



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**

**Wednesday, June 14, 2023
12:00 p.m.**

City Hall Council Chambers

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

Land Acknowledgement – Councillor Koch

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: D14-23-04
Civic Address: Lot 6, Loughheed Drive
Legal Description: PIN 42152-0467
Registered Owner: Amy De Jaeger
Agent: N/A

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

June 14, 2023

Staff Report

File No.: D14-23-04
To: City of Kenora Planning Advisory Committee
Fr: Kevan Sumner, City Planner
Re: Application for Temporary Use By-law
Location: Lot 6, Loughheed Drive

**Owner &
Applicant:** Amy De Jaeger

Recommendation

That the Application for Temporary Use By-law, File No. D14-23-04, to permit the temporary use of the property legally described as PIN 42152-0467, for a campground for a single recreational vehicle connected to an approved septic system, for a period of up to two (2) years, in the "RR" Rural Residential Zone be hereby approved, and further; That Council gives three readings to a by-law to that effect.

1. Introduction

An application has been received, requesting Temporary Use approval for the use of the subject property as a campground for a recreational vehicle, for a period of up to two (2) years, in the "RR" Rural Residential Zone.

While the use of a property in the RR 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.



Figure 1: Aerial image indicating the location of the subject property (2022).

2. Description of Proposal

The applicant intends to locate a camper on the subject property for a period of up to two years, until a dwelling can be built on the property.

3. Existing Conditions

The subject property was created as part of a nine-lot subdivision in 2014. 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 by-law enforcement complaint, the City became aware that this property and adjoining properties were in use as campgrounds, which is not a permitted use in the "RR" Rural Residential Zone (Figure 2).

The property owners were contacted with a request to bring their properties into compliance with the zoning regulations. Property owners wishing to legally establish the temporary use of a property as a campground while constructing a permanent residence were informed that the City was willing to accept applications for Temporary Use By-law for a single temporary use campsite, with the expectation that any such applications would meet the following criteria:

1. Permanent buildings will be located on land zoned as Rural Residential Zone.
2. Applicants must have applied for and obtained a permit for construction of a permanent dwelling on the same property as the proposed temporary use.
3. Applicants must submit an approved permit for a septic system from the Northwestern Health Unit, for wastewater from the campground use.

A Subdivision Agreement was also entered into, stipulating that there is to be no disturbance of aquatic vegetation, and requiring that Agreements of Purchase and Sale include notification to purchasers that the City requires building construction and septic field placement (including mantle) in areas on purchased lots having a height above sea level of 320.6m CGVD28. This elevation corresponds with the boundary between the RR and HL zones (Figures 3 and 6).



Figure 2: Photo of subject property taken on October 7, 2022, provided by City of Kenora By-law Enforcement.

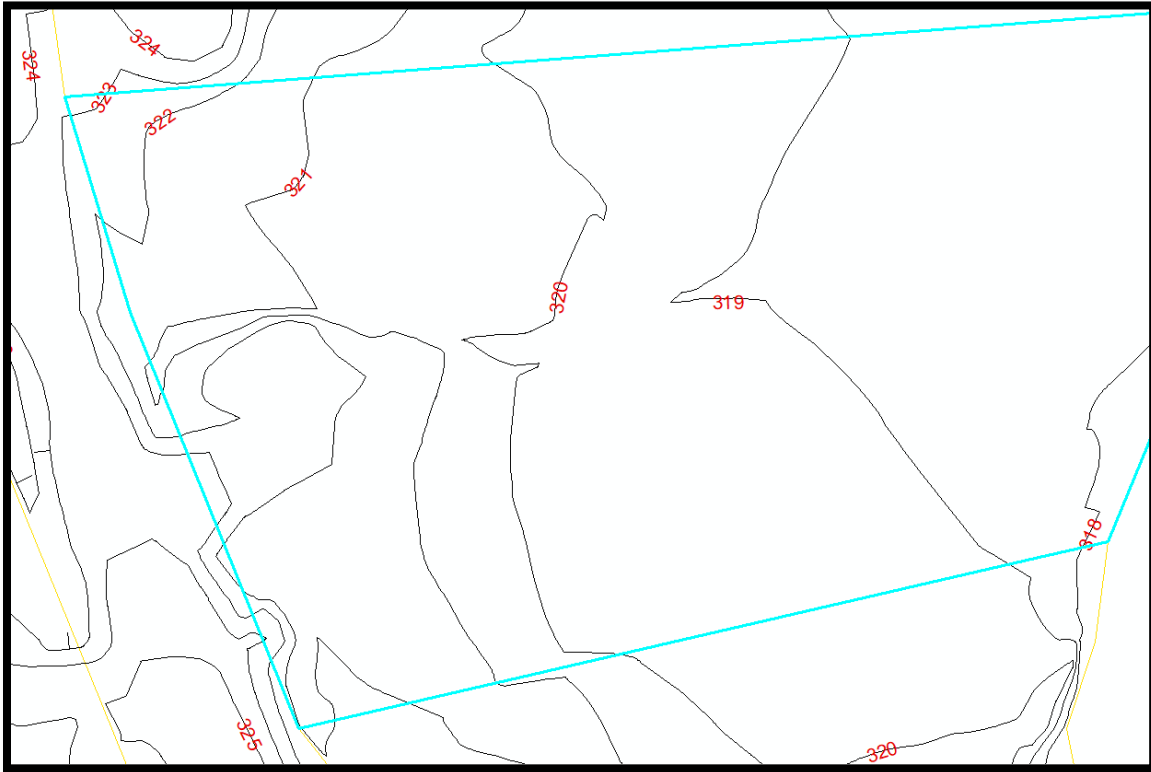


Figure 3: Image from City of Kenora Geographic Image System (GIS) showing elevations at 1m contour intervals on the western portion of the subject property.

