



## **A G E N D A**

for a Public Meeting

to discuss an Application for Temporary Use Bylaw

(Re: Unaddressed Property, Lot 1, Plan 23M966, Bell's Point Road, PIN 42134-0552)

**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/>

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### **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.

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.

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**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 application.

**2. City Planner Report/Rationale**

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

**3. Express Interest**

Any person may express his or her views of the application 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 application?

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

**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**  
**Temporary Use By-law, File Number D14-21-09**  
Planning Act, R.S.O 1990, c.P13, s. 34 & s. 39

**Take Notice** that Council of the Corporation of the City of Kenora will hold a Statutory Public Meeting, under Sections 34 and 39 of the *Planning Act*, to consider a Temporary Use By-law 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](mailto: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.

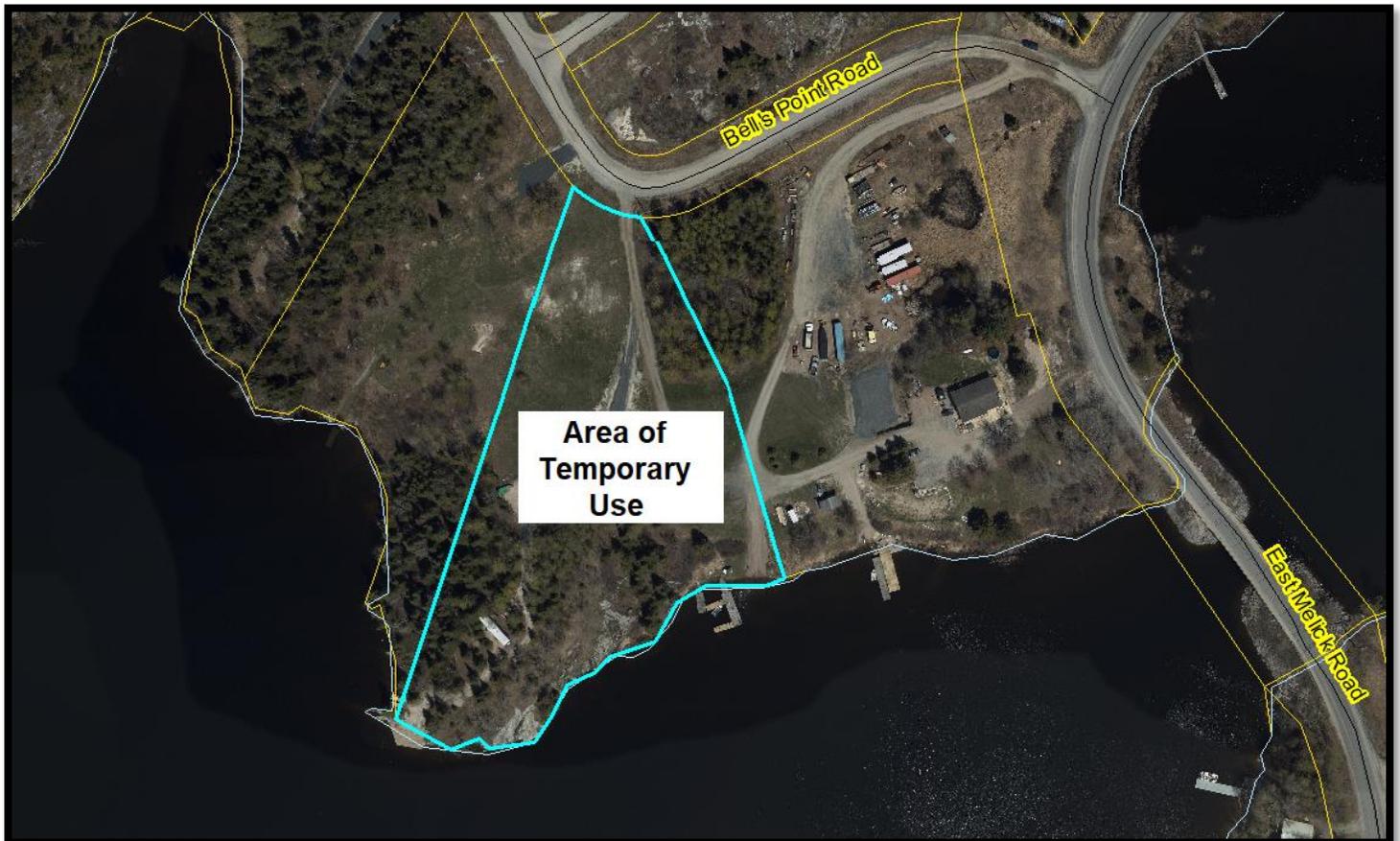
You are also invited to attend The Kenora Planning Advisory Committee (PAC), who hears applications and considers recommendations to Council, commencing at the following time and location:

**PAC Open House**

When: Tuesday, October 19, 2021 at 6:00 p.m.

Location: PAC will be hosting a virtual meeting via Zoom Meeting.

Access to the virtual meeting will be made available by registering with the Secretary-Treasurer at [planning@kenora.ca](mailto:planning@kenora.ca).



**Be Advised** that the Corporation of the City of Kenora considered the Temporary Use By-law application to be complete on September 9, 2021.

**Location of Property:** Unaddressed Property, Lot 1, Plan 23M966, fBell's Point Road, Kenora, ON, as identified in the key map above.

**Purpose:** to allow for the temporary use of a portion of the property for a campground for a period of up to three (3) years.

**Effect of Approval:** the purpose and effect of the proposed by-law is to permit the applicants to locate a camper on a property zoned "BSL" Black Sturgeon Lake – Restricted Development Area, until the applicants can build a dwelling on the property.

**Virtual Public Meetings:** 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 Open House and Statutory Public Meeting may submit such comments in writing no later than Friday, October 15<sup>th</sup>, 2021 by email, to [planning@kenora.ca](mailto:planning@kenora.ca) or by regular mail to the address below, and quote File Number: **D14-21-09**.

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

- b. **Register to Speak at the PAC Virtual Meeting:** If you wish to speak at the Open House, you are asked to register in advance by email, to [planning@kenora.ca](mailto:planning@kenora.ca) no later than noon on Friday, October 15th, 2021 and quote File Number: **D14-21-09**. 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 Temporary Use By-Law 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 Temporary Use, 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](mailto: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 7<sup>th</sup> Day of October, 2021.



October 29, 2021

**City Council  
Committee Report**

**File No.:** D14-21-09

**To:** Kyle Attanasio, CAO

**Fr:** Kevan Sumner, City Planner

**Re:** Application for Temporary Use By-law

**Location:** Unaddressed Property, Lot 1, Plan 23M966, Bell's Point Road,  
PIN 42134-0552

**Owners & Applicants:** Kyle & Lisa Lewko

**Recommendation:**

That Council hereby denies an Application for Temporary Use, 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).

