



# Agenda

## City of Kenora Committee of Adjustment

Hybrid Meeting- In-Person and via Zoom

Wednesday, July 16, 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:
  - Regular Meeting of June 18, 2025
- 5) Correspondence
  - None
- 6) Adjournment requests
  - None
- 7) Consideration of Application for Minor Variance/Permission
  - D13-25-11
- 8) Consideration of Applications for Land Division
  - D10-25-05
- 9) Old Business
  - D13-25-10
    - i. Amended Application
- 10) New Business
- 11) Other
- 12) Adjournment

**Topic:** City of Kenora Committee of Adjustment

**Time:** July 16, 2025, PM 6 CT

**Join Zoom Meeting**

<https://us06web.zoom.us/j/83377107042?pwd=O2uJVhlatEnk7dg6YRDqB1xPhXvcw5.1>

**Meeting ID:** 833 7710 7042

**Passcode:** 962845

**Phone:** +1 204 272 7920 Canada



# Committee of Adjustment Meeting Minutes June 18, 2025



City of Kenora  
Planning Committee of  
Adjustment  
60 Fourteenth Street N., 2<sup>nd</sup> Floor  
Kenora, Ontario P9N 4M9  
807-467-7797

**Minutes**  
**City of Kenora Planning Committee of Adjustment**  
**Hybrid Meeting**  
**Wednesday, June 18, 2025**  
**6:00pm (CST)**  
**Video Recording:**

**Present:**

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

**Chair**

**Vice Chair**

**Member**

**Member**

**Member**

**Member**

**Member**

**Director of Planning and Building**

**Associate Planner**

**Secretary-Treasurer**

**Minute Taker**

**Regrets:**

***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:***

- From Today's agenda – None
- From a meeting at which a member was not in attendance - None

**iii. Additions to the Agenda:** None

**iv. Approval of the minutes from previous meetings:**

**i) Regular Meeting of April 16, 2025**

**Moved By: Linda Mitchell Seconded By: Renee Robert**

**In Favour: 7 Opposed: 0 Abstained: 0**

**v. Correspondence before the Committee:** None

**vi. Adjournment Requests –** None

**vii. Consideration of Applications for Minor Variance:**

i) D13-25-08 – 18 Henry St. – William & Donna Tait

Donna & William were present to represent the application.

Associate Planner, Tara Vader, presented the Planning Report.

Purpose of Application: The purpose of this minor variance application is to seek relief from the City of Kenora Zoning By-law 101-2015 to permit a shed on a vacant residential lot.

The Effect of Approval: The proposed variance is not expected to have a significant impact on the surrounding area, as the applicants are proposed to locate the shed on the lot in a location that is consistent with typical locations for accessory structures. The application is also not expected to impact the ability of adjacent neighbours to utilize their properties for permitted uses. The variance is considered minor in nature and impact.

Letters in Favour: 1

Letters in Opposition: 0

Questions or comments from the Committee:

Tara Rickaby questioned if there was always going to be only a shed on this property, who was responsible for enforcing the conditions and felt that a shed only on the site did not maintain the character of the neighbourhood.

Donna Tait responded that it was possible that a home would be built on the site in the future and Tara Vader stipulated the enforcement would come through the building permit process and the by-law process.



Decision: Application is approved to permit a storage shed on a lot without a principal use to which it is accessory subject to the following conditions:

1. No home occupation or home industry shall be permitted on the property until such time that a primary use is established.
2. No outdoor storage of personal belongings shall be permitted on the property.
3. The variance approval is limited to one shed, 288 square feet in size.
4. No plumbing shall be permitted as part of the storage shed structure.
5. The storage shed shall be located consistently with the site plan provided as part of this application and shown as Figure 2 in this report.

### **Approved**

**Moved By:** Linda Mitchell      **Seconded By:** Robert Bulman

**In favour:** 7      **Opposed:** 0      **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.

ii) D13-25-09 – 1402 Sixth St. N. – Richard Cyncora (Owner)

Charlotte Caron was present to represent the application.

Associate Planner, Tara Vader, presented the Planning Report.

**Purpose of Application:** The purpose of this minor variance application is to seek relief from the City of Kenora Zoning By-law 101-2015 to permit the construction of an accessory garage.

**Effect of Application:** The requested relief is to permit a detached garage with a 0 m rear yard setback and a 1.5 m setback from the main structure. The proposed variance is not expected to have a significant impact on the surrounding area, nor will it impact the ability of adjacent neighbours to utilize their properties for permitted uses. The variance is considered minor in nature and impact.

Public in Favour: 0

Public in Opposition: 0

Letters in Favour: 0

Letters in Opposition: 0

Questions or comments from the Committee:

Linda Mitchell asked the Planner, for transparency sake, to explain if the Province of Ontario Planning Act allowed buildings on site, being referred to Air-BNB's were permitted. Linda also verified that decisions on this type of use was outside the realm of the Committee, due to the Province of Ontario changing some of the rules of the Planning Act to accommodate housing shortages in many municipalities.

Tara Vada stipulated that the City of Kenora does not regulate short-term rentals and that the current Official Plan and Zoning By-laws do not include policies relating to these at this time.

Tara Rickaby asked the reason for the Planning Department request for the foundation of the proposed garage be staked by an Ontario Land Surveyor.

Tara Vader responded the reason was to ensure the applicant was meeting the approval of the decision of the Committee.

Decision: that minor variance application D13-25-09 to seek relief from the City of Kenora By-law 101-2015, Section 3.34.1 b) v. and Section 3.34.1 b) vii. be approved to permit a detached garage with a 0 m rear lot line setback and a 1.5 m setback from the main structure, subject to the following conditions:

1. No part of the detached garage (including eaves) shall encroach on the unopened City lane.
2. The rear property line abutting the City lane shall be established by an Ontario Land Surveyor, to ensure that Condition #3 can be satisfied.
3. The foundation of the proposed garage shall be staked by an Ontario Land Surveyor prior to the issuance of a building permit and located consistently with the site plan provided by the applicant.

## **Approved**

**Moved By:** Andrea Campbell

**Seconded By:** Keric Funk

**In Favour:** 6

**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.

iii) D13-25-10 – 645 Sixteenth Ave. N. – Jeff Loewen (Owner)

Jeff Loewen was present to represent the Application and stated they would like to place a tiny-home on their property to help with the City of Kenora's housing crisis; however, was surprised the Planning Department required a costly survey be done to stake of the area. Wondered if it was possible to move the planned area around to eliminate the survey?

Associate Planner, Tara Vader, presented the planning report.

Purpose of the Application: The purpose of this minor variance application is to seek relief from the City of Kenora Zoning By-law 101-2015 to permit a detached second dwelling unit. Relief is requested to align the proposed secondary dwelling unit with the existing legal non-conforming setback of the garage. Additionally, as the lot contains an accessory garage and storage shed, relief is requested to permit a higher accessory structure lot coverage. The subject property is residential with a single-detached dwelling containing a basement suite. Access is from Ninth Street North and a back lane. The site is serviced by municipal water and sewer services and are approximately 532 m<sup>2</sup>.

Effect of Approval: The requested relief is to permit a secondary dwelling unit with a 1.2 m exterior side yard and to increase accessory structure lot coverage by 4.5%. The proposed variance is not expected to have significant impact on the surrounding area, nor will it impact the ability of adjacent neighbours to utilize their properties for permitted uses. The variance is considered minor in nature and impact.

Public in Favour: 0

Public in Opposition: 1 – Todd Smith is concerned about road safety, specifically that 9<sup>th</sup> St. N. does not accommodate 2 vehicles meeting. Also, that the existing garage and secondary dwelling create a blind spot for traffic.

Letters in Favour: 0

Letters in Opposition: 1

Questions or comments from the Committee: Tara Rickaby, Robert Bulman and Renee Robert asked if this application had been circulated to the roads department; to which Tara Vada stipulated that it had and that they had no concerns. The Committee then asked if it was possible to request that the roads department physically go out and inspect the situation. Tara Vader also stated that due to the requirement of a variance for this application, that a survey must be completed.

Renee Robert made a motion that a condition of the Application be that the tiny home cannot be closer to the street than the existing garage is.

Linda Mitchell asked that a motion be made to defer this Application till the July 16, 2025, Regular Committee of Adjustment Meeting, so that this Committee is able to hear the results of Roads Departments physical survey to address the road safety concern.

That application D13-25-10 be deferred until the July meeting of the Kenora Committee of Adjustment, in order to receive comments on road safety and site lines associated with a possible development of a tiny house on the property.

**Deferred**

**Moved By:** Andrea Campbell

**Seconded By:** Linda Mitchell

**In Favour:** 7

**Opposed:** 0

**Abstained:** 0

**viii. Consideration of Applications for Land Division:**

- i) D10-25-03 – 251/242 Miller Rapids Rd. – John & Sharon Neniska

Diane Neniska was present to represent the application.