4. Site Visit

On May 10, 2023, I conducted a site visit and took the following photo.



Figure 4 – Panoramic photo of entrance to the property from Lougheed Drive.

5. 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).

b) City of Kenora Official Plan (2015)

The land use designation of the property is Rural Area (Figure 5). Policy 4.1 of the Plan states that permitted uses in the Rural Area shall include a variety of agricultural, residential, industrial, commercial, recreational, tourism, and open space uses.

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)

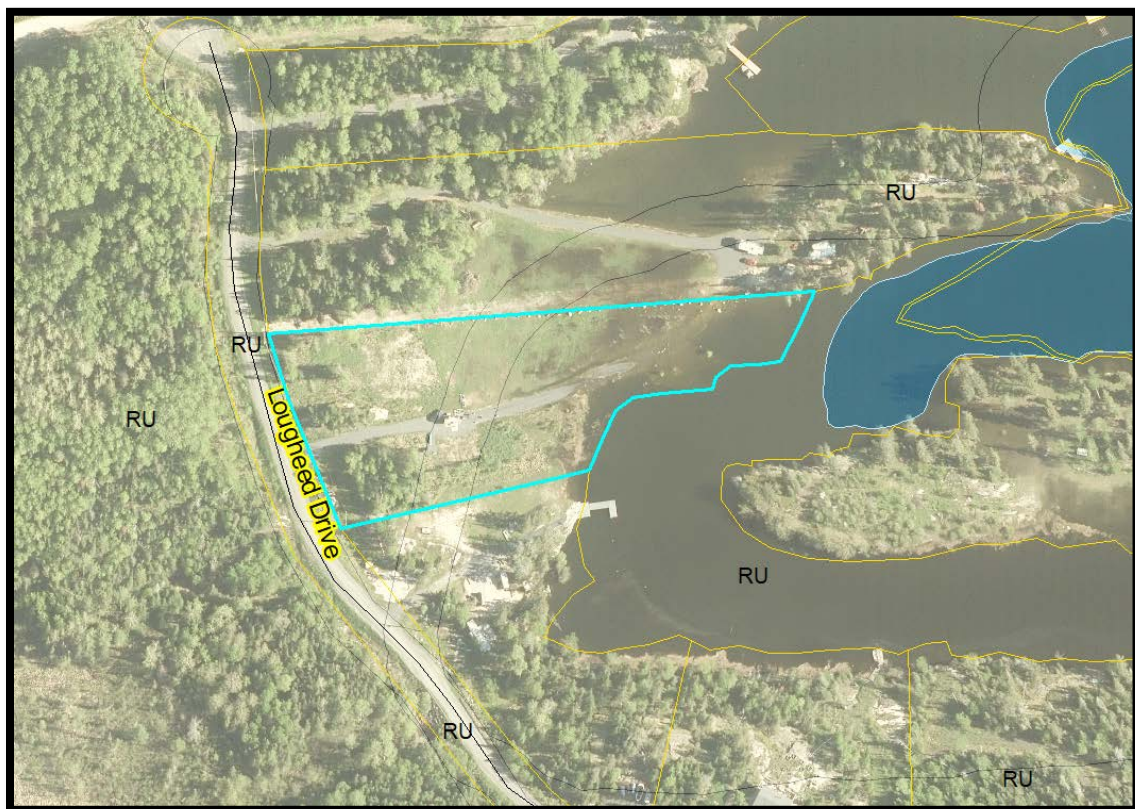


Figure 5 – Official Plan Mapping

c) Zoning By-law No. 101-2015

The western portion of the property adjacent to Loughheed Drive is currently zoned "RR" Rural Residential Zone, identified in yellow in Figure 6. This zone allows for the development of low density single-detached, seasonal or permanent housing and compatible uses in a rural setting.

The eastern portion of the property, which is located below the elevation of 320.6m CGVD28, is zoned "HL" Hazard Land Zone. The HL zone is identified with hatching in Figure 6. The HL 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. Only very limited development may be permitted in the HL zone, including wildlife conservation reserves, docks, farms, parks, and parking. The unpermitted campground use documented by By-law Enforcement was located in the HL zone, as can be seen in Figure 6.

Under the zoning by-law, campers, tents, and recreational vehicles are only permitted to be occupied on a camp site in a campground. A campground use is only permitted in the "TR" Tourist Recreational Zone. 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. Therefore, this temporary use by-law must be approved if the applicants wish to have a camper located on the property during construction of a primary dwelling.