**1. Introduction**

An application has been received, requesting Temporary Use approval for the use of the subject property as 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.

While the use of a property in the BSL zone as a campground is not normally permitted, Section 39 of The Planning Act gives councils the right, through a temporary use by-law, to authorize the temporary use of land, buildings, or structures for any purpose that is otherwise prohibited by the zoning by-law. A temporary use may not be authorized for more than three years, but may be extended with a new application.

**2. Description of Proposal**

The applicants intend to locate a camper on the subject property for a period of up to three years, until a dwelling can be built on the property.

**3. Existing Conditions**

The subject property was created as part of a 23-lot subdivision in 2012. In 2014, the City approved a Site Plan Control application for a dock at the southeast corner of the property and associated easements so that a portion of the property could be used for docking, access, and parking for owners of backshore lots in the development (Figure 1). Since that time, the City of Kenora has not received any permits or related applications for development of the property.

As a result of a complaint from the public, the Development Services department was made aware that campers were located on the property. An inspection of the property by a By-law Enforcement officer on July 26, 2021 confirmed this and the property owners were contacted with a request to bring the property into compliance with the zoning by-law. A review of aerial imagery from the City's GIS system revealed evidence that a trailer has been located on the property as far back as 2019, though that may be a different trailer and/or in a different location than the one that is currently on the property (Figure 2).

A follow-up inspection of the property was conducted by a By-law Enforcement officer on August 26, 2021. This inspection documented two campers on the property and that an unpermitted shoreline dock had been constructed on the shoreline with adjacent landscaping work at the southwest corner of the property. Photos taken by the officer also revealed evidence of release of wastewater from the campers on to the property (Figures 3-8).

A review of documents related to the original subdivision of the property revealed that there is an archaeological site on the property. A Stage 3 Archaeological Assessment completed for the site in October, 2011, determined that there is a culturally historic value to this site as it enhances the understanding of past human settlement. The assessment noted the fact that portions of the site, at that time, were still intact allows for the recovery of artifacts *in situ*, thus contributing to the greater archaeological knowledge of Northern Ontario. The recommendations submitted to the Ministry of Culture were:

1. The recommended Stage 4 mitigation for this site is protection and avoidance. The site is subject to long term protection. As per 4.1.1 Ontario 2011: 68-69 the documented area of site DKKo-15 (45m x 45m grid area) requires a protective buffer of 20m around Woodland village sites.
2. A temporary barrier around the area to be avoided and a "no go" instructions to all on-site construction crews is required. The location to be avoided is to be drafted into all contract drawings, with explicit instructions for avoiding the area.
3. The site could be further protected by an eight foot chain link fence around the site (including the buffer area) until a point in time when/if the site is excavated by a qualified archaeologist.
4. No tree removal, landscaping, gardening, road or trail development or utilities installation can occur with the fenced are of Stage 3 investigation until the site is excavated by a qualified archaeologist.
5. Any transfer of property through sale or inheritance must have a clause in the transaction that provides documentation confirming awareness of obligations for the archaeological site and the owner's willingness and capacity to fulfill those obligations.

Figure 9 below is an illustration from the Archaeological Assessment, showing the test grid and 20m buffer referenced above.

A fisheries assessment has been completed for the shoreline in this area, and is attached to this report. The assessment concluded that shoreline development in this area would not adversely impact upon critical spawning habitat.

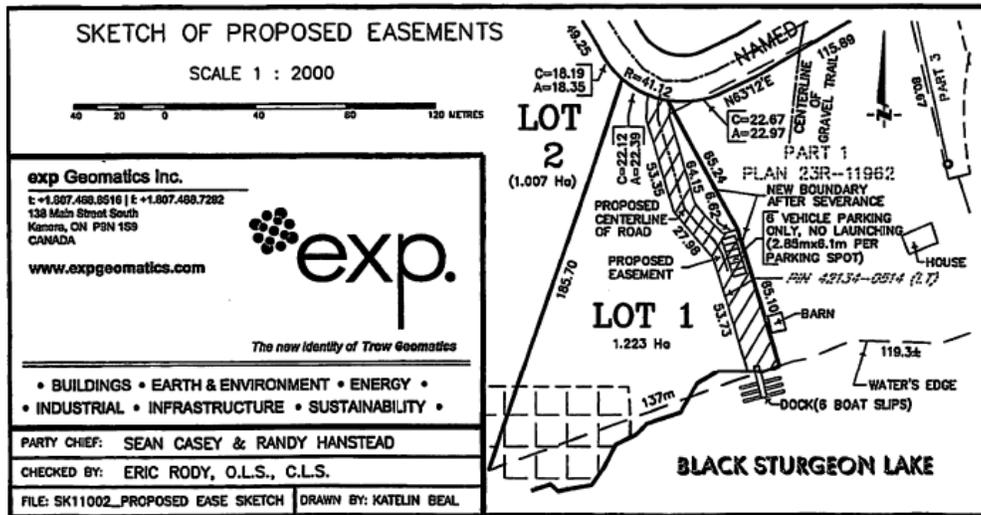


Figure 1 – Docks and easements for backshore property owners approved in 2014.



Figure 2 – 2019 Aerial image displaying boundaries of subject site, and an unpermitted trailer and shoreline structure (southwest corner).



