



Agenda

City of Kenora Planning Advisory Committee

Meeting via Zoom

Wednesday, March 19, 2025

6:00 PM (Central Time)

- 1) Call meeting to order
- 2) Declaration of Pecuniary Interest & General Nature Thereof
 - On Today's Agenda
 - From a meeting at which a member was not in attendance.
- 3) Additions to the Agenda
- 4) Approval of Minutes:
 - February 19, 2025
- 5) Correspondence
 - None
- 6) Adjournment requests
 - None
- 7) Consideration of Application for Minor Variance
 - D13-25-03
- 8) Consideration of Applications for Land Division
 - D10-25-01
- 9) Recommendations to Council for Amendments
 - None
- 10) Old Business
 - None
- 11) New Business
 - None
- 12) Other
 - Update OP, Zoning By-law and CIP Review
- 13) Adjournment

Topic: Planning Advisory Committee

Time: March 19, 2025, 06:00 PM Winnipeg

Join Zoom Meeting

<https://us06web.zoom.us/j/83446135783?pwd=tKaAESaVs1RbwCXLGQOIkzSJHOLVp8.1>

Meeting ID: 834 4613 5783

Passcode: 384657

Phone: +1 204 272 7920 Canada



Minutes
City of Kenora Virtual Planning Advisory Committee
Hybrid meeting
Wednesday, February 19, 2025
6:00pm (CST)
Video Recording:

Present:

Tara Rickaby
Renee Robert
Andrea Campbell
Christopher Price
Janis Pochailo
Tara Vader
Ryan Haines
Melissa Shaw
Nadine Gustavson

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

Regrets: Robert Bulman, Linda Mitchell and Keric Funk

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 stated the meeting was 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. Declaration of Interest by a member for this meeting or at a meeting at which a member was not present: None

iii. Additions to the Agenda: None

iv. Approval of the minutes from previous meetings:

i) January 15, 2024

Moved By: Renee Robert

Seconded By: Chris Price

In Favour: 4

Opposed: 0

Abstained: 0

v. Correspondence before the Committee:

vi. Adjournment Requests – None

vii. Consideration of Applications for Minor Variance:

i) D13-25-02 – Peter Street – Stephan Tanner

Stephan Tanner was present to represent the application.

Associate Planner, Tara Vader, presented the Planning Report.

Purpose of Application: Seeking relief from Section 4.2.3(f) of the City of Kenora By-law 101-2015 which requires a minimum rear yard of 8 metres. Application proposes to reduce the minimum rear yard by 5.75 metres, to permit a 2.25 metre rear yard.

The Effect of Approval: The proposed variance maintains a rear yard setback of 2.25 metres, providing separation from the neighbouring property to the south, and the front yard and exterior side yard provide outdoor amenity space and areas for a driveway, which maintain the intent of the Zoning By-law.

Public in favour of the application: None

Public in opposition of the application: Nick Grolway, has concerns with privacy, crowding, property values, appeal of the area and area for outdoor activities.

Letters in Favour: None

Letters in Opposition: One comment in opposition of the application, voiced concerns highlighting privacy, crowding, property values, appeal of the area and area for outdoor activities.

Questions or comments from the Committee:

Chris Price commented that he feels application is not minor in nature.

Renee Robert suggested that a fence may hinder the appearance of the neighbourhood as no other properties have fences.

Nick Grolway, a neighbour, responded that properties across the street all have fences.

Decision: Approved with following Conditions:

1. The proposed dwelling be constructed in general conformity with the sketch submitted with the application.

2. A privacy fence be constructed at the expense of the applicant along the entire length of the rear lot line. The fence shall be 2.0 m in height and meet the requirements of the City of Kenora Fence By-law 163-2015. The fence shall be constructed within 24 months of the issuance of a building permit for the single detached dwelling.

Moved By: Andrea Campbell **Seconded By:** Renee Robert

In favour: 3 **Opposed:** 1 **Abstained:** 0

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.

viii. Consideration of Applications for Land Division: None

ix. Recommendations to Council for Zoning By-law Amendment:

- i) Open House to receive information regarding D14-25-02 – City of Kenora (Barrier Free Parking)

Planner, Ryan Haines, presented the Planning Report.

Purpose of Application: To update section 3.23.5 Barrier-Free Parking Spaces to align with the Accessibility for Ontarians with Disabilities Act (AODA).

The Effect of Approval: Off-street parking facilities must provide the following two types of parking spaces for the use of persons with disabilities:

- i. Type A has a minimum width of 3.4 m and has signage that identifies the space as "van accessible".
- ii. Type B, which has a minimum width of 2.4 m.
 - Access aisles may be shared by two parking spaces for the use of persons with disabilities in an off-street parking facility and must meet the following requirements:
 - They must have a minimum width of 1.5 m.
 - They must extend the full length of the parking space.
 - They must be marked with high tonal contrast diagonal lines where the surface is asphalt, concrete or some other hard surface.
 - The minimum number of barrier-free parking spaces required will use the calculations as outlined in the table below. All calculated minimum
 - Required Barrier-Free Parking Spaces

Required Number of Parking Spaces	Minimum Number of Barrier-Free Parking Spaces
1-25	1
26-100	Four percent of the total required
101-200	1 plus three percent of total required
201-1,000	2 plus two percent total required
more than 1,000	11 plus one percent of total required

Letters from the public: One (1) letter of support

Issues raised during the open house: None

Recommendation of The **PLANNING ADVISORY COMMITTEE:**

Ryan Haines stated that he had presented the by-law to the Accessibility Committee, and they had two (2) minor changes.

Tara Rickaby asked what changes did the Committee request?

Ryan Haines: That under item “d) Location of Barrier-Free Parking Spaces” that “grading” be added to the list. The second item was a quirk in the math in the table, which was rectified.

Moved By: Andrea Campbell **Seconded By:** Chris Price

In favour: 4 **Opposed:** 0 **Abstained:** 0

The Secretary-Treasurer informed the Applicant that PAC Committee has recommended approval to Council for Zoning By-law D14-24-05 – City of Kenora, and this will be considered by Council on March 18, 2025.

- x. **Old Business:** None
- xi. **New Business:** None
- xii. **Other:** Updates on Official Plan, Zoning By-law and Community Improvement Plan Review

Janis Pochailo extended an invitation to PAC to attend the Open House showcasing the new Official Plan, new Zoning By-law and new Community Improvement Plan Review on March 5, 2025, at the Discovery Centre.

Renee Robert asked what the consultation process will involve?

Janis Pochailo replied that it will be an interactive event. The city is looking for ideas from the community. There will also be a survey posted on the City of Kenora website for the public.

Andrea Campbell asked how long the survey would be open.

Janis Pochailo explained that it will be open for approximately a month, as they are hoping for a good response.

Chris Price asked when will the new Active Transportation Plan be completed?

Janis Pochailo said that the department has received a new plan, but it has not been presented to Council as of yet, as they are still making adjustments.

ix. Adjournment:

Motion for adjournment. **Moved By:** Member Renee Robert

In Favour: 4 **Opposed:** 0 **Abstained:** 0

Meeting Adjourned at 6:29 PM.

**Please refer to PAC Meeting Video for full details of all questions and responses.*
[Kenora Planning Advisory Committee Meeting February 19, 2025 \(youtube.com\)](https://www.youtube.com/watch?v=Cv8b_4EhWoc)
https://youtu.be/Cv8b_4EhWoc

Minutes of the Kenora Planning Advisory Committee meeting, February 19, 2025, are approved as of March 19, 2025.

Chair, Tara Rickaby

Secretary-Treasurer, Melissa Shaw

DRAFT



**THE CORPORATION OF THE CITY OF KENORA
PLANNING ADVISORY COMMITTEE
NOTICE OF COMPLETE APPLICATION AND VIRTUAL PUBLIC HEARING
Section 45 of the Planning Act, RSO 1990**

TAKE NOTICE that the City of Kenora Planning Advisory Committee (PAC) will hold a regular meeting on March 19th, 2025, at 6 p.m.

As part of the meeting, PAC will consider a proposed Minor Variance under Section 45 of the Planning Act (RSO 1990), as described below and shown on the attached map.

FILE(s): D13-25-03
LOCATION: 501/609 Sixth Avenue South

PURPOSE AND EFFECT

This minor variance application is seeking relief from the City of Kenora Zoning By-law 101-2015 to permit the proposed severance of the subject property. The proposed severance is to create one new residential lot, separating the two existing single-family dwellings on the subject property onto their own lots.

The application is seeking relief from Section 4.1.3 (b) which requires a minimum lot area of 450 m². This application proposes to reduce the minimum lot area by 190 m² to permit a minimum lot area of 260 m² which would apply to the proposed severed and retained lands.

The subject property is designated Established Area in the City of Kenora Official Plan and zoned 'R1' Residential – First Density Zone in the City's Zoning By-law.

An application for Consent (File No. D10-25-01) under Section 53 of the Planning Act, has been applied for concurrently, to create one new lot.

