



# Agenda

## City of Kenora Committee of Adjustment

Hybrid Meeting- In-Person and via Zoom

Wednesday, September 17, 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 August 20, 2025
- 5) Correspondence
  - None
- 6) Adjournment requests
  - None
- 7) Consideration of Application for Minor Variance/Permission
  - D13-25-13
- 8) Consideration of Applications for Land Division
  - None
- 9) Old Business
  - Official Plan and Zoning By-law Update
    - i. Draft Policy Directions and Recommendation Report
    - ii. Special Meeting September 18, 2025
  - Update- Committee of Adjustment Terms of Reference and Property Standards Committee Terms of Reference
- 10) New Business
- 11) Adjournment

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

**Time:** September 17, 2025, at 6:00 PM CT

### Join Zoom Meeting

<https://us06web.zoom.us/j/83845136398?pwd=ukqIO50vZLhN7xCaScb6UzE5TLubc2.1>

**Meeting ID:** 838 4513 6398

**Passcode:** 136547

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



# Committee of Adjustment Meeting Minutes August 20, 2025- DRAFT



City of Kenora  
 Committee of Adjustment  
 60 Fourteenth Street N., 2<sup>nd</sup> Floor  
 Kenora, Ontario P9N 4M9  
 Phone: 807-467-2292

**Minutes For  
 City of Kenora  
 Committee of Adjustment  
 Hybrid Meeting  
 Wednesday, August 20, 2025  
 6:00 P.M. (CST)  
 Video Recorded**

**Present:**

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

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

**Regrets:**

Andrea Campbell

**1. Call Meeting to Order:**

Meeting was called to order by the Chair, Tara Rickaby, at 6:00 PM Central Time, and a Land Acknowledgment was provided recognising 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.

2. Declaration of Interest by a Member for this meeting or at a meeting at which a member was not present: There were none.

Meeting at which member was not in attendance:

- Member, Keric Funk declared conflict on planning application, file number: D13-25-10

**3. Additions to the Agenda:** there were none.

4. Approval of the minutes from the previous meeting(s):

- i. July 18, 2025, Committee of Adjustment Meeting

Linda Mitchell noted that the minutes mentioned Janis Pochailo's name twice. The minutes were amended to remove Janis Pochailo's name one time.

**Moved By:** Linda Mitchell

**Seconded By:** Robert Bulman

That the minutes of the July 18, 2025, Regular Meeting of Committee of Adjustments are approved as amended.

Carried.

**5. Correspondence before the Committee:** There were none.

**6. Adjournment Requests:** There were none.

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

- i. D13-25-12 – 360 Coney Island

William Wallace, Andrea Rivalin, Owners

The Associate Planner, Tara Vader, presented the Planning Report. The purpose of the application is to seek relief from Section 4.5.3 (b), which requires a minimum area of 1 hectare. This application proposes reducing the minimum lot area by 0.724 hectares to permit a minimum lot area of 0.276 hectares.

The subject property is located on Coney Island. It is used for seasonal residential purposes and is serviced by private, on-site sewage services and municipal water services. The subject lands are approximately 0.328 hectares.

The application for Minor Variance is required to support the concurrent application for lot addition, File No. D10-25-06, to correct encroachment of accessory structures.

There were no public comments in favour of or against the applications.

The Chair asked for questions or clarification from the Committee, Member Linda Mitchell asked if this application included the matter of additional encroachments that existed from an abutting property owner on Coney Island the Associate Planner confirmed that future applications may be brought forward to clean up additional encroachments.

Chair, Tara Rickaby asked if NWHU had any response to this application circulation. The Associate Planner confirmed that no response had been received.

**Moved By:** Keric Funk

**Seconded By:** Linda Mitchell

That application D13-25-12 to seek relief from the City of Kenora By-law 101-2015, Section 4.5.3 (b) which requires a minimum lot area of 1 hectare, and to reduce the minimum lot area by 0.724 hectares to permit a minimum lot area of 0.276 hectares for the subject property located 360 Coney Island, Kenora, ON is approved and subject to the following condition:

1. This variance, Application D13-25-12, shall only be valid upon the approval of consent application D10-25-06.

**Carried.**

**In Favour:** 6

**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.

## **8. Consideration for Application for Consent**

- i. D10-25-06 – 414 Coney Island
- ii. D10-25-06- 360 Coney Island

\*These applications were presented as one but will be voted on independently.

William Wallace, Andrea Rivalin, Owners  
Norman Maclead, Owner

The Associate Planner, Tara Vader, presented the Planning Report. This applications for consent, lot additions are to correct encroachments of accessory structures. The consent applications propose to sever 0.052 hectares of land from 360 Coney Island (PIN 42162-0108) to be consolidated with 414 Coney Island (PIN 42162-0109), and to sever 0.006 hectares of land from 414 Coney Island, and to consolidate with 360 Coney Island.

The subject properties are located on Coney Island. They are used for seasonal recreational purposes and contain seasonal residences. The subject properties are serviced by private, on-site sewage services and municipal water services.

There were no public comments in favour of or against the applications. Additionally, there were no questions from the Committee.

*D10-25-06- 414 Coney Island- Norman Maclead*

**Moved By:** Keric Funk

**Seconded By:** Renee Robert

That application D10-25-06 for consent, lot addition, to enable the clean up of encroachments of accessory structures at 414 Coney Island, proposing to sever 0.006 hectares of land from 414 Coney Island, and to consolidate 0.006 ha of land with 360 Coney Island is hereby given provisional approval and subject to the conditions within the Planning Report.

**Carried.**

*D10-25-06 – 360 Coney Island – William Wallace & Andrea Rivalin*

**Moved By:** Robert Bulman

**Seconded By:** Keric Funk

That application D10-25-06 for consent, lot addition, to enable the clean up of encroachments of accessory structures at 360 Coney Island, and to sever 0.052 hectares of land from 360 Coney Island (PIN 42162-0108) and consolidated said lands with 414 Coney Island ( PIN 42162-0109) is hereby given provisional approval subject to the conditions within the Planning Report.

