. The lot is irregular in shape and is situated on Lawrence Lake. On the lot is an existing residence. The owners applied to the Kenora-Keewatin Planning Board for permission to sever a lot about one-third of an acre in size and retain the existing lot with the house on it on the two-third acre retained parcel. The retained lot would have lake frontage whereas the severed lot would not have any lake frontage.

The consent was granted by the Kenora-Keewatin Planning Board subject to five conditions which the owners have agreed to. The conditions refer to a proper survey being prepared and as well, the Planning Board altered the dimensions of the severed lot. In addition, all the driveway entrances and exits for the two lots would be off of Sunset Bay Road. A number of residents who live in the immediate area appealed the decision of the Planning Board to the Ontario Municipal Board.

Jeffrey Port is an experienced and qualified planner employed on a contract basis by the City of Kenora. Mr. Port gave evidence before the Board in support of the severance. Mr. Port said the following:

1. Official Plan Amendment No. 10 redesignates the subject property from "Residential Limited Service Area" to "Urban Residential" because sewer and water services were available to the site;
2. The zoning by-law was changed on the property from "Residential Limited Service" to "Residential First Density R-1". This allows for one single family detached dwelling per lot, i.e., no duplexes;
3. All municipal requirements in the zoning by-law have been met with regard to lot frontage, lot area etc., on both the severed and retain parcels of land;
4. Section 3.2.2 of the Official Plan policies have been met, i.e., Sections (a) through (m);
5. No objections were received from any commenting agencies;
6. The immediate abutting neighbours to the northwest and south have no objections;
7. Section 51(24) of the *Planning Act* has been adequately addressed;
8. There is an existing ten year supply of vacant lots in Kenora but the Minister of Municipal Affairs suggests a twenty year planning horizon;
9. There are no adjoining plans of subdivision because all of the lots in the area were created by consent;
10. The creation of one more lot would not significantly increase traffic in the area;
11. This is an interior lot being created, not a lakefront lot; and
12. There is no adverse impact on anyone.

On cross-examination, Mr. Port admitted that:

- (a) A new house built on the severed lot would overlook all of the other lots in the immediate area, because the new house would be built on a hill.

Stuart Everett who is the brother of the co-owner, Patricia Wyder, also gave evidence before the Board in support of the severance. Mr. Everett said the following:

1. His sister and brother-in-law went through the proper planning procedures;
2. An additional lot was approved by the local Planning Board;
3. The new lot meets the minimum requirements of the zoning by-law;
4. There is no significant traffic problem by adding one new lot to the area but

Transmitter Road may some time in the future, be a busy road depending on whether a new plant would be built in Kenora;

5. The immediate abutting neighbours did not object; and
6. The previous covenant on title restricted the property until sewer and water services were available. Now there is sewer and water available for all of the lots in the area;

Joseph Sniezec is an experienced and qualified planner. Mr. Sniezec gave evidence before the Board in opposition to the proposed severance. Mr. Sniezec said the following:

1. The lots in the immediate area range in size from .29 acres to 1.3 acres. Most of the lots were over ½ acre in size;
2. All of the immediate properties have shoreline frontages on Lawrence Lake;
3. The size of the existing lot is only .82 acres in size. The proposed severed lot would be about 1/3 of an acre and the retained lot ½ acre;
4. A proper survey may reveal that variances may be required on the retained lot;
5. Only two dimensions in the plans filed with the Board are correct;
6. The Planning Board did not have the benefit of a Planning Report when it made its decision;
7. The official plan policies relating to minimizing potential conflicts between dwellings has not been met because in this case, a new lot is out of character with the dwellings in the surrounding area;
8. Privacy relating to the retained parcel of land would be affected because a new house on the new severed lot would overlook the existing house on the retained lot;
9. The proposed lot is significantly smaller than the existing lots in the area;
10. All the lots in the area have their frontages defined by water frontages. This new severed lot would not have any water frontage;
11. Section 51(24)(c)(d) and (f) of the *Planning Act* have not been complied with because:
 - (a) No conformity with the Official Plan policies, i.e., the new lot is not of a similar size or orientation as other lots in the area;
 - (b) Lots to the west of the development are larger in size;
 - (c) All lots in the area are oriented towards the water;
 - (d) The lot is out of character with the area;
 - (e) The lot will stand out like the proverbial "onion in a rose garden";
12. Bad precedent would be created. If approved, further development could take place on the Part 7 parcel of land which is now vacant land;

13. The area is characterized by large lots with large homes on them, oriented towards the lake;
14. A new small house on the severed lot would be out of character with the existing large homes in the immediate area;
15. The new lot would be an intrusion into the existing development in the area; and
16. The severed lot represents bad planning and is inconsistent with good planning.

Three property owners who live in the immediate area also gave evidence before the Board in opposition to the severance. They were Mr. Sewchuk, who lives two properties to the north of the subject site, Dr. Pochailo, who lives three properties to the north of the subject site and Mr. Doran who lives four properties to the north of the subject site. Their concerns were as follows:

1. The neighbours all have large lots with large homes on them. A smaller lot with a smaller home would be out of character with the area;
2. New house would be built on a hill overlooking their homes and there would be a certain amount of loss of privacy;
3. All homes overlook the lake. The new severed lot would not overlook the lake;
4. The new severed lot would have a house on it which would overlook the retained lot house and there would be a certain lack of privacy in that regard;
5. Many vacant lots in the area. Do not need any more new lots;
6. The immediate abutting neighbours may not object because they may want to subdivide their own lands some time in the future;
7. This is the thin edge of the wedge and possible domino effect;
8. Decrease in the market value of their properties;
9. The new lot will stick out like a sore thumb; and
10. Sets a bad precedent for the area.

The Board has carefully weighed all the evidence and prefers the testimony of Mr. Sniezec, Mr. Sewchuk, Dr. Pochailo and Mr. Doran. The Board finds that a 1/3 acre lot is out of character with surrounding lot sizes and does not comply with Section 51(24)(c) and (f) of the *Planning Act*. The proposed severed lot although technically complying with the minimum requirements in the zoning by-law, is an interior lot with no water frontage. All of the other lots in the immediate area have water frontage on Lawrence Lake. In addition most of the surrounding lots are much larger in size. The character of the area is large lots, with large homes on them, fronting on Lawrence Lake. The proposed interior lot is much smaller and what is proposed is a small home on the lot. The Board finds that a

small lot with no lake frontage is incompatible with the surrounding area.

The Board also finds that the proposed house on the severed lot will be built on a hill overlooking both the house on the retained lot and other homes in the immediate vicinity. The Board finds that there will be a loss of privacy to the neighbours and there will be an unacceptable adverse impact. The neighbours will be restricted in the use and enjoyment of their own property.

The Board also finds that there is a sufficient ten year supply of serviced vacant lots available in the City of Kenora and the Board is not satisfied that a need exists to justify an additional lot. The Board though does acknowledge that services are available to the site.