**PAC
Meeting**

When: Wednesday, March 19th, 2025 at 6:00 p.m. (CST)
Location: Virtual Meeting, via Zoom Meeting, which allows for participation by telephone, computer and mobile devices.

Members of the public interested in attending the meeting may attend via Zoom Meeting at: <https://www.kenora.ca/en/your-government/planning-advisory-committee.aspx>. For the link to join the meeting please access the agenda under the Agenda and Minutes section. Please note the March meeting of PAC is virtual only.

PUBLIC MEETING

We want to hear from you! If you have comments, email them to us at planning@kenora.ca or by send them by regular mail to the address below, and quote File Number: **D13-25-03**. You may also attend the virtual PAC meeting and speak or simply observe. Written comments must be submitted by 4:30 p.m. on Wednesday, March 12th, 2025.

FAILURE TO ATTEND

If you do not attend the hearing, it may proceed in your absence and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

NOTICE OF DECISION

If you wish to be notified of the decision of the Planning Advisory Committee in respect of this application, you must submit a written request to the Planning Advisory Committee via email to planning@kenora.ca.

ADDITIONAL INFORMATION

Additional information relating to the proposed minor variance is available through the Planning Department, for further information please email: tvader@kenora.ca and quote File Number **D13-25-03**.

Dated at the City of Kenora this 21st day of February, 2025.

Tara Vader, Associate Planner, 60 Fourteenth St N, 2nd Floor, Kenora, ON
P9N 4M9, Phone: 807-467-2152, email: tvader@kenora.ca.

Figure 1. Location Map (Kenora GIS 2022)





City of Kenora
Application for Minor Variance or
Permission
Section 45 of the Planning Act & Ontario
Regulation 200/96

Office Use Only

Date Stamp - Date Received:	File Number: _____
	Roll Number: _____
	Application Fee Paid: \$ _____
	Application Deemed Complete (Date): _____

1.0 - Submission Requirements

Note: If the information below is not received the application cannot be deemed complete.

- Pre-consultation meeting is recommended with the planning department
- 1 original copy of the completed application form
- The required application fee of \$800.00 as per the schedule of fees By-law
- Planning Rationale (recommended)
- Site Plan Sketch
- Required studies identified at pre-consultation or any other time (See section 8.10 of the Official Plan for full list of studies)
- A completed Authorization, signed by all the registered owners when an Agent is acting on behalf of the Owner(s)

2.0 - City of Kenora Application for:

Minor Variance s.45 (1) Permission s.45 (2)

3.0 - Concurrent Applications Filed

<input type="checkbox"/> Official Plan Amendment	<input type="checkbox"/> Site Plan Application
<input type="checkbox"/> Zoning By-law Amendment/Temporary Use	<input checked="" type="checkbox"/> Consent Application
<input type="checkbox"/> Subdivision Application	<input type="checkbox"/> Other: _____

4.0 - Applicant Information				
SUBJECT PROPERTY INFORMATION				
Civic Address	Street No.: 501/609	Street Name: Sixth Ave South	Postal Code: P9N 2C4	Unit Num.:
Registered Plan Number	M- 38			
Legal Description	PIN 42166-0139 PCL 13378 SEC DKF; LT 121 PL M38; Kenora			
Reference Plan Number	23R-			
Lot No.(s)/Block No.(s)	Lot 121			
Concession Number(s)/PT LOT				
Part Numbers(s)				
Tax Roll Number	6016 -040-006-13300			
OWNER/APPLICANT INFORMATION				
Check Appropriate Box:	<input checked="" type="checkbox"/> Person(s)		<input type="checkbox"/> Company	
Registered Land Owner	Surname: Kubisewsky		First Name: Joseph & David	
Mailing Address	Street No. 501	Street Name: Sixth Ave South	Postal Code: P9N 2C4	Unit Num.:
City	Kenora		Province Ontario	
Contact Information	Phone: 807-464-0465		Fax: NIL	
Email	shyla@remaxnorthwestrealty.com			
Acquisition Date of Subject Land	June 16, 1988			
PLANNING AGENT/SOLICITOR INFORMATION				
Company or Firm Name	Hook, Seller & Lundin, LLP			
Name	Surname: Wheatley		First Name: Laura	
Mailing Address	Street No. 301	Street Name: First Ave South	Postal Code: P9N 1W2	Unit Num.: 204
City	Kenora		Province: Ontario	
Contact Information	Phone: 807-468-9831		Fax: 807-468-8384	
Email	lwheatley@hslaw.ca			
MORTGAGES, ENCUMBRANCES, HOLDERS OF CHARGES ETC. OF SUBJECT LAND				
Company	NIL			
Contact Person	Surname:		First Name:	
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
Contact Information	Phone:		Fax:	
Email				
5.0 - Please list the reports/studies that will accompany this application				
There are no reports/studies that will accompany this application.				
6.0 - Land Use Designation (Please see www.kenora.ca/planning for schedules/maps)				
What is the current Official Plan Designation of the subject property?				
Established Area _____				
What is the current Zoning By-law designation of the subject land and the uses permitted by that zone?				
R1 - Residential First Density _____				

7.0 – Nature and extent of relief required

Section of Zoning By-law No.	Zoning Provision	Proposed Provision	Relief Required
4.1.3(b)	Minimum lot area = 450m ²	Minimum lot area = 260m ²	Reduction of 190m ² in lot area

8.0 – Please explain the extent of the proposed variance or permission requested and why it is not possible to comply with the provisions of the Zoning By-law

The subject property currently has an area of 580m². Upon the approval of the concurrently filed Application for Consent, the subject property will be severed into two, each with an area of roughly 280m².

9.0 – Property Characteristics

Frontage (metres): 15m Depth (metres): 20m (varied) Area (m² or Ha.): 0.028 Ha or 280m²

Existing Use of subject land: Single family residential

Note: Legal non-conforming use applications must provide evidence to support its status to the Planning Department.

Proposed Use (if applicable): Single family residential

The date the subject land was acquired by the current owner: June 16, 1988

The date the existing buildings or structures on the subject land were constructed: 1960s

Length of time that the existing uses have continued? Over 50 years

Type of Access:

- Municipal maintained road Seasonally maintained road Provincial highway
 Private road or laneway Water Other public road

* If access is by water only please describe the parking and docking facilities to be used and the approximate distance of these facilities from the land and the nearest public road:

N/A

*If access is by private road, or other public road, please state who owns the land or road, and who is responsible for its maintenance and whether it is maintained seasonally or all year. Please attach a copy of the registered easement/agreement if available.

N/A

Water Supply:

Municipal water

Private well

Communal well

Lake

Other: _____

Sewage:

Municipal sewer

Private septic system/field

Communal septic system/field

Privy

Other: _____

Site Drainage:

Storm sewers

Swales

Ditches

Other: _____

Other Services:

Electricity

Garbage Collection

School Buses

10.0 - Easements

Are there any easements or restrictive covenants affecting the subject lands?

Yes

No

If Yes, please describe each easement and/or covenant and its effect, below:

Reference Plan Number	Instrument Number	Purpose of Easement and/or Covenant (e.g. hydro, utility, sewer, etc.)

11.0 - Other Applications under the Planning Act

Has the subject land ever been the subject of an application for approval of any of the following?

Description	File No.:	Status:
Draft Plan of Subdivision		
Condominium Description		
Official Plan Amendment		
Zoning By-law Amendment		
Minister's Zoning Amendment		
Site Plan Application		
Consent	File No.: Filed Concurrently	Status: Pending
Minor Variance	File No.:	Status:
Part Lot Control	File No.:	Status:
Other (Please Specify)	File No.:	Status:

12.0 – Buildings/Structures on Subject Property

Dimensions must match those indicated on the required sketch

Existing Structures:

	Principle (severed)	Principle (retained)	Accessory (retained)	Parking
Ground Floor Area	79.5m ²	71.5m ²	6.8m ²	
Total Gross Floor Area				
Number of Storeys	2	1	1	
Length	11m	10.6m	2m	
Width	8.6m	8.8m	2m	
Height	Unknown	Unknown	Unknown	
Front Yard Setback	2.49m	5.22m	13m	
Rear Yard Setback	5.0m	0.14m	0.12m	
Side Yard Setback	2.18m	1.61m	1m	
Side Yard Setback	4.75m	3.5m	16.5m	
Date Constructed	1960s	1960s	Unknown	
Lot Coverage (%)	27.4%	24.6%	2.3%	
Floor Area Ratio				

Proposed Structures: No new structures are proposed.

	Principle	Accessory	Accessory	Parking
Ground Floor Area				
Total Gross Floor Area				
Number of Storeys				
Length				
Width				
Height				
Front Yard Setback				
Rear Yard Setback				
Side Yard Setback				
Side Yard Setback				
Date Constructed				
Lot Coverage (%)				
Floor Area Ratio				

*Please place an asterisk next to any existing buildings that will be removed as part of the application.

*Please indicate whether the side yards are interior or exterior.