**Carried.**

## **9. Old Business:**

- Official Plan and Zoning By-law Update:
  - I. Draft Policy Directions and Recommendation Report
  - II. Special Meeting to be held September 18, 2025, at 2:30 pm

Tara Rickaby asked how the population increase was calculated.

Janis Pochailo stated that it was done by Macro Economics, who used an app that they designed for other municipalities, to gather a tremendous amount of information. Things they looked at were populations pyramids, such as our aging population and how many people were now coming to what used to be their summer homes and retiring here. The types of jobs that are here are a lot of social services type jobs. It shows that with the growing number of people retiring here, more jobs are needed in the health care and social services area. Results showed majority of employment growth was in service industries and population growth was due to more services.

The special meeting on September 18<sup>th</sup> with WSP presenting the report and their feedback on it. We are hoping to have some draft policies in the next six months. When it is ready for viewing it will be circulated to the COA members for comments.

On the CIP side of things, the project is progressing as well. We have an open house coming in the next few months so WSP and staff can present the new draft CIP.

- Committee of Adjustment Terms of Reference:

Tara Rickaby had provided detailed comments in an email, for consideration at the public meeting. A copy of the email is provided as Schedule A to these minutes.

Janis Pochailo stated that while she was on vacation there was a bit of a miscommunication. The lawyer provided the viral edited copy but had neglected to remove some comments that were attached to it. There was some confusion as to what to do with the comments. So, some of the things that they had agreed would not go into the text had gone into the text. The copies handed out to you today are the cleaned-up copies. Janis had received Tara Rickaby's comments, and they would be reviewed with the lawyer.

Robert Bulman asked about Conflict of Interest, Item #6, seems to only address pecuniary conflicts, but what about personal conflicts?

Tara Rickaby stated that # 6.1 address' that. Tara asked if staff had spoken with any one at OCA about the Terms of Reference; to which Janis stated that the lawyer drew this document up using Province of Ontario Best Practices.

Robert Bulman asked if Items 6.4 and 6.5 had now been illuminated? Janis Pochailo stated that they had indeed been removed.

Linda Mitchell stated that direct, indirect and deemed pecuniary interests should be defined under definitions.

Tara Rickaby asked that under # 13.11 "subsequent motion to take an alternate action shall be the next order of business. Is that action to refuse or defer?

Janis Pochailo explained that if a motion was denied and a member felt that if the motion was modified in a way as to get the application passed, then they would bring forward that motion and it would then be voted upon. Would also be particularly helpful if there had been a tie vote.

Tara inquired if the committee would be seeing the revised policies, to which Janis stated that no it will be going directly to Council.

Linda Mitchell and Tara Rickaby both felt that under item number 5.1 – the 30-minute timeline was too long and should be changed to 15 minutes.

Tara Rickaby stated that she would not be here for the September COA meeting and that Robert Bulman would be chairing that meeting.

**10. New Business:** There was none.

**11. Adjournment:**

**Moved By:** Member Chris Price

That the August 20, 2025, Meeting of the Committee of Adjustments adjourned at 6:40 p.m.

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

Link to video: [https://youtu.be/-CAkcFS\\_gWs](https://youtu.be/-CAkcFS_gWs)

Minutes of the Kenora Planning Committee of Adjustment meeting, August 20, 2025, will be approved on September 17, 2025.

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**Chair, Tara Rickaby**

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**Secretary-Treasurer, Melissa Shaw**



# Schedule A

**From:** Tara Rickaby

**Subject:** Re: DRAFT CoA and Property Standards Terms of Reference

Hi Melissa -

I have no real comment re. the Property Standards tor.

Because the tor is essentially a "cheat sheet" for members and the public, I would like to see more clarity in some areas. My comments/questions re the COA tor are as follows:

There is no information regarding roles/responsibilities of the committee

There is no information regarding who is eligible to be a part of the Committee, nor the term of office

I would like to suggest (similar to prop standards) that after 15 minutes if there is no quorum, the meeting is adjourned. I feel that 30 minutes is a long time to keep everyone waiting

13.11 The next motion would be to either defer a decision until required information is received? Or to explain the reason(s) for refusal? ie. failed one or more of the 4 tests?

Can we please add this under voting, in order to ensure clarity for all

## 11.0 Voting

The City Planner, or designate, will make a recommendation to the Committee and that recommendation shall form the motion before the Committee. The Chair will call for discussion/questions on the report presented, and once concluded, a member shall read the motion before the Committee. The Chair shall then call for the vote of the motion before them.

Members at the time to vote is called, may call for an amendment to the motion through the Chair. The member must have a seconder for the motion to amend for the amendment to proceed. Otherwise, the motion on the floor is then voted upon. If the amendment is seconded, members must vote on the amendment first.

Debate is limited to the Chair calling for discussion/questions once the matter has been presented. Members must then raise their hand to indicate they have questions/discussion, and if no member indicates discussion, the Chair shall call for the motion included in the report.

And, more clarity for decision-making please- No decision of the Committee on an application is valid unless it is concurred in by the majority of the members of the Committee that heard the application, and the decision of the Committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.

## 12.1 Minor Variances

The Zoning By-law regulates how land and buildings are used and where buildings and structures can be located. This by-law also specifies lot sizes and dimensions, parking requirements, building heights and other regulations necessary to ensure proper and orderly development.

However, sometimes it is not possible or desirable to meet all of the requirements of the Zoning By-law. In that case, a property owner may apply for approval of a minor variance. A minor variance provides relief from a specific zoning by-law requirement, excusing a property owner from meeting the exact requirements of the by-law.

For the Committee to approve this type of application, the Planning Act requires that Members must be satisfied that the application meets all of the following four tests:

- Is considered to be a minor change from the Zoning requirements (an evaluation of impact rather than a numerical value)
- Is desirable for the appropriate development or use of the land, building
- Maintains the general intent and purpose of the Official Plan and
- Maintains the general intent and purpose of the Zoning By-law.

