



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

Minutes
City of Kenora Virtual Planning Advisory Committee
Hybrid meeting
Wednesday, March 20, 2024
6:00pm (CST)
Video Recording:

Present:

Tara Rickaby
Robert Bulman
Renee Robert
Keric Funk
Andrea Campbell
Christopher Price
Janis Pochailo
Melissa Shaw
Nadine Gustavson

Chair
Vice-Chair
Member
Member
Member
Member
Director of Planning and Building
Secretary-Treasurer
Minute Taker

i. Call meeting to order.

The meeting was called to Order by the Chair, Tara Rickaby, 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 identified explained that the meeting is being recorded and that all participants agree to be recorded by choosing to attend. The Chair described the expected protocols and processes to be followed during the meeting.

ii. Additions to the Agenda-None

iii. Declaration of Interest by a member for this meeting or at a meeting at which a member was not present. - None

iv. Approval of the minutes from previous meetings

i) Regular Meeting February 21, 2024

Moved by: Renee Robert ***Seconded:*** Christopher Price

Approve: 3 ***Opposed:*** 0 ***Abstained:*** 0

Carried

ii) Spectial Meeting February 28, 2024

Moved by: Renee Robert ***Seconded:*** Keric Funk

Approve: 3

Opposed: 0

Abstained: 0

Carried

v. Correspondence before the Committee - None

vi. Adjournment Requests – None

vii. Adjournment Requests - None

viii. Consideration of Applications for Minor Variance

i) D13-24-03 - Kobylka

Allen Kobylka and Bart Stebnitsky were present to represent the application and explained that the property has a difficult lot line. In order to build a boat port, they will need a 0.0m lot line so as to not be on the neighbours property line to the east, and so not to build the boathouse in front of the house to the west and to have deeper water for the boat.

The Director of Planning and Building, Janis Pochailo, presented the Planning Report:

Purpose of Application: To obtain relief from Part 4.1.3(d) of the City of Kenora to permit the construction of a single-detached dwelling with minimum side yards of 1.5m and the construction of a dock/boat lift with a minimum easterly side yard of 0.0m. The subject property is identified as 1211 Beach Road, Pin 42126-0097.

Existing Conditions: Lot is 15m (50 ft.) wide and has an irregular shoreline. As a result, it has considerable frontage on the lake but limited options for dock placement. Subject property is vacant and has no connections to services and not curb-cut for driveway access. City has narrow (1.8m) storm sewer easement on the west boundary of adjacent property to the east. Engineering expressed need to extend easement in subject property to provide better access to City infrastructure.

1. Consistency with Legislated Policy and City Directives

a) Provincial Policy Statement (PPS) 2020

Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion, amongst other criteria.

b) City of Kenora Official Plan (2015)

The Land Use Designation of the subject properties is Established Area. The Established Area includes residential, commercial, existing industrial and institutional uses that presently exist in the City. The following policies are applicable to this application:

4.1.2 Established Area Policies:

- a) *Existing uses shall be preserved and protected from incompatible uses*
- b) *Maintenance and improvement of the quality of the built form and infrastructure shall be encouraged.*
- c) *Residential development shall be encouraged through plans of subdivision, condominium and consent as infilling or redevelopment of existing uses on full municipal services. Medium density residential use shall be supported provided that the development is in keeping with the character of the area.*

3.15.5 Compatibility Criteria

Compatible development means development that, although it is not necessarily the same as or similar to existing buildings in the vicinity, nonetheless enhances an established community and coexists with existing development without causing undue adverse impact on surrounding properties. Compatibility can be achieved in a variety of ways, including the provision of appropriate setbacks, buffering features, and transition in building height and massing.

- a) *Height and Massing: new buildings must have regards to the height and massing of adjacent buildings. Where variation in height and massing is proposed, a transition is desirable.*
- b) *Pattern of surrounding community: proposed developments must consider the character of the surrounding buildings, including scale and rhythm, massing, and architectural design.*

c) Zoning By-law No. 101-2015

The property is currently zoned "R1" Residential – First Density Zone. The R1 zone allows for the development of single detached housing and other compatible uses services by municipal sewer and water or with municipal water only. The minimum required side yard setback in the R1 zone is 1.5 metres for a single-storey building and 2.5 metres for a two-storey structure. A 4.5m side yard setback (measured from the projected lot boundary) is required for docks.

If approved, the proposed variance will reduce the required side yard for a two-storey dwelling from 2.5m to 1.5m; a 1m reduction. The proposed variance for the dock will reduce the side yard requirement from 4.5m to 0.0m; a 4.5m reduction.