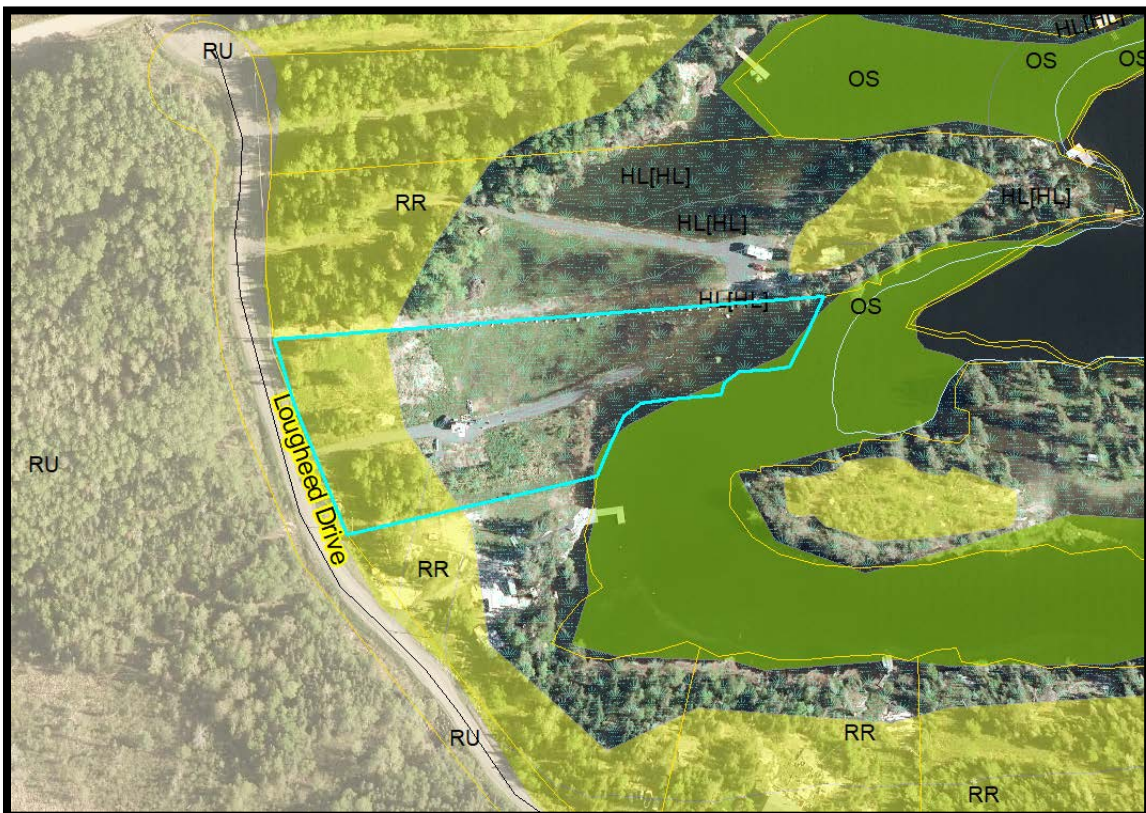


Figure 6 –Zoning By-law Mapping

6. Results of Interdepartmental and Agency Circulation

The proposed zoning amendment was circulated for comment on April 24th, 2023. The following is a summary of comments received in response.

Building	No concerns
By-law Enforcement & City Clerk	<p>There were two campers parked on the property during a site inspection September 2022 which showed signs that they were occupied at that time, in contravention of the zoning bylaw.</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) 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.</p> <p>If a temporary use provision is granted it is suggested that it be limited to a two-year construction period. It would be required that all Temporary Use Provisions issued are monitored and tracked. These timelines should be much shorter than three years, and in this particular case, they have already had one year (or more).</p>
Community Services	No concerns
Engineering	Recommend stipulating the total number of recreational vehicles for the purposes of a dwelling to be limited to 1 for the duration of the approval.
Economic Growth & Recovery	No concerns
Fire and Emergency Services	No concerns
Roads	No concerns
Solid Waste	No concerns
Hydro One	No concerns

7. Public Comments

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, was published in the Municipal Memo of the Newspaper on May 18th and circulated to persons and public bodies as legislated.

The Planning Advisory Committee considered the application and a resolution recommending approval of the application was approved at their meeting on May 16th, 2023. The minutes and relevant resolution from this meeting are attached.

As of the date of this report, no comments have been received from the public.

8. Evaluation

In October 2022, the subject property was in use as a campground, with associated clearing and preparation of a camping site and a road through the floodplain to the adjacent property.

The Planning Department identified a Temporary Use By-law as a compromise solution that will permit the short-term continued use of a property as a campground under very specific circumstances, including the issuance of a building permit from the City of Kenora for the residence and a septic system approval from the Northwestern Health Unit. It is being recommended that the camper be required to connect to the septic system for the duration of its use, and that the campground be restricted to the portion of the property that is zoned "RR" Rural Residential, above the flood level of the Winnipeg River.

It is my opinion that the proposal meets the criteria for temporary use as set out in the policies in section 8.3.2 of the Official Plan. It requires no capital investment by the City of Kenora and will not result in significant alteration to the existing landscape. It appears to be compatible with neighbouring uses and we expect that other Temporary Use applications will be forthcoming from other neighbours who take advantage of the opportunity to resolve the enforcement concerns identified last fall in a similar fashion. No further Agreement is required beyond the conditions stipulated in the recommended by-law, and the maximum recommended time period of two years should be sufficient time to enable construction of a permitted dwelling on the property.

I hereby certify that this report was prepared by a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act. 1994.

Attachments

- Complete Application for Temporary Use By-law
- Planning Rationale
- Site Plan
- NWHU septic system approval in principle
- Notice of Application and Public Meeting
- Resolution from Planning Advisory Committee
- Minutes of Planning Advisory Committee meeting of May 16, 2023

wooded

wooded

Wooded.

Lougheed Dr.