Associate Planner, Tara Vader, presented the Planning Report.

Purpose of Application: This application proposes creating one new water access lot by severing a parcel from each of the subject properties and consolidating the parcels into one new lot. The northern subject property contains two existing single-family dwellings and are used for marina and storage purposes. The subject property is located west of Veterans Drive, along Miller Rapids Road. The City of Kenora maintains a portion of Miller Rapids Road which the subject lands have access from. The subject property is serviced by private services. The subject lands have easements for the TC-Energy pipeline and hydro crossing the proposed retained portion of the property. The severance would result in one new water access only, rural zone lot. Approximately 4.19 hectares of land is proposed to be severed. The retained land under two PINs is proposed to be 55.9 hectares in size.

The Effect of Approval:

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

Public in favour of the application: 0

Public in opposition of the application: 0

Letters in Favour: 0

Letters in Opposition: 0

Questions or comments from the Committee:

Linda Mitchell asked if there was a road leading to this property; to which Tara Vader stated that there was, but it was not a public road.

Tara Rickaby had previously sent an email to Tara Vader noting that the property was not in the City of Kenora's Sewage Treatment Plant area, to which Tara Vader indicated that this had already been addressed by staff. And also, whether the Municipality owned the road and whether easements had been discussed. Tara Vader stated that yes, they had been and that the lot is only accessible during the summer months.

Decision: That application D10-25-03 be approved 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 parcels, 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.

## **City Requirements**

5. That the payment of any outstanding taxes, including penalties and interest (and any local improvement charges if applicable) shall be paid to the City of Kenora.
6. That the 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).
7. That an archaeological assessment report be prepared by a licensed consultant archaeologist on the severed lands that states that there are no concerns regarding impacts to archaeological sites or appropriate mitigation measures are undertaken.
8. Upon solicitor review, the City may require a merger agreement to ensure the two severed parcels are consolidated on title.
9. The original executed Transfer/Deed of Land form, a duplicate original and one photocopy for City records be provided for each parcel.
10. 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 provided for each parcel.
11. 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 10 have been fulfilled. Clearance from the City of Kenora and external agencies as required are to be included.

## **Approved**

**Moved By:** Linda Mithcell      **Seconded By:** Andrea Campbell

**In favour:** 7      **Opposed:** 0      **Abstained:** 0

The Secretary-Treasurer indicated that the Applicant received approval from the Committee and has identified the appeal period and stipulations that must be followed prior to the application being able to receive a building permit.

ii) D10-25-04 – 161 Richie Rd. – Gilles Giasson

Corine Burley was present to represent the application.

Associate Planner, Tara Vader, presented the planning report.

Purpose of Application: This application proposes to sever a piece of land from the subject lands to be added to an abutting property to the north. Approximately 0.05 hectares of land is proposed to be severed and merged with 175 Ritchie Road. This proposal will address the encroachment of a detached garage and driveway on the subject lands. The retained land is approximately 1.2 hectares in size.

The subject property is located on Ritchie Road. It is used for residential purposes and contains a single-family dwelling and accessory structures. The subject property is serviced by private, on-site services.

Effect of Approval: 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.

Public in Favour: 0

Public in Opposition: 0

Letters in Favour: 0

Letters in Opposition: 0

Questions and Comments from the Committee: None

Decision: that application D10-25-04 be approved 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.

## **City Requirements**

5. That the newly created parcel be consolidated on title with the adjacent lot identified as CON 7J S PT LOT 5 PCL 17198 and if recommended on solicitor review, that a merger agreement be entered into.
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 8 have been fulfilled. Clearance from the City of Kenora and external agencies as required are to be included.

## **Approved**

**Moved By:** Keric Funk

**Seconded By:** Linda Mitchell

**In Favour:** 7

**Opposed:** 0

**Abstained:** 0

The Secretary-Treasurer indicated that the Applicant received approval from the Committee and has identified the appeal period and stipulations that must be followed prior to the application being able to receive a building permit.



**ix. Old Business:** None

**x. New Business:**

- i) Spring OACA Conference, Members Update – notes had been provided to all Committee members. Tara Rickaby recommended attending if you have the chance.
- ii) Integrity Commissioner Investigation(s) – Was provided to Council at a public City of Kenora Council Meeting. City of Kenora is required to provide information to the Committee of Adjustment. Should a Committee Member have any questions they can email the Secretary-Treasurer, who will forward the questions on to the Commissioner.

**xi. Other:**

- Update OP, Zoning By-law and CIP Review and Committee of Adjustment Terms of Reference: Janis Pochailo stated that the projects were on track and that they were having their 3<sup>rd</sup> meeting with the Consultants.

**ix. Adjournment:**

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

**In Favour:** 7

**Opposed:** 0

**Abstained:** 0

Meeting Adjourned at 7:43 P.M.

\*Please refer to Planning Committee of Adjustment Video for full details of all questions and responses.

<https://youtu.be/L3kcS36C1X0>

Minutes of the Kenora Planning Committee of Adjustment meeting, June 18, 2025 are approved as of July 16, 2025.

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Chair, Tara Rickaby

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Secretary-Treasurer, Melissa Shaw

DRAFT



# Consideration of Application for Minor Variance/Permission D13-25-11



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

**TAKE NOTICE** that the City of Kenora Committee of Adjustment (COA) will hold a regular meeting on July 16, 2025, at 6 p.m.

As part of the meeting, the Committee 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):** D13-25-11  
**LOCATION:** 1003 Park Street

**PURPOSE AND EFFECT**

The purpose of this minor variance application to request permission under Section 45(2) of the *Planning Act* to enlarge a legal non-conforming residential building by adding to the existing second storey. The City of Kenora Zoning By-law 101-2015 Section 4.2.3 d) requires a 2.5 m interior side yard for 2 storeys. This application is requesting permission to enlarge the existing second storey of the dwelling which has a 1.5 m setback.

The subject property is designated Established Area in the City of Kenora Official Plan and zoned 'R2' Residential – Second Density Zone in the City's Zoning By-law.

**COA  
Meeting**

**When:** Wednesday, July 16<sup>th</sup>, 2025 at 6:00 p.m. (CST)  
**Location:** Training Room, Operations Centre  
60 Fourteenth Street North, 2<sup>nd</sup> Floor, Kenora, ON

Members of the public interested in attending the meeting may attend in person, or via Zoom Meeting at: <https://www.kenora.ca/en/your-government/committee-of-adjustment.aspx>. For the link to join the meeting please access the agenda under the Agenda and Minutes section.

**PUBLIC MEETING**

We want to hear from you! If you have comments, email them to us at [planning@kenora.ca](mailto:planning@kenora.ca) or send them by regular mail to the address below, and quote File Number: **D13-25-11**. You may also attend the COA meeting and speak or simply observe. Written comments must be submitted by 4:30 p.m. on Wednesday, July 9<sup>th</sup>, 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 Committee of Adjustment in respect of this application, you must submit a written request to the Committee of Adjustment via email to [planning@kenora.ca](mailto:planning@kenora.ca).

**ADDITIONAL INFORMATION**

Additional information relating to the proposed minor variance is available electronically through the Planning Department, for further information please email: [tvader@kenora.ca](mailto:tvader@kenora.ca) and quote File Number **D13-25-11**.

**Dated at the City of Kenora this 23rd day of June, 2025.**

Tara Vader, Associate Planner, 60 Fourteenth St N, 2<sup>nd</sup> Floor, Kenora, ON  
P9N 4M9, Phone: 807-467-2152, email: [tvader@kenora.ca](mailto:tvader@kenora.ca).