2. Results of Interdepartmental and Agency Circulation

The proposed minor variance was circulated for comment on February 26th, 2024. Comments were received from various City departments. Although no municipal concerns were identified, Engineering identified the need for a storm sewer easement and suggests that it would be prudent for the City to inspect the storm sewer and conduct any repairs or replacements prior to construction of the dwelling. The proponent is advised that they will be required to connect to City sewer and water. This could involve blasting and the installation of a grinder pump. The installation of a driveway would require an entrance permit and curb cuts. Costs for these amenities would be borne by the developer.

Comments received from external agencies include:

Ministry of Natural Resources and Forestry: No Concerns

Synergy North: No objections or Concerns.

3. Public Comments

Circulation of the Notice of Complete Application and Hearing for ~~Consent to Sever~~ Minor Variance was completed in accordance with Section 45 of the Planning Act; whereby it was circulated to property owners within 60 metres of the subject property and notice was posted on the subject property. Notice was also provided to the persons and public bodies as prescribed.

As of the date of this report, March 19th, 2024, four letters of objection have been received.

The Effect of Approval: The proposed variance meets the four tests. It is therefore recommended that PAC application D13-24-02 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 4.1.3(d) be approved to allow a single detached dwelling with a minimum required western side yard of 1.5m and a dock with an eastern side yard of 0.0m be approved subject to the following condition:

1. That easements are registered to grant the City of Kenora with access to storm sewer infrastructure.

The Chair asked the Committee if there were any questions or comments

Comments were made indicating that verification is needed that the proposed structure is a boat-port only and that there should be no docking on the east side of the dock as that would interfere with the easterly neighbour's access. Discussion took place with respect to location of a dock-lift outside of the boat-port. The Committee agreed that access to the boat-port can only be from south direction. Discussion took place regarding that the width required for the easement for the storm drain on Mr. Kobyłka's property.

The Chair asked whether there was anyone from the public who wished to speak to the application.

Mr. D. Peloquin noted that the application is asking for dock and boat lift, nothing stated about a boathouse.

Mr. Kobyłka indicated that incorrect terminology was used initially used; the building proposed is 4 posts and a roof, no walls so is considered a boat-port not a boathouse.

Mr. L. Livingston is put on the point, how does applicant get access? Will there be a walkway to the house? If so, are there any requirements or restrictions? He then asked when do neighbours get to see the final design of the dock and boat-port? Mr. Livingston asked to see an aerial picture with drawings showing exactly where the boat-port is to be constructed and further inquired what inquired what is going to be the length of the walkway?

Ms. Pochailo indicated that this application is for the boat-port and dock only and that is all this meeting's discussion is about. Any proposed walkway would play out later in the building process and would need building permit compliance to be approved. An aerial depiction of the proposed location was shown to Mr. Livingston.

Mr. D. Wilson, indicating that he is representing Lakeview Villas. They are concerned that if this application is approved it would be setting precedence for any similar situations that could affect Lakeview Villas in the future, making it dangerous for boat traffic.

The Chair asked the Secretary Treasurer to read the decision. The Committee discussed adding the conditions that no boat docking be permitted on the east side of the boat port, and that access to the boat port is to be from the south.

Moved By: Andrea Campbell

Seconded By: Keric Funk

That application D13-24-03 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 4.1.3(d) be approved to allow a two-storey single detached dwelling with a minimum required western side yard setback of 1.5m and an eastern side yard setback of 0.0m for the location of an accessory structure, boat-port only. That the variance of 0.0m is approved subject to the following condition:

1. That 1.5 m easement is registered to grant the City of Kenora access to storm sewer infrastructure on the eastern lot line.
2. The accessory structure, boat port shall not include boat docking on the east side.
3. The accessory structure, boat port shall be oriented north-south with access for boats to the south only and not include docking on the east side.

In favour: 6

Opposed: 0

Abstained: 0

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 applicant being able to receive a building permit.

ix. Consideration of Applications for Land Division

a. D10-24-02 – Hilly Lake Construction

Scott Gammage was present to represent the application.

The Director of Planning and Building, Janis Pochailo, presented the Planning Report:

Purpose of Application: For consent is proposed to sever an existing 197.7-acre (80.02 Ha) property, creating four new residential lots and a 95 acre (38.43 Ha) residual lot, Pin 42177-0304.

The subject property is located on the east side of Hilly Lake Road. It is tree-covered with a swampy area situated back from the road. Hydro Easement 58636 crosses the northern portion of the property. The transmission line creates a natural division. There is a gravel extraction site and an existing residence on the southern part of the property.

Adjacent properties include lakefront rural residential lots west of Hilly Lake Road and large rural properties to the north and east. Gravel extraction activities are located south and southeast of the property. An abandoned mine site is identified approximately 900m from the closest proposed lot (identified as Part 2 on Figure 1). There is an existing residence and evidence of gravel extraction activity on the residual lot.