X+hydro

depth 105.4 m
Adjacent property (RR)

wooded

RV (A)

driveway

will move to septic when installed.
Residentially Zoned area

39 m

ridge

60m

Proposed well

X

4.5 m

18.3 meters

7.32 m

Proposed house

RV

after septic installation

tank

septic

Adjacent property (RR)

depth 264.81 m

Winnipeg River

122.3 m

wooded



The Corporation of the City Of Kenora
Notice of Complete Application and Public Meeting for a
Temporary Use By-law, File Number D14-23-04
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: Wednesday, June 14th, 2023 at 12:00 p.m.

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

Access to speak at the meeting can be made by registering with the City Planner at planning@kenora.ca

The Council of the Corporation of the City of Kenora will then have the opportunity to consider a decision regarding the application during their regular meeting on Wednesday, June 21st, 2021 at 5:00 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:

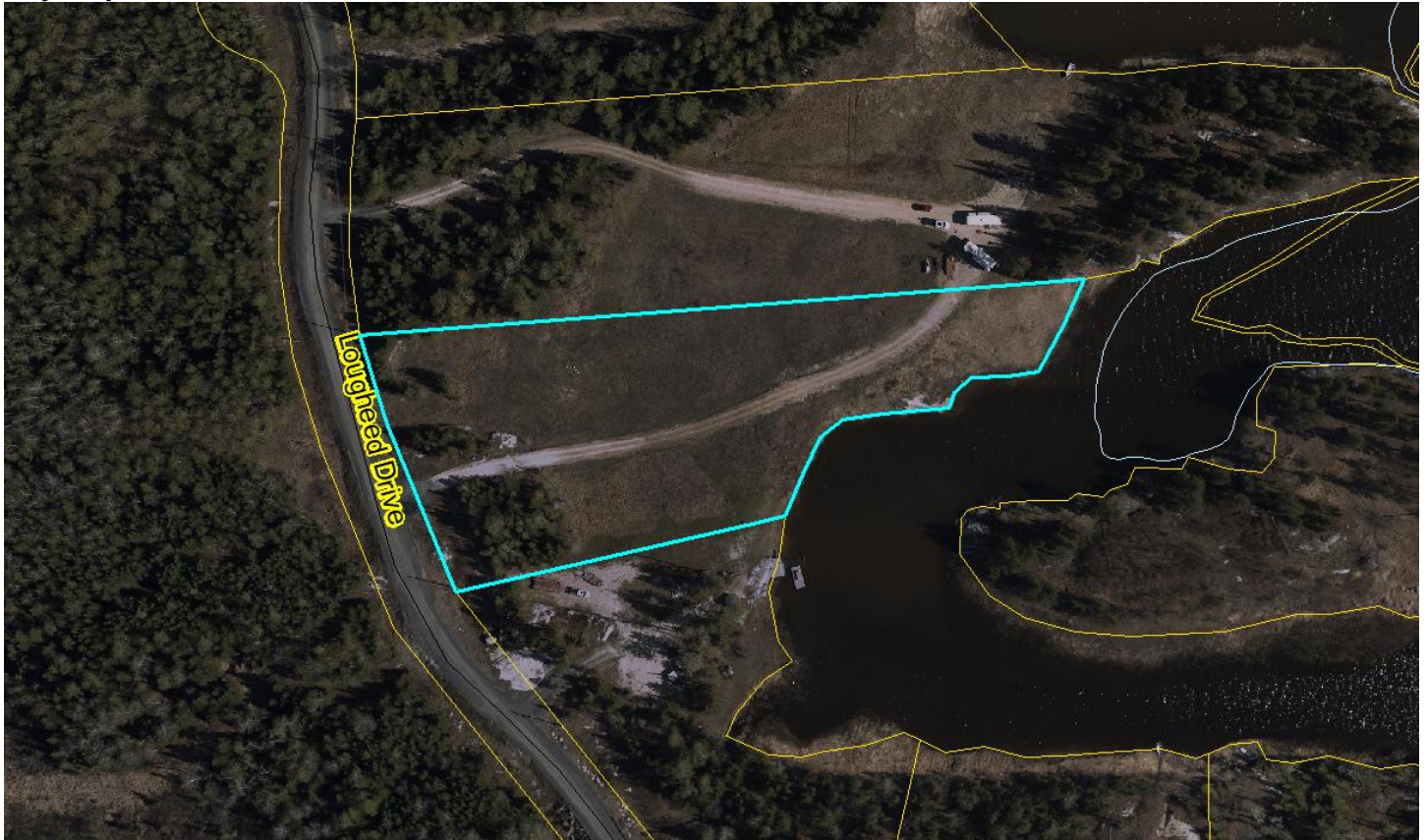
PAC Open House

When: Tuesday, May 16th, 2023 at 6:00 p.m. (CST)

Location: PAC will be hosting a virtual meeting via Zoom Meeting, which allows

for participation by telephone, as well as by computers and mobile devices. Access to the virtual meeting will be available by request and a recording of the meeting can be viewed following the meeting at Kenora.ca.

**Aerial View of Subject Property, Kenora GIS 2019
Key Map**



Be Advised that the Corporation of the City of Kenora considered the Temporary Use By-law application to be complete on April 20, 2023.

Location of Property: Lot 6 Loughheed Drive, Kenora, ON, as identified in in blue in the key map above.

Purpose: To seek temporary relief from section 4.5.2 of the City of Kenora Zoning By-law 101-2015 which prohibits the occupation of a recreational vehicle in the Rural Residential Zone.

Effect of Approval: To apply the Temporary (- T) use to the Rural Residential Zone and allow for occupation of a Recreation Vehicle for a period not exceeding two (2) years.

