

# A G E N D A

## Public Statutory Meeting as per the requirements of the Planning Act R.S.O 1990, c.P13, s. 34

**Tuesday, April 5, 2022  
12:00 p.m.**

**City Hall Council Chambers**

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

**Land Acknowledgement – Councillor McMillan**

### **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. Applications Being Considered:**

- a) Zoning Bylaw Amendment: D14-22-03  
Civic Address: 1439 Railway Street  
Registered Owner: Paulette Michalchuk  
Agent: Kenora Resource Consultants

### **Applicant Presentation(s)**

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

### **2. City Planner Report/Rationale**

- City Planner to describe the details of the planning application(s).

### **3. Public Comment**

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

### **4. Questions of Council (no decision)**

### **5. Close of Public Meeting**

Meeting is to be declared closed following all comments/questions



March 29, 2022

## Staff Report

**File No.:** D14-22-03  
**To:** Kyle Attanasio, CAO  
**Fr:** Kevan Sumner, City Planner  
**Re:** Application for Zoning By-law Amendment  
**Location:** 1439 Railway Street  
**Owner:** Paulette Michalchuk  
**Agent:** Kenora Resource Consultants

### Recommendation

That Council hereby approves the Application for Zoning By-law Amendment, File No. D14-22-03, to change the zoning of the subject properties from "ML" Light Industrial Zone and "R2" Residential – Second Density Zone with a "HL" Hazard Land Zone overlay and an "EP" Environmental Protection Zone overlay, to "GC" General Commercial Zone with a "HL" Hazard Land Zone overlay and an "EP" Environmental Protection Zone overlay; and further

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

### 1. Introduction

An application has been received to change the zoning of the subject property (Figure 1) from "ML" Light Industrial Zone and "R2" Residential – Second Density Zone with a "HL" Hazard Land Zone overlay and an "EP" Environmental Protection Zone overlay, to "GC" General Commercial Zone with a "HL" Hazard Land Zone overlay and an "EP" Environmental Protection Zone overlay.

### 2. Description of Proposal

A request was made by Hook, Seller & Lundin for a Zoning and Building Compliance Letter pertaining to 1439 Railway Street. Within the request, the existing use was listed as commercial with four dwelling units on the second floor of the main structure. The described uses are located on a portion of the property zoned "ML" Light Industrial Zone. As per Section 4.9.3(j) of the City of Kenora *Zoning By-law No. 101-2015*:

*(j) a maximum of one dwelling unit shall be permitted as an accessory use to any permitted use. The dwelling unit must be occupied by the business owner, caretaker, security guard, or similar employee.*

This application for an amendment to the Zoning By-law to the proposed "GC" General Commercial Zone will enable the lawful permitting of multiple dwelling units to be located above permitted uses that occupy the first floor of a non-residential use building. The "GC" zone also permits the future change in use of the main floor of the

structure to a recreational (fitness) facility, which has been identified by the Agent as a possible future use. Upon approval, Section 1.10 of the Zoning By-law will apply, being applications for building permits are required, per the Ontario Building Code Act and *Ontario Building Code*, in addition to all other relevant policies in the Official Plan, Zoning By-law, and Site Plan Control By-law.



**Figure 1:** Subject property.

### **3. Existing Conditions**

An existing commercial building, previously occupied by Degagne Enterprises Inc., is located on the property, which fronts on Railway Street and is serviced by municipal sewer and water. A wetland is located on the eastern portion of the property.

### **4. Site Visit**

On March 7<sup>th</sup>, 2022, I attended the subject location to view existing conditions. The photo below is intended to provide a visual of the existing property.



**Figure 2** – View of property from Railway Street.

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

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

Policy 1.3.1(d) states that planning authorities shall promote economic development and competitiveness by encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities.

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

The land use designation of the subject property is Commercial Development Area with an Environmental Protection overlay on the eastern portion of the property (Figure 3). In the Commercial Development Area, the continued development of retail commercial uses is promoted in order to serve the residents of the City of Kenora, Northwestern Ontario, western Canada and the Midwestern United States. Permitted uses in the Commercial Development Area shall primarily serve vehicular traffic. Residential land uses shall be permitted on a limited basis in existing buildings and structures suitable for residential use (Section 4.4).