## 12.2 Legal Non-Conforming Uses

Legal Non-Conforming Uses are uses of property that met all of the requirements of the Zoning By-law (and any other requirements) when they were established but no longer comply because the zoning requirements have changed. To ease the hardship this change could place on a property owner, the Committee can consider applications for extensions or enlargements of buildings or uses that no longer comply with the Zoning Bylaw as well as applications for a change from one legal non-conforming use to another use.

For the Committee to approve this type of application, the Planning Act requires that the Members must be satisfied with that:

- The non-conforming use was officially permitted before the current Zoning By-law was approved

- The non-conforming use has continued, uninterrupted since that time
- The extended or enlarged building or use is located entirely within the original property limits
- In the case of a change in use, the proposed use is similar to or more compatible to the new uses permitted by the Zoning By-law.

### 12.3 Land Division – Consent

For the Committee to approve this type of application, the Planning Act requires that Members have regard to the following:

- Effect on health, safety, convenience, accessibility of persons with disabilities and welfare of present and future inhabitants of the municipality
- Effect on matters of Provincial interest, including:
  - Protection of ecological systems and agricultural resources
  - Conservation and management of natural resources and mineral resource base
  - Conservation of features of significant architectural, cultural, historical, archaeological or scientific interest
  - Supply, efficient use and conservation of energy and water
  - Adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems and minimization of waste
- Orderly development of safe and healthy communities
- Accessibility for persons with disabilities to all facilities, services and matters to which this Act applies
- Provision and distribution of educational, health, social, cultural and recreational facilities
- Provision of a full range of housing and employment opportunities
- Protection of financial and economic well-being of the Province and municipalities
- Co-ordination of planning activities of public bodies and resolution of planning
- Conflicts involving public and private interests
- Protection of public health and safety and appropriate location of growth and development
- Promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians
- Whether the proposal is premature or in the public interest and whether it conforms to the City of Kenora Official Plan and adjacent plans of subdivision
- Suitability of the land for the purposes for which it is to be subdivided, number, width, location, grades, elevations and adequacy of proposed roads and roads linking proposed roads with the established road system
- Dimensions and shapes of the proposed lots, restrictions or proposed restrictions on the land to be subdivided or the buildings and structures to be erected and restrictions on adjoining land
- Conservation of natural resources and flood control, adequacy of utilities, municipal services and school sites, area of land to be dedicated for public purposes, extent to which the proposal optimizes available supply, means of supplying, efficient use and conservation of energy,
- Interrelationship between the proposal and site plan control matters relating to any development, if the land is located within a designated site plan control area.

Any application approval may be subject to such terms and conditions as the Committee considers reasonable and advisable.

There is nothing about minutes, a curfew, nor honorarium, accounting (for the public's knowledge and staff to follow). It seems as though some parts are missing.

I'm sorry I'm late in commenting; busy summer.

Thank you.

Tara



# Consideration of Application for Minor Variance/Permission D13-25-13



**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 September 17<sup>th</sup>, 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):** D13-25-13  
**LOCATION:** 14 Agate Bay

**PURPOSE AND EFFECT**

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 single-detached dwelling.

The application is seeking relief from Section 4.1.3 (d) which requires a 2.5 m interior side yard for a 2-storey dwelling. This application proposes reducing the interior side yard by 1.0 m to permit a 1.5 m interior side yard. As well as seeking relief from Section 4.1.3 (f) which requires an 8 m rear yard. This application proposes reducing the rear yard by 3.4 m to permit a 4.6 m rear yard.

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.

**COA  
Meeting**

**When:** Wednesday, September 17<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: **D13-25-13**. You may also attend the COA meeting and speak or simply observe. Written comments must be submitted by 4:30 p.m. on Wednesday, September 10<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).

