



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

Minutes
City of Kenora Virtual Planning Committee of Adjustment
Hybrid meeting
Wednesday, April 16, 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
Ryan Haines
Melissa Shaw
Nadine Gustavson

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

Regrets: Andrea Campbell

i. Call meeting to order:

The meeting was called to Order by the Chair, Tara Rickaby, at 5:58 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:

- On 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) PAC March 19, 2025

Motion to Amend by Chris Price

Seconded by: Robert Bulman

Language Amended to: *"The Secretary-Treasurer stated that the budget for attendance at the conference is \$6,000.00. The recommendations is for Tara Vader, Tara Rickaby and Linda Mitchell to attend."*

And that: *the "Carried" and vote section would be stricken from the minutes.*

Moved By: Robert Bulman **Seconded By:** Chris Price

In Favour: 4 **Opposed:** **Abstained:** 2

ii) Special Meeting of March 28, 2025

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

v. Correspondence before the Committee: None

vi. Adjournment Requests: None

vii. Consideration of Applications for Minor Variance:

i) D13-25-04 – Bruckenberger (Brown)

Aaron Brown was present to represent the application. He explained that he had hired a contractor to construct a sleep cabin on his property. He assumed that all permits had been acquired. He stated that he understands that, ultimately, he, as owner, was responsible to ensure that permits were issued. He asked that the Committee considers that the site was chosen because no trees would have to be removed, and if he has to move the structure, there may be more damage to the environment, and lake, than if it remains where it is.

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 sleep cabin with a 6 m front yard setback. The application is seeking relief from Section 4.5.3 (k) which requires a minimum front yard (yard abutting the waterway) of 20 m for waterfront lots. The application proposes to reduce the minimum front yard by 14 m to permit a 6 m minimum front yard setback for a sleep cabin.

The Effect of Approval: City staff made the recommendation to ensure that storm runoff quantity and quality from the site directed to the lake do not have any adverse impacts on the lake. Planner advised refusal.

Public in favour of the application: None

Public in opposition of the application: None

Letters in Favour: None

Letters in Opposition: None

Questions or comments from the Committee:

Vice-Chair Robert Bulman stated that if a building permit had been applied for the situation would have been corrected.

Mr. Brown stated that he felt the Committee had not acknowledged that he tried to use a local builder, who did not apply for the permit and now he is left with having to move the structure. He said that he feels there is more environmental disturbance to move the structure.

Tara Rickaby asked the planning staff to confirm that Black Sturgeon Lake is a managed lake. Planner Ryan Haines stated that it is.

Decision: That Application D13-25-04, to reduce the minimum front yard setback on a waterfront lot is refused as it does not maintain the general intent of the City of Kenora Official Plan, 2015, it does not maintain the general intent and purpose of the Zoning by-law 101-2015 and is not considered minor.

Refused

Moved By: Keric Funk **Seconded By:** Chris Price

In favour: 6 **Opposed:** 0 **Abstained:** 0

The Secretary-Treasurer indicated that the Applicant had been refused by the Committee and identified the appeal period and stipulations.

ii) D13-25-05 – Airport Road (Morgan Fuels)

Mr. Mark Derkson was present to represent the application and said the driveway width was needed to move trucks to and from the property.

Planner, Ryan Haines, presented on behalf of the City of Kenora.

Purpose of Application: That Minor Variance Application File No. D13-25-05, requesting relief from Section 3.12.2(d) of the City of Kenora Zoning By-law No. 101-2015 to permit a driveway width of 11.5 metres along the street line (where a maximum of 9.0 metres is permitted), **be approved**, subject to the implementation of enhanced landscape buffering along the frontage to mitigate any associated visual and compatibility impacts.

The Effect of Approval: With appropriate landscape buffering, the variance satisfies the four tests under the Planning Act and is **recommended for approval**, with the following conditions:

1. That the development proceed in general accordance with the Civil Entrance Plan prepared by TBT Engineering as part of this application.
2. That a landscape buffer plan be submitted and approved by the City of Kenora Planning Department as part of Site Plan Control, demonstrating:
 - a. A minimum 4.0 metre buffer between and adjacent to the driveways
 - b. Dense vegetative screening (evergreen species and/or solid fencing) to mitigate visual and compatibility impacts with Airport Road and nearby residential uses
3. That all applicable permits and approvals be obtained before construction of the entrances.

Public in favour of Application: None

Public in opposition of Application: Paul DeGagne felt there is enough room for the trucks to turn in and out, without widening the two entrances and that this was also a residential area which would have much more noise and traffic. He also asked why was the building so close to Airport Road.

Planner, Ryan Haines, said that they use a technical/engineering application that measures length of trucks and width of entrance, and that the application indicated that, for safety reasons, the driveway needed to be widened in order for truck to be able to turn.