The Board also has some concerns relating to the survey condition in that without a proper survey before it, the applicants may or may not require additional variances relating to the retained portion of land. The Board finds that the new proposed lot is not of similar size or orientation with surrounding lots and the consent represents bad planning. Section 51(24) of the *Planning Act* has not been adequately addressed. Planning is not done in a vacuum. Surrounding land uses and compatibility are legitimate planning concerns.

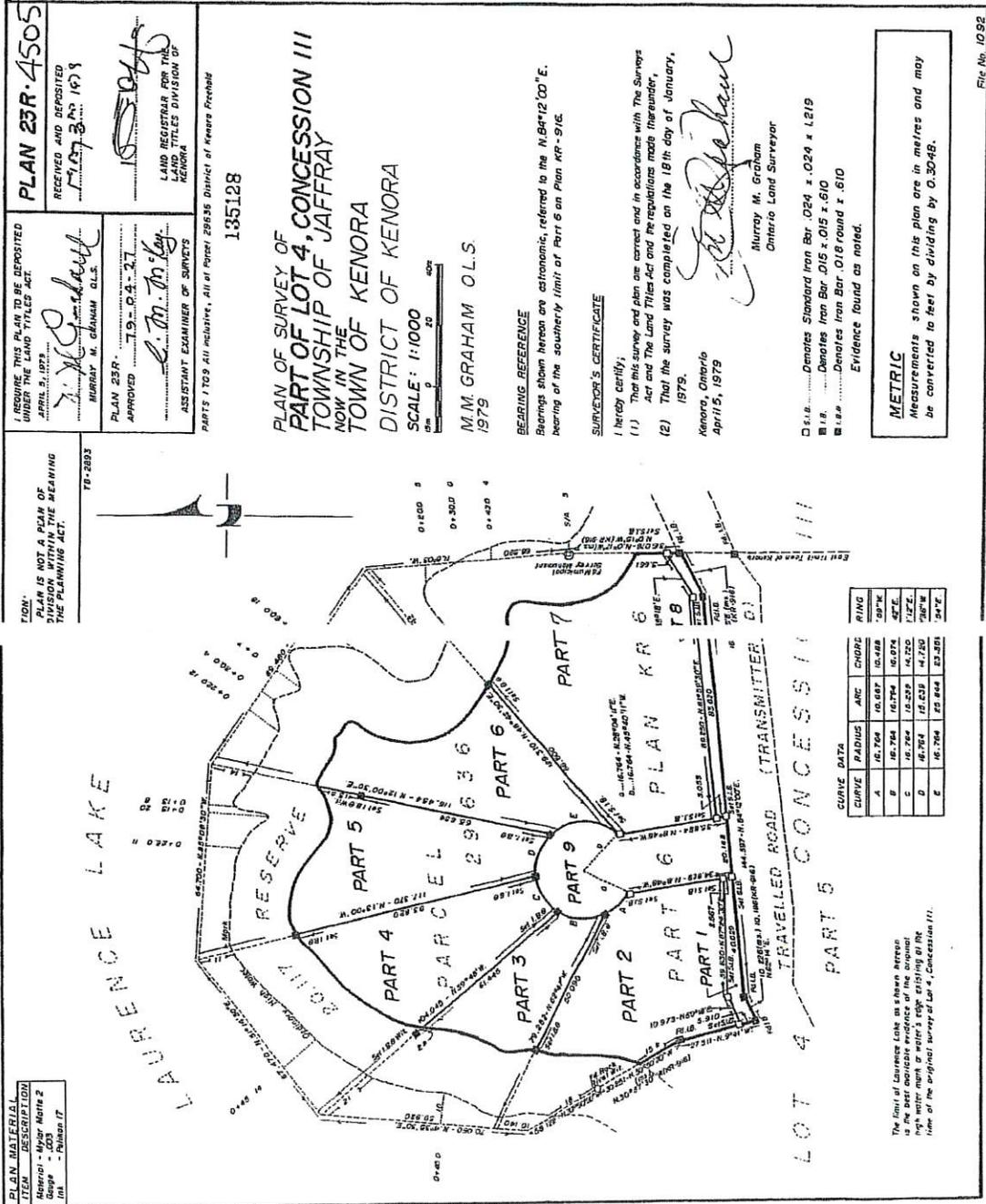
In the result, the Board orders that:

1. The appeal is allowed; and
2. The consent is not granted.

"M. A. Rosenberg"

M. A. ROSENBERG
MEMBER

Attachment #3



PLAN MATERIAL
 ITEM DESCRIPTION
 2000 - 2003
 2004 - 2005
 2006 - 2007
 2008 - 2009
 2010 - 2011
 2012 - 2013
 2014 - 2015
 2016 - 2017

NOTE:
 THIS PLAN IS NOT A PLAN OF
 SURVEY WITHIN THE MEANING
 OF THE PLANNING ACT.

I REQUIRE THIS PLAN TO BE DEPOSITED
 UNDER THE LAND TITLES ACT.
 APRIL 15, 1979
 MURRAY M. GRAHAM O.L.S.
 APPROVED: 19-04-79
 ASSISTANT EXAMINER OF SURVEYS

RECEIVED AND DEPOSITED
 APRIL 15, 1979
 LAND TITLES DIVISION OF
 KENORA
 PLAN 23R-4505

135128

PLAN OF SURVEY OF
 PART OF LOT 4, CONCESSION III
 TOWNSHIP OF JAFFRAY
 NOW IN THE
 TOWN OF KENORA
 DISTRICT OF KENORA
 SCALE: 1:1000
 M.M. GRAHAM O.L.S.
 1979

BEARING REFERENCE
 Bearings shown hereon are astronomic, referred to the N. 84° 12' 00" E.
 bearing of the southerly limit of Part 6 on Plan KR-916.

SURVEYOR'S CERTIFICATE
 I hereby certify:

- (1) That this survey and plan are correct and in accordance with The Surveys Act and The Land Titles Act and the regulations made thereunder,
- (2) That the survey was completed on the 15th day of January, 1979.

Kenora, Ontario
 April 15, 1979
 Murray M. Graham
 Ontario Land Surveyor

- D.S.18 Denotes Standard Iron Bar .024 x .024 x 1.219
 - B.18 Denotes Iron Bar .015 x .015 x .610
 - B.18.8 Denotes Iron Bar .016 round x .610
- Evidence found as noted.