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

- a. **Submit comments in writing:** Persons wishing to provide comments for consideration at the Statutory Public Meeting may submit such comments in writing no later than Friday, June 9th, 2023, by email, to planning@kenora.ca, or by regular mail to the address listed below, quoting File Numbers: **D14-23-04**.

Mr. Alberic Marginet, Associate Planner
60 Fourteenth Street North, 2nd Floor, Kenora, ON P9N 3X2

- b. **Register to Speak at the PAC Virtual Meeting:** If you wish to speak at the PAC Meeting, you are asked to register in advance by email, to planning@kenora.ca no later than noon on Friday, May 12th, 2023 and quote File Numbers: **D14-23-04**. To register by phone please call: 807-467-2152.
- 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 no later than noon on Friday, June 9th, 2023 and quote File Number: **D14-23-02**. To register by phone please call: 807-467-2152.

Failure To Make Oral Or Written Submission: If a person or a 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 amendment 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 Ontario Land Tribunal.
- b) the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land 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 Alberic Marginet, Associate Planner, if you require more information: Tel: 807-467-2152 or Email: planning@kenora.ca. *Personal information that accompanies a submission will be collected under the authority of the Planning Act and may form part of the public record which may be released to the public.*

Dated at the City of Kenora this 21st of April, 2023



PLANNING ADVISORY COMMITTEE MEETING RESOLUTION

MOVED BY: Kerik Funk

SECONDED BY: Renee Robert

DATE: May 16, 2023

RESOLVED THAT the **PLANNING ADVISORY COMMITTEE** recommends that the Council of the Corporation of the City of Kenora approve Application for Zoning By-law Amendment, File No. D14-23-04, for subject property located at Lot 6, Lougheed Drive, Kenora, Ontario, and identified in Schedule A.

The purpose of the Zoning By-law Amendment is to seek temporary relief from Section 4.5.2 of the City of Kenora Zoning By-law 101-2015 which prohibits the occupation of a recreational vehicle in the Rural Residential Zone.

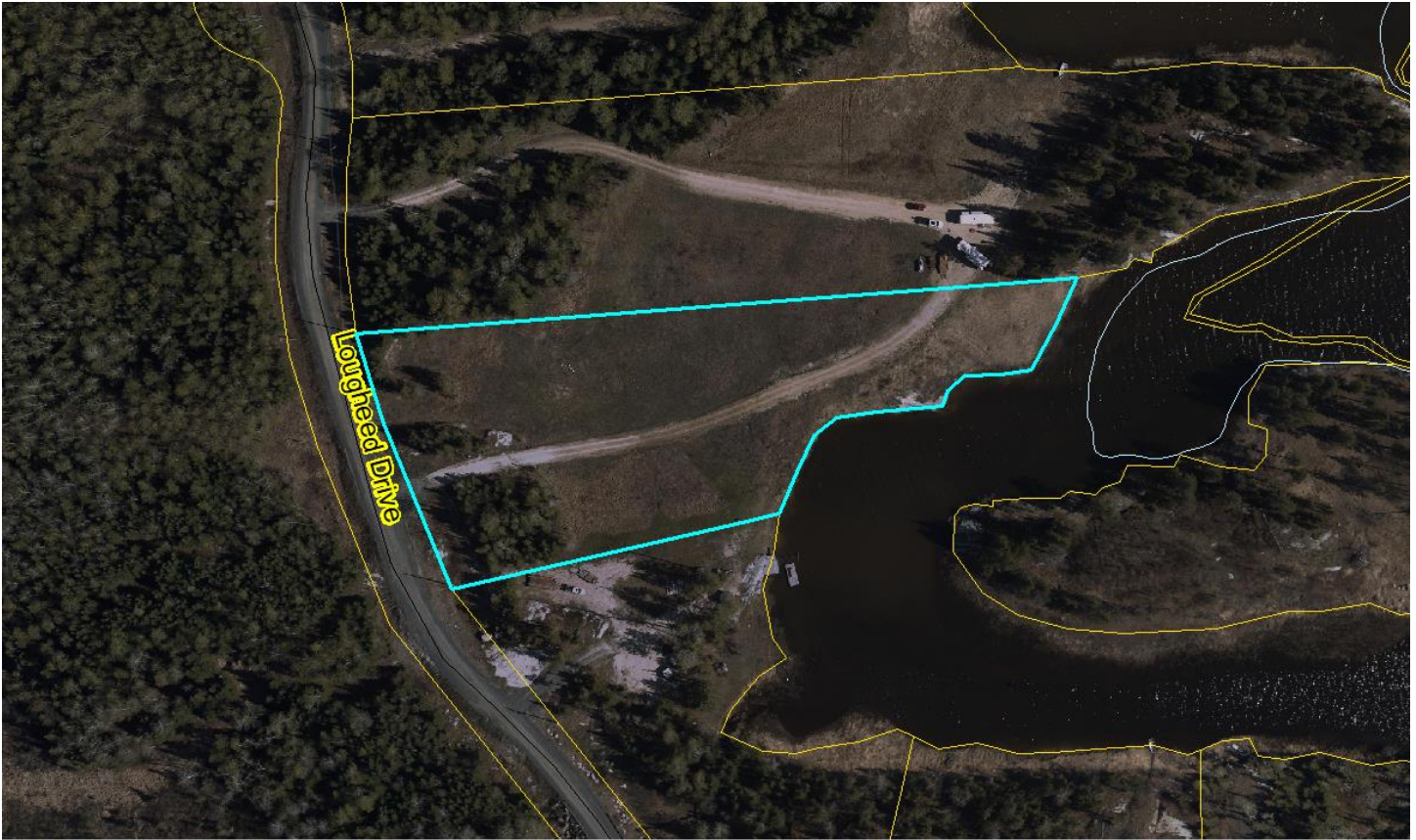
The effect of the Zoning By-law Amendment is to apply the Temporary (-T) use to the Rural Residential Zone and allow for the occupation of a Recreational Vehicle for a period not exceeding two (2) years while a permanent dwelling is constructed.