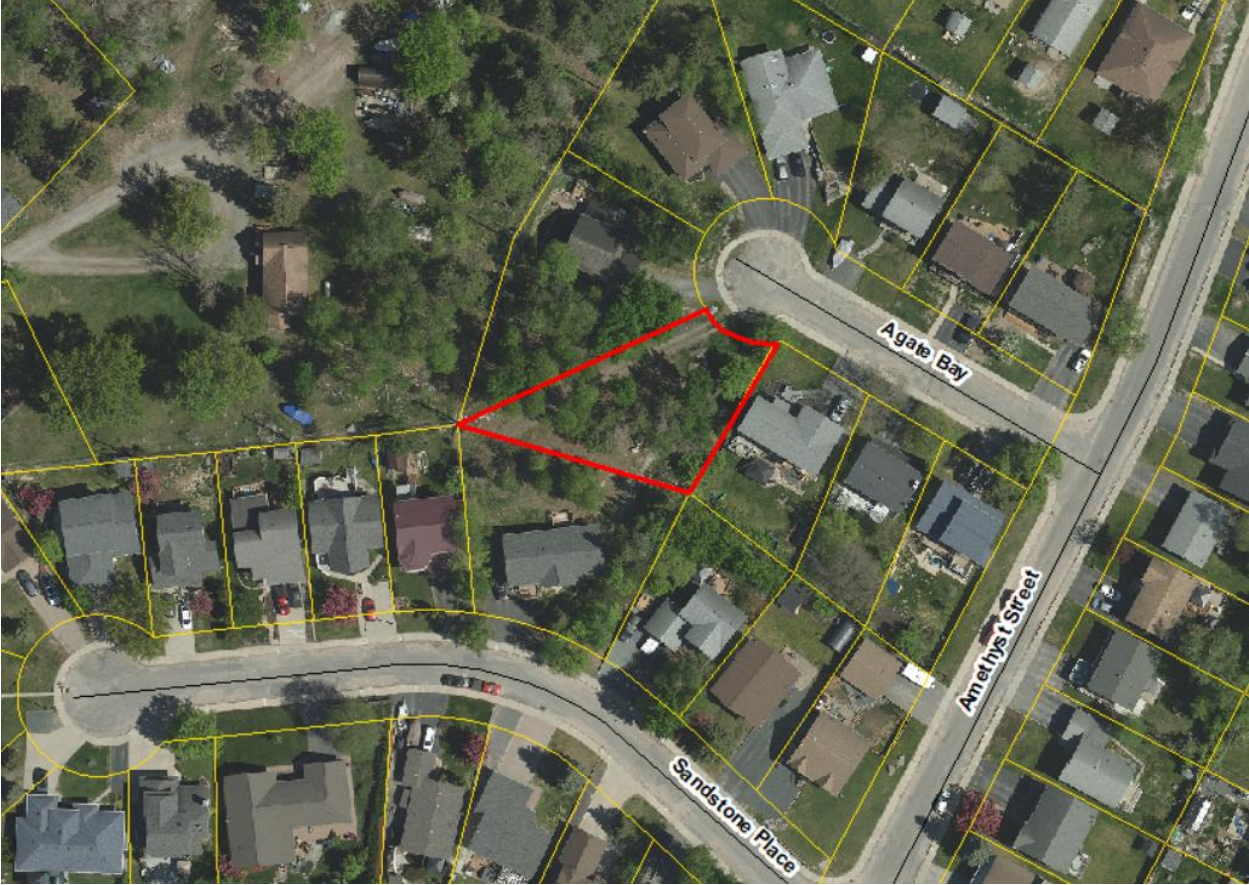
**ADDITIONAL INFORMATION**

Additional information relating to the proposed minor variance is available through the Planning Department, for further information please email: [planning@kenora.ca](mailto:planning@kenora.ca) and quote File Number **D13-25-13**.

**Dated at the City of Kenora this 21 day of August[month], 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 2024)







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

### Applying for a Minor Variance or Permission

Minor variance decisions are made by the Kenora Planning Advisory Committee/Committee of Adjustment (PAC). The Committee has delegated authority by Council under the *Planning Act* to make land use planning decisions regarding minor variance applications, consents, plans of subdivision and condominium descriptions.

Planning Advisory Committee meetings are generally held on the third Wednesday of every month at the City of Kenora Operations Centre Training Room, 60 Fourteenth Street North, 2<sup>nd</sup> Floor.

All applicants and/or agents attend the PAC meeting to represent their application.

### Types of Applications

#### Section 45(1) Minor Variance

A minor variance is a small variation from the requirements of the Zoning By-law. Where a proposal does not comply with the provisions of the Zoning by-law approval of an application for minor variance would enable a property owner to obtain a building permit. As per Section 45(1) of the *Planning Act*, there are four tests which a minor variance must meet:

Test	Criteria
Does the proposed variance meet the general intent and purpose of the City of Kenora's Official Plan?	This test takes into account the Official Plan policies that are directly associated with the proposed variance (Land use designations, special policy overlays, environmental issues, hazards etc.)
Does the proposed variance meet the general intent and purpose of the City of Kenora's Zoning By-law?	This takes into account the specific provisions of the zoning by-law that apply to the subject property, with regards to the types of uses permitted. For example, proposing to construct a commercial woodworking manufacturing shop in a residential zone would not meet the intent of the Zoning By-law even if the proposition complied with all setback, lot coverage etc. requirements.
Does the proposed variance represent an appropriate and reasonable use of the subject property?	This test takes into account the nature of the proposed variance with regards to the character of the surrounding neighbourhood.
Is the proposed variance minor in nature?	This test reviews the anticipated impact of the variance on the surrounding neighbourhood and property owners, the environment, traffic concerns etc. This is not measured in quantitative mathematical form, but in terms of the overall impact to the community. For example constructing a 500 square foot addition to a house for a private workshop compared to a 500 sq. foot addition for an auto wrecking facility are the same mathematically, however the latter has a much greater impact on the surrounding community.

## Section 45(2) Permission

An application may be filed with the Planning Advisory Committee for permission, which entails either of the following:

- The enlargement or extension of a legal non-conforming/non-complying building or structure; or,
- The conversion of the use of land, building or structure from a legal non-conforming use to a similar legal non-conforming use or to a use that is more compatible with the uses permitted under the Zoning By-law.

## The Application Process

1. A pre-consultation with the Planning Department Staff is recommended prior to formally submitting an application. Please ensure that you call ahead to arrange an appointment with a Planner at least one week prior to your preferred meeting date.

For further information, or to make an appointment, please contact:

City of Kenora Planning Department: [planning@kenora.ca](mailto:planning@kenora.ca)

1. The complete application will be placed on the agenda for the next Planning Advisory Committee meeting, which is open to the public.
2. A notice describing the proposal and providing the date, time and location of the meeting will be sent a minimum of ten (10) days prior to the hearing to neighbouring property owners and relevant agencies within 60 metres of the subject property.

3. Applicants will post a sign, provided by Planning Staff, on the subject property detailing the notice of complete application and public hearing. Staff/committee members will conduct a site visit.

For site visit purposes, please stake out on the subject property the extent of any proposed additions, using orange tape or paint.

4. The hearing of the application will take place at which time the Planning Advisory Committee will render its decision. Decisions may be tabled to a future meeting and complex applications may require more than one meeting prior to obtaining approval. Staff will make a recommendation to the Committee on all applications. New conditions of approval may be added at a meeting.
5. The decision of the Committee will be circulated no later than ten (10) days from the date the decision was rendered.
6. If no appeal to the Ontario Land Tribunal (OLT) is filed within twenty (20) days of the making of the decision, the decision is final and binding.
7. If a decision is appealed the file will be sent to the Ontario Land Tribunal (OLT), who will render a final decision.

**Note:** Building permits or licenses, if required, will only be issued after the appeal period has ended and the conditions of approval (if any) have been fulfilled.