13.0 – Is the effect of the proposed variance consistent with policy statements issued under Subsection 3(1) of the Planning Act?

Please state how this application is consistent with the 2024 Provincial Planning Statement (PPS).

Please refer to the attached Planning Rationale.

14.0 – Additional information

Please provide any additional information that you feel would be beneficial to the application:

Please refer to the attached Planing Rationale.

16.0 – Authorized Agent/Solicitor

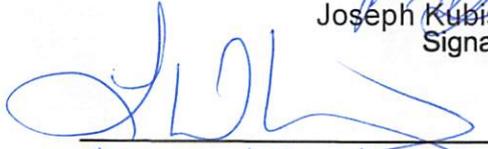
If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner(s) that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

I/We Joseph Kubisewsky, am/are the owner(s) of the land that is subject of this application for a minor variance and I/We hereby authorize Laura Wheatley, Hook, Seller & Lundin, LLP to make this application on my/our behalf and to provide any of my personal information that will be included in this application or collected during the processing of the application.

January 24, 2025
Date



Joseph Kubisewsky
Signature of owner(s)



Laura Wheatley
Name and Signature of Witness

14.0 – Additional information

Please provide any additional information that you feel would be beneficial to the application:

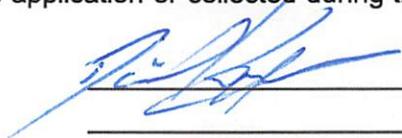
Please refer to the attached Planing Rationale.

16.0 – Authorized Agent/Solicitor

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner(s) that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

I/We David Kubisewsky, am/are the owner(s) of the land that is subject of this application for a minor variance and I/We hereby authorize Laura Wheatley, Hook, Seller & Lundin, LLP to make this application on my/our behalf and to provide any of my personal information that will be included in this application or collected during the processing of the application.

February 3/25
Date



David Kubisewsky
Signature of owner(s)



Laura Wheatley
Name and Signature of Witness

17.0 - Sworn Declaration or Affidavit

I, Joseph Kubisewsky of the City of Kenora in the province of Ontario, make oath and say (or solemnly declare) that the information required under Ontario Regulation 200/96 (as amended), and provided in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the City of Kenora in the Province of Ontario this 24 day of January in the year 25



Laura M. Wheatley
Commissioner of Oaths
Barrister & Solicitor

Joseph Kubisewsky
Applicant(s)

18.0 - Privacy Consent/Freedom of Information Declaration

Consent of Owner(s) to the use and disclosure of personal information and to allow site visits to be conducted by City Staff, members of the Planning Advisory Committee or Council members.

I/We, Joseph Kubisewsky being the registered owner(s) of the lands subject of this application, and for the purpose of the Freedom of Information and Protection of Privacy Act, hereby authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act (R.S.O. 1990 as amended) for the purposes of processing this application.

I/We also authorize and consent to representatives from the City of Kenora and the persons and public bodies conferred with under the Planning Act (R.S.O. as amended) entering upon the subject lands of this application for the purpose of conducting any site inspections as may be necessary to assist in the evaluation of the application.

January 24, 2025

Date

Joseph Kubisewsky
Owner(s) Signature

Personal information contained on this form is collected pursuant to the *Municipal Act*, and will be used for the purpose of processing and approval of this application and associated applications. Questions about this collection should be directed to:

The Freedom of Information and Privacy Coordinator, City of Kenora
1 Main Street South, Kenora, ON P9N 3X7 - (807) 467-2295.

17.0 - Sworn Declaration or Affidavit

I, David Kubisewsky of the City of Kenora in the province of Ontario, make oath and say (or solemnly declare) that the information required under Ontario Regulation 200/96 (as amended), and provided in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the City of Kenora in the Province of Ontario this 3 day of Feb. in the year 2025



Laura M. Wheatley
Commissioner of Oaths
Barrister & Solicitor
Notary Public



David Kubisewsky
Applicant(s)

18.0 - Privacy Consent/Freedom of Information Declaration

Consent of Owner(s) to the use and disclosure of personal information and to allow site visits to be conducted by City Staff, members of the Planning Advisory Committee or Council members.

I/We, David Kubisewsky being the registered owner(s) of the lands subject of this application, and for the purpose of the Freedom of Information and Protection of Privacy Act, hereby authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act (R.S.O. 1990 as amended) for the purposes of processing this application.

I/We also authorize and consent to representatives from the City of Kenora and the persons and public bodies conferred with under the Planning Act (R.S.O. as amended) entering upon the subject lands of this application for the purpose of conducting any site inspections as may be necessary to assist in the evaluation of the application.

February 3/25

Date



David Kubisewsky
Owner(s) Signature

Personal information contained on this form is collected pursuant to the *Municipal Act*, and will be used for the purpose of processing and approval of this application and associated applications. Questions about this collection should be directed to:

The Freedom of Information and Privacy Coordinator, City of Kenora
1 Main Street South, Kenora, ON P9N 3X7 - (807) 467-2295.



HOOK, SELLER & LUNDIN LLP
Barristers, Solicitors, Notaries Public

**PLANNING RATIONALE
APPLICATION FOR MINOR VARIANCE**

The purpose of this application is to request a minor variance to reduce the required minimum lot area in the R1 – Residential First Density zone from 450m² to 260m². This variance is necessary to facilitate the proposed severance of the subject property, which seeks to create two separate residential lots, each containing an existing single-family dwelling.

For a detailed description of the proposed application and its conformity with municipal and provincial policies, please refer to the Planning Rationale submitted with the Application for Consent.

This application meets the four tests under Section 45(1) of the Planning Act, as outlined in the following analysis:

1. Is the variance minor in nature?

The proposed variance is minor as it relates only to a reduction in lot size, while all other zoning standards, such as setbacks, height, and lot coverage, remain satisfied. The existing dwellings are already in place, and the variance does not result in any physical changes to the property or the surrounding neighborhood. There are no anticipated negative impacts on adjacent properties or municipal services.

2. Is the variance desirable for the appropriate development or use of the land?

The variance is desirable as it legally recognizes the two existing single-family dwellings as separate properties, ensuring they function independently while maintaining their compatibility with the surrounding residential area. The proposal does not introduce new development but simply formalizes the current land use, allowing for appropriate land ownership and future property management.

3. Does the variance maintain the general intent and purpose of the Zoning By-law?

The intent of the R1 – Residential First Density zone is to support low-density residential development, primarily in the form of single-family dwellings. Since the subject property already contains two separate dwellings, the proposed variance does not alter the intended use of the land. The reduction in lot size is

Tel. 807.468.9831
Toll. 833.447.5529
Fax. 807.468.8384
www.HSLlaw.ca

BANNISTER CENTRE
SUITE 204 - 301 FIRST AVENUE SOUTH
KENORA, ONTARIO P9N 1W2

technical in nature and does not compromise the overall objectives of the Zoning By-law, as both lots will remain suitable for single-family residential use.

4. Does the variance maintain the general intent and purpose of the Official Plan?

The City of Kenora's Official Plan encourages efficient land use, infill development, and the optimization of existing infrastructure. This proposal aligns with those objectives by formalizing the existing residential use without requiring additional land, infrastructure, or municipal services.

Since the proposed variance meets all four tests under Section 45(1) of the Planning Act, it represents an appropriate adjustment to the zoning requirements. Therefore, approval of the variance is warranted in conjunction with the consent application.



To: City of Kenora Planning Advisory Committee
From: Tara Vader, Associate Planner
Date: March 17th, 2025
Re: Minor Variance Application – File D13-25-03
Location: 501/609 Sixth Avenue South
Owner/Applicant: Joseph & David Kubisewsky
Agent: Laura Wheatley, Hook, Seller & Lundin, LLP

RECOMMENDATION

It is recommended that this application for minor variance be approved.

INTRODUCTION

The purpose of this minor variance application is to seek relief from the City of Kenora Zoning By-law 101-2015 to permit the severance of the subject property (D13-25-01). The application is seeking relief from Section 4.1.3 (b) which requires a minimum lot area of 450 m². This application proposes to reduce the minimum lot area by 190 m² to permit a minimum lot area of 260 m² which would apply to the proposed severed and retained lands.

The subject property is residential and has access via Sixth Avenue South and Fifth Street South. The site is serviced by municipal water and sewage services.

REVIEW

In considering an application of minor variance, Section 45(1) of the Planning Act gives authority of granting minor relief from the provision of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the application is minor in nature, is an appropriate use of the land, and that the development maintains the intent of the Official Plan and Zoning By-law.

AGENCY/PUBLIC COMMENTS

City Staff

City staff had no concerns with the application.

Agency

The Ministry of Natural Resources had no comments. No comments were received from other agencies.

Public

No comments were received from members of the public at the time of report submission.

Figure 1. Location Map (Kenora GIS 2022)



PLANNING REVIEW

The subject property is designated “Established Area” in the City of Kenora Official Plan and zoned “R1” Residential – First Density Zone in the City’s Zoning By-law.