The Environmental Protection overlay designation indicates land to be protected for environmental reasons for the protection of groundwater or other environmental reasons (Section 5.1.3). The Environmental Protection overlay on the subject property indicates the presence of a wetland.



**Figure 3 – Official Plan Mapping**

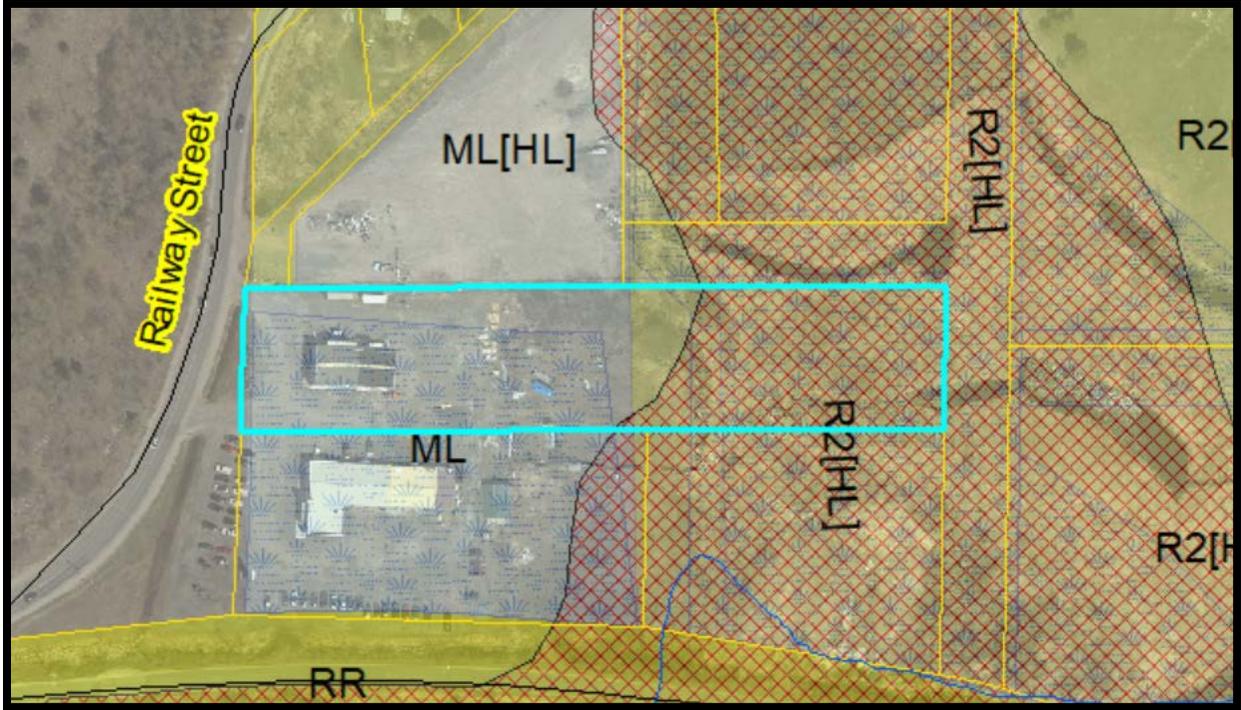
**c) Zoning By-law No. 101-2015**

The western portion of the property is currently zoned “ML” Light Industrial Zone. The eastern portion of the property is zoned “R2” Residential – Second Density Zone. Most of the property is also covered by a “HL” Hazard Land Zone overlay and the eastern portion is covered by an “EP” Environmental Protection Zone overlay (Figure 4). The application proposes to replace both the “ML” and “R2” zones with the “GC” General Commercial Zone, while retaining the “HL” overlay zone.

The “GC” zone allows for a wide range of uses and services to meet the needs of residents, businesses and tourists.