CURVE DATA	RADIUS	ARC	CHORD	RING
A	161.704	16.687	66.488	100%
B	161.704	16.784	66.074	97%
C	161.704	16.839	65.725	95%
D	161.704	16.835	65.700	94%
E	161.704	16.844	65.681	93%

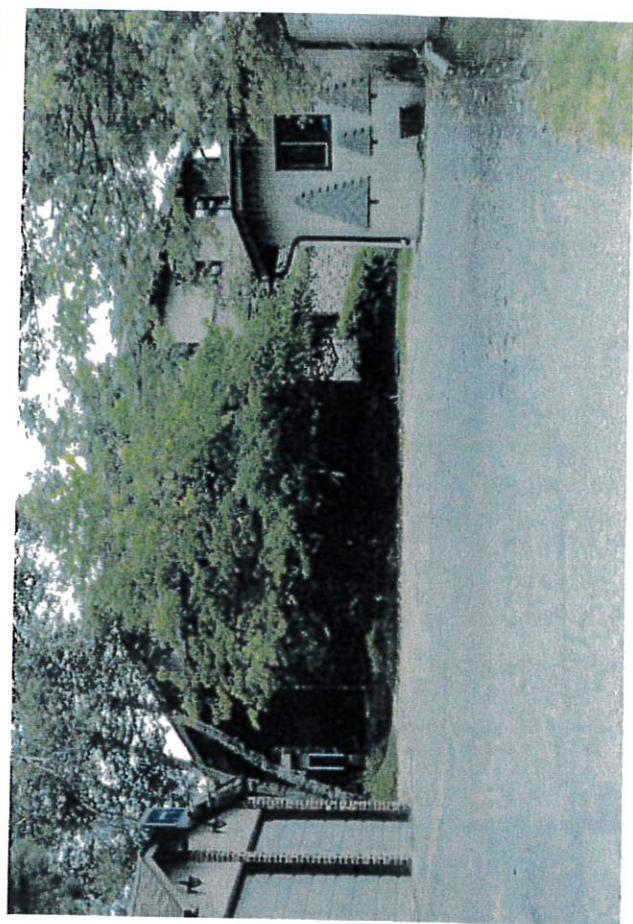
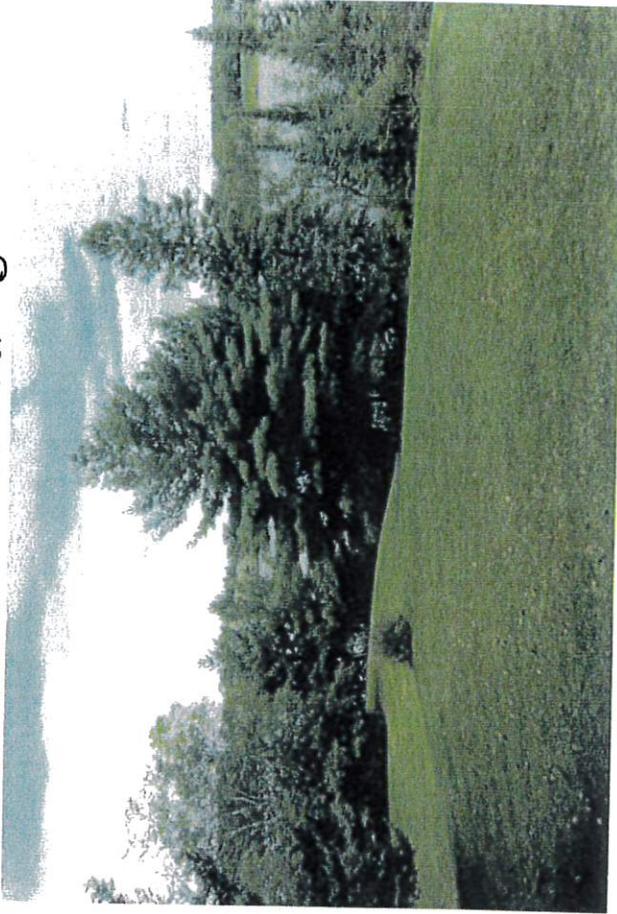
The Plan of Lawrence Lake as shown hereon is the best available evidence of the original high water mark or water's edge existing at the time of the original survey of Lot 4, Concession III.

METRIC
 Measurements shown on this plan are in metres and may be converted to feet by dividing by 0.3048.