**Figure 3** – Photo of camper on property.



**Figure 4:** Wastewater lines connected to campers on the property



**Figure 5:** Release of wastewater directly on to property with no septic system



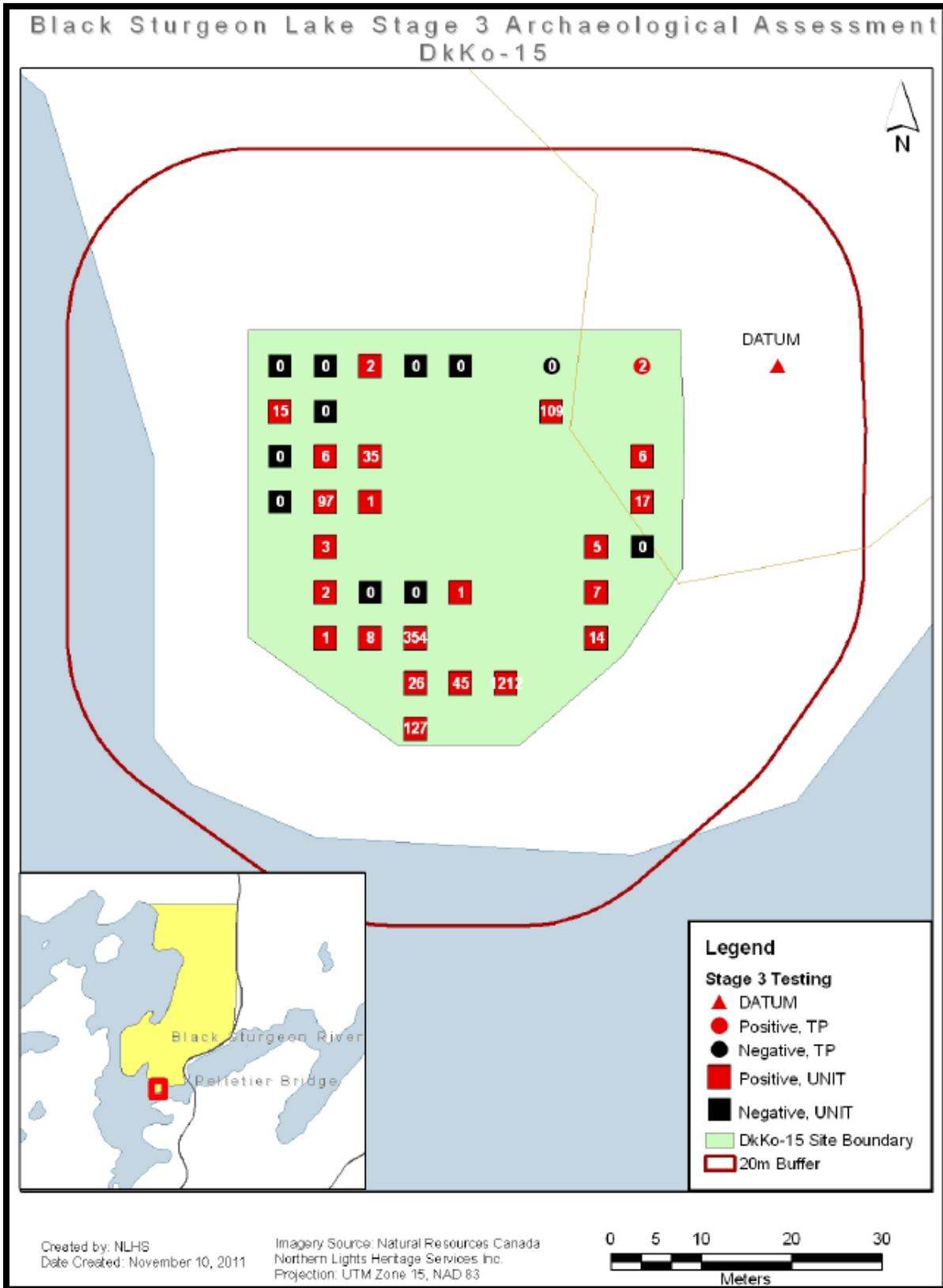
**Figure 6:** First unpermitted shoreline structure and adjacent landscaping in the EP zone and within the 20m buffer of an archaeological site.



**Figure 7:** Second unpermitted shoreline structure and adjacent landscaping in the EP zone and within the 20m buffer of an archaeological site.



**Figure 8:** Evidence of recent fire documented August 26, 2021. The Restricted Fire Zone was in place from June 30<sup>th</sup> until September 1<sup>st</sup>.



**Figure 9:** Excerpt from Archaeological Assessment illustrating the location of test pits and the 20m protective buffer.

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

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

The PPS states that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted (Policy 1.1.5.3).

Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved (Policy 2.6.2).

Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved (Policy 2.6.3).

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

The land use designation of the property is Rural Area (Figure 10). Policy 4.1 of the Plan states that permitted uses shall include a variety of agricultural, residential, industrial, commercial, recreational, tourism, and open space uses.

Most of the property is also designated as Black Sturgeon Lake (Restricted Development Area) special policy overlay. Shoreline development is restricted to 25% of the lot frontage. This applies to, but is not limited to, all structures, removal of vegetation, pathways, decks and docks.

The Official Plan requires that any alterations to known archaeological sites shall only be performed by licensed archaeologists, as per Section 48 of the Ontario Heritage Act (Policy 5.2.2(c)).

The Official Plan stipulates that Site Plan Control may be used for any development on Black Sturgeon Lake, or any navigable waterway in the City, in order to protect natural resource value. This is reflected in the Site Plan Control By-law No. 189-2010.

The Official Plan, in guiding the implementation of the Zoning By-law, allows that Council may pass a by-law to allow the temporary use of lands that do not comply with the Land Use designations of the Plan provided that:

- a) The temporary use does not require major capital investment or alteration to the existing landscape;
- b) The proposed use is compatible with surrounding land uses;
- c) The proposed use does not require the extension of municipal services;
- d) The developer has entered into an agreement with the municipality specifying the conditions under which the use may be permitted; and,
- e) The by-law shall specify a maximum time period for which the use may be permitted. (Section 8.3.2)



**Figure 10** - OP Mapping. The hatched area indicates boundaries of the Black Sturgeon Lake (Restricted Development Area)