The Committee has made an evaluation of the application upon its merits against the Official Plan (2015), Zoning By-law (101-2015), 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 internal department, stakeholder or public comments in full.

DIVISION OF RECORDED VOTE				CARRIED	DEFEATED
Declaration of Interest (*)	NAME OF PLANNING MEMBER	YEAS	NAYS		
	Bulman, Robert	x		CHAIR	
	Campbell, Andrea	x			
	Funk, Kerik	x			
	Kitowski, Robert	x			
	Rickaby, Tara	x			
	Robert, Renée YM	x			
	Whetter, Jay	x			

Schedule A

Subject lands, Lot 6 Loughheed Drive, Kenora, ON





Minutes
City of Kenora Virtual Planning Advisory Committee
Regular meeting held by way of Zoom Meeting
Tuesday May 16, 2023
6:00 PM (CST)
Video Recording:

DELEGATION:

Present:

Robert Kitowski	Chair
Tara Rickaby	Vice Chair
Robert Bulman	Member
Andrea Campbell	Member
Renee Robert	Member
Jay Whetter	Member
Keric Funk	Member
Kevan Sumner	City Planner
Alberic Marginet	Secretary-Treasurer
Alex Stornel	Minute Taker

Members of Public: **Paul Hanbury – 805 Airport Rd, Kenora, ON**
Kevin McGarry – 121 Lemont Blvd, Winnipeg, MB
Kim Meija – 213 Wylder Dr, Kenora, ON
Amy DeJaeger – 761 River Rd, Winnipeg, MB

i. Call meeting to order

The meeting was called to Order by the Chair, Robert Kitowski, at 6:00 PM Central Time, and a Land Acknowledgement was provided recognizing the traditional territories of Treaty Three First Nations and Metis people. The Chair advised that the meeting is being recorded and that, by choosing to attend, all participants agree to be recorded. The Chair described the expected protocols and processes to be followed during the meeting.

ii. Additions to the Agenda

The Chair asked the Secretary-Treasurer if there were any additions to the agenda. The Secretary-Treasurer stated that there were no additions.

iii. Declaration of Interest by a member for this meeting or at a meeting at which a member was not present.

The Chair asked the members of the Committee for any declarations of interest for the meeting, or any meeting at which a member was not present. Member Robert

Bulman stated that he has a conflict of interest in the McGarry matters and would be recusing himself from discussion and vote.

iv. Correspondence relating to applications before the Committee

The Chair asked if there was any new correspondence related to the applications before the Committee. The Secretary-Treasurer indicated that there was not.

v. Adjournment Requests

The Chair asked if there were any Adjournment Requests. The Secretary-Treasurer reported no adjournment requests.

vi. Consideration of Applications for Minor Variance

i) D13-23-05

The Chair asked if the Applicant or Agent would be presenting the application. Mr. Paul Hanbury of 805 Airport Rd, Kenora ON presented.

The City Planner presented the Planning Report.

No concerns have been identified in the review of the application.

If approved, the requested minor variance will allow the owners to proceed with their planned development of a single-detached dwelling and garage as proposed.

The proposed development is similar to other recently developed lots on Peterson Drive. It appears that the development as proposed will comply with all other applicable regulations of the zoning by-law.

The rationale that the proposed building locations are the only suitable locations on the property are difficult to assess. It appears that a change in the proposed design might enable the owner to achieve a greater setback than what is being requested.

Mr. Sumner indicated that, as part of the circulation, Engineering commented that, while the owner has requested a 5m setback and shown a 9m setback would be sufficient to allow development of the property.

The Chair asked if the Applicant or the Agent had any questions or comments related to the Planning Report. There were no questions.

The Chair asked if any members of the public wished to speak in favour of the application. No members of the public spoke in favour of the application.

The Chair asked if any members of the public wished to speak in opposition of the application. No members of the public spoke in opposition of the application.

The Chair asked if any members of the Committee had questions or comments.

Member Bulman asked if there are other lots that have the variance of only 5M setback. The City Planner stated that he was referring to the development of homes and garages in general and that the subject property shape is unique in the area.

Member Renee Robert asks about the use of a septic holding tank instead of a septic field and inquires to the location of the tank. Mr. Hanbury advised the Committee that the septic design has not been completed at this point, but they will be working to make sure that it complies to all regulations.

Member Andrea Campbell asked about if the reduced distance would cause pollution and if debris from the building process will contaminate the river. Kevan Sumner explained that, in terms of a 20m set back, there have been a variety of reasons for it existing, including public right of way, hazard land and flood areas and easements.

The Chair asked the Secretary Treasurer to read out the draft decision:

That the application, D13-23-02 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 4.5.3(k) to allow for the location of a dwelling and garage with a required shoreline front yard setback of 5m; meets the Four (4) Tests and should be approved.

Moved By: Chair Robert Kitowski

Seconded By: Member Robert Bulman

Motion Carried

The Secretary-Treasurer explained to the Applicant that they have received approval from the Committee, and that if there is no appeal, they may apply for a building permit after June 5, 2023.