File No. 1092

232-4505

Attachment #3



Home ▾ City of Kenora - Image and Ownership

Details | Basemap |

About Content Legend

Legend

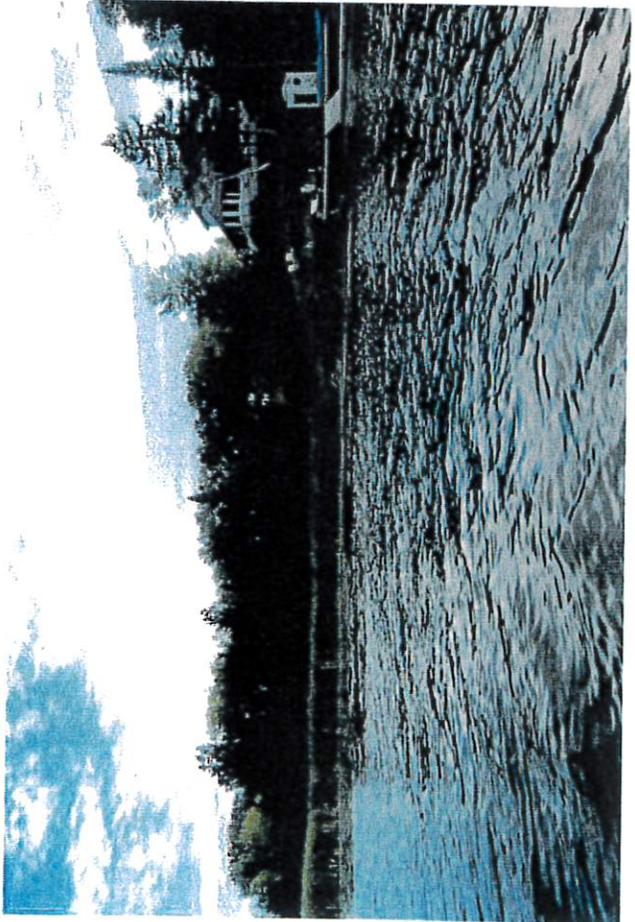
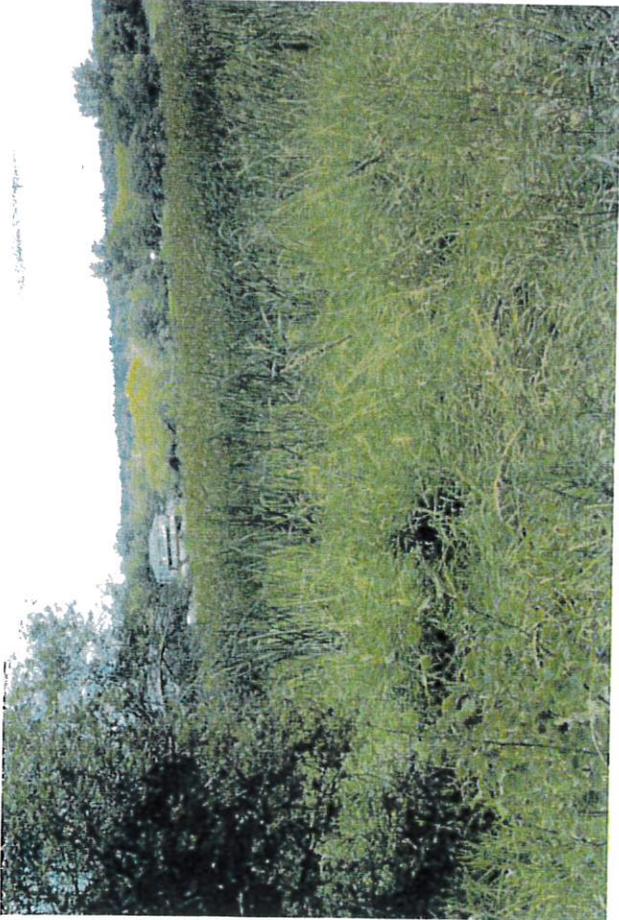
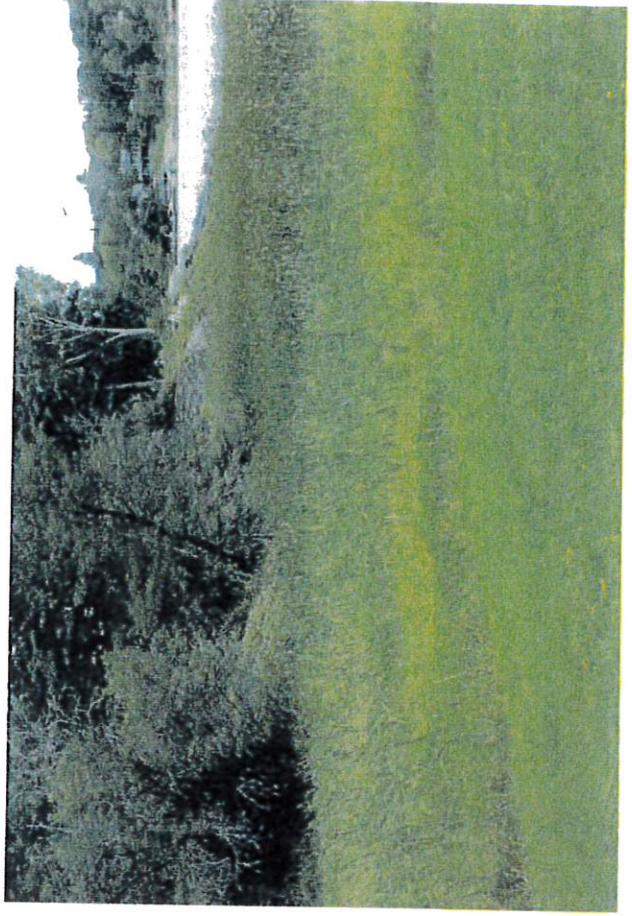
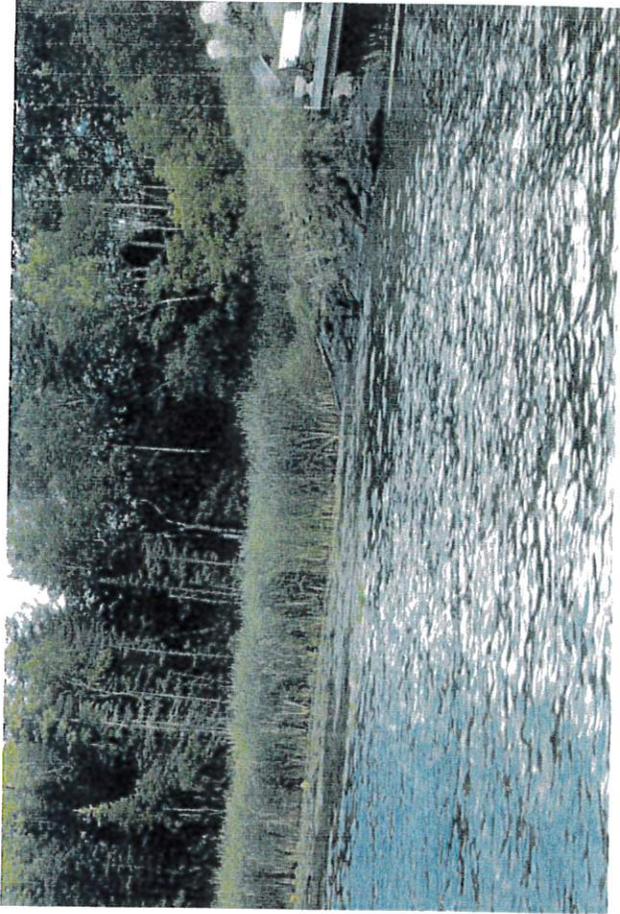
Roads

Ownership

City of Kenora Boundary



Attachment #4



September 9, 2021

Re: File Number D 14-21-08 and D 10-21-12

To: Kenora Planning Advisory Committee

Dear Committee

After reading the notifications, (numbers listed above), regarding the applications for the changing the zoning, and then allowing duplexes to be erected, I would like to voice my concerns and objections.

In the fall, winter and spring I walk the affected area on Transmitter Road fairly frequently. I am already concerned about the traffic making it unsafe. Vehicles speed up the hill going toward the highway and despite how careful I am, they crest the hill and bear down so quickly that I have often felt endangered. Then to worsen it, add in the vehicles coming out of Sunset Bay after picking up their mail from the communal mailboxes, and most importantly, in the winter, the snow sliders on the hill by the billboards. The vehicles park on both sides of the road in that area and children often are seen darting out from between vehicles to cross the road.

The blind spots and potential for accidents are already high and I feel that if you add in the extra traffic that five residences will produce then the possibility of accidents will rise. I believe that the zoning should be kept at R1.

Sincerely,

Kenora, ON P9N 1H8
807-468-7232

Transmitter Road

Kenora, ON

September 13, 2021

Council of the Corporation of the City of Kenora – Zoning By-law Amendment File Number D14-21-08

The Kenora Planning Advisory Committee – Draft Plan of Subdivision, File No. D10-21-12.

As a long-time resident on Transmitter Road (48 years), I strongly object to the Plan / Proposal to allow this subdivision of a single lot, Zoned R1 into 5 lots, 4 of which would be Zoned R2.

The proposed area of development is a strip of road at the top of 2 hills which cause very restricted sight. The intersection of Sunset Bay Rd; the Transmitter "Sliding Hill" (parking often on both sides of the road); and functions at Lakeside Baptist Church can make this a busy area and quite a hazardous experience. Coupled with this bottleneck there has been a substantial increase in traffic due to the addition of many new homes on Transmitter Rd. These new homes are aesthetically pleasing and well spaced and I welcome them to the area in spite of the increased traffic. The Weyerhaeuser Mill and Barkman Close have also added to the traffic on Transmitter Road.

In conclusion, the added congestion caused by the proposed plan would be a chaotic nightmare! The access to Transmitter Road from Sunset Bay Rd has to be done with extreme care already as there is limited visibility and vehicles are frequently known to speed on this "country road"!