The “HL” overlay zone identifies lands which are susceptible to flooding or erosion or any other physical characteristic which could cause harm to persons or lead to the deterioration of buildings and structures.

The “EP” zone is applied to land that is designated as provincially Significant Wetland in the Official Plan.



**Figure 4 – Current Zoning By-law Mapping.** “ML” zone is indicated in grey and the “R2” zone is indicated in light yellow. Blue hatching indicates the limits of the “HL” overlay zone and red hatching indicates the extent of the “EP” overlay zone.

**6. Results of Interdepartmental and Agency Circulation**

The proposed zoning amendment was circulated for comment on February 24<sup>th</sup>, 2022. The following is a summary of comments received in response.

Building	A Building Permit will be required for the 4 existing unpermitted residential units. Design by a code qualified designer is required and must accompany the application submission.
Community Services	No concerns
Engineering	No concerns
Environmental Division	No concerns
Fire and Emergency Services	No concerns
Roads	No concerns
Water / Wastewater	No concerns.
Ministry of Environment, Conservation, and Parks	No concerns.
Ministry of Northern Development, Mines, Natural Resources and Forestry	No concerns.
Synergy North	No concerns.

**7. Public Comments**

A public meeting is scheduled to be held by Council on April 5<sup>th</sup>, 2022. Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it

was circulated to property owners within 120 metres, published in the Municipal Memo of the Newspaper on March 10<sup>th</sup> and 17<sup>th</sup>, and circulated to persons and public bodies as legislated.

The Planning Advisory Committee had the opportunity to consider the application to Council at the meeting on March 15<sup>th</sup>, 2022, and has recommended approval. The minutes and relevant resolution from this meeting are attached.

As of the date of this report (March 29<sup>th</sup>, 2022), no public comments have been received.

## **8. Evaluation**

The proposed zoning amendment is appropriate to bringing the existing use of the property in to conformance with the Zoning By-law and to permit the future redevelopment of the property as a fitness facility. The preservation of the "HL" and "EP" overlay zones ensures the continued protection of the wetlands on the eastern portion of the site.

Both the Provincial Policy Statement and the Official Plan are supportive of the zoning by-law amendment, which preserves the lands as an Employment Area and enables a commercial use.

Site Plan Control approval will be required due to the change in use of the property to a recreational facility with a residential use of the second storey, and being partly situated in an Environmental Protection Area.

The Building Division will require a Building Permit if the property owner wishes to bring the property into compliance with the Ontario Building Code. Obtaining a building permit is not recommended as a precondition to the zoning amendment, as the zoning must change to allow the dwellings as a use before the permit can be issued.

## **Attachments**

- Complete Application for Zoning By-law Amendment
- Notice of Application and Public Meeting
- PAC Minutes (March 15, 2022)
- PAC Resolution (March 15, 2022)



**The Corporation of the City of Kenora  
Notice of Complete Application and Public Meeting for a  
Zoning By-law Amendment, File Number D14-22-04  
Planning Act, R.S.O. 1990, c.P13, s.34**

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

**Statutory Public Meeting** When: Tuesday, April 12<sup>th</sup>, 2022 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 may 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, April 19<sup>th</sup>, 2022 at 12:00 p.m.

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

**PAC Open House** When: Tuesday, March 15<sup>th</sup>, 2022 at 6:00 p.m.  
Location: The 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 Application for an Amendment to the Zoning By-law to be complete on February 15<sup>th</sup>, 2022.

**Location of Property:** 1439 Railway Street, Kenora, ON, as identified in the key map above.

**Purpose:** to amend the current zoning of the subject property from “MH” Light Industrial Zone and “R2” Residential – Second Density Zone with a “HL” Hazard Land Zone Overland, to “GC” General Commercial Zone with a “HL” Hazard Lands Overlay.

**Effect of Approval:** to bring existing unpermitted residential uses on the subject property in to compliance with the Zoning By-law.

