



A G E N D A

for a Public Meeting
to discuss a Proposed Zoning By-law Amendment
(Re: D14-18-02 - 1930 Highway 17 W)
Tuesday, April 10, 2018
12:30 p.m.

1. (Chair)

This public meeting is being held by the City of Kenora in accordance with Section 34 of the *Planning Act* to consider various amendments to the City of Kenora Comprehensive Zoning By-law Number 101-2015, as amended.

2. (Chair)

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.

If anyone wishes to receive the Notice of the Decision of Council, please leave your name and address with the City Planner.

An appeal may be made to the Local Planning Appeal Tribunal 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, and may not be added as a party, unless, in the opinion of the Tribunal there are reasonable grounds to do so. A notice of appeal can be filed with the City Clerk with the Tribunal's required fee of \$300.00

An appeal may only be made on the basis that the by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan.

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.

If anyone has a cell phone please either turn it off or use the vibrate option only. Thank you.

3. (Chair)

The applicant (or representative) will present their application.

4. (Chair)

City Planner, Devon McCloskey, please describe the details of this zoning amendment application.

5. (Chair)

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

6. (Chair)

Is there anyone who wishes to speak in favour of the amendment?

7. (Chair)

Is there anyone who wishes to speak in opposition of the amendment?

8. (Chair)

Are there any questions?

9. (Chair)

As there are no (further) questions, I declare this public meeting CLOSED at _____ p.m.

March 29th, 2018

City Council Staff Report

To: Mayor & Council

Fr: Melissa Shaw, Planning Analyst & Devon McCloskey, City Planner

File No.: D14-18-02

Re: Application for Zoning By-law Amendment

Location: 1930 Hwy 17 West, Keewatin, ON

Applicant: K.C. Refrigeration LTD.

Agent: Randy Seller, Hook, Seller & Lundin, LLP

1. Introduction

An application for zoning by-law amendment is proposed to include “converted dwelling” as a permitted use on 1.54 ha of the subject property and to reduce the required frontage of 61 metres for a lot within the RR - Rural Residential Zone. Approval would enable an existing building to apply for a change of use permit for a converted dwelling containing three units, in addition to consideration of an application for consent for lot addition, having effect of transferring 0.43 ha of land to an abutting parcel.



The property is located at 1930 Highway 17 West, described as Part Mining Location 233P, 23R- 5012 and Part 1 23R-5025.

