



PROCEEDINGS
for a Public Meeting
to discuss a Proposed Zoning By-law Amendment
(Re: D14-17-02 65 Goss Road)
Tuesday, March 7, 2017
10:00 a.m.

PRESENT: Deputy Mayor L. Roussin
Councillor M. Goss
Councillor D. Reynard
Councillor L. Roussin
Councillor S. Smith
Councillor C. Wasacase

Regrets: Mayor D. Canfield
Councillor R. McMillan

Staff: Karen Brown, CAO
Heather Kasprick, City Clerk
Melissa Shaw, Planning Assistant
Devon McCloskey, City Planner
Megan Dokuchie, Economic Development Officer

Deputy Mayor opened the meeting and stated that the public meeting is being held by the Council of the City of Kenora in accordance with Section 34 of the Planning Act to consider an amendment to the City of Kenora Comprehensive Zoning By-law No. 101-2015, as amended.

The Chair advised that notice was given by publishing in the Daily Miner and News which in the opinion of the Clerk of the City of Kenora, is of sufficiently general circulation in the area to which the proposed by-law amendment would apply, and that it would give the public reasonable notice of the public meeting. Notice was also provided by mail to every owner of property within 120 metres of the subject property, prescribed persons and public bodies, and posted online on the City of Kenora portal. It was advised that if anyone wishes to receive the Notice of the Decision of Council, they are to leave their name and address with the City Planner.

An appeal may be made to Ontario Municipal Board not later than 20 days after the day that the giving of notice as required by section 34(18) is completed by either the applicant or person or public body who, before the by-law is passed makes oral submissions at a public meeting or written submissions to the Council by filing a notice of appeal setting out

the objection to the by-law and the reasons in support of the objection, accompanied by the fee prescribed under the Ontario Municipal Board Act, with the City Clerk.

The Council of the City of Kenora will have the opportunity to consider a decision at a future meeting of Council.

Herein the applicant will have the opportunity to speak on behalf of their application, and the City Planner will provide a summation of her report and recommendation, after which anyone who wishes to speak either for or against the application, will be given the opportunity to do so, and a record will be kept of all comments.

Devon McCloskey, City Planner presented the planning report for the zoning amendment application:

An application for zoning by-law amendment is proposed to include "Commercial Storage Facility" as a permitted use for the northern part of the subject lot and a reduced frontage of 80 metres, in addition to the permitted uses of the Rural ('RU') Zone. Approval would enable consideration of an application for consent to sever, having the effect of creating 1 new lot for uses permitted in the RU zone and a Commercial Storage Facility.

2. Description of Proposal

To enable property specifically indicated on the sketch in page 1 to be rezoned to allow for use of the property for a commercial storage facility, more specifically known as 'self-storage'.

Whereas the list of permitted uses contained in the Rural Zone ('RU') does not include commercial storage, approval of a site specific provision would allow for commercial storage defined as:

Commercial Storage Facility

Premises where individual enclosed areas are made available to the public for keeping or storing goods or commodities, but does not include any hazardous material or fuel storage.

The property is located at 65 Goss Road, described as Parts 2, 6, 7, 8, 9 & 10 of Plan 23R-10516. Refer to figure 1 page 1 for mapping of the property.

While the self-storage facility is already developed and deemed non-conforming, any further applications, are required to consider this aspect and whether the use may become further non-conforming where an application for severance is proposing to capture the use within a single lot with less than the minimum frontage required.

3. Existing Conditions

The property is fronting on Goss Road. It is developed with a single-detached dwelling, a large garage/barn, and three (3) separate self-storage buildings with individual units. Driveway access is currently provided to both sides of the lot.

The dwelling is serviced with private septic and a well, hydro service is extended from the house service to the garage.

Dimensions of the property are as follows:

Frontage: 231 metres
Depth: 504 metres
Area: 6.308 hectares

Existing development on the property is non-conforming, since commercial storage is not a permitted use. The applicants explained that they received building permits for the development, however were told that there was an error made by the Building Department who issued the permits. In order to be able to consider a subsequent application for consent to sever, consideration of the permitted use and lot dimensions is required first.

For a depiction of the severance to be proposed, please see Figure 2 on page 3.

4. Site Visit

A site visit was conducted on February 17th, 2017, where I attended the property to view the existing development and proposed lot frontage for lot creation.

Four different photos were included in the Planner's report.

a) Provincial Policy Statement (2014)

The applicant has identified that the application is consistent with several policies, and following are noteworthy:

Policy 1.1.1.5.2 on rural lands located in municipalities, permitted uses are: b) resource-based recreational uses; c) limited residential development.

Policy 1.1.4 Rural areas in Municipalities: a) building upon rural character, and leveraging rural amenities and assets.

Policy 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural services should be promoted.

The Land Use Designation of the property is Rural 'RU' and subject to the Special Policy Overlay 'Potential Aggregate Area'.

The following policies with particular relevance are extracted

4.8 Rural Area

Rural Areas include a variety of agricultural, residential, industrial, commercial, recreational, tourism and open space uses. Over the lifetime of this Plan the Rural Areas may experience limited change.