Member Robert Bulman left the meeting at 6:28 PM due to a conflict of interest in the matters D13-23-03 and D10-23-03.

ii) D13-23-03

The Chair asked if the Applicant or Agent would be presenting the application. Mr. Kevin McGarry – 121 Lemont Blvd, Winnipeg, MB indicated that he would represent himself for these applications and provided a brief description of the effect of approval of the applications.

The City Planner presented the Planning Report and indicated that both applications will be considered concurrently.

Section 3.15.5 of the Official Plan states that new development shall be assessed on compatibility with the established community, and ability to coexist with existing development without causing undue adverse impact on surrounding properties. The proposed lot line realignment and associated variances will not result in the creation of a new lot and the boathouse is existing on the property, so there is no reason to expect that approval of the variance will negatively impact neighbouring properties.

Engineering notes there is an easement across 580 Coney Island in favour of Hydro One.

Hydro One states No concerns Location is outside of Hydro One territory.

Ministry of Natural Resources and Forestry commented This property is located within CLUPA General Use Area G2603 – Northern Peninsula. The policy report for this area recommends minimum frontages of 46m and depths of 90m for future private lots. The proposed lots appear to meet these recommendations.

At this time, no known habitat or natural heritage features have been identified on this property and as such, we are not recommending additional evaluation. If any wildlife features are identified, please advise the applicant to contact our office.

The Chair asked if the Applicant or the Agent had any questions or comments related to the Planning Report. There were no questions.

The Chair asked if any members of the public wished to speak in favour of the application. No members of the public spoke in favour of the application.

The Chair asked if any members of the public wished to speak in opposition of the application. No members of the public spoke in opposition of the application.

The Chair asked if any members of the Committee had questions or comments.

Member Tara Rickaby asks how the boat house is powered. Kevin McGarry states that it comes from the cabin.

Member Jay Whetter asked why a 4.5M minimum side yard is not being considered with the redrawing of property lines. Kevin McGarry says it would cause a weird arch around the one small piece that encroaches.

Member Jay Whetter asked about the purpose of the easement shown. Kevin McGarry explained that it will permit the property owners access over one property for delivery of materials to the other.

Member Andrea Campbell asked whether the boat house is one or two storey and if two storey is there any plan to create a bunkie. Kevin McGarry stated that it is one level and no plan to make any changes as two storey boathouses are no longer legal.

The Chair asked the Secretary Treasurer to read out the draft decision:

That the application, D13-23-03 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 4.5.3 (b) which requires a minimum lot area of 1 ha for properties zoned "RR" Rural Residential Zone and from section 3.34.1(c) which requires a minimum side yard setback of 4.5m for accessory uses located between the principal building and a navigable waterway, to permit a reduction in the lot size of 580 Coney Island to 0.4362 ha and the location of a boathouse at 564 Coney Island with a minimum side yard setback of 2.15m; and further;

That the application meets the Four (4) Tests prescribed by the Planning Act;

Now hereby be it resolved the Kenora Planning Advisory Committee approves application D13-23-03.

Moved By: Member – Tara Rickaby

Seconded By: Member – Jay Whetter

Motion Carried

The Secretary-Treasurer indicated that the explained to the Applicant that they have received approval from the Committee, and that if there is no appeal, they may apply for a building permit after June 5,2023.

vii. Consideration of Applications for Land Division

i) D10-23-03

The Chair asked the Secretary Treasurer to read out the draft decision:

That application D10-23-03 for consent for lot addition on properties located at 564 and 580 Coney Island and legally described as PINs 42162-0053 and 42162-0054; CITY OF KENORA, be approved and provisional Consent be granted, subject to the following:

- 1) The original executed Transfer/Deed of Land form, a duplicate original and one photocopy for City records be provided for each parcel
- 2) A Schedule to the Transfer/Deed of land form on which is set out the entire legal description of the PINs in question and containing the names of the parties indicated on page 1 of the Transfer/Deed of Land form be provided for each parcel.
- 3) That minor variance D10-23-03 is approved,
- 4) Three original copies and one .pdf copy of the reference plan of survey, bearing the Land Registry Office registration number and signatures as evidence of deposit therein, and illustrating the parts(s) to which the consent approval relates, which must show in general the same area and dimensions as the sketch forming part of the application be provided.
- 5) That the payment of any outstanding taxes, including penalties and interest (and any local improvement charges if applicable) shall be paid to the City of Kenora.
- 6) That prior to endorsement of the deeds, the Secretary-Treasurer shall receive a letter, from the owner or owner's Agent/Solicitor, confirming that conditions #1 through #5 have been fulfilled. Clearance from the City of Kenora and external agencies as required are to be included.
- 7) That all costs associated with extension of services, driveway installation, surveys, legal fees and matters related to the application are the responsibility of the developer/applicant.

Moved By: Member Jay Whetter

Seconded By: Member Keric Funk

Motion carried.

The Secretary-Treasurer indicated that the applicant received approval from the Committee, and identified the appeal period and stipulations that must be followed prior to the application being able to apply for a building permit after June 5,2023.

Member Robert Bulman was invited by the Secretary-Treasurer to rejoin the meeting at 6:55 PM.

ii) D010-23-01

The Chair asked if the applicant or agent would be presenting the application. Kim Meija – 213 Wylder Dr, Kenora, ON

The City Planner presented the Planning Report.