Sincerely

Personal information including mailing addresses and phone numbers have been concealed by the City of Kenora in accordance with the Municipal Freedom of Information and Protection of Privacy Act, R.S.O.1990, c. M. 56

From:
Sent: Monday, September 13, 2021 11:53 PM
To: Planning
Subject: File Number D10-21-12

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom it May Concern,

I'm writing concerning the proposed subdivision of the unaddressed property at the corner of Sunset Bay Road and Transmitter Road, Kenora, Ontario as residents of the City of Kenora and tax payers, I have objection to the proposed rezoning.

While there are no concerns with subdividing a property, the present lot which is adjacent to Laureson Lake is already zoned as "R1" Residential – First Density Zone. The rezoning of these parcels to a "R2" Residential – Second Density Zone for the construction of duplexes takes away from the intent and existing charm of the area and immediate community. While also potentially diminishing existing property values that have been established in this region of the City.

There are multiple vacant lots and areas that are being developed throughout the City presently, having been planned to accommodate this type of zoning. Thus the development of the Laureson Lake community should remain consistent with the present zoning and densities. I support the continued development of the area and hope that the Laureson Lake community is recognized as a community of choice within the City, and allowed to grow with all amenities and opportunities that make it such.

Thank you for considering this request in your decision. Please advise of the decision of the Planning Advisory Committee in respect of the proposed Plan of Subdivision concerning file number D10-21-12.

Regards,

Matt Granger

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Sunset Bay Rd
Kenora, ON

Nov 1, 2021

The Council of the Corporation of the City of Kenora
Statutory Public Meeting
Council Chambers, City Hall
11 Main St S
Kenora, ON

Re: File Number D14-21-08

Mayor Reynard and Council Members

Forty-three years ago, the area in question, was a hay field on a Laurenson Lake peninsula. The land was split into 6 parts and sold. All 6 lots were zoned for Residential Development – R1. Five of the parts were developed shortly thereafter. Part 6, the lot in question, was never developed.

We purchased our home from the original owner 25 years ago. The zoning for all 6 parts was, and still is R1.

We are deeply concerned, as it seems that the City of Kenora can arbitrarily change this zoning at the whim of a developer, with no regard for people who have lived and paid substantial taxes in this area for many years. This makes the term “City Planning” a farce! It certainly does not give any property owner or potential property owner a feeling of security about one of the most important investments of their life.

How can residents have any confidence in the City of Kenora? This is the second time a subdivision has been proposed for one of these lots. The Ontario Municipal Board rejected the first subdivision request.

According to the City of Kenora Official Plan (2015) Policy 4.1.2(c) “Medium density residential use shall be supported PROVIDED the development is in

keeping with the character of the area.” These semi-detached 1200 sq ft homes are NOT in keeping with the character of our area; NOR are the LOT SIZES in keeping with the character of our area. It was the large lot size, the rural feel of the property, and the neighbourhood that lured us from our Transmitter Road farm to our Sunset Bay Road home.

The five developed properties in the existing neighbourhood, range in size from 2220 sq metres to 3860 sq metres. Compare that to a size range of 574 sq metres to 977 sq metres for the four smaller proposed lots. In other words, the largest proposed lot is substantially LESS than HALF the size of the smallest property in the original Sunset Bay neighbourhood. The newly proposed lots are DEFINITELY NOT “in keeping with the character of the area” (City of Kenora Official Plan (2015)).

The four proposed semi-detached homes are also NOT in keeping with the character of the other homes in the immediate neighbourhood. The price of the 1200 square foot semi-detached dwellings was estimated by the developer to be approximately \$400,000. These units, according to the developer, “are designed to provide comfortable accommodation for working professionals, young families, seniors, or others who are looking for an affordable but well- built modern home.” These are over-priced units for the 1200 square foot floor space proposed. They are unlikely to reach the market anticipated by the developers. Consequently, they will have to lower the price and by so doing, introduce a different demographic into the neighbourhood. This will have a negative effect on the value of our Sunset Bay properties.

In closing, this proposal is poor city planning. It creates five lots, four of which are very small rectangular lots that are out of character with the size and shape of the original Sunset Bay lots. The smaller lots seem to necessitate semi-detached houses that will fit the properties. They are also NOT in keeping with the existing homes. This proposal is definitely NOT in keeping with the character of the area and NOT in keeping with the City of Kenora Official Plan (2015). Please do NOT change the zoning from R1 to R2.

Re. File # D14-21-08

To Mayor and Council:

I am writing to express my objection to the Zoning By-law Amendment, File number D14-21-08 in which one lot in a small subdivision of 6 lots is to be changed from an R1 to an R2 so that 5 lots can be created on one original. These original 6 lots are 43 years old. If this were to be passed it would change the dynamics of this small area drastically and not for the better. Our real estate values will plummet.

My understanding is that you have been given the opportunity to read all the literature that has been exchanged between the city, the developer and those opposing this application. I do hope you got the time to watch the virtual meetings of the Planning Board on Sept 21, and Oct 19th. Therefore I am not going to repeat all the reasons why my neighbors and myself do not want this to happen.

I am however going to discuss some of the incidents and errors that have happened during this process that has made this very frustrating. This started mid-summer with an anonymous call asking how we would feel if the property in question were to be divided into 3 parts. I am sure that the City planning Department was well aware of what was being planned or was helping the developer plan long before we got any notice of what was happening. We knew that the property was sold but we had no idea what was going on until Sept 1, when an application appeared in the local newspaper which by the way, is not received by all. A couple of days later notices were put in the mail. We had until Sept. 17th for our submissions to get in so we might speak at the Virtual Meeting. The developer however was submitting material to us at 2pm and our meeting was at 6pm.

We were allowed 5 minutes at the meeting but the developer was able to go on and on.

As you are aware if you read the minutes or watched the virtual from Sept. 19th, the application was defeated. This was repeated by the chairperson and Melissa, secretary. In our minds we had won.

On the 23rd. of Sept. we received a notice of decision from the City stating the above.

On Sept 28th a letter came from Adam Smith saying that no formal decision had been made on the 21st, therefore we were going to ReDo the meeting of the 21st. No actual reason was given.

We got another copy of the application with a large Red Rescind sign stamped on each of the 8 pages.

No explanation given. Was it that Roberts Rules weren't followed?

Those who had spoken on the 21st were not allowed to speak on the 19th. We were assured that everyone had done their homework. The Developer and the City Planner were allowed to speak for as long as they wanted. The developer even changed his presentation. Some of the comments that were mentioned by committee members were – more taxes for the city, conforming is not important, past rulings no longer have any merit.

We were defeated 3 to 2.

The day after we were defeated would you believe we got another 8 pages of the decision of Oct. 19th only to be dated Sept. 21st. A few hours later 8 more pages arrived with the correct date. I am so glad that the city has an endless supply of paper. Our last correspondence with the city arrived on Oct 22nd

but was dated Oct.28th. How does this happen? The notice in the paper was dated Oct.28th and the paper was out on the 27th.