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

- a. **Submit comments in writing:** Persons wishing to provide comments for consideration at the Statutory Public Meeting may submit such comments in writing no later than Monday, April 4<sup>th</sup>, by email, to [planning@kenora.ca](mailto:planning@kenora.ca) or by regular mail to the address below, and quote File Number: **D14-22-04**.

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 PAC Virtual Public Meeting, you are asked to register in advance by email, to [planning@kenora.ca](mailto:planning@kenora.ca) no later than noon on Friday, March 11<sup>th</sup>, 2022 and quote File Number: **D14-22-04**. To register by phone please call: 807-467-2059,
- c. **Register to Speak at the Statutory Public Meeting:** If you wish to speak at the Statutory Public Meeting, you are asked to register in advance by email, to [planning@kenora.ca](mailto:planning@kenora.ca) no later than noon on Thursday, April 7<sup>th</sup>, 2022 and quote File Number: **D14-22-04**. To register by phone please call: 807-467-2059.

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

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

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

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

**Additional Information** is available during regular office hours at the Operations Centre. Please contact Kevan Sumner, City Planner, if you require more information: Tel: 807-467-2059 or Email: [planning@kenora.ca](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 3<sup>rd</sup> day of March, 2022.**



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 March 15, 2022**  
**6:00 p.m. (CST)**  
**Video Recording:**

**DELEGATION:**

**Present:**

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

**Acting Chair**  
**Member**  
**Member**  
**City Planner**  
**Secretary-Treasurer**  
**Manager Development Services**  
**Minute Taker**

- i. The Chair, Ray Pearson called the meeting to order at 6:00 p.m. A Land Acknowledgement was delivered and the meeting protocol was reviewed.
- ii. Additions to the Agenda. There were none
- iii. Declaration of Interest by a member for this meeting or at a meeting at which a member was not present. There were none.
- iv. Adoption of Minutes of previous meeting
  - The meeting minutes of February 15, 2022 were adopted.
- v. Correspondence relating to applications before the Committee. There were none.
- vi. Consideration of an Application for Minor Variance
  - D13-22-03, Coney Island

The applicant, Terry Koltak presented his application. He noted that he received a notification from his neighbours and they have no objections to the application. The applicant felt all the required information is in the letter he submitted and will wait for adjudication.

The City Planner, Kevan Sumner presented the Planning Report. The effect of the approval would be to allow for the applicant to construct an additional 16.3 m<sup>2</sup> of docks on the property and bring an existing dock and sauna into conformance with the Zoning By-law. After interdepartmental and agency circulation, the Ministry of Northern Development, Mines, Natural Resources and Forestry asked that the applicant submit information to the Department of Fisheries and Oceans to

determine if a permit is required. The Planner recommended that the application be approved.

The applicant received clarification from the Planner regarding the process for reporting information to the Ministry.

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

The Chair asked the members if they had any questions.

Member, John Barr asked the applicant about when construction was planned for the dock addition. The applicant responded that he was planning on having work done immediately however, plans were delayed when he discovered a minor variance was required.

Member, Bev Richards asked for clarification regarding numbers in the report and in the notice that did not match. Mr. Sumner clarified that the applicant asked for more of a variance than was absolutely required and the notice was an error in understanding what was being requested in the application so it showed more than what was being requested. The correct number as requested in the Minor Variance is 106m<sup>2</sup> which is for 7m<sup>2</sup> more than what is required. Mr. Sumner noted that the original docks were not built on the fish habitat and will not be any closer to the habitat.

Ms. Richards asked about permits for the original dock and sauna. Mr. Sumner responded that they would not have been under the jurisdiction of the City of Kenora at that time and that it would have been the Ministry of Natural Resources issuing permits for docks. The sauna was built in more recent years and needs to be brought into compliance with the Zoning By-law.

Member, Ray Pearson asked the applicant about the shared services. Mr. Koltak clarified that he owns two properties, 638 and 642 with structures on both properties and rather than building a new dock it was decided to extend the existing dock.

The Secretary-Treasurer read the motion.