Provincial Policy Statement

The Provincial Planning Statement, 2024 (PPS) Section 2.2 contains policies relating to Housing. Specifically, 2.2.1 c) states that Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation. Additionally, the PPS direct that settlement areas shall be the focus of growth and development. As this application is an efficient use of land and infrastructure, and is located within the settlement area, it is supported by these policies of the PPS.

FOUR TESTS OF A MINOR VARIANCE

Does the variance maintain the intent of the Official Plan?

The City of Kenora Official Plan (OP) Section 2.2 contains the Guiding Principles and Objectives of the plan. Specifically, Principle 1 – Sustainable Development which states to promote compact development by using land and existing infrastructure efficiently. The OP also contains policies for the Established Area designation. Section 4.1.2 states that residential development shall be encouraged through plans of subdivision, condominium and consent as infilling or redevelopment of existing uses on full municipal services. The proposed severance enables an existing dwelling, currently serviced by municipal services, to be located on its own lot. As a result, the severance application maintains the intent of the OP.

Does the variance maintain the intent and purpose of the Zoning By-law?

The City of Kenora Zoning By-law No. 101-2015 contains specific provisions for the “R1” Residential-First Density Zone. The R1 zone allows for the development of single-detached housing and other compatible uses serviced by municipal water and sewer or with municipal water only.

This application is seeking to permit a minimum lot area of 260 m². This is a relief requires of 190 m² from the permitted 450 m². The reduced lot area allows for the two existing dwellings to be located on their own lots. The existing dwellings do have several legal non-conforming setbacks that are not impacted by the proposed new lot line. Additionally, each proposed lot maintains the required parking and maintains amenity space. The intent for the R1 zone is residential development of single-detached housing. As this variance does not impact the intent of the R1 zone, as well as maintains amenity space and parking area for each dwelling, this application maintains the intent of the Zoning By-law.

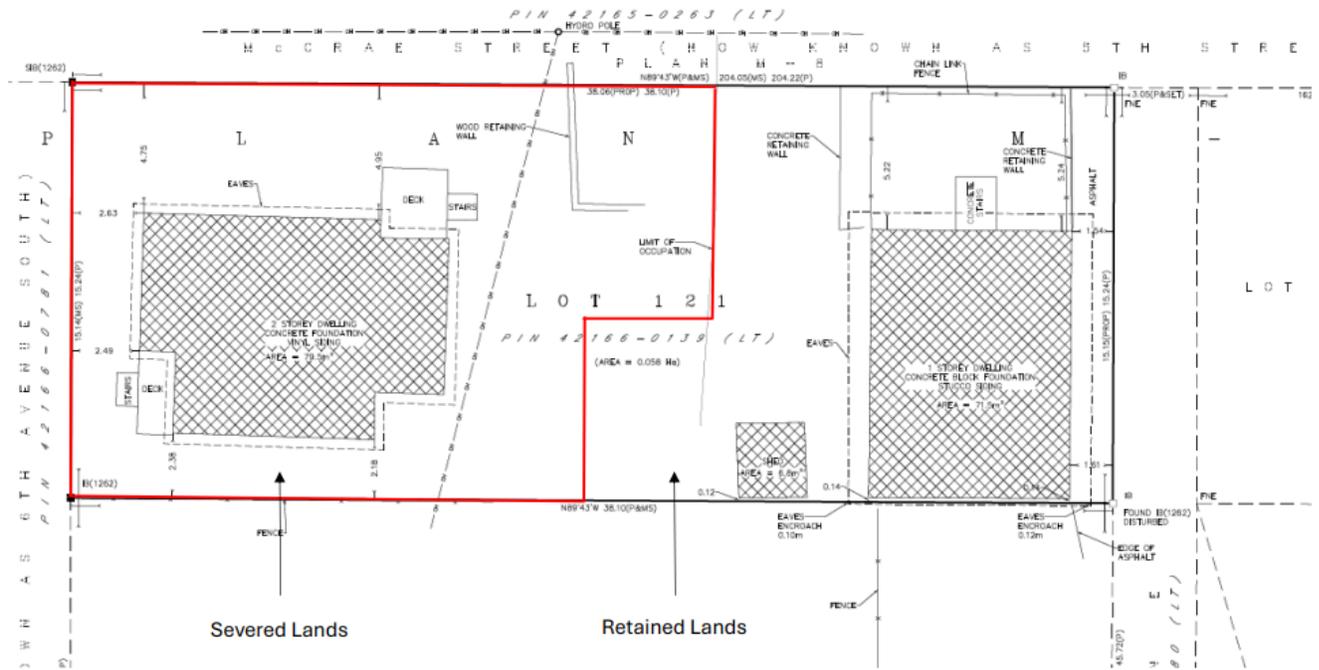
Is the application desirable for the appropriate development of the land, building or structure?

The proposed variance will enable each of the existing dwellings to have their own properties, which is a permitted use of the property. The land is currently residential, and the proposed development maintains residential use while formalizing the existence of the two single-family dwellings which is desirable.

Is the variance minor?

The requested relief is to permit a reduced minimum lot area of 260 m². The proposed variance is not expected to have a significant impact on the surrounding area, as it is formalizing the current use of the property. Nor is it expected to impact the ability of adjacent neighbours to utilize their properties for permitted uses. The variance is considered minor in nature and impact.

Figure 2. Site plan (provided by applicant)



Recommendation

As a result, it is recommended that minor variance application D13-25-03 to seek relief from the City of Kenora By-law 101-2015, Section 4.1.3 (b) be approved to permit a minimum lot area of 260 m².

1. This variance shall apply to the severed and retained lands of consent application D10-25-01.

Tara Vader

Tara Vader
Associate Planner

March 17th, 2025



**THE CORPORATION OF THE CITY OF KENORA
PLANNING ADVISORY COMMITTEE
NOTICE OF COMPLETE APPLICATION AND VIRTUAL PUBLIC HEARING
Section 53 of the Planning Act, RSO 1990**

TAKE NOTICE that the City of Kenora Planning Advisory Committee (PAC) will hold a regular meeting on March 19th, 2025, at 6 p.m.

As part of the meeting, PAC will consider a proposed Consent under Section 53 of the Planning Act (RSO 1990), as described below and shown on the attached map.

FILE(s): D10-25-01
LOCATION: 501/609 Sixth Avenue South

PURPOSE AND EFFECT

This consent application is for the creation of one new lot. The application proposes to sever the subject property which contains two existing single-family dwellings. The severance would result in each single-family dwelling being on their own lot. The subject lands are designated Established Area in the City's Official Plan and zoned 'R1' Residential – First Density Zone in the City's Zoning By-law. An application for Minor Variance (File No. D13-25-03) under Section 45 of the Planning Act, has been applied for concurrently, to reduce the minimum lot area.

PAC Meeting	When: Wednesday, March 19 th , 2025 at 6:00 p.m. (CST) Location: Virtual Meeting, via Zoom Meeting, which allows for participation by telephone, computer and mobile devices.
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Members of the public interested in attending the meeting may attend via Zoom Meeting at: <https://www.kenora.ca/en/your-government/planning-advisory-committee.aspx>. For the link to join the meeting please access the agenda under the Agenda and Minutes section. Please note the March meeting of PAC is virtual only.

PUBLIC MEETING

We want to hear from you! If you have comments, email them to us at planning@kenora.ca or by send by regular mail to the address below, and quote File Number: **D10-25-01**. You may also attend the virtual PAC meeting and speak or simply observe. Written comments must be submitted by 4:30 p.m. on Wednesday, March 12th, 2025.

FAILURE TO ATTEND

If you do not attend the hearing, it may proceed in your absence and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

NOTICE OF DECISION

If you wish to be notified of the decision of the Planning Advisory Committee in respect of this application, you must submit a written request to the Planning Advisory Committee via email to planning@kenora.ca.

ADDITIONAL INFORMATION

Additional information relating to the application is available through the Planning Department, for further information please email: planning@kenora.ca and quote File Number **D10-25-01**.