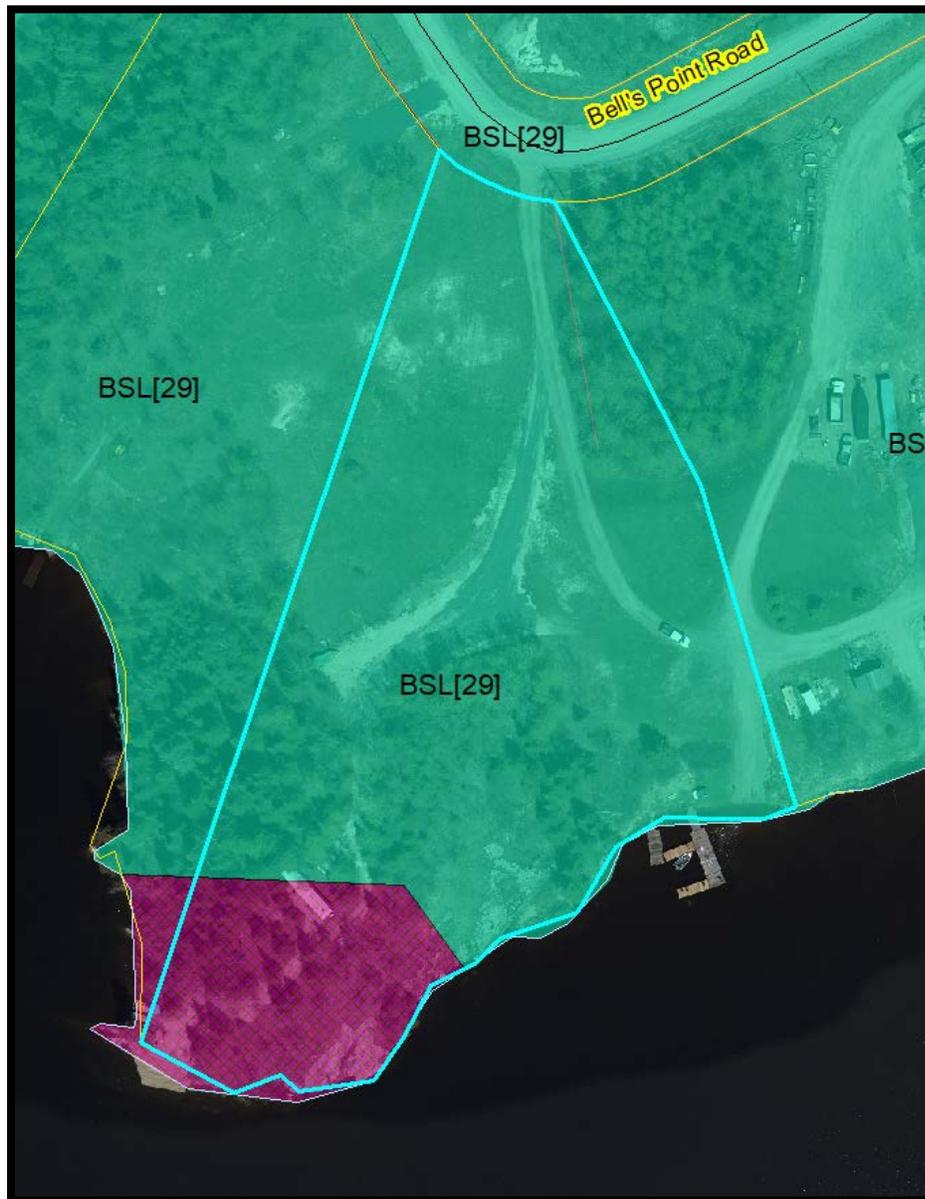
### **c) Zoning By-law No. 101-2015**

Most of the subject property is currently zoned "BSL[29]" Black Sturgeon Lake (Restricted Development Area) Zone (Figure 11). This zone implements the Black Sturgeon Lake (Restricted Development Area) Special Policy Overlay in the City's Official Plan (Section 4.18). The exception [29] is in place on all of the properties associated with the original 23-lot subdivision to allow Lot 5 to have a reduced frontage of 46m (By-law No. 11-2013).

The southwestern point of the property is zoned "EP" Environmental Protection Zone. This zone provides protection to those areas which have historical and natural significance such as First Nation burial grounds, fish and wildlife habitat. The only permitted use in the EP zone is wildlife conservation reserve. The cutting, removal or burning of trees and other natural vegetation is prohibited in this zone, as is the placement or removal of topsoil. The unpermitted shoreline structures, clearing of vegetation, and associated landscaping documented by By-law Enforcement are located in the EP zone. In 2019, a trailer appears to have also

been located in the EP area. It is not known if the trailers photographed by By-law Enforcement in the summer of 2021 are located within the EP area.

Under the by-law, campers, tents, and recreational vehicles are only permitted to be occupied in camp sites in a campground, which is normally only permitted in the "TR" Tourist Recreational Zone (Section 4.8.4). No other zoning use category permits the occupation of campers, tents, and recreational vehicles, even temporarily. Trailers may be parked and stored on a lot in any zone with an existing permitted use, but may not be occupied during storage (Section 3.6). Therefore this temporary use by-law must be approved if the applicants wish to have even a single camper located on the property.



**Figure 11 - Zoning By-law Mapping**

## 6. Results of Interdepartmental and Agency Circulation

The application for temporary use was circulated for comment on September 27<sup>th</sup>, 2021. The following is a summary of comments received in response.

Building Department	Allowing this use will set precedent for further/future requests. The three year timeframe to decide where to build is a stretch, then add the period for the build, this could go on for years.
By-law Enforcement / City Clerk	<p>There are concerns with granting a 3 year Temporary Use Provision without actual plans in place to build a cabin/dwelling. The owners indicate they took possession of the property over a year ago (Aug 28/20) and at this time do not yet have a plan to build, the application indicates they plan to develop in the near future with no proposed timeline. The camper is currently parked on the property and was occupied during the summer months in contravention of the zoning bylaw. It has a more permanent ground level wooden deck structure installed which suggests that it was intended for the camper to be placed initially for long term use.</p> <p>Bylaw Enforcement and Development Services receive many reports each summer season to investigate and enforce similar situations in which vacant properties (mainly lakefront) that have been acquired and campers placed to be used as seasonal cottages/cabins with no signs of building activity. If a temporary use provision is permitted in this case, we could expect many more applications from property owners for the same permissions for a 3 year duration and beyond. I am very concerned about the precedence this will set and the long-term 'approval' that will become permanent.</p> <p>If a temporary use provision is granted it is suggested that this comes with conditions and a staged construction schedule, including a deadline for having a building permit issued, demonstrating progressions to ensure completion by the expiry of the temporary use provision. This would be consistent with temporary use provisions granted in the past by the City. It would be required that all Temporary Use Provisions issued are monitored and tracked, and that scheduled inspections occur at each deadline to ensure compliance. These timelines should be much shorter than three years, and in this particular case, they have already had one year (or more).</p> <p>I am opposed to any temporary use permitting without active building plans in place. We have seen an increased presence of mobile trailers and the long term presence of these trailers with no intentions of building. I don't believe providing a temporary use permit for these locations will solve the increasing problem,</p>

	but add to the perception that they will be permitted especially in the long run.
Fire and Emergency Services	No concerns from Fire unless the applicants try to rig electrical and/or heating systems for the winter. Main safety concerns would be such a system, as most trailers are not designed for permanent residency and are not very forgiving in fires. Agree with Building comments, and there is more of a push on for people using trailers or tiny homes on these types of properties.
Roads Division	No concerns
Hydro One	No concerns
Engineering	No concerns
Water Wastewater Division	Require a NWHU approved treatment system in place, which allows for a number of options: holding tank, greywater pit, outhouse, etc.
Ministry of Heritage, Sport, Tourism and Culture Industries	The important thing from the Archaeological Assessment is Map 8. If this is the property they are referring to in the application, these owners can't do anything to alter the land around their shoreline. The Ontario Heritage Act only brings charges on activities like site looting or disturbance when someone knowingly disturbs a site. The previous land owner should have informed the new buyers about the site. If the site has been disrupted by these activities the next step would be for the property owners to hire a licensed professional archaeologist to assess the damage and provide recommendations for going forward from there.
Ministry of Northern Development, Mines, Natural Resources, and Forestry	The impact of a single camper on this lot (provided waste is properly disposed of) are likely significantly less than the impact of developing it for a permanent dwelling. Those impacts would already have been considered by NDMNRF during the planning of the subdivision. Therefore there are no concerns. There are other properties on or near Black Sturgeon Lake with no primary dwelling that currently have people living in campers. This decision could set precedent for other residents requesting to live in campers. The biggest issue with this would likely be ensuring that waste water was being properly disposed of.
Northwestern Health Unit	If the camper will be staying there for any extended period of time (more than a week), a permitted sewage system would be required for the property. The onboard tanks aren't meant for a long-term solution.