I have spent several hours going through the Official Plan,the Provincial Policy Statement etc. and if The City Planning Organization wants something to pass there is very little the average taxpayer can do. I do believe however ;there is a lot more to city planning than just measurements and tax dollars.

Respectfully,

Sunset Bay RD.
Kenora ON

October 30, 2021

Keven Sumner,
City of Kenora Planning Dept.
2nd Floor 60 14th St. N.
Kenora ON.

Personal information including mailing addresses and phone numbers have been concealed by the City of Kenora in accordance with the Municipal Freedom of Information and Protection of Privacy Act, R.S.O.1990, c. M. 56

Attention Mr. Sumner

Re: File # D14-21-08

I strongly oppose the re zoning of this property to R2 Residential - Second Density Zone.

The families of this 40 year old neighbourhood made a serious investment not only in this neighbourhood, we also made a serious investment into our community.

During our years here we have weathered interest rates as high as 18.75% on our mortgages, Financial crisis in the early 1980's, early 1990's and 2008. We pushed through these trying times because we loved our neighbourhood and our community.

It is my understanding that any rezoning of land in the district has standards which are intended to maintain residential character and to ensure that any new development is compatible with the existing character. "R2 is a zone for land compromised mainly of low density housing where the planning objective is to protect the locality's single dwelling character and landscape setting."

When I built my home, it was designed to face south towards the street. I consider the south my front yard. This development, if it were to go through would definitely affect how I would feel comfortable using my front yard in the future. It saddens me to think that after 40 years, it is I who would have to change my lifestyle to accommodate a developer who understandably wishes to maximize their profit, or those that feel a couple of extra dollars in the city coffers are more important than the rights and the negative impact it would have on the existing neighbours.

I would appreciate it if you would all take a moment to imagine... you are looking out of one of your front windows and the first thing you see abutting your front property is the back yards of 4 homes (with no garage) and the possible accumulation of things that people normally store in their back yards. You cannot avoid it, it is right in front of you all the time. Would you be happy with that? Do you think that if that were to happen in your neighbourhood it would not affect your daily life and how you would use your front yard in the future? Do you think it would negatively affect your property value?

I have to ask. Is this the precedent the City of Kenora wants to set in Cabin Country?

I truly hope you consider the impact such a development would have on the long term residents of this neighbourhood.

I firmly believe that this proposed development would have a negative impact on this old neighbourhood and would most definitely affect the value of the existing homes.

Sincerely yours,

—

October ,28, 2021 City of Kenora File #D10-21-12

page 1

1 - Are totally against this project.

We do think the city of Kenora should be protecting its Treasures , the character and area

Does the city have a plan for future development of low cost housing.

A plan for low cost rental Housing

Does the city of Kenora have goals as far as housing goes

These proposed housing units do not show any accommodation for visitor parking

Parking of boats, parking of quads, parking of a trailer.

Usually a city has zoning districts all ready in place and with the paper mill gone there is a very substantial amount property available , from the federal armories on top of 9th street hill all the way to to Rideout bay, at least 10 prime blocks long by at least four blocks wide of real estate for this type of development

year 2000 Pat and Ron Wyder made application to subdivide their property and they were denied.

the basic reason , NON CONFORMITY

I would like to set the record straight right from the get go

We are talking about one small lot divided into thirds , one third retained for future development two thirds will be split into 4 very tiny lots. this is a total of five lots. To make sure lot one is the only lot to have lake access, the corner was cut off of the lot 2 so it intersects the Doran property.

The Developer has many times referred to the sunset bay subdivision as small lots, I will not ask were he is from.

smoke and mirrors, dog and pony show, confusion

The city keeps sending pictures of this lot but never the same one. only the first picture was correct , the complete lot. cut into five pieces.

Page 1 of information packet

Item 3- Purpose of Application- The proposed plan of subdivisions is to divide ownership into 5 (five) lots zoned R2 - Residential second density

Decision of the planing advisory committee, line 4 Pin # 42168-0592 , and the creation of four (4) new lots be approved . could some one please explain

7 - Evaluation, b, The proposed site will allow for the development of a property that has remained vacant for more than 20 years despite being appropriately zoned for residential development . fact , this property has sat vacant for over 41 years , reason it was an investment .There may be a current urgent need for low cost housing and low cost rental units. The developer has stated that he is not building neither low cost housing or low rental housing.

more confusion -7E the number of new drive ways on to the transmitter rd will be reduced by having two driveways providing shared access for the four smaller lots all the info we have received show only one driveway serving the four smaller lots. one driveway serving the number one lot. yes the property is numbered right to left . in all of North America everything is left to right . CONFUSION on purpose?

7-F large lots are no longer required , this is a Kenora treasure , this is also one mans opinion.

Beverly hills in the city of Los Angles is a subdivision we all are familiar with (an example, Not a comparison) do you think they would allow a developer to come in and build cheap boxes (Houses) on any lot there. NOT ON YOUR LIFE
7m-the proposed development , with one dwelling unit per lot, is exempted from the site plan control . could some one explain

8 - easements across all lots , what you are saying is that they are not going to be individually supplied with services but cut a trench through all the properties . one house has a problem they are all having a problem
the city should be in control and put the services down the transmitter rd and service all six lots that are right there. reality, the city should bring sewer and water down the transmitter rd to the railroad tracks and make all that property more valuable Clean safe water for all Kenora Residents.

Picture page No Numbers

line states. Be Advised that the city of Kenora considered the application for an amendment to the zoning by law to be complete on August 23rd ,2021 please explain
the city planner had not looked at this property on September 9 when I talked to him.
I was of the understanding that if a motion is out on the floor and is not seconded , it is dead so you resuscitate a dead motion.all notices are to be sent to all parties with in 100 meters of this property . was that done

FACTS

Page 2

Kenora has some very distinct treasures. some in plane site , others not

- 1- Kenora City Hall
- 2- Kenora Public Library
- 3 -Mather Walls house
- 4-Sunset Bay Rd , the only subdivision in all of Kenora and area with a minimum of 1 acre lots .405 hectares

HISTORY

Stats Canada 1996
all info on the internet

Kenora population 16,365
Keewatin population 2,064
Jaffray Melick population 3,970
Total in 1996 is 22,399

Amalgamation 1998

A new city is formed joining together Kenora, Keewatin ,Jaffray Melick

The new city of Kenora
Jump to 2016 Census, it is done every 5 years

the new City of Kenora , population 15,300 over a period of 20 years Kenora has lost 7090 residents, or 1,792 four person families.

shortage of housing . i do not think so
since amalgamation there has been 3 condo units built in the old Keewatin
3 in the Norman area
2 on Tunnel Island
more housing available

These buildings are now gone:

Norman Hotel
Northland Hotel
Kenwood Hotel
Delmore Hotel
Adams block Both sides of the street
Century 21 building , (old Strains Stationary)
All of these buildings were low rental units