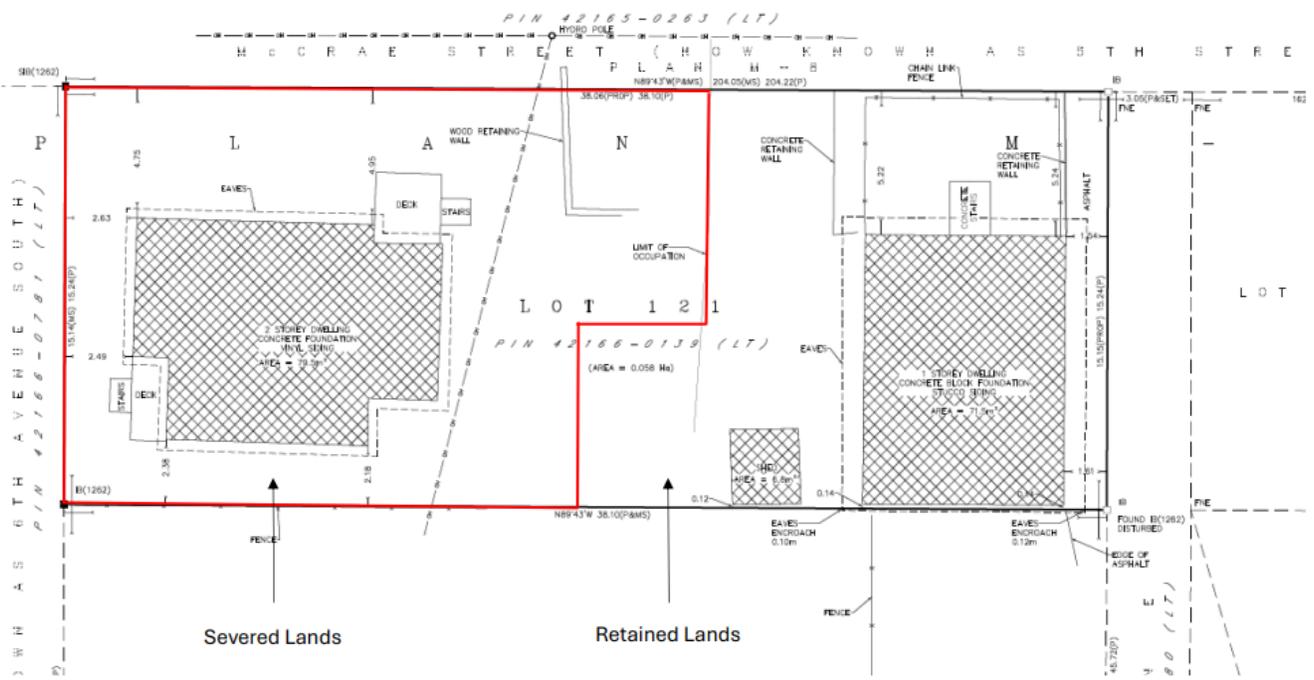
Dated at the City of Kenora this 21st day of February, 2025.

Tara Vader, Associate Planner, 60 Fourteenth St N, 2nd Floor, Kenora, ON P9N 4M9, Phone: 807-467-2152, email: tvader@kenora.ca

Figure 1. Location Map (Kenora GIS 2022)



Figure 2. Severance Sketch (provided by Applicant)





City of Kenora
Application for Consent
 Section 53 of the Planning Act & Ontario
 Regulation 197/96 (as amended)

Office Use Only

Date Stamp - Date Received:	File Number: _____ Roll Number: _____ Application Fee Paid: \$ _____ Application Deemed Complete (Date): _____
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1.0 - Submission Requirements

Note: If the information below is not received the application cannot be deemed complete.

- Pre-consultation meeting (recommended)
- 1 original copy of the completed application form
- The required application fee of (\$1,500.00 First Lot & \$300 Second and Subsequent lots) as per the schedule of fees By-law
- Planning Rationale (recommended)
- Site Plan Sketch
- Required studies identified at pre-consultation or any other time (See section 8.10 of the Official Plan for full list of studies)
- A completed Authorization, signed by all the registered owners when an Agent is acting on behalf of the Owner(s)

2.0 – Concurrent Applications Filed

- | | |
|--|--|
| <input type="checkbox"/> Official Plan Amendment
<input type="checkbox"/> Zoning By-law Amendment/Temporary Use
<input type="checkbox"/> Subdivision Application | <input type="checkbox"/> Site Plan Application
<input checked="" type="checkbox"/> Minor Variance/Permission Application
<input type="checkbox"/> Other: _____ |
|--|--|

3.0 - Applicant Information**Subject Property Information**

Civic Address	Street No.: 501/609	Street Name: Sixth Ave South	Postal Code: P9N 2C4	Unit Num.:
Registered Plan Number	M- 38			
Legal Description	PIN 42166-0139 PCL 13378 SEC DKF; LT 121 PL M38; Kenora			
Reference Plan Number	23R-			
Lot No.(s)/Block No.(s)	Lot 121			
Concession Number(s)/Part Lot				
Part Numbers(s)				
Tax Roll Number	6016-040-006-13300			
Lot Frontage (Metres)	15.14 m (Sixth Ave South)			
Depth (Metres)	39 m			
Area (Ha.)	0.058 Ha			

Owner/Applicant Information

Check Appropriate Box:	<input checked="" type="checkbox"/> Person(s)		<input type="checkbox"/> Company	
Registered Land Owner	Surname: Kubisewsky		First Name: Joseph & David	
Mailing Address	Street No.: 501	Street Name: Sixth Ave South	Postal Code: P9N 2C4	Unit Num.:
City	Kenora		Province: Ontario	
Contact Information	Phone: 807-464-0465		Fax: NIL	
Email	shyla@remaxnorthwestrealty.com			
Acquisition Date of Subject Land	June 16, 1988			

Planning Agent/Solicitor Information

Company or Firm Name	Hook, Seller & Lundin, LLP			
Name	Surname: Wheatley		First Name: Laura	
Mailing Address	Street No.: 301	Street Name: First Ave South	Postal Code: P9N 1W2	Unit Num.: 204
City	Kenora		Province: Ontario	
Contact Information	Phone: 807-468-9831		Fax: 807-468-8384	
Email	lwheatley@hslaw.ca			

Mortgages, Encumbrances, Holders of Charges etc. of Subject Land

Company	NIL			
Contact Person	Surname:		First Name:	
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
Contact Information	Phone:		Fax:	
Email				

4.0 - Please list the reports and/or studies that will accompany this application

There are no reports and/or studies that will accompany this application.

5.0 - Purpose of Consent Application

Transfer:

- Mortgage or charge
- Lot addition
- Creation of new lot(s) –
Number created: 1
- Creation of a lot for semi-detached or row housing

Other:

- Right-of-way
- Easement
- Lot line adjustment/correction
- Lease
- Correction of title
- Other: _____

6.0 - Transferee

If known, state the name of the person to whom the land or an interest in the land is to be transferred, charged or leased.

Unknown

If the application is for lot addition, identify the lands to which the parcel will be added (legal description).

N/A

If application is for easement, identify property which will benefit (legal description).

N/A

7.0 Easements

Are there any easements or restrictive covenants affecting the subject lands?

- Yes
- No

If Yes, please describe each easement and/or covenant and its effect, below:

Reference Plan Number	Instrument Number	Purpose of Easement and/or Covenant (e.g. hydro, utility, sewer, etc.)

8.0 Other Applications under *The Planning Act*

Has the subject land ever been the subject of an application for approval of any of the following?

	Draft Plan of Subdivision	File No.:	Status:
	Condominium Description	File No.:	Status:
	Official Plan Amendment	File No.:	Status:
	Zoning By-law Amendment/Temporary Use	File No.:	Status:
	Minister's Zoning Amendment	File No.:	Status:
	Site Plan Application	File No.:	Status:
	Consent	File No.:	Status:
X	Minor Variance/Permission	File No.: Filed	Status: Pending
	Part Lot Control	File No.: Concurrently	Status:
	Other (please specify)	File No.:	Status:

9.0 Description of Subject Lands and Servicing Information (complete each subsection.)

		<u>Lot1/ Easement</u>	<u>Lot 2</u>	<u>Lot 3</u>	<u>Lot 4</u>	<u>Retained/ Subject Property</u>
9.1 Description	Frontage (m)	15.14 m				15.14 m
	Depth (m)	20 m (varied)				20 m (varied)
	Area (ha)	0.029 Ha				0.029 Ha
9.2 Use of property	Existing Use(s)	Single Family Residential				Single Family Residential
	Proposed Use(s)	Single Family Residential				Single Family Residential
9.3 Buildings or Structures	Existing	Single Family Residential				Single Family Residential
	Proposed	NIL				NIL
9.4 Access	Provincial Highway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Municipal – year round	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Municipal – seasonal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other public road	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Private right of way (provide documentation with application)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Water access*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* Describe in Section 9.8 the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.

		<u>Lot1/ Easement</u>	<u>Lot 2</u>	<u>Lot 3</u>	<u>Lot 4</u>	<u>Retained/ Subject Property</u>
9.5 Water Supply	Publicly owned and operated piped water	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Private individual well	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Private communal well	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Lake or other water body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.6 Sewage Disposal	Publicly owned and operated sanitary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Private individual septic *	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Private communal septic *	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Privy / grey water *	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
* A certificate of approval from the Northwestern Health Unit for the severed and retained lots is required.						
9.7 Other Services	Electricity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	School bus service	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Waste / recycle collection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.8 If access to the subject land is by other than publicly owned and maintained road, indicate who owns the land or road, and who is responsible for its maintenance and whether it is maintained seasonally or all year. Please attach a copy of the registered easement/agreement if available. If access is by water only, please provide proof of arrangements for docking and vehicle parking.						
N/A						

10.0 – Land Use (Please see www.kenora.ca/planning-development/related-links-and-documents/)

What is the land use designation in the City of Kenora Official Plan (2015)?