Mr. Derkson stated that the building is designed to be closer to the street as it would require too much backfill to have it located farther back.

Letters in Favour: None

Letters in Opposition of Application: A member of the public expressed concern that the subject property, formerly part of a residential area, is now functioning as a Heavy Industrial site and that the proposed minor variance to expand driveway widths would intensify its industrial appearance. They recommended maintaining standard driveway widths and requiring landscape buffering, such as trees and shrubs, along Airport Road to preserve the rural residential character of the area.

Questions or Comments from the Committee:

Vice-Chair, Robert Bulman asked if the vegetation buffering went along the street for the total length of the property.

The response from Ryan Haines was yes.

Chair, Tara Rickaby, inquired to the lighting requirements.

Ryan Haines responded that it would meet the requirements for the industry and also minimal lighting for the residents through site plan control.

Member, Renee Robert, asked if upgrades were going to be done to Airport Road.

Planner, Ryan Haines, remarked that future upgrades were scheduled.

Decision: That application D13-25-05 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 3.12.2. (d) to enable a driveway width of 11.5 metres along Airport Road, is approved and subject to the following conditions:

1. That the development proceed in general accordance with the Civil Entrance Plan prepared by TBT Engineering as part of this application.
2. That a landscape buffer plan be submitted and approved by the City of Kenora Planning Department as part of Site Plan Control, demonstrating:
 - a) A minimum 4.0 metre buffer between and adjacent to the driveways
 - b) Dense vegetative screening (evergreen species and/or solid fencing) to mitigate visual and compatibility impacts with Airport Road and nearby residential uses
3. That all applicable permits and approvals be obtained before construction of the entrances.

Approved

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

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.

At 6:55 PM Member, Keric Funk left the meeting and returned at 6:57 PM.

iii) D13-25-06 – Coney Island (Nuttall)

Lee Nuttall was present to represent the Application. He informed the Committee that he did not understand that absolutely no building could take place before the building permit was issued. He described the characteristics of his property and suggested that he would divert stormwater away from the lake. He stated it was an honest mistake. He would also like the committee to know that other properties on Coney Island have builds that are less than 20 metres from the water. He asked to be subject to the same process.

Associate Planner, Tara Vader, presented the Planning report on behalf of the City of Kenora.

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 seasonal dwelling with a 15.83 m front yard setback. The application is seeking relief from Section 4.5.3 (k) which requires a minimum front yard (yard abutting the waterway) of 20 m for waterfront lots. The application proposes to reduce the front yard by 4.17 m to permit a seasonal dwelling with a 15.93 m front yard. Construction on the seasonal dwelling began in 2024 without a building permit.

The Effect of Approval: The requested variance is recommended for refusal because it does not maintain the general intent of the City of Kenora Official Plan (OP), does not maintain the general intent and purpose of the Zoning By-law, and is not considered minor.

Should the Planning Advisory Committee consider approving this application for minor variance, the following conditions are recommended:

1. That a Site Plan control application be submitted and approved for the seasonal dwelling prior to the issuance of a Building Permit.
2. That any additional studies deemed required to support the Site Plan Control application and review be submitted.

Public in Favour of the Application: 0

Public in Opposition of the Application: 0

Letters in Favour of the Application: 0

Letters in Opposition of the Application: 0

Questions or Comments from the Committee:

Director, Janis Pochailo, responded to the Applicant and Committee and said there could be many reasons for the Applicant's list of other builds. The question is whether or not this application for variance meets the four tests.

Linda Mitchell asked if fixes like having rain barrels would alleviate the concerns.

Tara Vader and Ryan Haines indicated that a couple of rain barrels would not fix the run off problems.

Robert Bulman asked the Applicant how much building had occurred previous to the building permit.

The Applicant responded that he is efficient, and the building has a roof.

Robert Bulman and Keric Funk feel it would be of interest to know about if the builds that the Applicant talked about had were in fact as close to the water as the Applicant says and the reasons they were permitted.

The Committee discussed the option of deferring a decision to wait to hear from Staff regarding other properties.

Planning staff stated that this information with the exact true reasonings would be difficult to obtain.

Decision:

That application D13-25-06 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 4.5.3 (k) to reduce the front yard setback by 4.17 m to enable the permitting of a seasonal dwelling with a front yard setback of 15.83 m is approved and subject to the following conditions:

1. That a Site Plan control application be submitted and approved for the seasonal dwelling prior to the issuance of a Building Permit.
2. That any additional studies deemed required to support the Site Plan Control application and review be submitted.

Approved

Moved by: Renee Robert **Seconded by:** Robert Bulman

In Favour: 4 **Opposed:** 2 **Abstained:** 0

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

viii. *Consideration of Applications for Land Division:*

i) D10-25-02 – Ninth Street North (Brooks)

Ken Schlag was present to represent the application. He indicated that they cannot seem to come to an agreement with the owner and Treaty Three and therefore need to ensure access for servicing in order to start moving on the development.