Jobs Lost

closing of St Joseph Hospital
Kenora Mill closing
Ministry of Transportation
Ministry of Natural Resources
Ministry of Oceans and Fisheries
All union and or federation , Management jobs paying top Dollar , Gone

Keewatin Patricia district school board

page 3

schools closed
Lakewood school
Pine Crest School
Pine grove School
Kenora Catholic school system
Our Lady of the Valley
Mount Carmel School
more union and federation and management jobs gone
Principals, teachers, Custodial, Maintenance Gone

school numbers are only available for last year , the Beaver brae school supplied me its total
number of students grade 7 to 12 , 720 students. in the past it housed more than 1200
students, grades 9 through 12

City of kenora

sitting on the central park housing
sitting on the evergreen development , at least two years sitting on these projects
all the property that destroyed buildings in down town Kenora where on

Subdivisions in The now town of Kenora

Valley Drive
War Time Housing
Brick Yard
Mayot
Pine Portage Road

Don Brock
Donkirk Heights

Not one subdivision in all the new city of Kenora has the very unique distinction of having one acre lots Prime Property \$700,000 houses . the city should treasure this ,not destroy it.

The developer has said right from the get go that it is not building for low income or low rental The city or developer now wants to take one of these small lots (The Developers exact words) and build not 1 , not 2 but 5 houses as they call them, in the construction industry they are referred to as cookie cutter housing . same plan for all four. it may be flipped but it is the same plan.

They are simple boxes with small bedrooms , kitchen and living room. a simple 3 or 4 piece bathroom, parking for one or possible two cars ., Absolutely no planing for visitor parking. I can see the church parking lot with extra cars parked there, Sunset Bay road will also have cars parked on it . Both roads can not accommodate any parking , The Transmitter Rd or Sunset Bay Rd. Where do they put their quads and boats and their Travel trailer. They say they are looking for young executives to buy these. this is a blue collar city with basically low income jobs now available . I have 45 years in construction. I do know a little.

A very scary area when winter arrives and one quarter of Kenora is there sliding on the best vacant hill in all Kenora . Parking all along the transmitter rd , both sides church parking lot and now you want to put very much more congestion in the area.

Is the city going to expand the Transmitter Rd and Sunset Bay Rd to accommodate the developer. there is no mention of any buffer between existing houses and the new proposed development The Ontario Building code reads that all Landscaping be shown

Summarize

My wife and my self are totally against this proposal and this zoning change and also the splitting of this lot . one lot one house

Any house being built here should have to conform to the buildings around it, fitting in with the rest , \$700,000 houses.

The Transmitter Rd and sunset Bay Rd are both very narrow roads and only room for two cars to pass . no parking as then it is down to a one lane road.

Ron And Pat Wyder property split , turned down for NON CONFORMITY

These may be lots to you but they are estates.

The loss of trees and privacy

The city only has a proposal. if it is approved to R 2 , this developer could change the plans to be 12 units , 4 units all 3 stories . R2 building code reads they can be 10 meters high, that translates to 32.5 ft high

NON CONFORMITY

This city council is doing a great job upgrading the city infrastructure Lets not down grade the city.

Allowing for or even the thinking of such an ugly WART on the Sunset Bay Rd and the City of Kenora is devastating.

This is a City of Kenora Treasure.

In closing the city stands to loose a very beautiful , exclusive subdivision by buying into a salesman pitch.

There are many other ares in the city to put this , from the down town empty mall property, all the buildings that are now gone , all empty property. the mill 20 plus acres all in residential property areas .

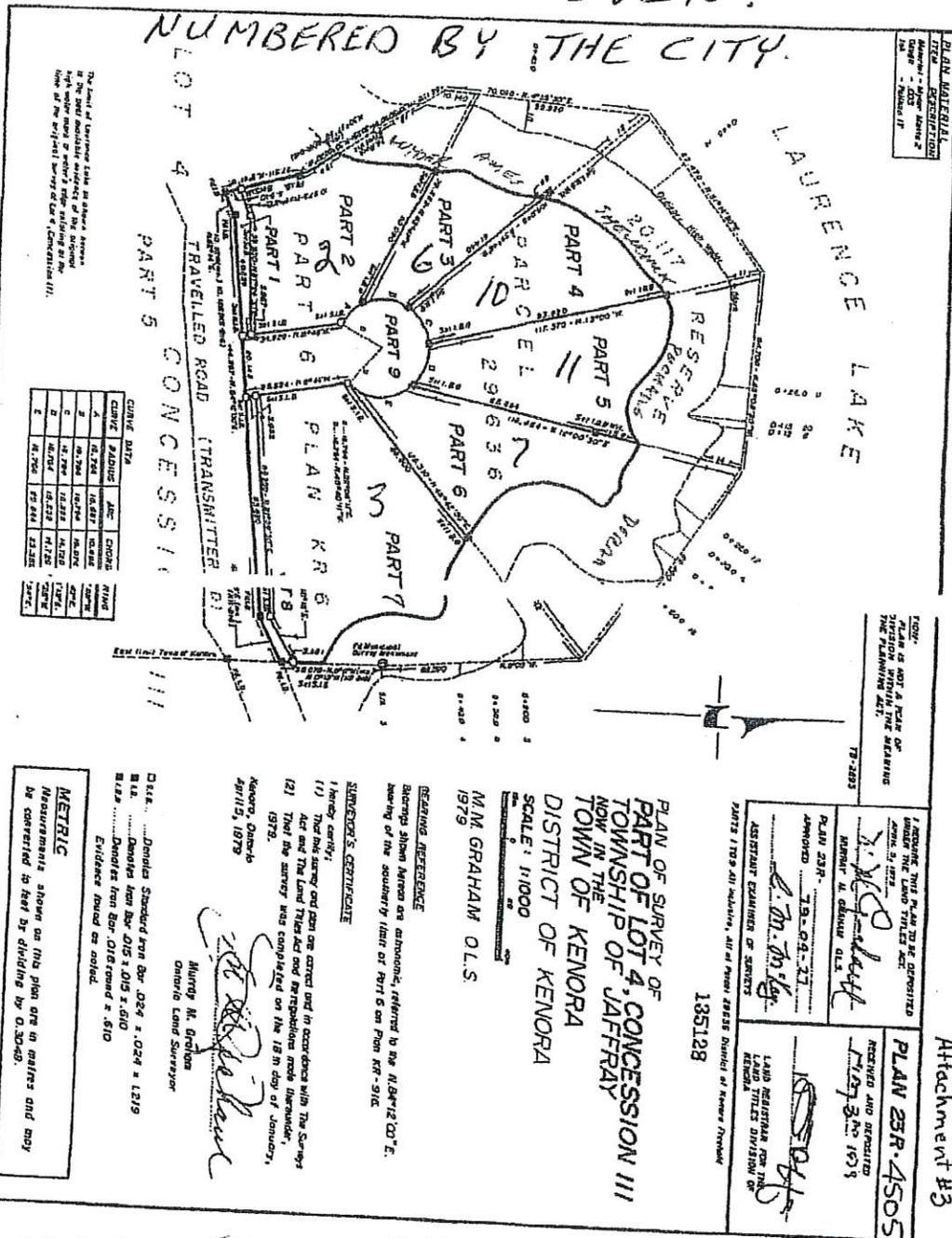
You are destroying a Kenora Jewel.