## 7. Public Notice and Comments

Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on October 5th, 2021 to property owners within 120 metres, published in the Municipal Memo of the Newspaper on October 7<sup>th</sup> and 14<sup>th</sup>, and circulated to persons and public bodies as legislated.

The notice also stated that the Planning Advisory Committee would have the opportunity to consider recommendation for the application to Council at their meeting on October 19<sup>th</sup>, 2021. At that meeting, the Committee voted not to recommend approval of the temporary use by-law. The minutes and relevant resolution from the meeting are attached to this report.

As of the date of this report (October 29<sup>h</sup>, 2021), nine written comments have been received from members of the public. These comments appear to be evenly split between letters of support (4) and opposition (4), with one appearing to offer no clear preference, and represent a range of opinions regarding the proposed temporary use and the general use of campers as residences in the area.

Letters of support generally express approval for property owners to be able to inhabit trailers as primary use of property, especially when there are plans to eventually build a permanent dwelling on the site.

Letters of opposition generally note concern in regards to activities on the property already documented in this report. Some are supportive of the idea of allowing regulated campers as a temporary use in advance of or during construction of a permanent dwelling, but are opposed to approval of this application for reasons specific to this property.

Some of the letters, both supportive and opposed, point out that the applicants are not the only property owners in the area who are inhabiting campers on their property.

## **8. Evaluation**

It appears that since at least 2019, the subject property has been in use as a campground, with associated clearing of vegetation, preparation of a camping site, unpermitted shoreline structures, landscaping, and onsite disposal of wastewater.

These developments did not receive the necessary planning approvals, including Site Plan Control approval for development of a property on the shoreline of Black Sturgeon Lake, or building permits for shoreline structures. Significant portions of the development are located on a known, documented archaeological site where such development would not have been permitted even if applications had been received. Additionally, the property owners have shown a disregard for the environment and the water quality of the lake by releasing wastewater directly on to the property with no septic system in place.

Given the nature of the issues identified with the unpermitted development and use of the property, I am unable to recommend approval of a temporary use by-law at this time. It is my further recommendation that no future approvals should be considered for any development or use of the property until existing unpermitted structures have been removed, the areas of the property zoned Environmental Protection have been restored to a natural state, and the applicants have taken the necessary step of hiring a licensed professional archaeologist to assess the damage and provide recommendations and conditions for future development.

**Attachments**

- Complete Application for Temporary Use By-law
- Notice of Application and Public Meeting
- Planning Advisory Committee Resolution
- Planning Advisory Committee Draft Minutes of the meeting of October 19th, 2021.

Schedule "A"- File No. D14-21-09





The Corporation of the City of Kenora

**PLANNING ADVISORY COMMITTEE MEETING RESOLUTION**

MOVED BY: Bev Richards

SECONDED BY: John McDougall

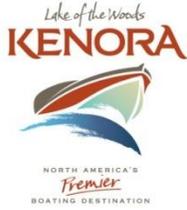
DATE: October 19, 2021

**RESOLVED THAT** the **PLANNING ADVISORY COMMITTEE** recommends that the Council of the Corporation of the City of Kenora **refuse** 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 and identified in Schedule "A". The purpose of Temporary Use approval for the use of the subject property as 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 enable a camper to be located on the subject property for a period of up to three years, until a dwelling can be built on the property.

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 <input checked="" type="checkbox"/>	DEFEATED
Declaration of Interest (*)	NAME OF PLANNING MEMBER	YEAS	NAYS		
	<b>Richards, Bev</b>	√			
	<b>Kitowski, Robert</b>				
	<b>Pearson, Ray</b>	√			
	<b>Barr, John</b>	√		CHAIR	
	<b>McDougall, John</b>	√			
	<b>McIntosh, Tanis</b>	√			



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

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

DELEGATION:

**Present:**

**Ray Pearson  
John Barr  
John McDougall  
Tanis McIntosh  
Bev Richards  
Melissa Shaw  
Kevan Sumner  
Adam Smith  
Tessa Sobiski**

**Acting Chair  
Member  
Member  
Member  
Member  
Secretary-Treasurer  
City Planner  
Manager Development Services  
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 sewageseptic 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 lotsthe 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 topography/geography. 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 16<sup>th</sup> day of November, 2021.

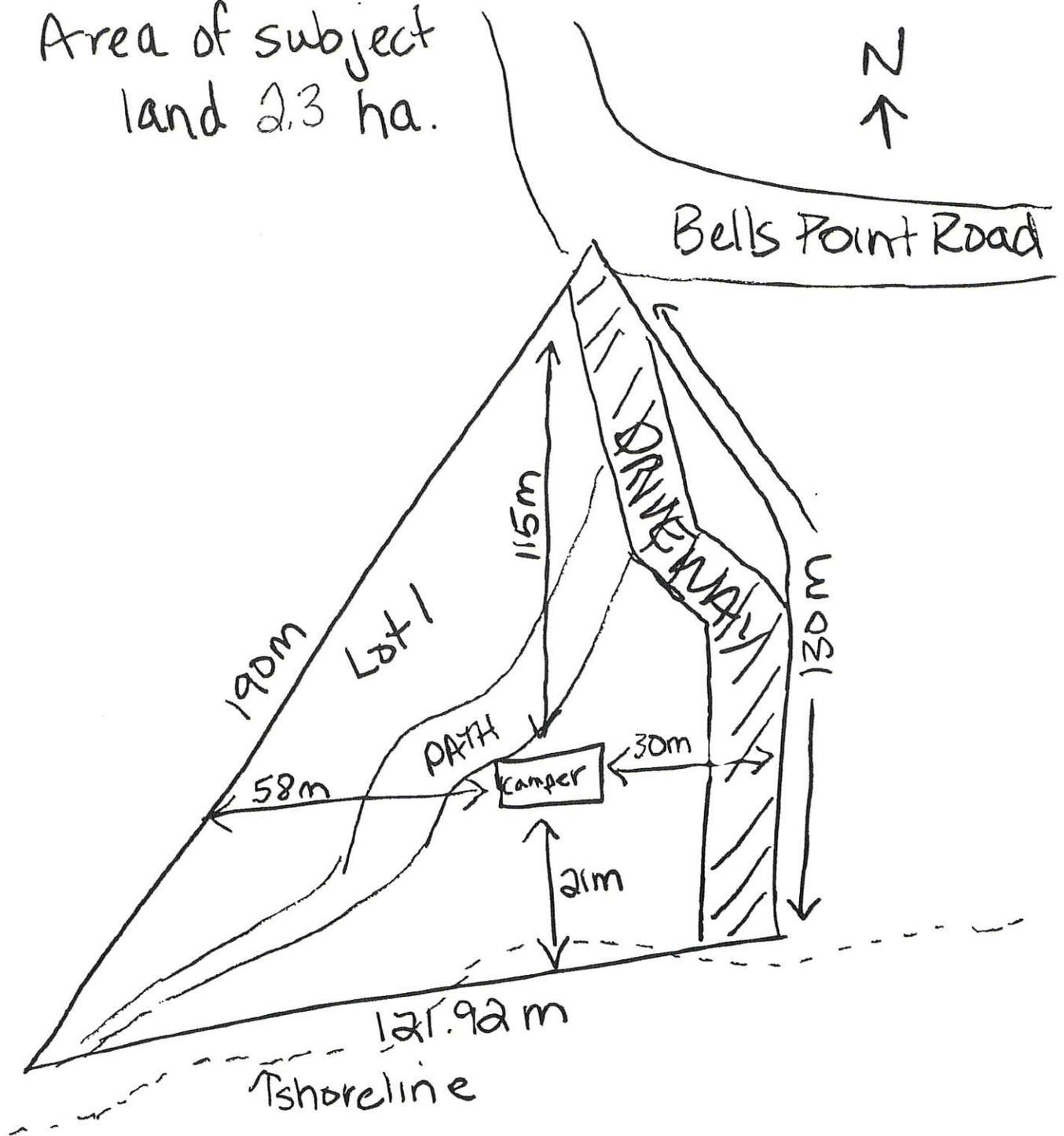
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Chair,