## **Planning Rationale**

A Planning Rationale is a document that provides an overall description, justification and rationale for understanding the proposed development application, and is intended to help the applicant organize and provide written support for the application. The document will assist staff and the approval authority, in the assessment and recommendation for the application. A planning rationale is recommended to accompany each application.

### **What is the purpose of a planning rationale?**

A planning rationale is recommended as part of an application in order to:

- A) Provide a clear description and understanding of the proposal
- B) Provide an opportunity, at the outset, to establish why the proposal should be considered
- C) To highlight important information specific or particular to the application (ie. special history, different circumstances, unique site conditions, etc.)
- D) To enable staff to analyze and prepare recommendations on the application

It is not intended to be a personal analysis or business case for a proposed development, rather it should examine the impact of the proposal on the surrounding area, and vice versa.

### **Who can prepare a planning rationale?**

Depending on the complexity of the application, the information requirements can be a



- J) Indicate whether there are other planning approvals require, and if those necessary applications have been filed (ie. Official Plan or Zoning By-law amendment, Site plan Control agreement, site plan approval, minor variance, draft plan of subdivision or condominium etc.)
- K) Indicate how the proposed development is consistent with the Provincial Planning Statement (PPS) - (2024) and provide any other Planning Act considerations that are relevant. If you are not familiar with these documents, please contact the City of Kenora Planning Department or access the City's portal, [www.kenora.ca](http://www.kenora.ca) or the Ministry of Municipal Affairs and Housing website at [www.mah.gov.on.ca](http://www.mah.gov.on.ca)
- L) Describe the way in which relevant Official Plan policies will be addressed, including both general policies and site-specific land use designations and policies
- M) Indicate whether the proposal complies with any other relevant City documents and Planning Policies/Secondary Plans etc. (Black Sturgeon Lake Capacity and Management Report, Waterfront Development Guidelines, etc.)

#### **Minimum Standards for Site Plan Sketches**

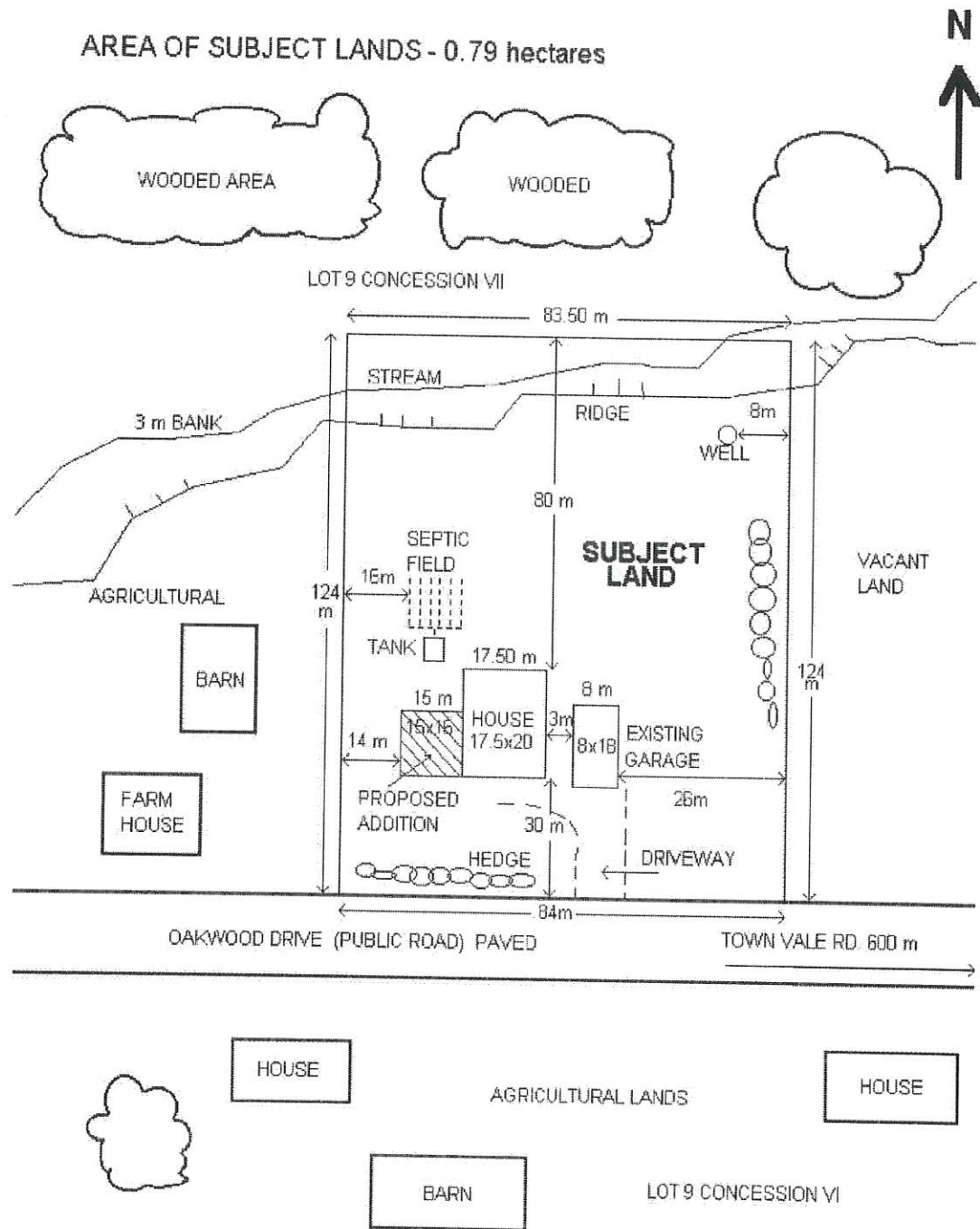
A sketch or site plan, preferably prepared to scale by a professional shall be submitted as part of each application. All necessary information must be contained on one single sketch or site plan. The sketch or site plan must clearly demonstrate:

- i. The boundaries and dimensions of the subject land
- ii. The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines.
- iii. The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells, and septic tanks.
- iv. The current uses on land that is adjacent to the subject land
- v. The location, width and name of any roads within or abutting the subject lands, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right-of-way.
- vi. If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- vii. The location and nature of any easement affecting the subject land.