**Figure 1. Location Map (Kenora GIS 2022)**



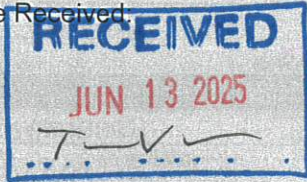




**City of Kenora**  
**Application for Minor Variance or**  
**Permission**  
Section 45 of the Planning Act & Ontario  
Regulation 200/96

**Office Use Only**

Date Stamp - Date Received:



File Number: D13-25-11

Roll Number: \_\_\_\_\_

Application Fee Paid: \$ 800.00

Application Deemed Complete (Date): June 23, 2025

**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 (1), \$1,300 (2), \$1,800 (3 or more) 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 type="checkbox"/> Consent Application   |
| <input type="checkbox"/> Subdivision Application               | <input type="checkbox"/> Other: _____          |

4.0 - Applicant Information				
SUBJECT PROPERTY INFORMATION				
Civic Address	Street No.: 1003	Street Name: PARK STREET	Postal Code: P9N 1C1	Unit Num.:
Registered Plan Number	M-			
Legal Description	PIN 421630347 N79F1. LOT 42 BLOCK 7 PLANS: KENORA			
Reference Plan Number	23R-			
Lot No.(s)/Block No.(s)				
Concession Number(s)/PT LOT				
Part Numbers(s)				
Tax Roll Number	6016	030-005-01000-0000		
OWNER/APPLICANT INFORMATION				
Check Appropriate Box:	<input checked="" type="checkbox"/> Person(s)	<input type="checkbox"/> Company		
Registered Land Owner	Surname: WILSON	First Name: MYLES		
Mailing Address	Street No.: 1003	Street Name: PARK STREET	Postal Code: P9N 1C1	Unit Num.:
City	KENORA		Province: ONTARIO	
Contact Information	Phone: 807-464-2438		Fax:	
Email	WILLY_891@HOTMAIL.COM			
Acquisition Date of Subject Land	JULY 03 2012			
PLANNING AGENT/SOLICITOR INFORMATION				
Company or Firm Name				
Name	Surname: GAULD	First Name: WAYNE		
Mailing Address	Street No.: 633	Street Name: FOURTH AVENUE SOUTH	Postal Code: P9N 1Z5	Unit Num.:
City	KENORA		Province: ONTARIO	
Contact Information	Phone: 807-466-2900		Fax:	
Email	WAYNE.GAULD@CENTURY21.CA			
MORTGAGES, ENCUMBRANCES, HOLDERS OF CHARGES ETC. OF SUBJECT LAND				
Company	RBC			
Contact Person	Surname: KAUR	First Name: AKASHDEEP		
Mailing Address	Street No.: 144	Street Name: MAIN ST.	Postal Code: P9N 1S9	Unit Num.:
Contact Information	Phone: 807-468-8921		Fax:	
Email	AKASHDEEP.KAUR@RBC.COM			
5.0 - Please list the 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?				
<u>ESTABLISHED AREA</u>				
What is the current Zoning By-law designation of the subject land and the uses permitted by that zone?				
<u>R2 - RESIDENTIAL</u>				



**7.0 – Nature and extent of relief required**

Section of Zoning By-law No.	Zoning Provision	Proposed Provision	Relief Required
4.2.3	D - INTERIOR SIDE YARD (MINIMUM) 2 STOREY: 2.5M	LEGAL NON COMPLYING @ 4.9 FEET OR 1.5 METERS	1.0 Meter

**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****9.0 – Property Characteristics**

Frontage (metres): 15.240m Depth (metres): 24.079m Area (m<sup>2</sup> or Ha.): 366.97m<sup>2</sup>

Existing Use of subject land: SINGLE FAMILY RESIDENCE

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

Proposed Use (if applicable): SAME

The date the subject land was acquired by the current owner: JULY 03 2012

The date the existing buildings or structures on the subject land were constructed: 1917

Length of time that the existing uses have continued? SINCE CONSTRUCTED

**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:

\*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.



**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?

Draft Plan of Subdivision	File No.:	Status:
Condominium Description	File No.:	Status:
Official Plan Amendment	File No.:	Status:
Zoning By-law Amendment	File No.:	Status:
Minister's Zoning Amendment	File No.:	Status:
Site Plan Application	File No.:	Status:
Consent	File No.:	Status:
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	Accessory	Accessory	Parking
Ground Floor Area	9405sqft - 87.392M <sup>2</sup>			
Total Gross Floor Area	14245sqft - 132.29M <sup>2</sup>			
Number of Storeys	TWO			
Length				
Width				
Height	19 FEET			
Front Yard Setback	10'8" & 10'4"			
Rear Yard Setback	24' 6"			
Side Yard Setback	5'8" & 4'9"			
Side Yard Setback	19' WEST			
Date Constructed	1917			
Lot Coverage (%)	24 PERCENT			
Floor Area Ratio				

**Proposed Structures:**

	Principle	Accessory	Accessory	Parking
Ground Floor Area	9405sqft - 87.329M <sup>2</sup>			
Total Gross Floor Area	17565sqft - 163.14M <sup>2</sup>			
Number of Storeys	TWO			
Length				
Width				
Height	19 FEET			
Front Yard Setback	10'8" & 10'4"			
Rear Yard Setback	24' 6"			
Side Yard Setback	5'8" & 4'9"			
Side Yard Setback	19' WEST			
Date Constructed	1917			
Lot Coverage (%)	24 PERCENT			
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).

YES

#### 14.0 – Additional information

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

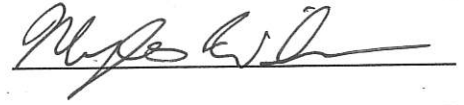
LEGAL NON COMPLYING 2 STOREY

#### 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 MYNIES WILSON, am/are the owner(s) of the land that is subject of this application for a minor variance and I/We hereby authorize

WAYNE GAULD 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.

  
\_\_\_\_\_  
\_\_\_\_\_

June 13, 2025  
Date

Signature of owner(s)

Tara Vader TLV  
\_\_\_\_\_

Name and Signature of Witness



### 17.0 - Sworn Declaration or Affidavit

I, MYLES Wilson 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 Operations Centre,  
City of Kenora in the Province of Ontario this 13 day of  
June in the year 2025

Tara Nowell Vader, a Commissioner, etc.,  
Province of Ontario,  
for the Corporation of the City of Kenora.  
Expires September 5, 2027.



Commissioner of Oaths

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, MYLES Wilson 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.



June 13, 2025.

Date

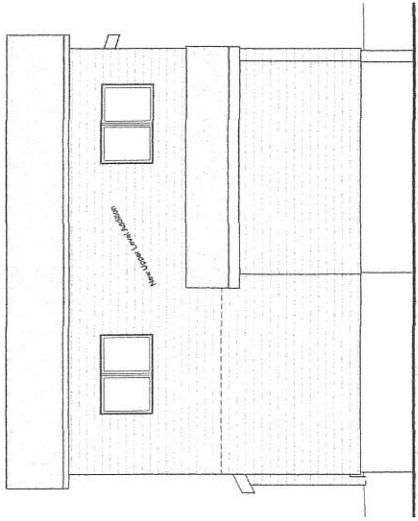
Owner(s) Signature

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:

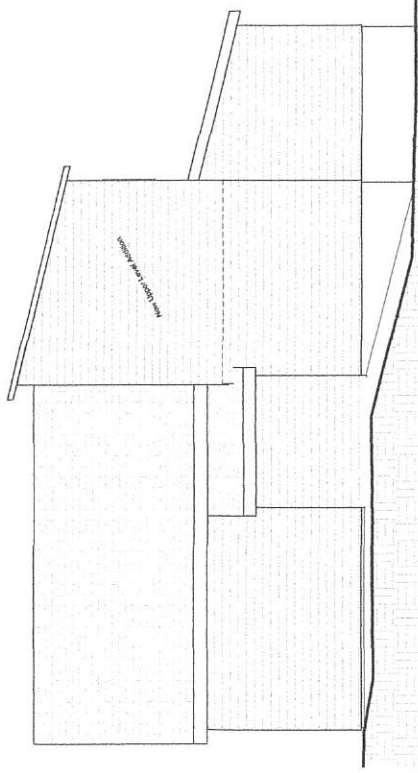
The Freedom of Information and Privacy Coordinator, City of Kenora  
1 Main Street South, Kenora, ON P9N 3X7 - (807) 467-2295.

A2

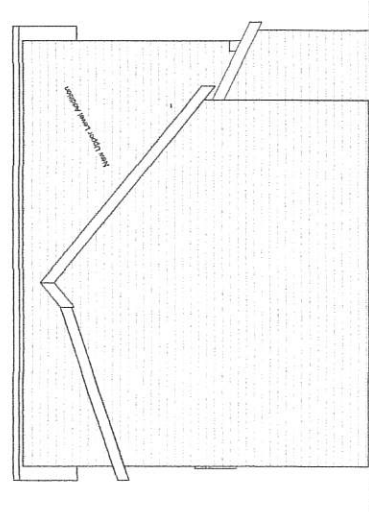




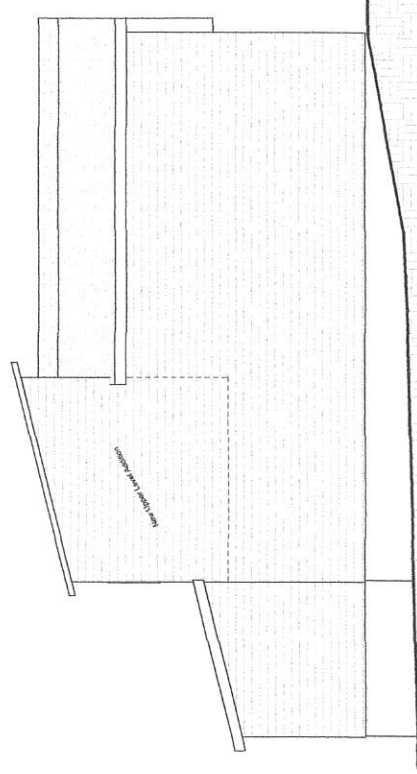
1 Back  
A3 3/16" = 1'-0"