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Secretary-Treasurer, Melissa Shaw

Area of subject  
land 2.3 ha.



Stream

## Kyle & Lisa Lewko Planning Rationale

We took possession of Lot 1, Bells Pointe Road, Plan 23M966 on August 28, 2020 for the purpose of building a cabin in the future. We are currently applying for a 3 year temporary campground permit to park our camper on the property until we build.

- A) Currently the land is made up of mostly bush, with a path going down to the water. The lot on one side of our property is vacant and the other side is residential. From where we would plan to build and put our camper temporarily, neither adjoining properties can see it.
- B) As far as we are aware there have not been any site plan agreements/zoning by-laws etc on this property. This is the first permit we are applying for.
- C) Our proposal is to park our camper temporarily on the land to feel out the land and decide where to build. As well we want to stay on the land until we get our building permit and cabin plans. Currently our plan is to put the camper in the location we think would be ideal for a cabin, which is 27 meters from the waters edge, and to the property lines we are: 30 meters to the East, 115 meters to the North, and 58 meters to the West. We currently have a driveway at the entrance of our property with granite, which then extends to a path down to the water.
- D) Our request is for a temporary campground permit which we are requesting so we are able to put our camper on the property to feel out the land and figure out what is the best location on the property for our cabin.
- E) The property to the East is currently a residential property and the adjacent property to the North west is also a part of the Black Sturgeon Development Area, which is currently sold but vacant. We are respecting the other properties by not having our camper/future development visible from adjacent properties. All other properties surrounding us are either cabin/residential, vacant for future development or campers on lots. So our proposal to temporarily have a camper seems fitting as other properties around have campers, but we also are fitting for the current zoning of this land as we plan to develop in the near future. Our camper will not be higher than the trees therefore not block any adjacent housing, create any shadows or glares. The driveway into the property does not disturb the neighboring properties. It comes from the top of our property which gives access to other property owners to the shared docks on the lake.
- F) Our proposal of temporary campground permit is appropriate land use planning, as it will give us the best land location for our cabin. There will be no negative impacts on the site plan controls.
- G) We plan on removing very little trees/land as possible for our future cabin. We love being surrounded by trees and nature. Which makes this a great lot for cabin life. So the

natural environment of the land will stay very similar. We also plan on protecting the natural environment of the land by limiting shoreline development by building up higher on the property to not disturb the shoreline.

- H) When we do start building our cabin, we will need to bring in hydro, water, and a sewage system. Currently the plan for the camper will be to haul in water from town, and haul away sewage using a holding tank to our neighbors system. Hydro is already located at the adjacent property, which will make it easier for hook up on our property.
- I) The variance is minor. Our variance is desirable for the appropriate development of the land by planning to develop according to the Black sturgeon restricted development area. We plan on maintaining the by-laws of the land, having this temporary by law for 3 years and then developing as per the current by law. We plan on following the intent of the Kenora official plan.
- J) At this time we are just needing to have a temporary campground permit so we can stay in our camper until we get our building permit/cabin plans complete. We would love to enjoy the land until we are able to get everything else started.
- K) We have attached a site plan with our application to show where we would like to put our camper
- L) We are going to develop in the near future, which will provide an Ontarian lake lifestyle which follows the intended use of the land.
- M) This property is in the Black Sturgeon Restricted Development Area. We plan on developing which complies with the zoning by-laws of this property's intended use. The land
- N) Our property is amongst other cabins/lake residentials. So our plan to build a cabin in the future follows the nature of the surrounding properties. We only temporarily plan on putting a camper on the property, which there seems to be a lot of other campers on the lake currently, so asking for a temporary campground permit seems acceptable.
- O) We are developing in a rural low-density residential development area, which will generally be used for recreational activity.
- P) N/A

We are applying for this temporary campground permit as we need time to figure out where to build. We currently pay \$2500 in property taxes and are unable to use it according to the by laws. We use all amenities in town while we are at our property, which in turn is helping build the economy of Kenora.

Sincerely,

Kyle & Lisa Lewko

**Melissa Shaw**

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**From:**  
**Sent:** Monday, October 11, 2021 5:08 PM  
**To:** Planning  
**Subject:** Comments for file D14-21-09

**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.

Dear Mr. Kevan Sumner;

I have a few comments that I would like to share regarding the application of Lot 1 Bell's Point Road, File D14-21-09.

My husband and I were the first to purchase property in Bell's Point Estates and the first to build a home and live here as year-round permanent residents. We knew by the number of lots for sale that we would be living through years of construction as the neighbourhood grew up around us. Having gone through the process of clearing land, installing a septic field, building a foundation, building a home, etc. etc., we are very aware of the amount of time and effort that this process entails. For this reason, we agree that it is reasonable to allow the owners of Lot 1 the use of one camper trailer as a dwelling for up to three years such that a permanent structure can be built.