Applications and plans will be accepted in Metric only (1 foot = 0.3048 metres, 1 acre = 0.4046 hectares). The maximum size for the accompanying sketch/site plan shall be 11"x 17". If there is information provided on larger sizes, at least one copy shall be provided on the 11"x 17" format. Elevation drawings shall also be provided if applicable.

A copy of the most recent available survey of the subject property completed by a registered Ontario Land Surveyor (OLS) should also accompany the application.

Sample Sketch



**This Application must be submitted to:**

City of Kenora Planning Department – [planning@kenora.ca](mailto:planning@kenora.ca)

60 Fourteenth Street North, 2nd Floor.  
Operations Centre - Kenora, ON P9N 4M9  
Fax: 807-467-2246

**Prescribed Information**

Personal Information collected within this document will be used to assist City staff to process this application and will be made public. The information prescribed in this application is contained in Ontario Regulation 200/96 (as amended), of the Planning Act, R.S.O. 1990 (as revised).

The undersigned hereby applies to the Planning Advisory Committee for the City of Kenora under Section 45 of the Planning Act, R.S.O. 1990 (as revised), for a minor variance, as described in this application.

This application also sets out other information that will assist the Committee of Adjustment/Planning Advisory Committee in their evaluation of the application and Staff review. In the absence of this information, it may not be possible to do a complete review within the legislated timeframe for making a decision. As a result, the application may be refused.

It is the sole responsibility of the authorized agent and/or owner to ensure that this application form is complete and that the information provided is accurate and correct. This application form will not be accepted until all required questions have been answered and all other requirements have been satisfied.





**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: D13-25-13

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

Application Fee Paid: \$ 1300.00

Application Deemed Complete (Date): August 20, 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**

- ☐ Official Plan Amendment
- ☐ Zoning By-law Amendment/Temporary Use
- ☐ Subdivision Application
- ☐ Site Plan Application
- ☐ Consent Application
- ☐ Other: \_\_\_\_\_

4.0 - Applicant Information				
SUBJECT PROPERTY INFORMATION				
Civic Address	Street No.: 14	Street Name: Agate Bay	Postal Code: P9N 4E3	Unit Num.:
Registered Plan Number	M- 639			
Legal Description	PLAN M639 LOT 55 PCL 37654			
Reference Plan Number	23R- 3684			
Lot No.(s)/Block No.(s)	55			
Concession Number(s)/PT LOT				
Part Numbers(s)				
Tax Roll Number	6016020010055000000			
OWNER/APPLICANT INFORMATION				
Check Appropriate Box:	<input checked="" type="checkbox"/> Person(s)		<input type="checkbox"/> Company	
Registered Land Owner	Surname: Stiller	First Name: Stefan		
Mailing Address	Street No.: 1253	Street Name: Valley Drive	Postal Code: P9N 2W8	Unit Num.:
City	Kenora		Province: ON	
Contact Information	Phone: 807-464-1813	Fax:		
Email	stefan.stiller28@gmail.com			
Acquisition Date of Subject Land	July 7, 2025			
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	Steinbach Credit Union			
Contact Person	Surname: Grewal	First Name: Nimarjot		
Mailing Address	Street No.: 333	Street Name: Main Street	Postal Code: R5G 0R4	Unit Num.:
Contact Information	Phone: 204-346-9210	Fax:		
Email	NGrewal@scu.mb.ca			
5.0 - Please list the reports/studies that will accompany this application				
6.0 - Land Use Designation (Please see <a href="http://www.kenora.ca/planning">www.kenora.ca/planning</a> 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?				
Residential - First Density Zone (R1)				



7.0 – Nature and extent of relief required			
Section of Zoning By-law No.	Zoning Provision	Proposed Provision	Relief Required
Section 4.1.3	(d) Interior side yard (minimum) - 2 storeys: 2.5m	Interior side yard 1.5m (one side)	1.0m
Section 4.1.3	(f) rear yard (minimum) 8m	Rear yard 4.60m (one corner)	3.40m

**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 property has a rock face/cliff running through it from front to back, approximately in the middle of the lot, ranging in height from ~2.0m in the front to 0.5 meters in the back, as well as a steep slope at the front of the yard (~10%-15%). The Proposed Variance is requested in order to enable moving the house 1.0m closer to the side property line, and 1.0m closer to the rear property line (one house corner only), away from the rock face and the steep front slope, to allow for building on the flatter portion of the lot. In order to comply with the provisions of the Zoning By-law, substantial rock removal would be required, which would be prohibitive to building on this site.

**9.0 – Property Characteristics**

Frontage (metres): 15.2    Depth (metres): 35    Area (m<sup>2</sup> or Ha.): 990.52 sq. m.

Existing Use of subject land: Vacant Land

**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: July 7, 2025

The date the existing buildings or structures on the subject land were constructed: N/A

Length of time that the existing uses have continued? Unknown

**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: Overland**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.)
23R3684	LT118368	Hydro, Telecommunications

**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				
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				

**Proposed Structures:**

	Principle	Accessory	Accessory	Parking
Ground Floor Area	152.27 sq.m.			
Total Gross Floor Area	283.08 sq.m.			
Number of Storeys	2			
Length	16.61m			
Width	9.75m			
Height	8m			
Front Yard Setback	11.83m			
Rear Yard Setback	7.00m			
Side Yard Setback	1.50m (interior)			
Side Yard Setback	11.95m (interior)			
Date Constructed				
Lot Coverage (%)	20%			
Floor Area Ratio	0.286			

\*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).

Section 2.2.1: The proposed variance supports cost-effective housing development by avoiding significant rock removal and grading, and it facilitates modest intensification within an existing residential neighbourhood through the development of a currently underutilized lot.