2 Right  
A3 3/16" = 1'-0"



3 Front  
A3 3/16" = 1'-0"



4 Left  
A3 3/16" = 1'-0"

Wilson  
Project Name  
Project Address

NOTE:  
ALL CONSTRUCTION MUST BE  
DONE IN ACCORDANCE WITH  
THE NATIONAL BUILDING CODE  
VERIFY ALL DIMENSIONS ON  
THIS DRAWING WITH ANY  
DISCREPANCIES TO THE OWNER  
OR DESIGNER

Design By:

Owner

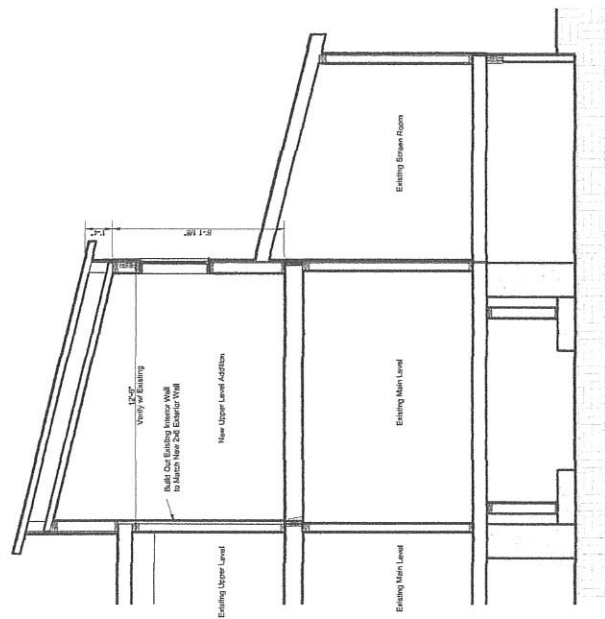
Project No. #040325-09  
Scale: 3/16" = 1'-0"

Sheet Name:

Elevations

Sheet:

A3



1	Section
A4	1/4" = 1'-0"

NOTE:	
-------	--

ALL CONSTRUCTION MUST BE DONE IN ACCORDANCE WITH THE NATIONAL BUILDING CODE

Design By:

Owner

Project No:	Scale:
-------------	--------

Project No:	404033E 00
Scale:	1/4"

Shoot Name:

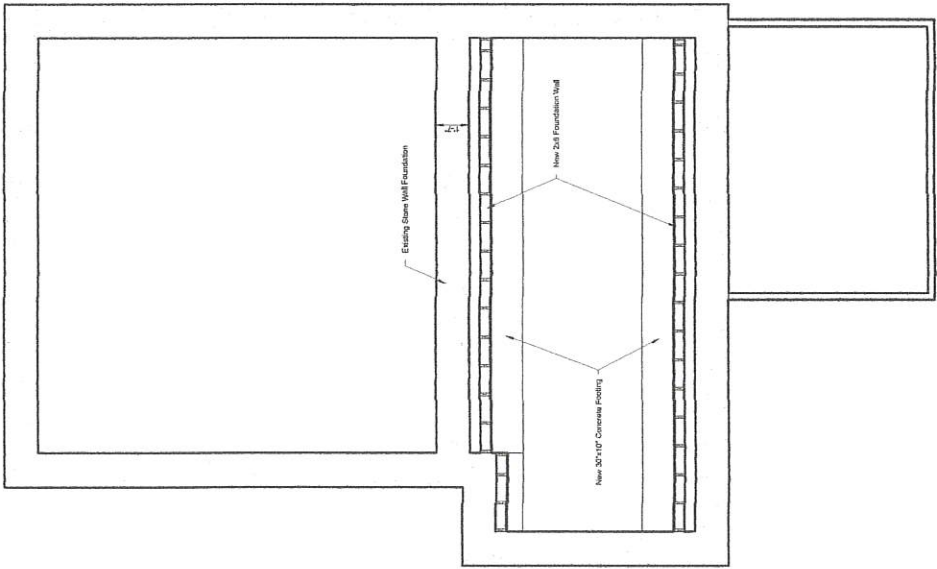
## Sections & Details

Sheet:

A4

Wilson  
Project Name  
Project Address





1 Foundation  
S1 1/4" = 1'-0"

Wilson  
Project Name  
Project Address

NOTE:  
ALL CONSTRUCTION MUST BE  
DONE IN ACCORDANCE WITH  
THE NATIONAL BUILDING CODE  
VERIFY ALL DIMENSIONS ON  
THIS DRAWING AGAINST  
DISCREPANCIES TO THE OWNER  
OR DESIGNER

Design By:  
Owner

Project No.  
#040325-09

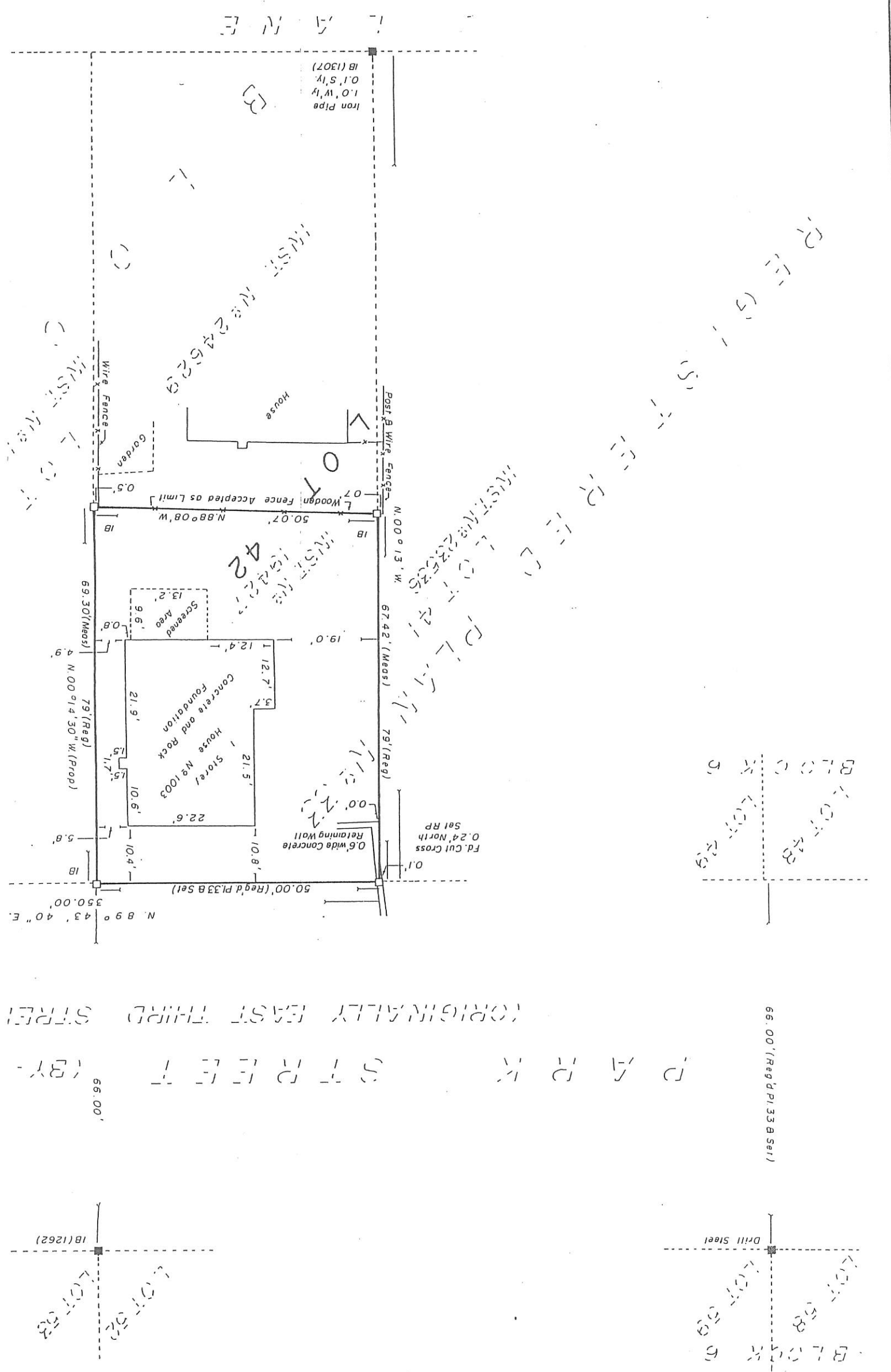
Scale:  
1/4" = 1'-0"

Sheet Name:  
Structural Framing  
Plans

Sheet:

S1





66.00' (Reg'd) N 33.40' E

P A R K S T R E E T (BY-LAW N° 450)  
CORPORATELY EAST THIRD STREET

SCALE 1 INCH = 20 FEET

ROSS M JOHNSON SURVEYING LTD  
1989

PLAN OF SURVEY OF  
PART OF LOT 42,  
BLOCK 7,  
REGISTERED PLAN N° 33  
TOWN OF KENORA  
DISTRICT OF KENORA

BEARING REFERENCE  
Bearings shown hereon are astronomic, referred to part of the  
Southern limit of Park Street, Registered Plan N° 33, as shown on  
plan of survey by Ross M. Johnson Surveying Ltd, dated July 28,  
1987, having a bearing of N 89° 43' 40" E.