Established Area

Does the proposal conform to the City of Kenora Official Plan (2015)?

Yes

No

If No, have you made a concurrent application for an Official Plan Amendment?

Yes

No

File Number: _____

Status: _____

What is the current zoning designation of the subject property?

R1 - Residential First Density

Does the proposal conform to Zoning By-law No.101-2015, as amended?

Yes

No

If No, have you made a concurrent application for a Zoning By-law Amendment?

Yes (Application for Minor Variance)

No

File Number: Filed Concurrently

Status: Pending

What is the existing use of the subject land?

Single family residential

What is the proposed use of the subject land?

Single family residential

What are the uses of the abutting properties?

Single family residential

How long have the existing uses been present?

Since the 1960s.

Has there ever been an industrial or commercial use on the subject land or adjacent land? If yes, please explain the uses:

There have been no industrial or commercial uses on the subject or adjacent land.

11.0 Contamination

Unknown
Yes No

Has the grading of the subject land been changed by adding earth or other material?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Has a gas station ever been located on the subject land or adjacent land at any time?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Has there been petroleum or other fuel stored on the subject land or adjacent land?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is there any reason to believe the subject land or adjacent lands may have been contaminated by former uses (i.e. brownfields, industrial waste, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

What information did you use to determine the answers to the above questions?
If an environmental assessment has been performed please submit it with the application.

Owner's personal knowledge.

***If the answer to any of the above questions from regarding contamination were checked yes or if there was an industrial, or commercial use, please attach a previous use inventory with this application form showing all former uses of the subject land. A soils investigation study may also be required.**

12.0 – Is the proposal consistent with policy statements issued under Subsection 3(1) of the Planning Act?

Please state how this application is consistent with the 2024 Provincial Planning Statement (PPS).

Please see the attached Planning Rationale.

13.0 – Original Parcel Transfer

Has any land ever been severed from the parcel original acquired by the owner of the subject land?

Yes

No

If Yes, please indicate the date of the transfer, the name of the transferee and the uses of the severed land:

Date of Transfer: _____

Name of Transferee: _____

Use(s) of Severed Land: _____

14.0 – Significant Features Checklist

Check through the following list. Indicate under Yes, No or Unknown if a listed feature is on-site or within 500 metres. Indicate under Yes, No or Unknown if a listed development circumstance applies. Be advised of the potential information requirements.

Feature or Development Circumstance	Yes	No	Don't Know	If Yes, specify distance in metres (m)	Potential Information Needs
Non-farm development near designated urban areas or rural settlement areas		X			Demonstrate sufficient need within 20 year projections and that proposed development will not hinder efficient expansion of urban areas or rural settlement areas.
Class 1 Industry ¹		X			Assess development for residential and other sensitive uses within 70 metres.
Class 2 Industry ²		X			Assess development for residential and other sensitive uses within 300 metres.
Class 3 Industry ³		X			Assess development for residential and other sensitive uses within 1000 metres.
Land Fill Site		X			Address possible leachate, odour, vermin and other impacts.
Sewage Treatment Plant		X			Assess the need for a feasibility study for residential and other sensitive land uses.
Waste Stabilization Pond		X			Assess the need for a feasibility study for residential and other sensitive land uses.

Active Railway Line		X			Evaluate impacts within 300 metres.
Operating mine site		X			Will Development hinder continuation or expansion of operations?
Non-operational mine site within 1 kilometre of subject land		X			Have potential impacts been addressed? Has mine been rehabilitated so there will be no adverse effects?
Airports where noise exposure forecast (NEF) or noise projection (NEP) is 28 or greater		X			Demonstrate feasibility of development above 28 NEF for sensitive land uses. Above the 35 NEF/NEP contour, development of sensitive land uses is not permitted.
Electric Transformer Facility		X			Determine possible impacts within 200 metres.
High Voltage Transmission Lines		X			Consult the appropriate electric power service.
Transportation and Infrastructure corridors		X			Will corridor be protected? Noise Study Prepared?
Agricultural Operations		X			Development to comply with the Minimum Distance Separation Formulae and Official Plan.
Mineral Aggregate Resource area		X			Will development hinder access to the resource or the establishment of new resource operations?
Mineral Aggregate Operations		X			Will development hinder continuation of extraction? Noise and Dust Study completed?
Feature or Development Circumstance	Yes	No	Don't Know	If Yes, specify distance in metres (m)	Potential Information Needs
Existing Pits and Quarries		X			Will development hinder continued operation or expansion? Noise and Dust Study completed?
Mineral and Petroleum Resources		X			Will development hinder access to the resource or the establishment of new resource operations?
Significant Wetlands or potentially significant Wetlands		X			Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.

Significant portions of habitat of Endangered or Threatened Species		X			Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.
Significant Fish Habitat, Wildlife Habitat and areas of Natural and Scientific Interest		X			Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.
Sensitive Groundwater Recharge Areas, Headwaters and Aquifers		X			Demonstrate that groundwater recharge areas, headwaters and aquifers will be protected.
Significant Built Heritage Resources and Cultural Heritage Landscapes		X			Development should conserve significant built heritage resources and cultural heritage landscapes.
Significant Archaeological Resources		X			Assess development proposed in areas of medium and high potential for significant archaeological resources. These sources are to be studied and preserved, or where appropriate, removed. Catalogued and analyzed prior to development.
Lake of the Woods: Within defined Portions of Dynamic Beach and 1:100 year flood level along connecting channels		X			Development not permitted
Lands Subject to Flooding and/or Erosions		X			Development may be permitted. Must demonstrate that hazards can be addressed.
Erosion Hazards		X			Determine feasibility within the 1:100 year erosion limits of ravines, river valleys and streams.
Floodplains		X			Determine limit of Development or where a Special Policy Area (SPA) is in effect, development must meet the Official Plan policies.
Hazardous Sites ⁴		X			Slope Study, Flood line Study. Demonstrate that hazards can be addressed.
Rehabilitated Mine Sites		X			Application for approval from Ministry of Northern Development and Mines should be made concurrently.

Contaminated and/or Brownfield sites		X			Assess and inventory of previous uses in areas of possible contamination.
--------------------------------------	--	---	--	--	---

¹Class 1 Industry - small scale, self-contained plant, no outside storage, low probability of fugitive emissions and daytime operations only.

²Class 2 Industry - medium scale processing and manufacturing with outdoor storage, periodic output of emissions, shift operations and daytime truck traffic.

³Class 3 Industry - indicate if within 1000 metres - processing and manufacturing with frequent and intense off-site impacts and a high probability of fugitive emissions.

⁴Hazardous sites - property or lands that could be unsafe for development or alteration due to naturally occurring hazards. These hazards may include unstable soils (sensitive marine clays, organic soils) or unstable bedrock (Karst topography)

15.0 - Additional Information
<p>Please provide any additional information that you feel would be beneficial to the application:</p> <p>Please refer to attached Planning Rationale.</p>

16.0 – Authorization of Agent or Solicitor

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner(s) that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

I/We Joseph Kubisewsky, am/are the owner(s) of the land that is subject of this application for a zoning by-law amendment and I/We hereby authorize Laura Wheatley, of Hook, Seller & Lundin, LLP to make this application on my/our behalf and to provide any of my personal information that will be included in this application or collected during the processing of the application .

[Signature]
Joseph Kubisewsky

Signature of owner

January 24, 2025
Date

[Signature]
Laura Wheatley
Name and Signature of Witness

17.0 – Affidavit or Sworn Declaration

I, Joseph Kubisewsky of the City of Kenora in the province of Ontario, make oath and say (or solemnly declare) that the information required under Ontario Regulation 545/06 (as amended), and provided in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the City of Kenora in the Province of Ontario this 24 day of January in the year 2025.

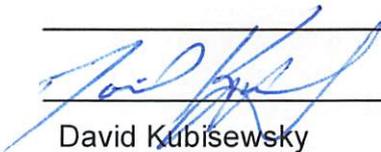
[Signature]
Commissioner of Oaths
Laura M. Wheatley
Barrister & Solicitor
Notary Public

[Signature]
Applicant(s)

16.0 – Authorization of Agent or Solicitor

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner(s) that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

I/We David Kubisewsky, am/are the owner(s) of the land that is subject of this application for a zoning by-law amendment and I/We hereby authorize Laura Wheatley, of Hook, Seller & Lundin, LLP to make this application on my/our behalf and to provide any of my personal information that will be included in this application or collected during the processing of the application .



David Kubisewsky

February 3/25
Date

Signature of owner



Laura Wheatley
Name and Signature of Witness

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I, David Kubisewsky of the City of Kenora in the province of Ontario, make oath and say (or solemnly declare) that the information required under Ontario Regulation 545/06 (as amended), and provided in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the City of Kenora in the Province of Ontario this 3 day of February in the year 2025.