Motion: John Barr

Seconded: Bev Richards

That the application, D13-22-03 to seek relief from the City of Kenora Zoning By-law 101-2015, Sections 3.34.1(c)ii. and 3.34.1(c)vii., to allow for a dock of up to 106 m<sup>2</sup> in total area and for accessory dock and sauna to be located with a 0.0m side yard setback, meets the Four Tests and that application D13-22-03 will have the effect of allowing for shoreline development on the proposed lots to be compliant with the regulations of the Zoning By-law and further;  
Now hereby be it resolved that application D13-22-03 be approved by the Kenora Planning Advisory Committee.

Carried.

vii. Consideration of an Application for Consent

- D10-22-04, Jones Road

The agent, Laura Wheatley presented the application for lot severance on 111 Jones Road. The application was granted provisional consent in September 2020 however the conditions were not met in time. The agent described the property as containing the applicants sawmill operation, forested area and swamp area. The property is zoned light industrial and the proposed severed lots are vacant. The intent of the application is to create four additional lots on the subject property that would all have frontage on Jones Road.

The City Planner, Kevan Sumner presented the planning report. He noted a slight deviation from the previous plan where a sketch shows a tiny corner taken off the third lot to allow a road that goes over that lot and for a hydro easement to be registered. After interdepartmental and agency circulation, the NWHU noted that after the previous approval, the septic field seemed to be malfunctioning and discharging sewage onto the surface of the ground. They suggested that a condition be imposed that requires the system be brought into compliance with the Ontario Building Code and be verified by the Health Unit. Those conditions have been added. The Planner recommended that the application be approved subject to conditions.

The Chair asked the agent if they had any further questions or additions. They did not.

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

The Chair asked the Committee members for any questions or discussion.

Member, John Barr asked about the septic system as there are no buildings on the proposed lots. Mr. Sumner clarified that it is the existing building on the residual property. Mr. Barr suggested that this would have nothing to do with the proposed four lots. Mr. Sumner responded that it is an opportunity to ensure the septic leakage does not impact the other lots but that conditions are at the discretion of the Committee. The agent clarified for Mr. Barr that the proponent of the four lots is the owner of the septic system. The agent argued that if the septic is not leaking onto the severed lots, that it should not be a condition on the severed lots however noted that she does not know the extent of the leakage.

Member, Bev Richards asked to confirm that lots 3, 4 and 5 will be sold together with part 4 having an easement for Hydro. The Planner clarified that lot 3 would consist of 3, 4 and 5 as surveyed.

Member, Ray Pearson asked the agent if any of the conditions from the application two years ago have been met to date. The agent commented that the reference plan had been drafted but was unsure if it was deposited yet.

Mr. Barr asked if there was a condition for the septic field in the first application. The Planner confirmed there was not.

The Secretary-Treasurer read the motion.

Motion: John McDougall

Seconded: Bev Richards

That application D10-22-04 for consent for lot creation of four (4) lots on property located at 111 Jones Road and legally described as PIN 42177-0479; CITY OF KENORA, be approved and provisional Consent be granted subject to the conditions outlined in the Planning Report.

Carried.

- D10-22-05, Taillieu Road

The agent, Laura Wheatley presented the application as it relates to the previous application. This application is a proposal to sever a part of the subject property and add it to adjacent property 18 Taillieu Road. This application deals with the south piece of the property. It contains a residence, attached garage and a shed. The agent explained that this application came about because the structure on the abutting property encroaches substantially on the subject property and the application will rectify the encroachment and sever the bottom portion of the property to the abutting land owner. She also noted that the lot addition will bring the encroachment property into compliance with the Zoning By-law.

The Planner presented the Planning Report. No comments were received after interdepartmental and agency review. The proposed severance and lot addition will correct the encroachment and will bring the property closer to conforming to zone regulations. He noted that an encroaching shed on the property will be non-conforming with the by-law regulations for accessory structures. He recommended that the application be approved.

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

The Chair asked the Members if there were any questions or discussion.

Mr. Barr inquired about the shed. Sayer Down who was in attendance representing the adjacent land owner responded that it was a simple light construction and can be relocated.