SURVEYOR'S CERTIFICATE

I, ROSS M. JOHNSON,  
do hereby certify that the above survey and plan are correct and in accordance with The  
Surveyors Act and The Regulation made thereunder,  
(2) The field survey represented by this plan was completed on the  
3rd day of May, 1989,  
Kenora, Ontario

May 8, 1989

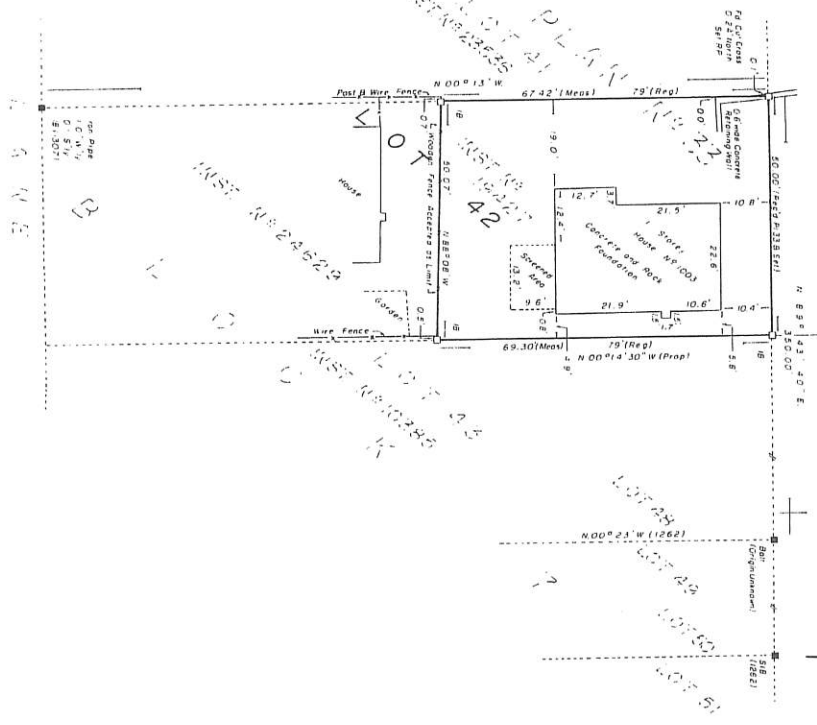
*Ross M. Johnson*  
Ross M. Johnson  
Ontario Land Surveyor

LEGEND

- Denotes Found Survey Monuments
- Denotes Set Survey Monuments
- <sub>5/16</sub> Denotes Standard Iron Bar
- <sub>5/8</sub> Denotes Short Standard Iron Bar
- <sub>1/2</sub> Denotes Iron Bar
- <sub>1/4</sub> Denotes Iron Bar round
- <sub>1/2</sub> Denotes Rock Post
- 1307 Denotes Russell A. Woods Surveying Ltd
- 1382 Denotes Ross M. Johnson Surveying Ltd

This is not  
an original copy  
unless embossed  
with seal

©Ross M. Johnson O.L.S., 1989  
No person may copy, reproduce, distribute or alter this plan in whole or  
in part without written permission of Ross M. Johnson O.L.S.  
ROSS M. JOHNSON SURVEYING LTD  
ONTARIO LAND SURVEYOR  
P.O. BOX 453 KENORA, ONTARIO  
P7N 1S2











June 2, 2025

<sup>Wilson</sup>  
Karen Wilson and Robert Nawolski  
1005 Park Street  
Kenora, Ontario  
P9N 1C1

To Whom It May Concern,

We are the neighbours of Myles Wilson's property at 1005 Park Street, Kenora, and have no issues with the city of Kenora approving a 1-meter variance to the east side yard. We understand that this will allow him to build an additional 2 bedrooms on the second floor of this home.

<sup>Wilson</sup>  
Karen Wilson

*Karen Wilson*

Dated *June 3/2025*

Robert Nawolski

*Robert Nawolski*

Dated *June 3/2025*





To: City of Kenora Committee of Adjustment  
From: Ryan Haines, Planner  
Date: July 10<sup>th</sup>, 2025  
Re: Minor Variance Application – File D13-25-11  
Location: 1003 Park St  
Owner/Applicant: Myles Wilson / Wayne Gauld

---

## RECOMMENDATION

It is recommended that this application for minor variance be **approved** subject to the recommended conditions.

## INTRODUCTION

The purpose of this minor variance application to request permission under Section 45(2) of the *Planning Act* to enlarge a legal non-conforming residential building by adding to the existing second storey. The City of Kenora Zoning By-law 101-2015 Section 4.2.3 d) requires a 2.5 m interior side yard for 2 storeys. This application is requesting permission to enlarge the existing second storey of the dwelling which has a 1.5 m setback.

The subject property is used residentially and has access via Park Street. The site is serviced by municipal water and sewage services. The subject lands are approximately 367 m<sup>2</sup>. The subject property is designated Established Area in the City of Kenora Official Plan and zoned “R2” Residential – Second Density Zone in the City’s Zoning By-law.

## REVIEW

In considering an application of minor variance, Section 45(2) of the Planning Act gives the Committee of Adjustment power to permit minor changes to legal non-conforming uses of land, buildings, or structures. This section reads:

Where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,

- (i) The enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed.

**Figure 1. Location Map (Kenora GIS 2024)**



## **AGENCY/PUBLIC COMMENTS**

### **City Staff**

City staff had no concerns with the application. Any fire separation requirements will be addressed through the building permit process.

### **Agency**

No comments were received from other agencies.

### **Public**

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

## **PLANNING REVIEW**

The test for whether the Committee should allow the expansion of a legally non-conforming use is not the four tests applied to an application under Section 45(1) of the Planning Act. The Act provides no specific guidance on the grounds that the Committee should consider, beyond the general requirement that all planning decisions are consistent with and conform to superior policy documents such as the Provincial Planning Statement.



The City of Kenora Official Plan does not contain guidance for the evaluation of applications under 45(2). As a result, guidance is found in common law through decisions on applications that have been through the courts. For example, *Central Jewish Institute v. Toronto (City)*, [1948], *Saint-Romuald (Ville) c. Oliver*, [2001], and *TDL Group Corp., Re* [2009]. Through these cases, the courts have held that with the passage of time, flexibility is required, normal evolution may occur, and the updating of a building or structure may be required to adapt, modernize and maintain the integrity of the building. These cases have also held that the tests for an application for permission to expand under Section 45(2) is whether the application is desirable for appropriate development of the subject property and whether the application will result in undue adverse impacts on the surrounding properties and neighbourhood.

The application is proposing to expand the existing second storey of the dwelling on this property to allow the addition of two bedrooms which is considered to be a reasonable evolution of a legally non-conforming use. This maintains the existing use as a single detached dwelling which is permitted in the R2 zone. The applicant has provided a letter from the abutting property owner to the east, with the legal non-conforming side yard, that they have no issues with the proposed expansion. As a result, the proposed expansion is considered to be desirable and is not expected to result in undue adverse impacts on the surrounding properties and neighbourhood. Undue adverse impacts that have been taken into consideration include potential privacy, shadowing, or overlook concerns with adjacent properties.

### **Recommendation**

As a result, it is recommended that minor variance application D13-25-11 to request permission to enlarge a legal non-conforming residential building by adding to the existing second storey be approved, subject to the following conditions:

1. The addition to the existing second storey is limited to the proposed 31 m<sup>2</sup>. Any further expansions will require submission and approval of an additional minor variance application.



**Ryan Haines, RPP MCIP**

Planner

July 10<sup>th</sup>, 2025



# Consideration of Applications for Land Division D10-25-05



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

**TAKE NOTICE** that the City of Kenora Committee of Adjustment (COA) will hold a regular meeting on July 16, 2025, at 6 p.m.

As part of the meeting, the Committee 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):** D10-25-05  
**LOCATION:** 35 Whitehead Road

**PURPOSE AND EFFECT**

The purpose of the application is to create one new lot. The application proposes to sever approximately 1.1 ha of land to create one new rural residential zone lot. The subject lands are designated Rural Area in the City’s Official Plan and zoned ‘RR’ Rural Residential Zone in the City’s Zoning By-law.