Commissioner of Oaths
Laura M. Wheatley
Barrister & Solicitor
Notary Public



Applicant(s)

Laura M. Wheatley
Barrister & Solicitor
Notary Public

18.0 – Privacy Consent/Freedom of Information Declaration

Consent of Owner(s) to the use and disclosure of personal information and to allow site visits to be conducted by City Staff and members of Council and/or the Planning Advisory Committee.

I/We, Joseph Kubisewsky being the registered owner(s) of the lands subject of this application, and for the purpose of the Freedom of Information and Protection of Privacy Act, hereby authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act (R.S.O. 1990 as amended) for the purposes of processing this application.

I/We also authorize and consent to representatives from the City of Kenora and the persons and public bodies conferred with under the Planning Act (R.S.O. as amended) entering upon the subject lands of this application for the purpose of conducting any site inspections as may be necessary to assist in the evaluation of the application.

January 24, 2025

Date



Owner(s) Signature

Personal information contained on this form is collected pursuant to the *Municipal Act*, and will be used for the purpose of processing and approval of this application and associated applications. Questions about this collection should be directed to:

The Freedom of Information and Privacy Coordinator, City of Kenora,
1 Main Street South, Kenora, ON P9N 3X7, (807) 467-2295

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February 3/25

Date



Owner(s) Signature

Personal information contained on this form is collected pursuant to the *Municipal Act*, and will be used for the purpose of processing and approval of this application and associated applications. Questions about this collection should be directed to:

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HOOK, SELLER & LUNDIN LLP
Barristers, Solicitors, Notaries Public

PLANNING RATIONALE APPLICATION FOR CONSENT

The subject property is 501 Sixth Avenue South, and 609 Sixth Avenue South. The legal description is PIN 42166-0139, PCL 13378 SEC DKF; LT 121 PL M38. The purpose of this application is to sever the subject property, creating one additional lot, in order to recognize the existence of the two single family dwellings located on the subject property.

1.0 Physical Description of the Site

The subject property is approximately 0.058 hectares in size and is located off the south side of Fifth Street South, and the east side of Sixth Avenue South. The subject property contains two single family residential dwellings, and one accessory shed. Historically, the subject property has always contained these two dwellings, despite being one property for planning purposes.

2.0 Description of the Site's Planning History

The subject property was created as a result of subdivision M38 in 1897. The writer is otherwise unaware of any site planning history with regards to this property.

3.0 Description and Overview of the Proposal

The proposal is to receive consent to sever the subject property into two equal-sized lots, each approximately 0.29 hectares in size. The purpose of the severance is to accommodate two single-family residential dwellings, which already exist on the property and have since the 1960s. Each dwelling will retain its own access from Fifth Avenue South, as is currently the case.

Approval of this consent will legally recognize the two dwellings as separate properties for planning purposes, ensuring each lot is treated as an independent residential parcel moving forward.

4.0 Compatibility of the Proposed Development with Existing Adjacent Developments

This application is fully compatible with the existing adjacent developments, as all neighboring properties are also single-family residential dwellings. The proposed lot creation maintains the established residential character of the area by ensuring that each dwelling remains on its own appropriately sized lot.

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The severance does not introduce any new land use or intensification beyond what already exists, preserving the neighborhood's consistency in terms of lot size, density, and built form. While the lot size will be reduced as a result of the severance, the reduced lot sizes are still in character with the adjacent developments.

5.0 Impacts on Natural Environment and Municipal Services

This application will have no impact on the natural environment or municipal services, as no new development is proposed. Each existing dwelling already has its own independent municipal services, including water, sewer, and utilities. The severance is purely administrative and will not result in any changes to the land, buildings, or infrastructure.

Since no additional construction or intensification is planned, no new infrastructure or servicing upgrades are required. The proposal simply ensures that each dwelling is legally recognized as a separate property, maintaining the status quo for both environmental conditions and municipal service demands.

6.0 Provincial Planning Statement (2024 PPS)

This proposal is consistent with the 2024 Provincial Planning Statement (PPS) as it aligns with key policies related to efficient land use, housing, and infrastructure. Specifically:

Section 1.1.1 – Efficient Development and Land Use: The proposal promotes the efficient use of land and existing infrastructure by recognizing two already established dwellings as separate properties. No additional land consumption or servicing expansion is required.

Section 1.1.3.1 – Settlement Areas: The subject property is located within a designated settlement area, where growth and development are directed. The severance formalizes existing residential use without altering the area's character or increasing density beyond what is already present.

Section 1.4.3 – Housing Supply and Mix: By legally recognizing two separate lots, the proposal supports the provision of diverse housing options within the community, contributing to a stable and well-planned housing supply.

Section 1.6.6 – Sewage, Water, and Stormwater: As no new development is proposed, the application optimizes existing municipal services without placing additional strain on water, wastewater, or stormwater infrastructure.

Overall, the proposal upholds the PPS's goals of sustainable, efficient, and well-planned growth while maintaining the existing residential fabric of the neighborhood.

7.0 Proposal Conforms to General Purpose and Intent and Goals of the City of Kenora Official Plan and Complies with the City's Zoning By-law

This proposal aligns with the general purpose, intent, and goals of the City of Kenora's Official Plan by supporting sustainable development, efficient land use, and the preservation of neighborhood character. The Official Plan emphasizes the importance of promoting compact development and utilizing existing land and infrastructure efficiently. By legally recognizing two existing single-family dwellings as separate properties, the proposal ensures that the current land use remains intact without requiring additional infrastructure or land consumption.

Additionally, the Official Plan encourages residential development within the designated settlement area through infilling and redevelopment. This proposal maintains the established residential character of the neighborhood, as all adjacent developments consist of single-family dwellings. The severance will ensure that each dwelling remains on its own appropriately sized lot, preserving consistency in lot size, density, and built form.

Overall, the proposal upholds the Official Plan's objectives by fostering efficient land use, preserving neighborhood character, and ensuring sustainable development within the City of Kenora.

The proposal is also consistent with the City of Kenora's Zoning By-law, as the subject property is zoned R1 – Residential First Density, where single-family dwellings are a permitted use. While the proposed severance will result in an undersized lot under the R1 zoning requirements, an application for a minor variance is being filed concurrently to address this.

PIN 42165-0263 (LT)

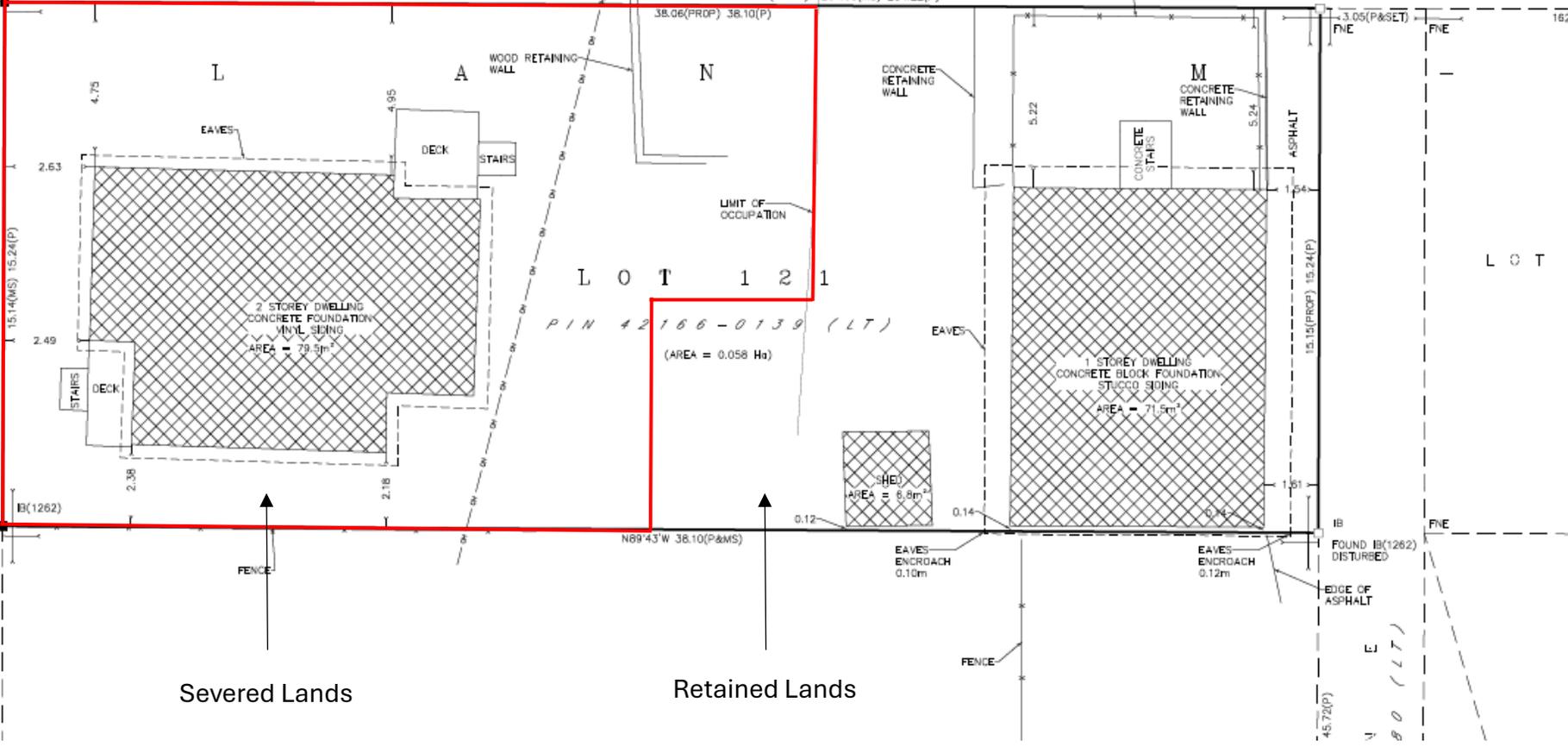
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Severed Lands