Section 2.3.1 The proposed variance promotes the efficient use of land by reducing the need for large-scale site alterations, while contributing to a net increase in residential units in a fully serviced area.

Section 4.1.1 The proposed variance minimizes site disturbance by locating the structure on a naturally level portion of the lot, allowing for the natural features of the lot to be preserved.



#### 14.0 – Additional information

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

The requested variances will allow the proposed house to be sited away from a rock face and steep slope, minimizing rock removal, excavation and disruption to the natural features of the lot and overall neighborhood. The impact of the reduced side and rear yard setbacks is mitigated by the fact that the adjacent dwellings on both the side and rear lots are located significantly farther from their respective property lines than the minimum required setbacks. This separation helps preserve privacy, light, and open space, ensuring compatibility with surrounding properties and minimizing any negative impact on neighbouring landowners.

#### 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 \_\_\_\_\_, am/are the owner(s) of the land that is subject of this application for a minor variance 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

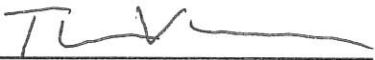
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Signature of owner(s)

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


**17.0 - Sworn Declaration or Affidavit**

I, STEFAN STILLER 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  
August in the year 2025



Commissioner of Oaths

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

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, STEFAN STILLER 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.

Aug 13, 2025

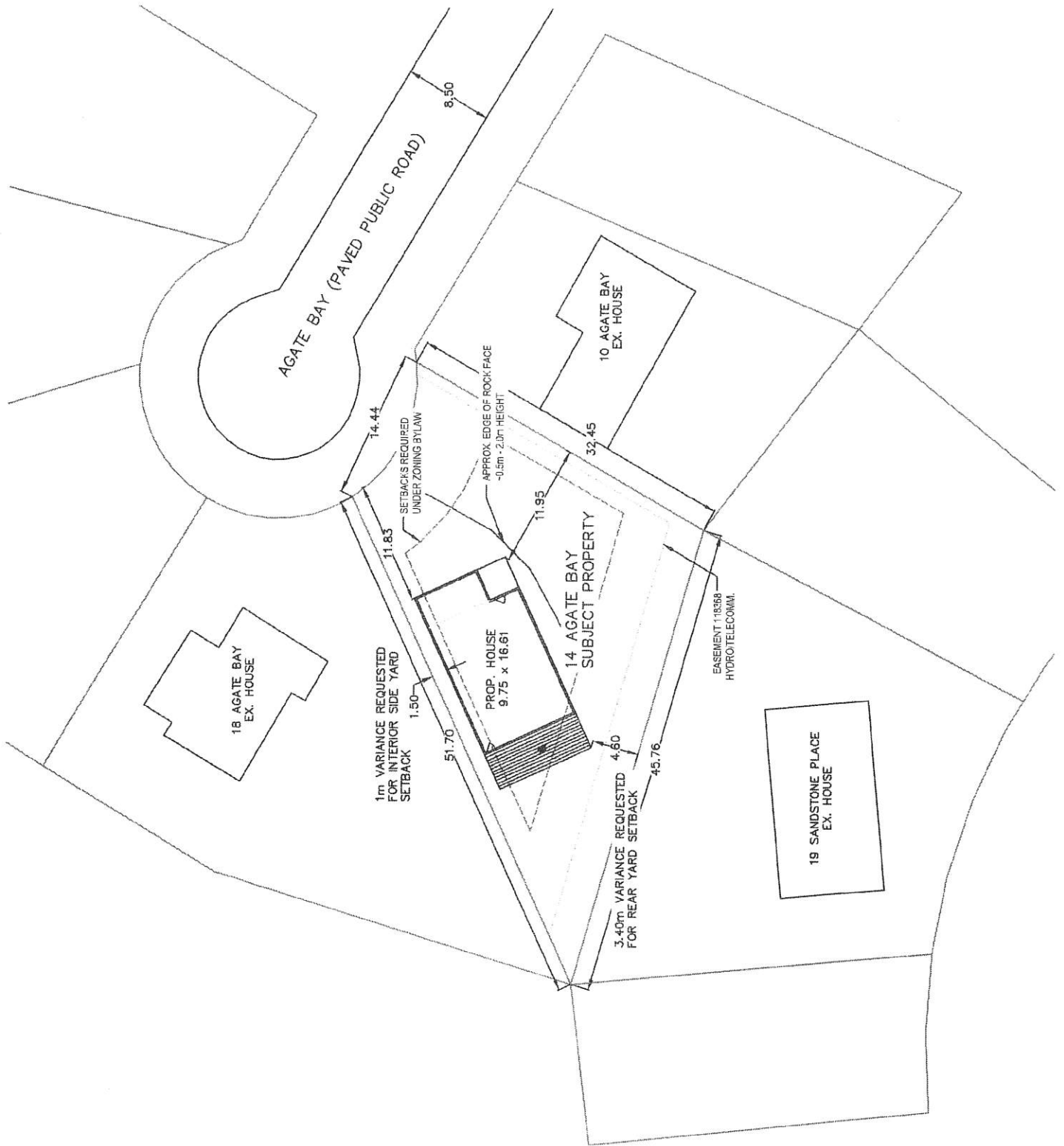
Date

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

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.





To: City of Kenora Committee of Adjustment  
From: Tara Vader, Associate Planner  
Date: September 11<sup>th</sup>, 2025  
Re: Minor Variance Application – File D13-25-13  
Location: 14 Agate Bay  
Owner/Applicant: Stefan Stiller

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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 the construction of a single-detached dwelling. This application is required as the subject lands contain a rock face through the approximate middle of the property. This application is seeking relief from Section 4.1.3 (d) which requires a 2.5 m interior side yard for a 2-storey dwelling. This application proposes reducing the interior side yard by 1.0 m to permit a 1.5 m interior side yard on the west property line. As well as seeking relief from Section 4.1.3 (f) which requires an 8 m rear yard. This application proposes reducing the rear yard by 3.4 m to permit a 4.6 m rear yard.