<b>COA Meeting</b>	<b>When:</b> Wednesday, July 16 <sup>th</sup> , 2025 at 6:00 p.m. (CST) <b>Location:</b> Training Room, Operations Centre 60 Fourteenth Street North, 2 <sup>nd</sup> Floor, Kenora, ON
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Members of the public interested in attending the meeting may attend in person, or via Zoom Meeting at: <https://www.kenora.ca/en/your-government/committee-of-adjustment.aspx>. For the link to join the meeting please access the agenda under the Agenda and Minutes section.

**PUBLIC MEETING**

We want to hear from you! If you have comments, email them to us at [planning@kenora.ca](mailto:planning@kenora.ca) or send them by regular mail to the address below, and quote File Number: **D10-25-05**. You may also attend the COA meeting and speak or simply observe. Written comments must be submitted by 4:30 p.m. on Wednesday, July 9<sup>th</sup>, 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 Committee of Adjustment in respect of this application, you must submit a written request to the Committee of Adjustment via email to [planning@kenora.ca](mailto:planning@kenora.ca).

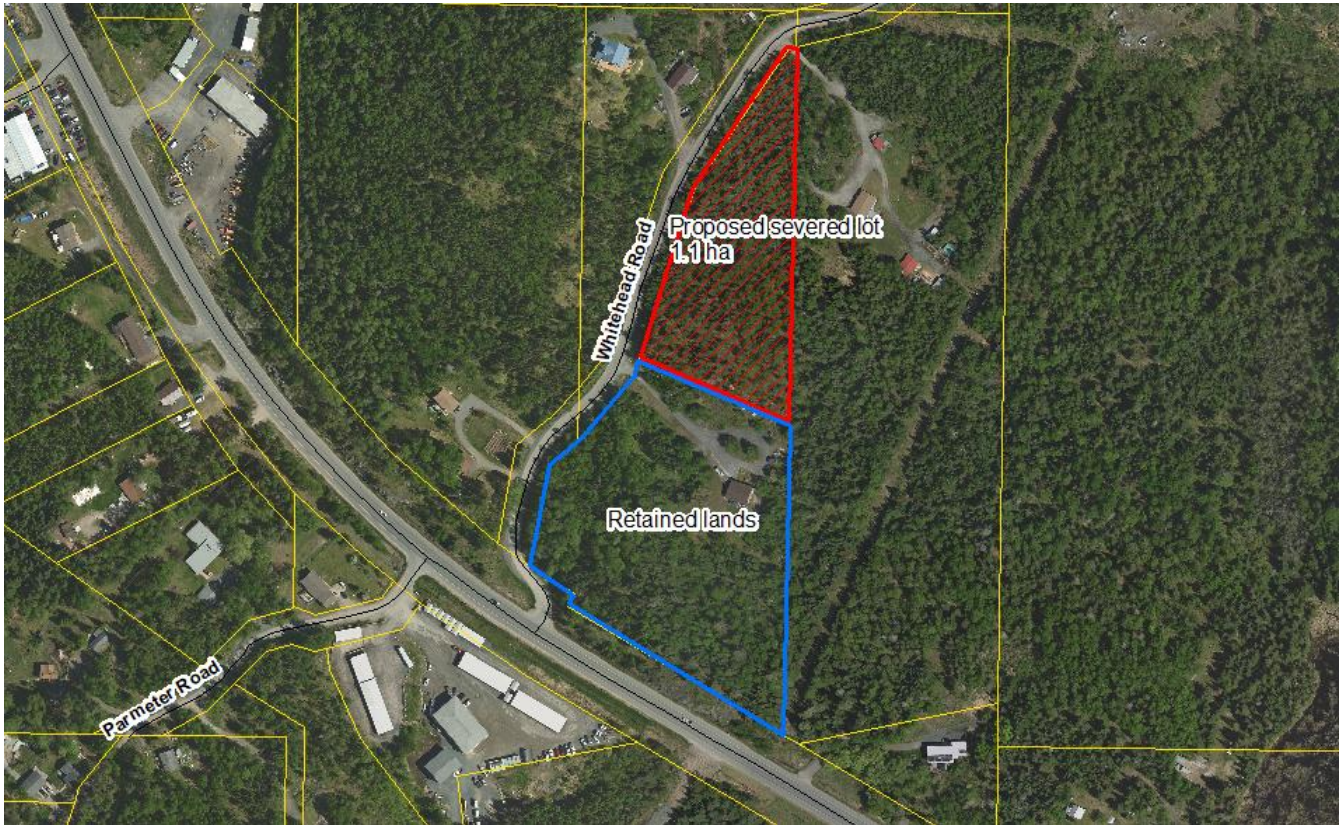
**ADDITIONAL INFORMATION**

Additional information relating to the proposed consent is available through the Planning Department, for further information please email: [planning@kenora.ca](mailto:planning@kenora.ca) and quote File Number **D10-25-05**.

**Dated at the City of Kenora this 23 day of June, 2025.**

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

Figure 1. Location Map (Kenora GIS 2022)



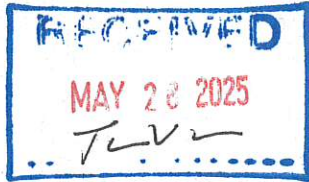




**City of Kenora**  
**Application for Consent**  
Section 53 of the Planning Act & Ontario  
Regulation 197/96 (as amended)

**Office Use Only**

Date Stamp - Date Received:



File Number: D10-25-05

Roll Number: \_\_\_\_\_

Application Fee Paid: \$ 1,750

Application Deemed Complete (Date): June 23, 2025

**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 (\$1,750.00 First Lot & \$400 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"/> Site Plan Application                 |
| <input type="checkbox"/> Zoning By-law Amendment/Temporary Use | <input type="checkbox"/> Minor Variance/Permission Application |
| <input type="checkbox"/> Subdivision Application               | <input type="checkbox"/> Other: _____                          |

3.0 - Applicant Information				
Subject Property Information				
Civic Address	Street No.: 35	Street Name: Whitehead Road	Postal Code: P9N 3W8	Unit Num.:
Registered Plan Number	M- Pn 42178-0035			
Legal Description	PC1 39836 PTLT6 con 2Jaffray PT3			
Reference Plan Number	23R- 8699			
Lot No.(s)/Block No.(s)	LOT 6			
Concession Number(s)/Part Lot	con 2J			
Part Numbers(s)	Part 3			
Tax Roll Number	6016 140005112050000			
Lot Frontage (Metres)	180 m			
Depth (Metres)	130 m			
Area (Ha.)	11700 Sq. meters / 2.9 Ha			
Owner/Applicant Information				
Check Appropriate Box:	<input checked="" type="checkbox"/> Person(s)		<input type="checkbox"/> Company	
Registered Land Owner	Surname: Hertz	First Name: Thomas / Marjorie		
Mailing Address	Street No.:	Street Name: RR#2 site 215 C#3	Postal Code: P9N-3W8	Unit Num.:
City	Kenora		Province Ontario	
Contact Information	Phone: (807) 467-7596		Fax:	
Email	marg 529@hotmail.com / ashlyn.x@hotmail.com			
Acquisition Date of Subject Land				
Planning Agent/Solicitor Information				
Company or Firm Name				
Name	Surname:	First Name:		
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
City			Province:	
Contact Information	Phone:		Fax:	
Email				
Mortgages, Encumbrances, Holders of Charges etc. of Subject Land				
Company	NA			
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				
5.0 - Purpose of Consent Application				
Transfer:				



☐ Mortgage or charge

☐ Lot addition

☒ Creation of new lot(s) –

☐ Creation of a lot for  
semi-detached or row  
housing

Number created: 1

**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.

Patrick Fleming  
Ashlyn Fleming

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

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

**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?

NA

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:
Minor Variance/Permission	File No.:	Status:
Part Lot Control	File No.:	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)	198 m				308
	Depth (m)	10-87 m varies				96-142 m varies
	Area (ha)	1.1 ha				2.0 ha
9.2 Use of property	Existing Use(s)	Residential				Residential
	Proposed Use(s)	Residential				Residential
9.3 Buildings or Structures	Existing	Vacant				House
	Proposed	House				House
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



	operated piped water					
	Private individual well	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Private individual septic *	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.**

#### **10.0 – Land Use (Please see [www.kenora.ca/planning-development/related-links-and-documents/](http://www.kenora.ca/planning-development/related-links-and-documents/))**

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

Rural 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?

RR - Rural

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

☐ No

File Number: \_\_\_\_\_

Status: \_\_\_\_\_

What is the existing use of the subject land?

Residential

What is the proposed use of the subject land?

Residential

What are the uses of the abutting properties?

Residential and commercial.

How long have the existing uses been present?