Retained Lands



To: City of Kenora Planning Advisory Committee
From: Tara Vader, Associate Planner
Date: March 17th, 2025
Re: Consent Application – File D10-25-01
Location: 501/609 Sixth Avenue South
Owner/Applicant: Joseph & David Kubisewsky
Agent: Laura Wheatley, Hook, Seller & Lundin, LLP

RECOMMENDATION

That application D10-25-01 be **approved** and provisional consent be granted with the attached conditions.

INTRODUCTION

This application proposes creating one new residential lot by severing the subject property which contains two existing single-family dwellings. The severance would result in each single-family dwelling being on their own lot. Approximately 0.029 hectares of land is proposed to be severed. The retained land is proposed to also be 0.029 hectares in size.

The subject property is located on the corner of Sixth Avenue South and Fifth Street South. It is used residentially and contains two single-family dwellings and a shed. The subject property is serviced by municipal water and sewer services.

REVIEW

This application:

- ✓ Is consistent with the Provincial Planning Statement (Section 3(5) Planning Act);
- ✓ Does not require a plan of subdivision for the proper and orderly development of the municipality (Section 53(1) Planning Act);
- ✓ Conforms with Section 51(24) of the Planning Act;
- ✓ Conforms to the City of Kenora Official Plan (Section 4.8);
- ✓ Complies with the City of Kenora Zoning By-law (or will comply subject to a standard condition of rezoning or minor variance); and
- ✓ Has no unresolved objections/concerns raised (to date) from agencies or the public.

Figure 1. Location Map (Kenora GIS 2022)



AGENCY/PUBLIC COMMENTS

City Staff

City staff had concerns regarding parking and servicing. The Agent and City Engineering staff confirmed each dwelling has separate services. The Agent also confirmed that the existing driveway will be shared, as it is currently, with the proposed lot line permitting a parking space for each dwelling.

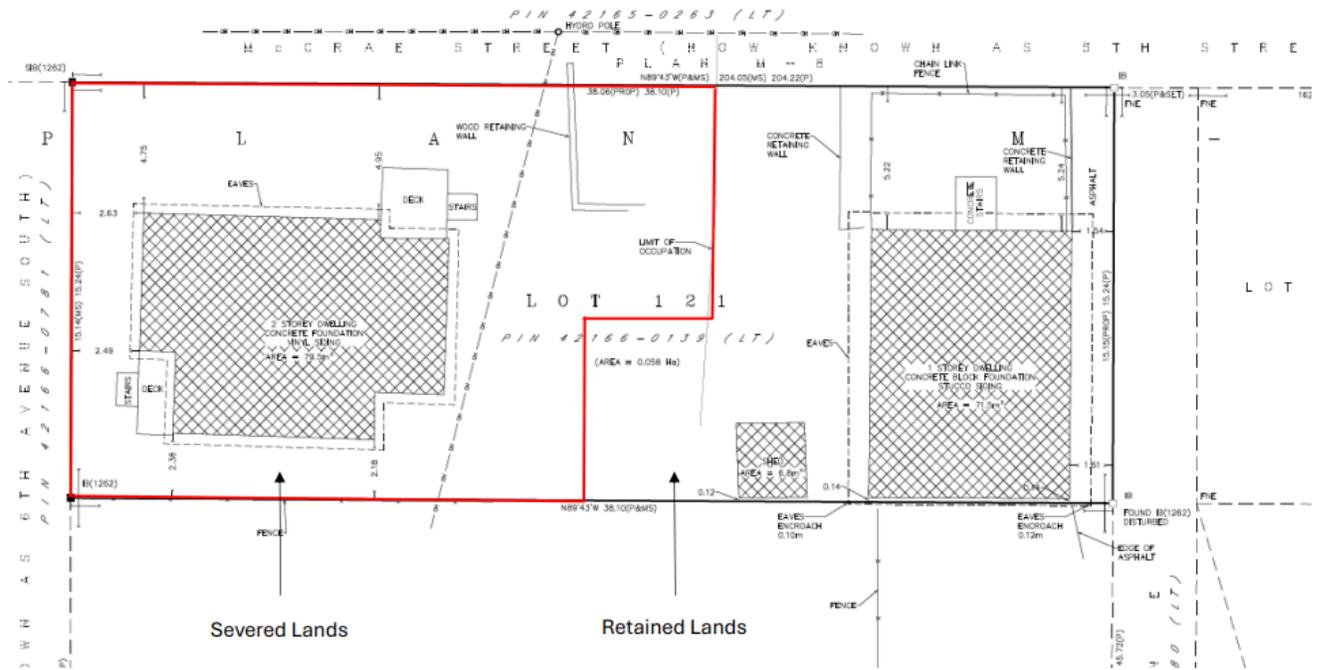
Agency

The Ministry of Natural Resources had no comments. No comments were received from other agencies.

Public

No comments received from members of the public at the time of report submission.

Figure 2. Site Sketch (provided by applicant)



PLANNING REVIEW

The subject lands are designated “Established Area” in the City of Kenora Official Plan, and zoned “R1” Residential – First Density Zone in the City of Kenora Zoning By-law. The subject lands are approximately 0.06 ha in size.

Provincial Policy Statement

The Provincial Planning Statement, 2024 (PPS) Section 2.2 contains policies relating to Housing. Specifically, 2.2.1 c) states that Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation. Additionally, the PPS direct that settlement areas shall be the focus of growth and development. As this application is an efficient use of land and infrastructure, and is located within the settlement area, it is supported by these policies of the PPS.

City of Kenora Official Plan

The City of Kenora Official Plan (OP) Section 2.2 contains the Guiding Principles and Objectives of the plan. Specifically, Principle 1 – Sustainable Development which states to promote compact development by using land and existing infrastructure efficiently. The

proposed severance enables an existing dwelling, currently serviced by municipal services, to be located on its own lot. As a result, the severance application conforms to this policy of the OP.

City of Kenora Zoning By-law NO. 101-2015

The City of Kenora Zoning By-law No. 101-2015 contains specific provisions for the “R1” Residential - First Density Zone. Section 4.1 of the By-law states single-detached dwelling is a permitted use in the R1 zone. The proposal does result in the severed and retained lots being out of conformity with the lot area provision of the Zoning By-law. A concurrent Minor Variance application has been submitted to request relief to this provision. Additionally, the existing dwellings do have several legal non-conforming setbacks.

	Required	Retained Lot	Severed Lot
Lot Frontage (minimum)	15 m	15.14	15.14
Lot Area (minimum)	450 m ²	290	290

Planning Act

Section 51(24) of the Planning Act provides items that regard must be had to in the consideration of a proposed severance to be approved. These include whether the severance conforms to the OP, the suitability of the land for the proposed development, and that the application is not premature and is in the public interest. The application meets the requirements of this Planning Act section.

Recommendation

As a result, it is recommended that the Planning Advisory Committee approve this consent application and grant conditional consent approval with the following conditions.

RECOMMENDED CONDITIONS

Expiry Period

1. Conditions imposed must be met within two years of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within two years, the application shall be deemed to be refused. Provided the conditions are fulfilled within two years, the application is valid for three years from the date of notice of decision.

Survey/Reference Plan

2. Provide to the satisfaction of the City:
 - a. A survey showing the lot lines of the severed parcel, and
 - b. A reference plan based on an approved survey.
3. One original copy 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.

Zoning

4. Where a violation of any City Zoning by-law is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the City.
5. That Minor Variance application D13-25-03 is approved permitting a minimum lot area of 290 m² for the severed and retained lots.

City Requirements

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. The original executed Transfer/Deed of Land form, a duplicate original and one photocopy for City records be provided for each parcel.
8. A Schedule to the Transfer/Deed of Land form on which is set out the entire legal descriptions 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 provide for each parcel.
9. That prior to endorsement of the deeds, the Secretary-Treasurer shall receive a letter, from the owner or the owner's Agent/Solicitor, confirming that conditions 1 through 7 have been fulfilled. Clearance from the City of Kenora and external agencies as required are to be included.



Tara Vader
Associate Planner

March 17th, 2025