Again this proposed development screams, NON CONFORMITY.

Thank you

I AM INCLUDING THIS MAP TO HELP THE CITY. LOCATION OF PROPERTY IT IS 3 SUNSET BAY RD. RIGHT SIDE ODD LEFT SIDE EVEN.

NUMBERED BY THE CITY.



PLAN	DESCRIPTION
185128	PLAN OF SURVEY OF PART OF LOT 4, CONCESSION III

NOTE: THIS PLAN IS NOT A PLAN OF THE PROPERTY AS THE PLANING ACT.

1. REQUIRE THIS PLAN TO BE DEPOSITED WITH THE LAND TITLES ACT.

APPROVED: *[Signature]*
 ASSISTANT EXAMINER OF SURVEYS

RECEIVED AND DEPOSITED
 17/07/2021 10:31

LAND REGISTRAR FOR THE TOWN OF KENORA
 LAND TITLES DIVISION

Attachment #3

PLAN OF SURVEY OF PART OF LOT 4, CONCESSION III NOW IN THE TOWN OF KENORA DISTRICT OF KENORA SCALE: 1:1000 M.M. GRAHAM O.L.S. 1979

BEARING REFERENCE
 Bearings shown hereon are astronomical, referred to the N.A. 1922 C.T.E. bearing of the meridian line of Part 6 on Plan KR-916.

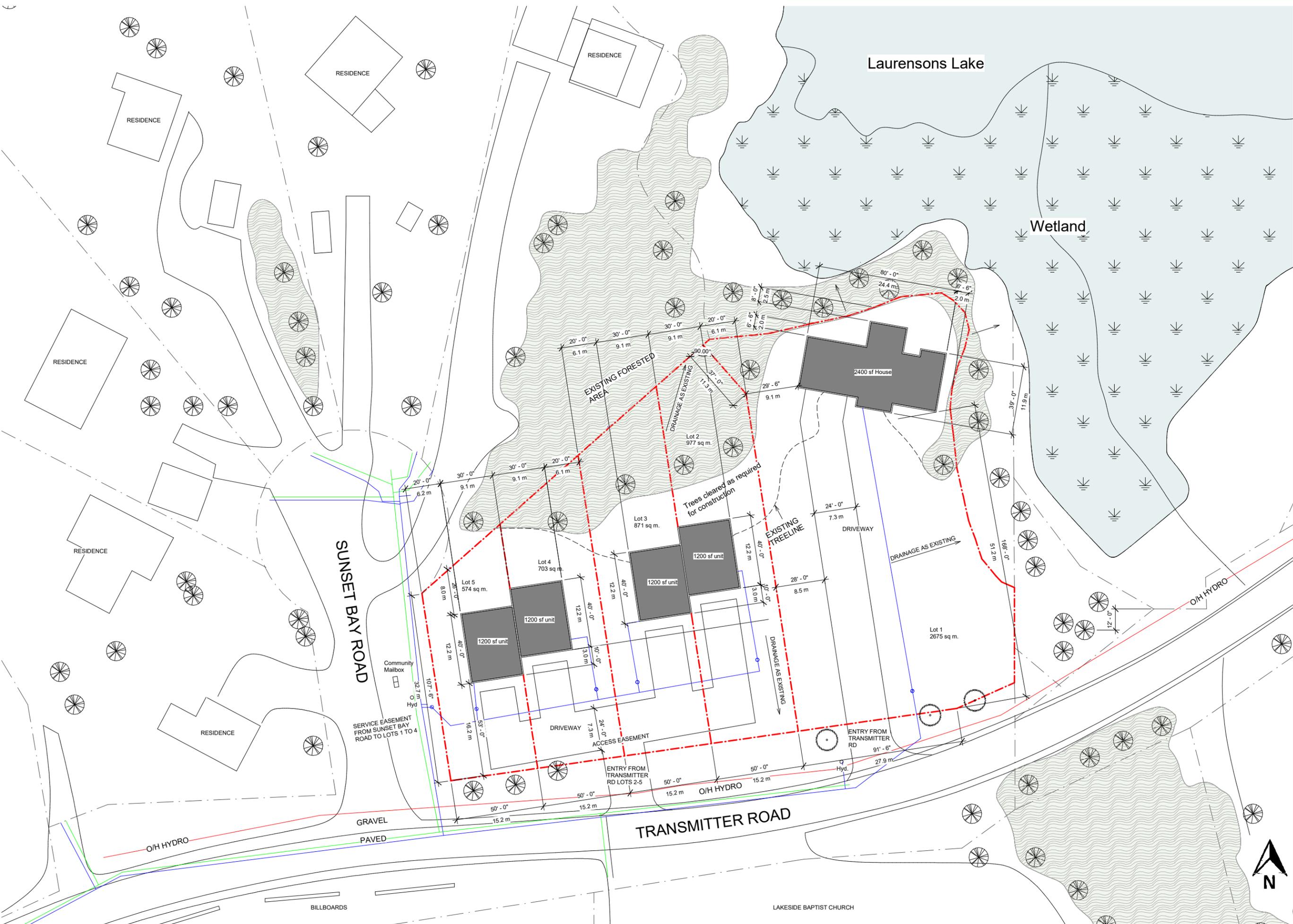
SURVEYOR'S CERTIFICATE
 I hereby certify:
 (1) That the survey and plan are correct and in accordance with the Survey Act and the Land Titles Act and regulations made thereunder.
 (2) That the survey was completed on the 18th day of January, 1979.
 At Kenora, Ontario
 30/11/1979
[Signature]
 Murray M. Graham
 Ontario Land Surveyor

DATE:
FILE:
MAPS:
 Evidence based on notes.

METRIC
 Measurements shown on this plan are in metres and may be converted to feet by dividing by 0.3048.

HAS THIS PROPERTY ALREADY BEEN APPROVED FOR SPLITTING. PLEASE EXPLAIN. AUG 23, 2021

23E-4505



- Existing lot to be subdivided into 5 individual lots.
- Lots 2-5 to be rezoned as R2 for construction of duplexes
- Easment for access to units on lots 2-4
- Easment for servicing to units on lots 2-4 from Sunset Bay
- New entry to Transmitter Road to lot 1
- New entry to Transmitter Road to lots 2-4

Client:	Owner
Project Description:	Sunset Bay/Transmitter Road
Drawing Description:	Preliminary Site Plan
Project Number:	x
Date:	Preliminary Site Plan
Drawn By:	PH
Checked By:	NA
Drawing No.:	000.1
Scale at ANSI Standard D:	1 : 300