Mr. Sumner explained that, if approved, the proposed lot addition will correct an existing water line encroachment. The application is supported by the Provincial Policy Statement 2020 and the City of Kenora Official Plan, and is compliant with the City of Kenora Zoning By-law No. 101-2015. No new lots are being created, and the lot addition will not create an opportunity for significant new development beyond what is currently permitted on both properties.

The Chair asked if the Applicant or the Agent had any questions or comments related to the Planning Report. No questions or comments.

The Chair asked if any members of the public wished to speak in favour of the application. No members of the public spoke in favour of the application.

The Chair asked if any members of the public wished to speak in opposition of the application. No members of the public spoke in opposition of the application.

The Chair asked if any members of the Committee had questions or comments. No questions or comments from the Committee. The Chair asked why the whether consideration had been given to straighter lot lines, rather than simply ensuring that the encroachment was corrected. Mr. Sumner replied that the city was satisfied with the proposed survey lines.

The Chair asked the Secretary Treasurer to read out the draft decision:

That application D10-23-01 for consent for lot addition on property located at 213 Wylder Drive, legally described as PIN 42134-0194; CITY OF KENORA be approved and provisional Consent be granted, subject to the following:

- 1) The original executed Transfer/Deed of Land form, a duplicate original and one photocopy for City records be provided for each parcel
- 2) A Schedule to the Transfer/Deed of land form on which is set out the entire legal description of the PINs in question and containing the names of the parties indicated on page 1 of the Transfer/Deed of Land form to be provided for each parcel.
- 3) That the lands to be transferred for lot addition be surveyed and described on a Reference Plan, and that a draft is provided to the Planning Department for preapproval.

- 4) That the newly created lot be consolidated on title with the adjacent lot identified as 160 Wylder Road (PIN 42134-0192) and, if recommended on solicitor review, that a merger agreement be entered into.
- 5) Three original copies and one .pdf copy of the reference plan of survey, bearing the Land Registry Office registration number and signatures as evidence of deposit therein, and illustrating the parts(s) to which the consent approval relates, which must show in general the same area and dimensions as the sketch forming part of the application be provided.
- 6) That the payment of any outstanding taxes, including penalties and interest (and any local improvement charges if applicable) shall be paid to the City of Kenora.
- 7) That prior to endorsement of the deeds, the Secretary-Treasurer shall receive a letter, from the owner or owner's Agent/Solicitor, confirming that conditions #1 through #6 have been fulfilled. Clearance from the City of Kenora and external agencies as required are to be included.
- 8) That all costs associated with surveys, legal fees and matters related to the application are the responsibility of the developer/applicant.

Moved By: Member Tara Rickaby

Seconded By: Member Andrea Campbell

Motion Carried

The Secretary-Treasurer indicated that the applicant received approval from the Committee and identified the appeal including the timeline for meeting the conditions of approval.

viii. Recommendations to Council for Zoning By-law Amendment

- i) D014-23-04

The Chair asked if the Applicant or Agent would be presenting the application. Amy De Jaeger – 761 River Rd, Winnipeg, MB stated that she was the Owner/Applicant and gave a brief description of the reason for the applications.

The City Planner presented the Planning Report.

In October 2022, the subject property was in use as a campground, with associated clearing and preparation of a camping site and a road through the floodplain to the adjacent property.

The Planning Department identified a Temporary Use By-law as a compromise solution that will permit the short-term continued use of a property as a campground under very specific circumstances, including the issuance of a building permit from the City of Kenora for the residence and a septic system approval from the Northwestern Health Unit. It is being recommended that the camper be required to connect to the septic system for the duration of its use, and that the campground be

restricted to the portion of the property that is zoned "RR" Rural Residential, above the flood level of the Winnipeg River.

The Chair asked if the Applicant or the Agent had any questions or comments related to the Planning Report. No questions or comments.

The Chair asked if any members of the public wished to speak in favour of the application. No members of the public spoke in favour of the application.

The Chair asked if any members of the public wished to speak in opposition of the application. No members of the public spoke in opposition of the application.

The Chair asked if any members of the Committee had questions or comments.

Member Robert Bulman asked if there are still two campers on the property. The City Planner replied that, as of his last inspection, there were two. Amy De Jaeger states that one is for sale and stated that she understands that only one can be lived in.

The Chair asked the Secretary Treasurer to read out the draft decision:

The Kenora Planning Advisory Committee recommends that Council for the City of Kenora approves the Application for Temporary Use Bylaw, File No. D14-23-04, to permit the temporary use of the property legally described as PIN 42152-0467, for a campground for a single recreational vehicle for a period of up to two (2) years, in the "RR" Rural Residential Zone.

Moved By: Member Keric Funk

Seconded By: Member Renee Robert

Motion Carried.

The Secretary-Treasurer indicated that the Committee's recommendation will go to Council for their consideration in their decision-making process.

ix. Old Business

- i) No Old Business

x. New Business

- i) Approval of the minutes from the April 18,2023 and May 2,2023 meetings
Secretary -Treasurer advised that some spelling and grammatical errors in the draft minutes that were circulated have been corrected.

Motion to accept as Amended

Moved By: Member Andrea Campbell

Seconded By: Member Renee Robert

Motion carried.

- ii) Member Tara Rickaby commented that City Planner Kevan Sumner made a presentation to Council at the last Committee of the Whole meeting and recommends that all Member take a moment to look at the Planning 101

presentation. The City Planner told the Committee that the presentation is located on Sharepoint under Training.

ix. Adjournment

The Chair asked for a motion for adjournment.

Moved: Member Tara Rickaby Motion carried.

Meeting Adjourned at 7:29 PM

DRAFT