1992 .

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

N/A.

11.0 Contamination	Yes	No	Unknown
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.			
<b>*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.</b>			
<b>12.0 – Is the proposal consistent with policy statements issued under Subsection 3(1) of the Planning Act?</b>			
Please state how this application is consistent with the 2024 Provincial Planning Statement (PPS). <div style="text-align: center; margin-top: 50px;">Yes.</div>			
<b>13.0 – Original Parcel Transfer</b>			
Has any land ever been severed from the parcel original acquired by the owner of the subject land? <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <span><input type="checkbox"/> Yes</span> <span><input checked="" type="checkbox"/> No</span> </div>			
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 <sup>1</sup>		X			Assess development for residential and other sensitive uses within 70 metres.
Class 2 Industry <sup>2</sup>		X			Assess development for residential and other sensitive uses within 300 metres.
Class 3 Industry <sup>3</sup>		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?
<b>Feature or Development Circumstance</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>If Yes, specify distance in metres (m)</b>	<b>Potential Information Needs</b>
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 <sup>4</sup>		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.

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

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

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



<sup>4</sup>Hazardous 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
Please provide any additional information that you feel would be beneficial to the application:

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

16.0 – Authorization of Agent or Solicitor	
<p>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.</p> <p>I/We _____, 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 _____ 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 .</p> <p>_____</p> <p>_____</p>	

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 \_\_\_\_\_, 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 \_\_\_\_\_ 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 .

\_\_\_\_\_

\_\_\_\_\_

I/We \_\_\_\_\_, 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 \_\_\_\_\_ 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 .

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Date  
of owner(s)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name and Signature of Witness

**17.0 – Affidavit or Sworn Declaration**

I, THOMAS HELTZ 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 OPERATIONS CENTRE, CITY OF KENORA  
in the PROVINCE OF ONTARIO this 28  
day of MAY in the year 2025.

T. Nowell  
Commissioner of Oaths

Tara Nowell Vader, a Commissioner, etc.,  
Province of Ontario,  
for the Corporation of the City of Kenora.  
Expires September 5, 2027.

\_\_\_\_\_  
\_\_\_\_\_  
[Signature]  
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 and members of Council and/or the Planning Advisory Committee.

I/We, THOMAS HARTZ 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.

MAY 28 2025

Date

[Signature]

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









To: City of Kenora Committee of Adjustment  
From: Ryan Haines, Planner  
Date: July 10<sup>th</sup>, 2025  
Re: Consent Application – File D10-25-05  
Location: 35 Whitehead Road  
Owner/Applicant: Thomas & Marjorie Hertz

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## RECOMMENDATION

That application D10-25-05 be **approved** and provisional consent be granted with the attached conditions.

## INTRODUCTION

This application proposes to create one new lot. Approximately 1.1 hectares (ha) of land is proposed to be severed. This proposal would result in one new Rural Residential Zone lot. The retained land is approximately 2.0 ha in size.

The subject property is located on Whitehead Road. It is used for residential purposes and contains a single detached dwelling. The subject property is serviced by private, on-site services.

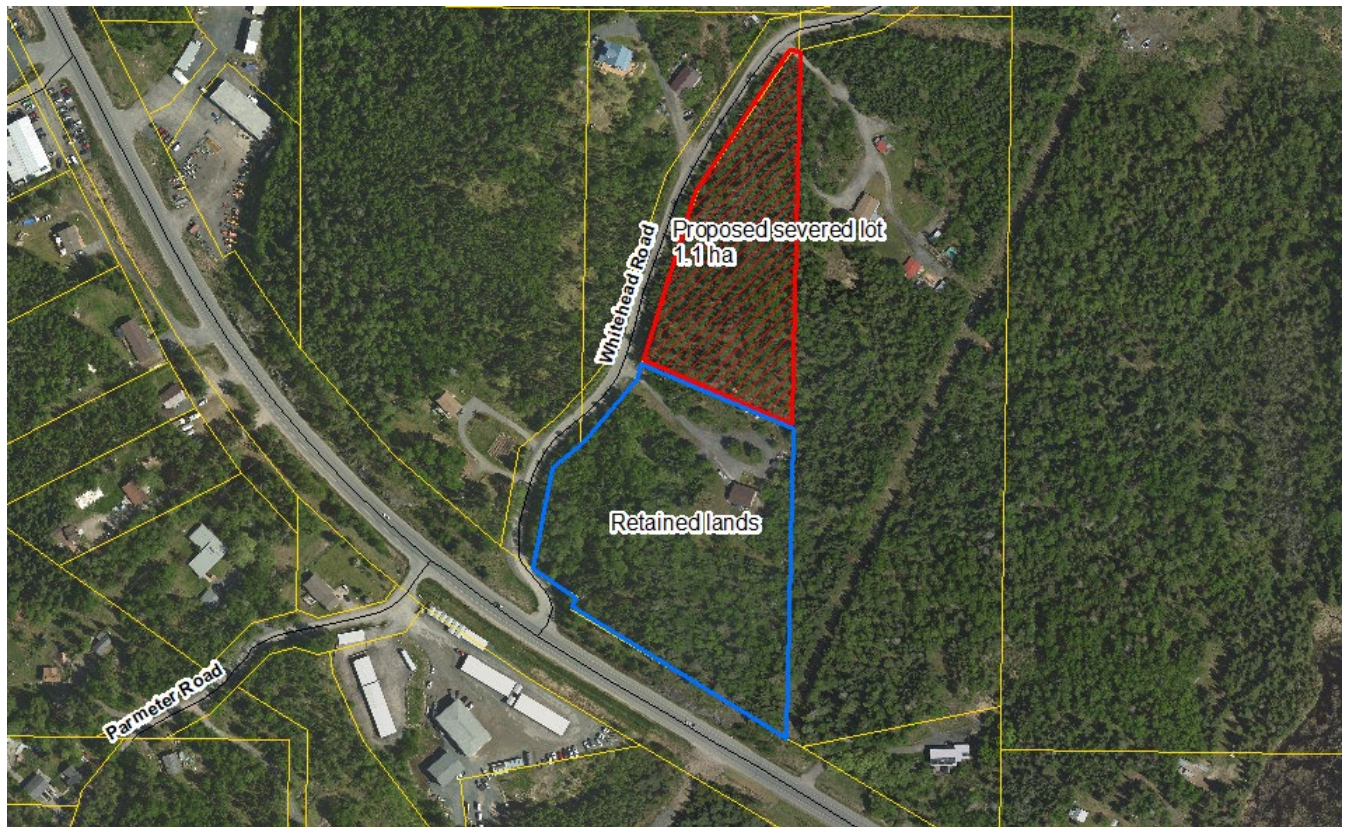
## REVIEW

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 2024)**



## **AGENCY/PUBLIC COMMENTS**

### **City Staff**

City staff had no concerns with the application.

### **Agency**

The Northwestern Health Unit indicated they would reach out to the applicant to enter their permitting process for on-site sewage for the severance. Hydro One stated that no action was required as the proposed severance will not affect the Hydro One power line in the area. No comments were received from other agencies.

### **Public**

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

## **PLANNING REVIEW**

The subject lands are designated Rural Area in the City of Kenora Official Plan, and zoned “RR” Rural Residential Zone in the City of Kenora Zoning By-law. The subject lands are approximately 3.1 ha.



**Figure 2. Site Sketch (provided by applicant)**



### **Provincial Policy Statement**

The Provincial Planning Statement, 2024 (PPS) contains policies specific to rural lands in municipalities in section 2.6. Specifically, that on rural lands located in municipalities, permitted uses are residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services. And that development that can be sustained by rural service levels should be promoted. As this proposed severance is proposed to be supported by on-site services, and the proposed residential use is consistent with these policies, it is supported by these policies of the PPS.

### **City of Kenora Official Plan**

The City of Kenora Official Plan (OP) Section 4.8.3 contains policies for residential development in the Rural Area. The OP states that residential development shall be restricted to single-detached dwellings on relatively large lots serviced by private water and sewage, development proposals shall be limited in scale and shall not detract from the planned role and function of the settlement area, and development shall preserve rural character and the scenic quality of the rural landscape and shall avoid densities more appropriately found in the settlement area. The proposed consent would create one new lot, supported by private water and sewage services, with a proposed single-detached dwelling. As a result, the severance application conforms to these policies of the OP.

The OP Section 8.11.4 contains policies for the creation of new lots. This section contains policies that must be considered for land severance approvals within the City. These policies generally address servicing, road access, and lot size. This application proposes the creation of a new rural residential lot, approximately 1.1 hectares in size, with access provided by a municipally owned and maintained local road. The lot is intended to be serviced by private water and sewage systems. This proposal conforms to these policies 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 “RR” Rural Residential Zone. Section 4.5 of the By-law states that single-detached housing is a permitted use in the RR zone. Additionally, the proposal does not result in the retained lot being out of conformance with the zoning regulations.