However, we do have some concerns about the application. We are NOT in agreement that there should be a zoning change, or anything to designate this property as a "campground". Lot 1 are not the only owners who are using campers as dwellings while at the lake, and I feel that this decision that Council will make will become a precedent setting decision. We are pleased that the owners of Lot 1 are being diligent by taking the legal route and asking for permission from the City to use their camper. However, there are many other lot owners in this subdivision who are using campers (you just might not see their campers from the road). There are other lot owners who have often come down with more than three campers for the weekend, and I am concerned that our neighbourhood is becoming a "campground", especially when those residents and their guests are using the city-maintained roads in the neighbourhood for their ATVs and motorbikes and kids aren't wearing helmets, etc. We did not want to build the home we did, nor do we pay the taxes that we do, to be living in a trailer park (for all intents and purposes). Our other concern with the use of campers is sanitation. We would expect that the residents who are using campers are having regular pump-outs so that there is nothing leaching into our beautiful waterways. We would expect for the by-law enforcement to be asking for "proof of pump-out" or some other documentation from all local residents who are using campers as dwellings. Lastly, we are mildly concerned about the use of generators. We do understand that generators are necessary prior to having electrical hook-ups, but we would hope that the vacant lots who are using campers would be encouraged to have electricity run to their lots so that they can hook-up without having to solely rely on generators, as it can be quite noisy (especially when combined with the ATVs and Sea-Doos in the bay).

Once there is a permanent structure in place, we accept the use of 1 camper/lot for overflow guests, provided that sanitation and electrical requirements continue to be met.

Sincerely;

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**From:**  
**Sent:** Thursday, October 14, 2021 10:43 AM  
**To:**  
**Subject:** FW: Application for Permit File # D14-21-09

**From:**  
**Sent:** Thursday, October 14, 2021 10:23 AM  
**To:**  
**Cc:**  
**Subject:** Application for Permit File # D14-21-09

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Dear

October 14, 2021

Regarding the Application for Temporary Use for File # D14-21-09, I am writing to you to express my concerns with the application as outlined.

Personally, I think it is perfectly reasonable for a landowner to have the right to use their land as they see fit, as long as they are following the guidelines as written in Kenora's By Laws.

In this case, there appear to be many examples of the applicant not following those guidelines in the past year and no indication in the application for Temporary Use, that they would alter their use of the land to come into compliance with existing rules. For example, they do not mention moving their trailer off the environmental protection area, no mention of removing their dock from the shores of the EP area or remediating the land in that area or protecting that area in the future. If the applicants were to receive conditional occupancy under the Camping By Law, I would hope these issues would be addressed prior to occupancy being permitted.

Also, with regard to effluent being released onto the land, I would expect the Northwest Health Unit requirements are met prior to use being granted. For example, an approved septic system being installed and permitted by NWHU. The Black Sturgeon watershed is the source of all our drinking water and the clarity of Black Sturgeon's Lake is one of our community's greatest assets. I would hate to see that damaged or tainted.

If these and other issues are not addressed I would not be in favour of granting this Application.

Thank you for taking the time to read our concerns.  
Regards

October 14, 2021

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R  
**File Number: D14-21-09**

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Dear Mr. Kevan Sumner, City Planner

I am writing you with respect to Mr. and Mrs. Lewko's application for the temporary use of a portion of Lot 1, Plan 23M966, Bell's Point Road, Kenora, Ontario, for a campground for a period of up to three years.

I am completely in favour of this application, as it makes logical sense for a landowner to be able to have their camper (and a friend's camper for that matter) on their lake property to enjoy considering that they pay at least \$2500 in property taxes each year to the City of Kenora.

The request is to temporarily locate their camper on their property while the landowner decides where to locate on their lot, makes building plans and generates enough money to eventually build a cottage. In fact, I do not think there should be a time limit placed on the landowner that pressures them to build, as it was my understanding that there were no time constraints on developing the lots in Bell's Point Subdivision in the land purchase agreement.

I would like to be on the record at the public meeting, November 9, 2021, as being in favour of the proposed application, File No. D14-21-09.

Best Regards,



October 15, 2021

Mr. Kevan Sumner:

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I would like to submit a few of my concerns regarding the application permit File #D14-21-09.

In reading through the application for special consideration, again disappointed in the applicants' do as I want and ask permission when caught scenario.

There needs to be sections in the new by-laws and Zoning Plan for monetary penalties for not following the City's bylaws. This would be a great money generator for the City as there are too many landowners not completing their due diligence in finding out the necessary information governing their property. If the By-law Enforcement Officer can issue a monetary penalty now, this needs to be issued in this case as there are more bylaws broken than just one.

The applicants state in their summary that "currently our plan is to put the camper in the location we think would be ideal for a cabin"... This shows that they have already know where they will build, therefore not needing the 3-year temporary campground permit on the property until we "feel out the land and decide where to build."

As indicated in Kevan's summary report, Lot 1 of Bells Point Road subdivision is a special lot, there are more restrictions or recommendations for this lot in order to protect the archeology of the point and the BSL shoreline. This was put in place by qualified individuals who worked on the Subdivision application and to my knowledge, still in place.

I can understand that the owners want to keep their already existing camper(s) on their property as they look across the lake and bridge there is one existing camper/trailer there and one extra camper/trailer visiting that site on occasions. I am not sure that this is allowed but that side of the lake is not a designated BSL protected area, the applicants have to understand that, and Black Sturgeon Lake needs to be protected as there are more and more property's being added and developed on the Lake it will soon be an overpopulated and polluted lake that no one can enjoy.

I am not in support of this application, and it should be refused.  
Thank you

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**From:**  
**Sent:** Thursday, October 14, 2021 9:09 PM  
**To:** Planning  
**Subject:** Comment regarding Application for Temporary Use File No. D14-21-09

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.

Dear Kevan Sumner,

I am writing this email to you on behalf of the Black Sturgeon Property Owners Association regarding file number D14-21-09.

We are pleased to see that the city of Kenora is taking seriously its responsibility to protect the sustainability of the Black Sturgeon Lake restricted Development area. We also welcome new property owners to the area.

We agree that it is reasonable for the current (new) property owners to establish a temporary dwelling (camper) on their property for a limited period of time while they plan and implement the construction of a permanent dwelling, we have some serious concerns with the current situation. Our primary concerns relate to protecting the watershed, and secondary concerns re: the suitable use of the property as a permanent or seasonal residence as opposed to a camping ground.

These concerns include

- Its our understanding from information made available to us that the property already has a camper on site, and that there is evidence that wastewater is not being properly removed. This will lead to the wastewater making its way into the lake and contaminating the lake. Any variance to allow for this would have to require and include installation, inspection and monitoring of the proper disposal of waste.
- We are concerned in general about the properties using campers (sometimes multiple) as semi-permanent or holiday homes contrary to city bylaws. We encourage the city to continue its enforcement where otherwise empty lots are being used as campsites. We are concerned about the wastewater issues that these sites can create. We also understand from other residents that these sites tend to be less respectful of noise bylaws.

- We are concerned that the designation of one lot as a campground, even if temporary, will result in a precedent leading to additional designated lots and areas.
- We understand that the site is a location of a designated archaeological site. As we lack current expertise in these matters we have no comment.

It seems like an unfortunate situation for the current property owners who may have taken ownership of this property without an awareness of all of the issues and hope that a reasonable solution can be found, but it needs to be one that respects the sustainability of the local water systems.