Ms. Richards asked if there is a time frame for removal of the shed. Mr. Sumner recommended that the shed be removed but it is not a matter of enforcement that would be followed up on by the City.

Member, John McDougall asked the Planner about the section where it says subject property and a discrepancy between City ArcGIS and what is shown in the report. Mr. Sumner commented that a survey showed that the ArcGIS is incorrect and shows an improper limit of that property line and that the notice reflects the survey

provided by Rugged Geomatics. Mr. McDougall asked about the attached garage and whether it was part of the applicant's property. Mr. Sumner confirmed that there are two residential properties on the southern property and the expansion of the northerly of the two structures that created the encroachment. Mr. McDougall asked if it was okay that there were two residences on that property. Mr. Sumner commented that it won't exacerbate the issue. Sayer Down commented that their clients own the residence to the north being added to and the residence to the south is a tenant and the structure is a mobile trailer unit that can be moved. Ms. Wheatley felt that they are giving the most that they can of the southern property and if they needed more property to the north they would have to go to the other land owner and another application would be required.

Motion: John Barr

Seconded: Bev Richards

That application D10-22-05 consent lot addition to transfer approximately 0.93ha of land from property located at an unassigned address on Jones Road/Taillieu Road Kenora Ontario and legally described as PIN 42177-0479 to property located at 18/36 Taillieu Road PIN 42177-0124 be approved and provisional consent be granted subject to conditions outlined in the Planning Report.

Carried.

- D10-22-06, Bayridge Road

The owner, Patti McLaughlin represented the application for D10-22-06 and D10-22-07. The two properties share a common trench that contain two separate sewer and water lines. She explained that at the time the decision was made to use one common trench on the property that was more favourable for excavation. The owner is in the process of selling her home and the easement will provide protection for both property owners in the event there is any trouble with the services.

The Planner spoke to both applications as they are related. He noted that it is basically a private matter but under the Planning Act requires consent approval from the municipality. The Planner identified no concerns and recommended that both applications be approved subject to conditions.

The Chair asked the applicant if they had anything further to add. The applicant noted that there have not been any issues with the services since they were installed.

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

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

The Secretary-Treasurer read the motion.

Motion: John McDougall

Seconded: John Barr

That application D10-22-06 for consent easement over property described as PIN 42167-0163 in favour of PIN 42167-0165 be approved.

That this approval will allow for the legal access for the owners of PIN42167-0165 10 Bayridge Road to access sewer and water lines over 42167-0163 6 Bayridge Road.

- D10-22-07, Bayridge Road

The applicant left the meeting.

The Planner summarized the application as being identical to the previous application except the PIN's would be opposite and giving the opposite property owner rights over the lines on the neighbouring property.

The Chair asked if there was anyone from 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.

The Secretary-Treasurer read the motion.

Motion: John McDougall

Seconded: Bev Richards

That application D10-22-07 for consent easement over property described as PIN 42167-0165 in favour of PIN 42167-0163, 10 Bayridge Road in favour of 6 Bayridge Road; be approved.

That this approval will allow for legal access for the owners of PIN 42167-0163 to sewer and water lines on 42167-0165.

Carried.

#### viii. Recommendation to Council

- Application for an Amendment to the Zoning By-law

##### i. D14-22-03, Railway Street

The agent, Ryan Haines represented the application for a Zoning By-law amendment for 1439 Railway Street on the site of the former Degagne Enterprises. The application would bring the property into compliance and would allow for the sale of the property. He explained that the property is zoned light industrial and residential second density and it is proposed to rezone to General Commercial and will maintain the existing Hazard Lands Overlay. The GC zone would allow for the existing apartments on the second floor. He noted that no new development is planned for the property. He felt that the application meets the Provincial Policy Statement 2020 and the Official Plan 2015.