	Required	Retained Lot	Severed Lot
Lot Frontage (minimum)	61 m	308	198
Lot Area (minimum)	1.0 ha	2.0 ha	1.1 ha

### **Planning Act**

Section 51(24) of the Planning Act outlines the criteria that must be considered when evaluating a proposed severance for approval. 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 proposed severance has been reviewed in the context of these criteria and is found to be consistent with the requirements of the Planning Act.

### **Recommendation**

As a result, it is recommended that the Committee of Adjustment 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.

### **City Requirements**

5. That the 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).
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 provided 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 8 have been fulfilled. Clearance from the City of Kenora and external agencies as required are to be included.



**Ryan Haines, RPP, MCIP**

Planner

July 10, 2025



# Consideration of Application for Minor Variance File No. D13-25-10 (Amended)





To: City of Kenora Committee of Adjustment  
From: Janis Pochailo, Director of Planning and Building Services  
Date: July 10<sup>th</sup>, 2025  
Re: Minor Variance Application – File D13-25-10  
Location: 645 Sixteenth Avenue North  
Owner/Applicant: Jeff Loewen

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## RECOMMENDATION

It is recommended that this application for minor variance be **approved** subject to the recommended conditions.

## INTRODUCTION

The purpose of this minor variance application is to seek relief from the City of Kenora Zoning By-law 101-2015 to permit a detached second dwelling unit. Relief is requested to align the proposed secondary dwelling unit with the existing legal non-conforming setback of the garage. The amended application reduced the relief request to have a slight setback from the garage, and to preserve the sight triangle of Ninth Street North and the lane. Additionally, as the lot contains an accessory garage and storage shed, relief is requested to permit a higher accessory structure lot coverage. The subject property is residential with a single-detached dwelling containing a basement suite. Access is from Ninth Street North and a back lane. The site is serviced by municipal water and sewer services and are approximately 532 m<sup>2</sup>.

Minor Variance Request					
Variance #	Zoning By-law Section	Description of Provision	Requirement	Proposed Provision	Relief Requested
1	4.2.3 (e)	Minimum exterior side yard.	4 m	1.3 m	2.7 m
2	3.34.1 b) vi.	Accessory structures shall not exceed 10% coverage of the total lot area.	10%	14.5%	4.5%

## 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.

**Figure 1. Location Map (Kenora GIS 2022)**



## **AGENCY/PUBLIC COMMENTS**

### **City Staff**

City staff had no concerns with the application and stated that the application does not create any concerns with the right-of-way.

### **Agency**

The Ministry of Natural Resources had no MNR concerns with the application. Synergy North had no concerns with the application. No comments were received from other agencies.

### **Public**

One comment was received from a member of the public. The comment had concerns with safety, specifically that Ninth Street North is not built to accommodate two vehicles meeting. Additionally, there is concern for the location of the existing detached garage on the subject lands and the proposed secondary dwelling unit creating a blind spot for traffic. There was also concern regarding the site plan, traffic volumes, parking, units permitted on one lot, and precedent. The site plan provided by the application was based on the property

owners knowledge of the lot lines. Comments were received from City staff from various departments. There is no concern with the application creating any concerns with the right-of-way. The application has demonstrated that the subject lands satisfy the Zoning By-law requirements for parking spaces. The addition of one new unit to the lands is not anticipated to increase traffic volumes to a degree that requires additional studies. In the R1 zone, three units are permitted on a lot. Each minor variance application is considered individually and must meet the 4-tests. A full copy of the public comment was provided to the Committee.

## **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. The PPS 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 permitting and facilitating: all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities. As this application is proposed to permit a secondary dwelling unit and contribute to the housing supply in the City, it is consistent with 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. Principle 1 – Sustainable Development states that Kenora shall promote sustainable development to enhance the quality of life for present and future generations. One of the objectives under this principle is to promote compact development by using land and existing infrastructure efficiently. This application proposes to construct a secondary dwelling unit on an existing developed residential lot serviced by municipal services. As a result, it is staff’s opinion that this 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.

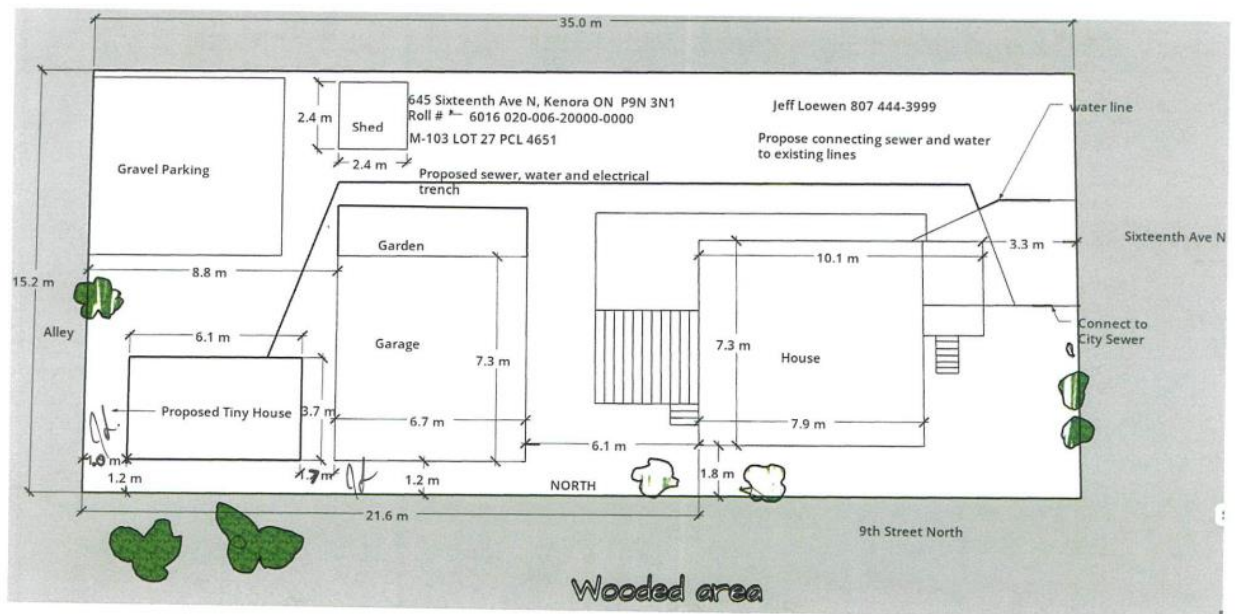
The exterior side yard setback is required to ensure separation between municipal right of way and structures on private property. Variance 1 seeking to permit a 1.3 m exterior side

yard maintains separation from the municipal right of way and is proposed to have a slight setback from the existing legal non-conforming garage.

This application was deferred at the June 18<sup>th</sup> meeting of the Committee to allow the City to examine the subject lands for road safety and sight-line impacts. It is the recommendation that the sight line triangle (illustrated in red on Figure 3 of this report) be preserved to address the concerns of members of the public and the Committee. As a result, the applicant has amended the proposed location of the secondary dwelling unit to maintain the sight line triangle by reducing the relief requested by 0.1 m and rotating the position of the proposed unit. As a result, variance 1 maintains the intent of the Zoning By-law.

The Zoning By-law provision restricting the lot coverage of accessory structures is intended to maintain the character of the neighbourhood and restrict the development of accessory structures that are not compatible in scale. Variance 2 is requesting a 4.5% increase in accessory structure lot coverage. The proposed secondary dwelling unit is not of a scale that is incompatible with the surrounding area. As a result, variance 2 maintains the intent of the Zoning By-law.

**Figure 2. Site plan (provided by applicant)**



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

The proposed variance will enable the construction of a secondary dwelling unit which is a permitted use on the subject property. The land is currently residential, and the proposed development would enable the addition of a housing unit which is desirable.



**Figure 3. Amended Site Plan**



**Is the variance minor?**

The requested relief is to permit a secondary dwelling unit with a 1.3 m exterior side yard and to increase accessory structure lot coverage by 4.5%. The proposed variance is not expected to have significant impact on the surrounding area, nor will it impact the ability of adjacent neighbours to utilize their properties for permitted uses. The variance is considered minor in nature and impact.

**Recommendation**

As a result, it is recommended that minor variance application D13-25-10 to seek relief from the City of Kenora By-law 101-2015, Section 4.2.3 (e) and 3.34.1 b) vi. be approved to permit a detached secondary dwelling unit with a 1.3 m exterior side yard and to permit accessory structures to have 14.5% coverage of the total lot area, subject to the following conditions:

1. The secondary dwelling unit shall be constructed consistently with the amended site plan as shown in Figure 3 of this report.
2. The secondary dwelling unit shall maintain the sight triangle between Ninth Street North and the lane abutting the rear property line.