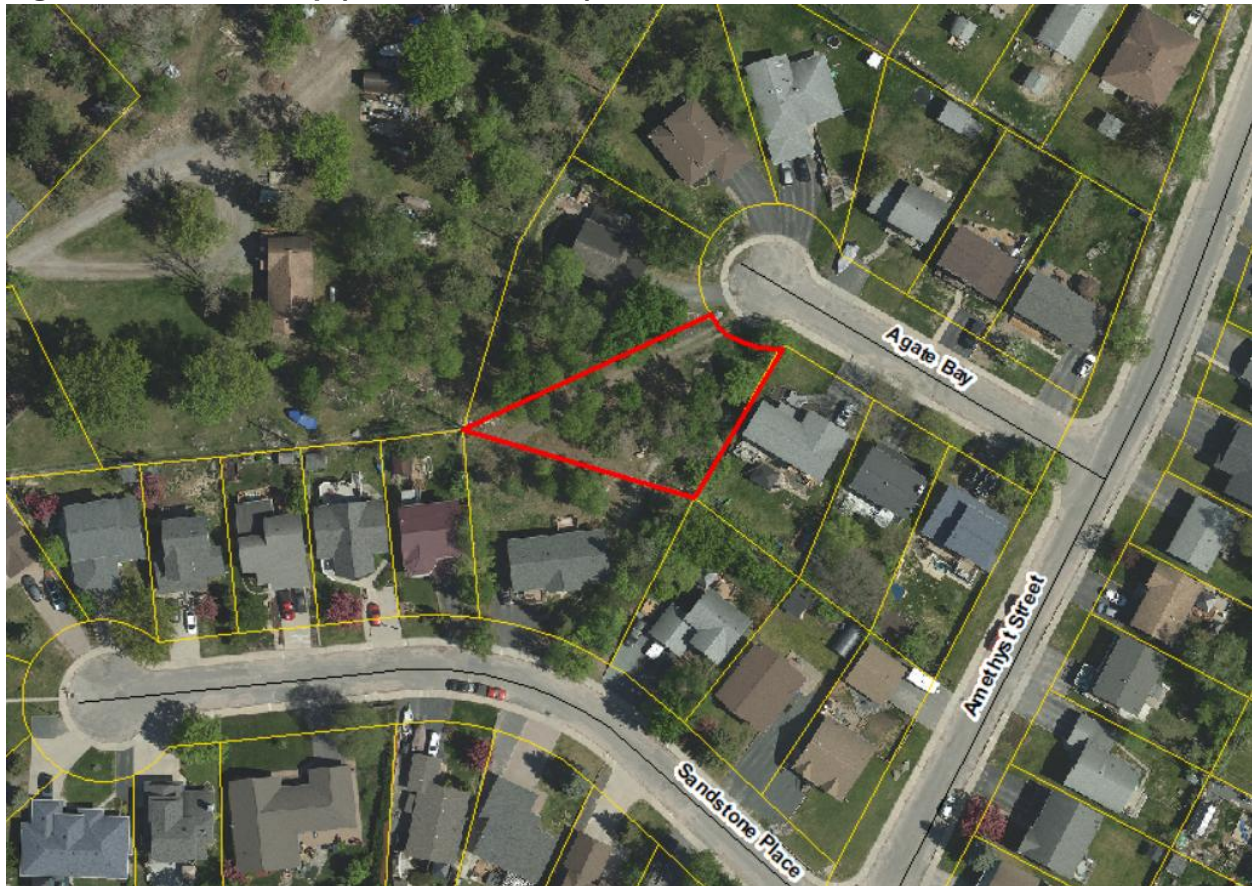
The subject property is a vacant residential lot and has access via Agate Bay. The site is serviced by municipal water and sewage services and is approximately 990 square metres in size. There is an easement along the south and east property lines for Hydro/Telecommunications. The easement is identified on the Site Plan provided as Figure 2.

## 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.

### **Agency**

Synergy North acknowledged receipt of the application and had no objections or concerns. The Ministry of Natural Resources had no MNR concerns with the application. 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 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) is encouraging of the development of housing and the increase of housing supply. Section 2.3 of the PPS directs that settlement areas shall be the focus of growth and development. As this application proposes the development of a new single-detached dwelling 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 2.2.1 contains objectives for Sustainable Development, a principle of the OP. The OP states to support infill and intensification where services exist. 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. As this application is proposed to develop an existing vacant residential lot, it 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 2-storey single-detached dwelling with a 1.5 m interior side yard on the west property line and a 4.6 m rear yard. This is a relief request of 1.0 m from the required 2.5 m interior side yard, and a 3.4 m relief request from the required 8 m rear yard. The relief is requested due to a rock face which transects the property (shown in Figure 2) and to allow for the dwelling to be constructed on the flatter area of the property. The reduction of 1 metre from the side yard maintains separation from the adjacent property while allowing the subject lands to be developed. The reduction of the rear yard is to permit a covered deck on the rear of the proposed dwelling. The reduction maintains a 4.6 m rear yard providing separation from the adjacent neighbour and would permit the applicant to construct the dwelling on the flatter area of the lands. It is staff’s opinion that the requested variances do meet 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 the development of a single-detached dwelling, which is a permitted use and desirable for the development of the vacant residential lot.

#### **Is the variance minor?**

The requested relief is to reduce the interior side yard on the west property line to 1.5 m and to reduce the rear yard to 4.6 m. The variances can be considered minor when the scale and

type of development is considered. 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.

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



## Recommendation

As a result, it is recommended that minor variance application D13-25-13 to seek relief from the City of Kenora By-law 101-2015, Section 4.1.3 (d) and (f) be approved to permit a 1.5 metre interior side yard on the west property line and a 4.6 metre rear yard, subject to the following conditions:

1. The proposed single-detached dwelling be constructed in general conformity with the submitted site plan.

*Tara Vader*

**Tara Vader**  
Associate Planner

September 11<sup>th</sup>, 2025