Mr. Sumner presented the Planning Report. The approval would enable the lawful permitting of the multiple dwelling units to be located above permitted uses that occupy the first floor of a non-residential use building. The "GC" zone would also permit the future change in use to a recreational facility. After interdepartmental and agency circulation, the Building Department commented that a Building Permit will be required for the 4 existing unpermitted residential units. Design by a code

qualified designer is required and must accompany the application submission. The Planner recommended that the application be approved.

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

The Chair asked if the members had any questions or discussion.

Member, Bev Richards asked for an explanation of the Building Code requirement to have design by qualified designer that must accompany the application. Mr. Sumner clarified that it is someone who has gone through the qualification process to design under the Ontario Building Code. No permits have been received for the residential units so a complete set of drawings showing all relative details is the Planner's understanding of the requirements.

Motion: Bev Richards

Seconded: John Barr

RESOLVED THAT the PLANNING ADVISORY COMMITTEE recommends that the Council of the Corporation of the City of Kenora approve Application for an Amendment to the Zoning By-law, File No. D14-22-03, to change the zoning of the subject property from "ML" Light Industrial Zone and "R2" Residential – Second Density Zone with a "HL" Hazard Land Zone overlay and an "EP" Environmental Protection Zone overlay to "GC" General Commercial Zone with a "HL" Hazard Land Zone overlay and an "EP" Environmental Protection Zone overlay.

The effect of the approval would enable lawful permitting of existing dwelling units in conformance with the Zoning By-law and support future redevelopment of the property with uses permitted within the "GC" General Commercial Zone. The preservation of the "HL" and "EP" overlay zone ensures the continued protection of the wetlands on the eastern portion of the site.

The Committee has made an evaluation of the application based on 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.

The Secretary-Treasurer noted an amendment to the notice of completed application. It was published correctly in the municipal memo and the Committee of the Whole meeting is on April 5, 2022.

- ix. New Business
  - OP and ZBL Review – no updates provided.

x. Adjourn

That the March 15, 2022 Planning Advisory Committee meeting be adjourned at 7:31p.m.

Minutes of the Kenora Planning Advisory Committee meeting, Tuesday March 15, 2022 are approved the 19<sup>th</sup> day of April, 2022.

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Chair,

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Secretary-Treasurer, Melissa Shaw

DRAFT



The Corporation of the City of Kenora

**PLANNING ADVISORY COMMITTEE MEETING RESOLUTION**

MOVED BY: Bev Richards

SECONDED BY: John Barr

DATE: March 15, 2022

RESOLVED THAT the PLANNING ADVISORY COMMITTEE recommends that the Council of the Corporation of the City of Kenora approve the Application for an Amendment to the Zoning By-law, File No. D14-22-03, to change to change the zoning of the subject properties from "ML" Light Industrial Zone and "R2" Residential – Second Density Zone with a "HL" Hazard Land Zone overlay and an "EP" Environmental Protection Zone overlay, to "GC" General Commercial Zone with a "HL" Hazard Land Zone overlay and an "EP" Environmental Protection Zone overlay, as Per Schedule 'A'.

The effect of approval would enable lawful permitting of existing dwelling units, in conformance with the Zoning By-law and support future redevelopment of the property with use(s) permitted within the GC- General Commercial Zone. The preservation of the "HL" and "EP" overlay zones ensures the continued protection of the wetlands on the eastern portion of the site.

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

DIVISION OF RECORDED VOTE				CARRIED ____	DEFEATED ____
Declaration of Interest (*)	NAME OF PLANNING MEMBER	YEAS	NAYS		
	<b>Richards, Bev</b>	√			
	<b>Kitowski, Robert</b>				
	<b>Pearson, Ray</b>	√			
	<b>Barr, John</b>	√		CHAIR	
	<b>McDougall, John</b>	√		* Virtual meeting	

Schedule "A"- File No. D14-22-02



File No. D14-22-03, to change to change the zoning of the subject properties from "ML" Light Industrial Zone and "R2" Residential – Second Density Zone with a "HL" Hazard Land Zone overlay and an "EP" Environmental Protection Zone overlay, to "GC" General Commercial Zone with a "HL" Hazard Land Zone overlay and an "EP" Environmental Protection Zone overlay