Small-scale commercial and industrial uses shall be permitted - Policy 4.8.1

The property is also subject to the provisions of the Special Policy Overlays, Policy 5.5 Aggregate and Mineral Resources. Since development of the lot is already established, the request for rezoning would not further preclude the establishment of new operations or access to the resources as noted in Policy 5.5.1

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Whereas the zoning by-law does not currently allow for commercial storage facilities, and regulates a minimum lot frontage of 90 metres with a minimum lot area of 2 hectares, the application is proposed to allow for the use and receive relief from the regulated lot frontage requirement.

If approved the property would be eligible for an application for severance. All other regulations and requirements of the zoning by-law would be met for the lot dimensions and building locations.

The application was circulated internally and the following comments were received:

- The Building department has no comment regarding a Commercial Storage Facility being included as a permitted use for the subject property. It is noted that contrary to the application (concurrent applications), the consent application will be reviewed at a later date – February 8/17
- Roads Department As we discussed, since the status quo of the entrances remain unchanged. Roads department has no concern – February 16/17
- Northwestern Health Unit Hasn't been able to attend the property, has concerns with the reduced frontage and terrain, will not be able to provide comments until the snow clears – February 15/17
- Ministry of Natural Resources - The Kenora District of the Ministry of Natural Resources and Forestry has reviewed the package provided. The Ministry understands that this application will correct the current non-conforming use and enable the applicant to potentially expand the business as well as sever the portion of the property encompassing the residence. The proposed severance poses a low risk to fish and wildlife features, therefore the Ministry of Natural Resources and Forestry has no concerns with this application at this time – February 15/17

8. Planning Advisory Committee Recommendation

Amanda Whitta presented the application to the PAC and there were no members of the public in attendance. The Committee discussed the application and recommendation at length, and concern were raised with regard to servicing, as well as not knowing just exactly where the existing garage is positioned on the lot. Without a survey it cannot be known what the dimensions of the lot frontage are; whether the lot line would be truly 80 metres, and that the garage may encumber the lot line. Without a survey we can't be absolutely certain of the size and the committee was concerned about that and they wanted to be sure that the gagre would not be situated through the property.

The PAC resolved to recommend that the Council of the Corporation of the City of Kenora defer a decision on the proposed zoning by-law amendment D14-17-02, to a later date, dependent on snow coverage and the comments received from the Northwestern Health Unit as to the suitability for the property to accommodate services for sewage disposal and water, and allow the Applicant/Owner the opportunity to obtain a surveyors sketch.

Since the ultimate effect of an approval of the application for zoning by-law amendment will be the submission of an application for consent to sever. It is important to consider whether the lot is suitable and independently able to accommodate on-site sewage disposal and water supply.

The applicants have explained that they wish to retain the lands currently occupied by the storage buildings and transfer the part of the lot occupied the house and garage, so that they can continue to operate the storage facility. Whereas the owners previously lived in the dwelling and operated the storage business, they have since moved, but still operate the storage facility.

Per the Policy of the Official Plan 4.8.4 and 4.8.5, small scale commercial and industrial businesses that are related to the rural uses of the land, or mainly of a service nature with a local sphere of operation, shall be permitted in the Rural designation, provided that those uses are compatible with adjacent uses and would not pose a nuisance.

The Northwestern Health Unit explained that the ability for the lot to be serviced with adequate sewage disposal and potable water is not certain, and cannot be verified until the snow is gone and the Inspector is able to view the property. Given the site characteristics, such as undulating terrain that quickly slopes into wet areas, along with the reduction in lot frontage, concern for the ability of the lot to be proposed, to accommodate these facilities is questionable, therefore it was recommended that the Planning Advisory Committee, and now Council, not give favourable consideration or approval to the application until the Northwestern Health Unit is able to provide comments in support of the application. Their effect of their comments may change the ability for the lot to be severed, or for the proposed dimensions of the lot (i.e. frontage) to change.

City Planner Recommendation:

That following a Public Meeting to hear submissions and public comments in regard to the Application for Zoning By-law Amendment, File No. D14-17-02 for property located at 65 Goss Road;

That the Committee of a Whole accepts the recommendation of the Kenora Planning Advisory Committee, and further;

That the committee provides a recommendation to Council to defer consideration of approval, until the PAC is able to give favourable consideration at a meeting where formative comments as to the site suitability of the property, to accommodate services for sewage disposal and water, is received from the Northwestern Health Unit, and a surveyor's report showing the existing garage is provided, to specify the frontage of the proposed new lot.

Any person may express his or her views of the amendment and a record will be kept of all comments.

Deputy Mayor Roussin questioned if there was anyone who wished to speak in favour of the amendment? There were none.

Deputy Mayor Roussin questioned if there was anyone who wished to speak in opposition of

the amendment? There were none.

Deputy Mayor Roussin asked if there were any questions? There were none.

As there are no further questions, Deputy Mayor Roussin declared this public meeting CLOSED at 10:15 a.m.devdev