The property is mostly zoned "RU" Rural Zone (Figure 3). There is however an 8.0 ha portion of the residual parcel (Part 1) zoned "MX" Extractive Industrial Zone. In lots with split zoning, the most stringent zone regulations apply. The minimum lot frontage for part 1 is therefore 90m and the side yard requirement is 20m. As there are no existing buildings or structures on the other proposed lots, side yard requirements are not applicable. All lots meet the minimum zoning requirements.

The Effect of Approval: Creation of four (4), Rural zone lots, with one (1) lot retained. The newly created lots will comply to the provisions of the Zoning By-law 101-2015, and the policies within the Official Plan (2015).

The Chair asked if there was anyone from the public who wished to speak either in support of, or against the application. There was no one present.

The Chair asked if there were questions or comments from the committee. There were none.

The Secretary-Treasurer read the decision.

Moved By: Keric Funk **Seconded By:** Andrea Campbell

That application D10-24-02 for consent, creation of four (4) Rural Zoned lots on subject lands along Hilly Lake Road and legally described PIN 42177-0304; CITY OF KENORA be approved and provisional Consent be granted, subject to all conditions stated in the Notice of Decision of Approval.

In favour: 6

Opposed: 0

Abstained: 0

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 receive a building permit.

b. D10-24-03 – Berringer

Rowena Berringer was present to represent the application. She explained that the lot addition application is being made in order to ensure that two encroachments into the neighbouring property are addressed.

The Director of Planning and Building, Janis Pochailo, presented the Planning Report:

Purpose of Application: An application for consent is proposed to realign the boundary between 20 Bayridge Road to address an encroaching accessory structure and deck. The severed portion of land from 20 Bayridge Road is to be legally consolidated with the land 14 Bayridge Road. No new lots will be created.

The subject properties are located on the north side of Bayridge Road adjacent to Golf Course Bay. Both lots are developed with existing dwellings and accessory structures. At present, the eaves of a garage as well as a deck located on 14 Bayridge Road encroach onto the neighbouring property (20 Bayridge Road).

The subject land as well as adjacent properties are waterfront residential lots. This is an established area serviced by municipal sewer and water.

The subject properties are located in the "R1" Residential First Density Zone. Single detached dwellings and accessory structures are permitted uses in this zone.

The Effect of Approval: To adjust the lot lines between 20 Bayridge Road and 14 Bayridge Road, and to transfer a portion of lands from 20 Bayridge Road to 14 Bayridge Road, to enable lawful permitting of an encroachment accessory structure and deck.

The Chair asked whether there was anyone present who wished to speak either in support of, or against the application. There was no one.

Moved by: Robert Bulman

Seconded by: Renee Robert

That application D10-24-01 for consent, lot line adjustment to transfer a portion of property from 20 Bayridge Road, PIN 42160-0341, to 14 Bayridge Road, PIN:42167-0166 ; CITY OF KENORA be approved and provisional Consent be granted as per the Notice of Decision of Approval.

Carried

x. Recommendations to Council for Zoning By-law Amendment – None

xi. Old Business

- Request to change conditions, application for consent file no. D10-22-14, pursuant to Section 53(23) of the Planning Act.

Laura Wheatley was present to represent the request: Ms. Wheatley's client is requesting removal of the condition to pay Parkland Dedication Fees, since at the time of the subdivision application being approved, the City of Kenora did not have

the Parkland Dedication By-law in place. The by-law needs to be in place prior as per the Planning Act.

The Chair asked the Committee if there were any questions or comments. Discussion took place regarding the timing of a by-law enabling the requirement for applicants to pay the parkland dedication fees.

Moved by: Robert Bulman **Seconded by:** Keric Funk

That the request to change the decision of application for consent file no D10-2214, by removing Condition #3 "*cash equivalent of 5% of the land, based on current value assessment, be provided as required under the City of Kenora Official Plan (2015) Policy 8.11.4(e)*" be approved pursuant to subsection 53(23) of the Planning Act, and that the change is deemed minor per subsection 53(26).

In favour: 5 Opposed: 1 Abstained: 0

Carried.


xii. New Business - None

xiii. Adjournment

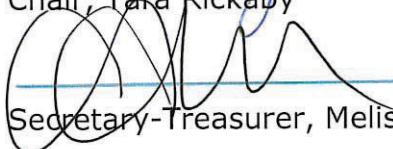
Motion for adjournment. Moved by Renee Robert

Meeting Adjourned at 8:01 PM on March 20, 2024.

Minutes of the Kenora Planning Advisory Committee meeting, Wednesday, March 20, 2024 are approved 17th day of April 2024.



Chair, Tara Rickaby



Secretary-Treasurer, Melissa Shaw