Planner, Ryan Haines, presented the Planning Report.

Purpose of Application: The purpose of the consent application is to facilitate a lot addition to Lot 3 and/or Lot 4, Plan 23M974. Approximately 0.621 ha of land is proposed to be severed and conveyed to the owners of Mill Site Lot 3 and Lot 4. The land to be added is from the western portion of the lot at 661 Ninth Street North, to support vehicular and site servicing access to the approved development on Mill Site Lots 3 and 4.

The Effect of Approval: The proposed lot addition supports an executed Site Plan Control Agreement and is consistent with the adaptive reuse objectives outlined for the former mill site.

Public in favour of the application: None

Public in opposition of the application: None

Letters in Favour: None

Letters in Opposition: None

Questions or comments from the Committee:

Tara Rickaby inquired if an easement would be put in place and could that be made a condition.

Ken Schlag said that yes, an easement would be put in place, and he was fine with it being made a condition.

Decision:

That application D10-25-02 for consent, lot addition to sever approximately 0.621 ha of land from 661 Ninth Street North, PIN: 42170-0269 and merge the lands with Lots 3 and 4 23M974, PIN: 42170-0279 and PIN: 42170-0280 is approved and provisional Consent is granted, subject to the following 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. That, prior to final approval of the consent, a legal survey be completed to the satisfaction of the City to confirm that all existing structures are wholly contained within a single lot and do not encroach upon or straddle any newly created lot lines. Any encroachments identified through the survey shall be resolved to the satisfaction of the City prior to final approval.
4. Three original copies and one PDF copy of the reference plan of survey, bearing the Land Registry Office registration number and signatures as evidence of deposit therein, and illustrating the parts(s) to which the consent approval relates, which must show in general the same area and dimensions as the sketch forming part of the application be provided.

Zoning

5. 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.

Easements

6. That prior to the endorsement of the deeds, the applicant shall provide confirmation to the satisfaction of the City of Kenora that all existing easements affecting the subject lands have been accurately disclosed and addressed, and that the proposed lot addition does not compromise access or rights associated with those easements.

City Requirements

7. That the newly created parcel be consolidated on title with at least one of the adjacent lots identified as Lot 3 and Lot 4, Plan 23M974, and if recommended on solicitor review, that a merger agreement be entered into.
8. 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.
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 provide for each parcel.
11. 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.

Moved By: Linda Mitchell

Seconded By: Chris Price

In favour: 6

Opposed: 0

Abstained: 0

Approved

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.

At 7:54 PM Planner, Ryan Haines, left the meeting.

ix. Recommendations to Council for Zoning By-law Amendment: None

x. Old Business:

- i) Janis Pochailo to speak on the Terms of Reference.

Janis stated that the Terms of Reference were approved by Council on April 15, 2025, and there were some portions that Council would like to see some provisions on. Therefore, there will be some revisions made to the Terms of Reference next month, but it has been approved in its current state.

Tara Rickaby told Committee that she had a call from the City of Kenora's CAO and that he and Council really appreciate the diligence with which the Committee makes their decisions.

xi. New Business:

- i) None

xii. Other: Update OP, Zoning By-law and CIP Review

Director, Janis Pochailo, stated that in reference to the Zoning By-law, Official Plan and CIP the draft was pretty much complete, but is still ongoing.

Results from the survey were:

- 616 responses which were predominantly from year-round residents. Most responders were 45 years of age and up.
- The respondents were asked what parts of the existing Vision Statements should be reflected in the City's new Official Plan Vision Statement to guide growth and development over the next 25 years. They were:
 - Provide & Prioritize High Quality of Life for Residents
 - Support Sustainable Growth & Development
 - Strengthen Economic Development
 - Improve & Support Tourism, and
 - Safeguard Local Environment & Diverse Ecosystems.

ix. Adjournment:

Motion for adjournment. **Moved By:** Member Keric Funk

In Favour: 6 **Opposed:** 0 **Abstained:** 0

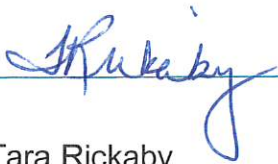
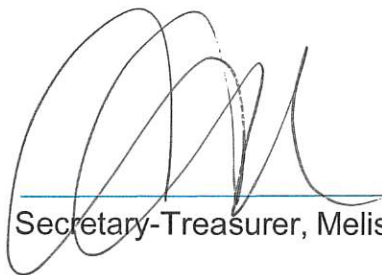
Meeting Adjourned at 8:02 PM.

There will be no May Meeting.

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

Meeting Link: <https://youtu.be/JvmDzO15Gs>

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


Chair, Tara Rickaby
Secretary-Treasurer, Melissa Shaw