I would also like to register for possible attendance at the PAC meeting in Tuesday evening. I do have another appointment that evening and may not be able to join but hoping that I will be able to. I do have the zoom meeting details already. I am not asking to register to speak at the meeting.

If you have any questions, comments or feedback on this note, please let me know.

Thank you,

Black Sturgeon Property Owners Association

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**From:** \_\_\_\_\_  
**Sent:** Thursday, October 14, 2021 6:15 PM  
**To:** Planning  
**Subject:** File D14-21-09

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.

October 14, 2021

RE: In Support of an Application for a Temporary Use By-law  
City of Kenora Planning Advisory Committee File No.: D14-21-09

Mr. Kevan Sumner, City Planner,

I am in support of the Application for Temporary Use By-law submitted by Kyle and Lisa Lewko, owners of unaddressed property, Lot 1, Plan 23M966, Bell's Point Road, PIN 42134-0552. I support their request to locate a camper on their property for a period of up to three years, while in possession of a building permit and until a dwelling can be built on the property.

I am the owner of \_\_\_\_\_ and also will be requesting temporary use approval for a single camper, for a period of up to three years in conjunction with building permits in the near future. As you know, we have had correspondence in the past about development on my property, this is important because the Lewko's and I, as well as other owners on Bell's Point Estates, with the assistance of \_\_\_\_\_ have been in contact and received direction from the City of Kenora Planning department so that we are in compliance with all zoning requirements. We intend to continue to do so going forward.

### Temporary Use By-law issued in conjunction with Building Permits

To ease the minds of area residents that have concerns about long term or permanent campgrounds being allowed, these temporary use by-laws should be issued in conjunction with building permits for dwellings as is their intended use.

I do not believe that requirements such as having a camper hooked up to a permitted sewage system will achieve the desired goal of promoting owners to complete their permanent dwelling construction projects. These requirements force owners to add permanent or semi permanent services to their properties prior to building their dwellings and are not in the spirit of the temporary use buy-law. These permanent

services should be completed with the permitted dwelling construction. Owner's can ensure that waste water is properly disposed of so that no environmental impact occurs.

I do not believe that conditions such as "a staged construction schedule, ...demonstrating progressions to ensure completion by the expiry of the temporary use provision. ...required that all Temporary Use Provisions issued are monitored and tracked, and that scheduled inspections occur at each deadline to ensure compliance."... are required. The requirement of building plans and being actively involved in construction is sufficient. Many of these properties are being developed as secondary dwellings and three years is a very reasonable time period to plan, receive permitted approval and develop to a point that the dwelling can be lived in where the camper is no longer required. The construction phase of a cottage property can be lengthy and the ability to occupy the property during this phase can speed up the process considerably, especially from a general contracting stand point.

There is no negative impact caused by occupying the property while developing it. There is no negative impact to privacy or area appeal due to the minimum lot sizes and frontage requirements on subdivisions like Bell's Point. Allowing a temporary use provision with conditions such as no permanent foundations and no hook-ups to septic systems allows for a seamless transition from temporary occupancy into permanent dwellings as is the goal in all situations. This approach invites owners to engage with the City of Kenora planning department so as to ease the City's burden to enforce complaints arising from this type of use as it exists right now.

If any follow up questions are required please do not hesitate to contact me.

**Melissa Shaw**

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**From:**  
**Sent:** Friday, October 15, 2021 5:35 PM  
**To:** Planning  
**Subject:** RE: In Support of an Application for a Temporary Use By-law City of Kenora Planning Advisory Committee File No.: D14-21-09

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:

My name is [redacted] and I own lot [redacted] on Bells point Estates. We are in support of Kyle and Lisa Lewko, Dale and the others that are requesting temporary use of trailers on their properties for the purpose of creating a plan to build. We believe it enables the owner of the property to establish a plan for building that will better meet the needs of the owner and fit into the landscape more appropriately. While I can appreciate not wanting the area to look like a campground, it seems entirely reasonable to allow a trailer to be used for a short period during the planning stage. Feel free to contact me with any further questions at this email address.  
Thanks,

## Kevan Sumner

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**From:**  
**Sent:** Sunday, October 17, 2021 1:50 PM  
**To:** Kevan Sumner  
**Cc:** Melissa Shaw  
**Subject:** Temporary Use D14 - 21 - 09

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I am a Black Sturgeon Lake property owner and have concerns regarding the "Granting of Approval" for the above application.

I recognize that it is not unreasonable to have a temporary structure in place while the residents complete the building of their home. It would appear that the tenants have been using the property with their trailer as a permanent home. I do not believe the City of Kenora has received any application to "build" a permanent residence.

If the granting of a temporary use application comes about, who knows how long it will take these owners to build a permanent home.

Other concerns here are the fact that in July a by-law officer inspected the the property, found the the camper in place and contacted the owners to bring up to code.

In August the property was once again inspected and found two trailers in place , with affluent being drained on the property. Additionally shoreline structures were completed without permits, the archeological site was not separated and may have been damaged.

It would appear that the residents have a disregard for rules and regulations and do not have the best interests of Black Sturgeon Lake at hand.

The residents should have to remove all structures including those on the shoreline and start "fresh" . They need to complete applications to the City of Kenora as needed including septic field and build plans.

Thank you for taking the time to read my concerns.

Sent from my iPad

October 18<sup>th</sup>, 2021

Dear Kevan Sumner,

This letter is regarding the application of Lot 1 Bell's Point Road, File D14-21-09. Thank you Kevan, for your thorough report. We are in complete agreement with your findings and are happy to hear that this is being taken seriously. Thank you in advance for taking the time to read this letter which outlines a few of the many reasons why we are not in agreement with this application.

We are permanent residence of Bell's Point Estates and one of the very few houses you will find in this subdivision. We were sold this property on the premise that this subdivision would be developed with family and community in mind. However, this subdivision has become more like a campground than a residential neighborhood. We have more property owners who have "set up shop" with campers, built on decks and outhouses than we do houses.

We understand first-hand the process and the time needed to build a home and put in services, however asking for 3 years to decide what location you would like to put the cottage is completely unreasonable. I find it hard to believe that one would spend that amount of money on a property without having the means and the plans for what they plan to build. Allowing this will only set a precedent for the many more "camper" owners we have in this subdivision who are patiently waiting for this to pass so they too can take the same approach.

When we decided to purchase land and build a home, we weighed the pros and cons of building within city limits. In the end we decided that although the taxing rate is significantly higher within city limits at least we will be protected by city bylaws and have some city amenities. People have to realize that just because we are in a rural setting does not mean that rules do not apply here. We pay high city taxes so that the city can protect us from situations that happen in an unorganized territory.

We are NOT in favor of this application and we hope the city will do the right thing and support the permanent residence of this neighborhood.

Sincerely,

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