Figure 1 (left) - Aerial sketch displaying zone boundaries

Figure 2 – Reference Plan of Survey 23R-5012

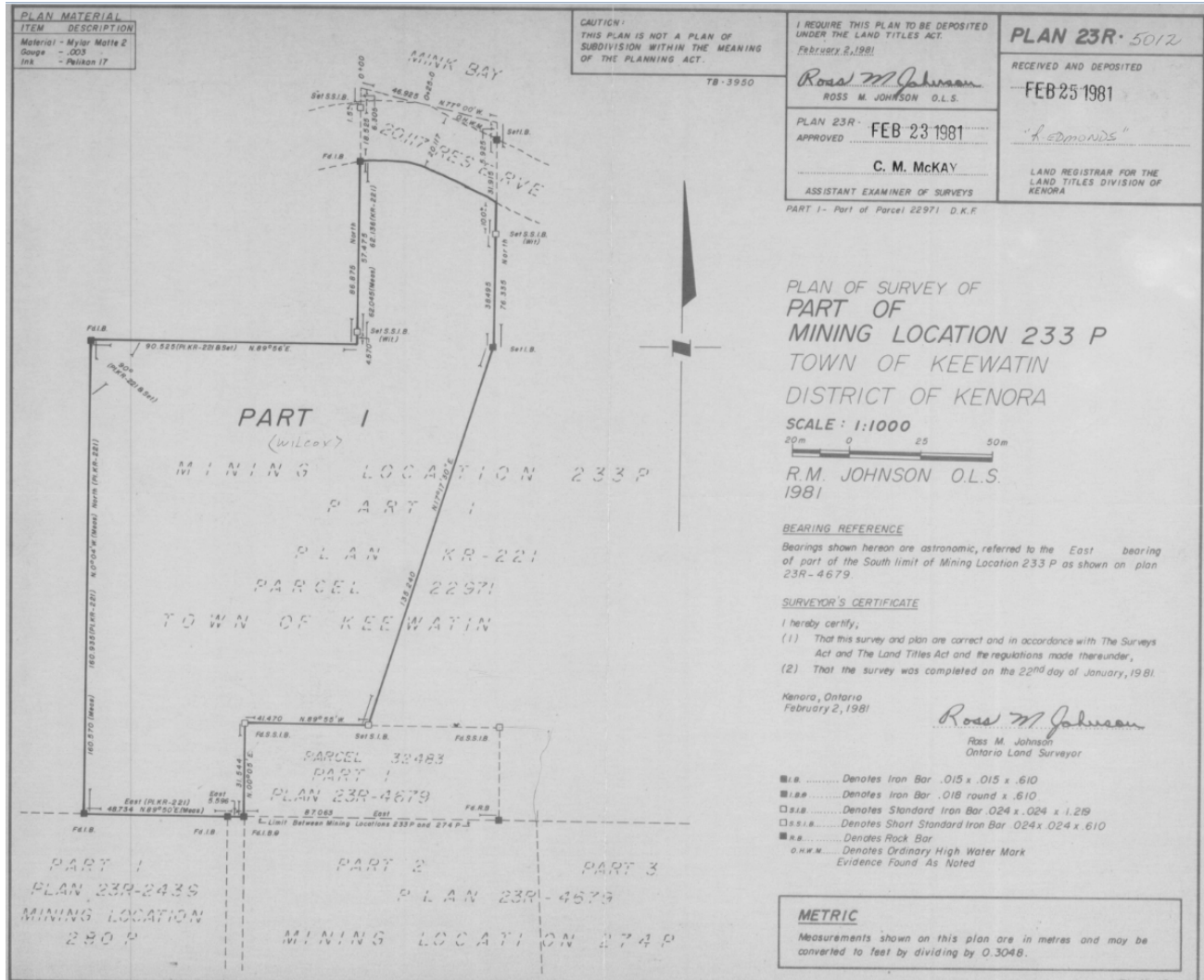
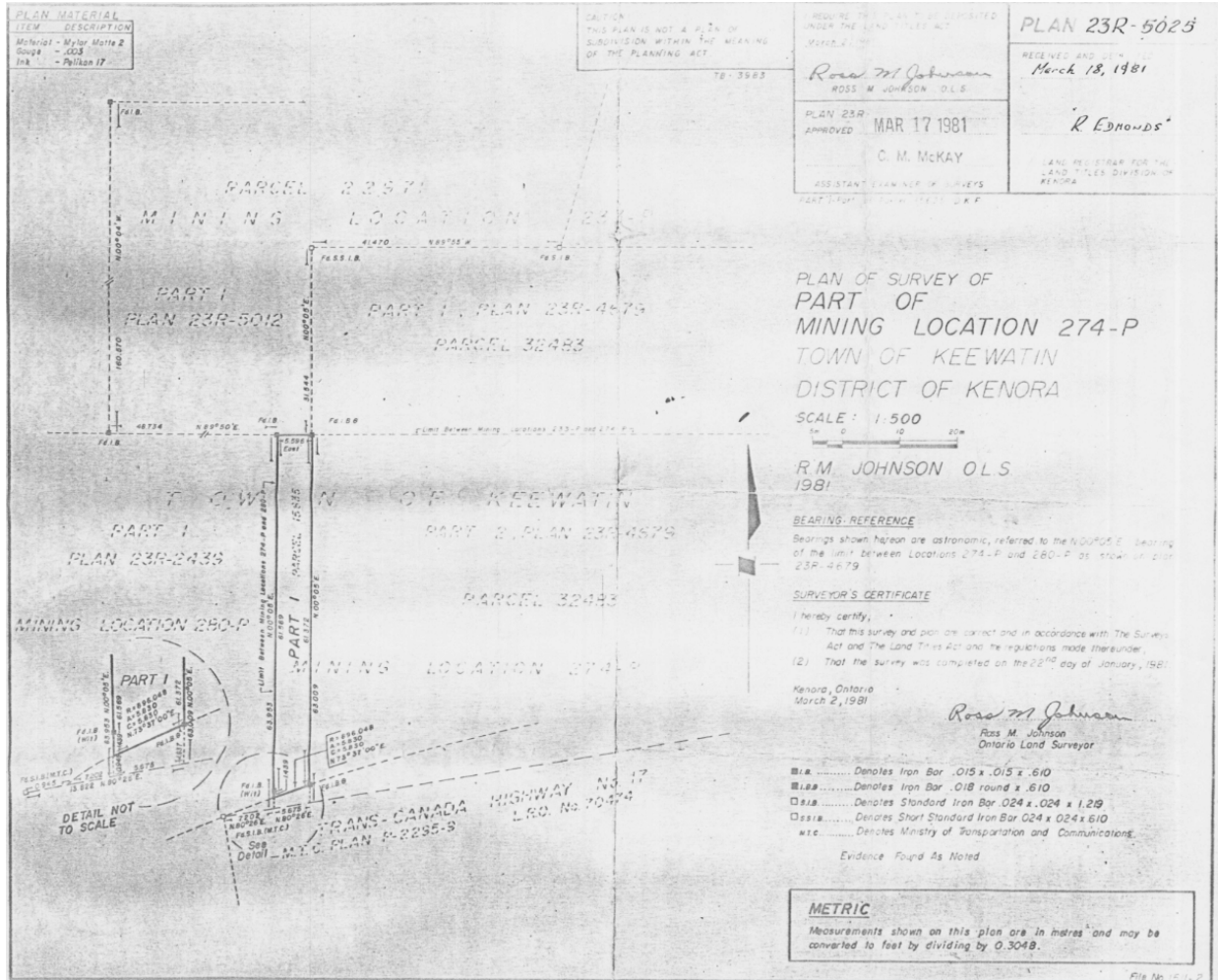


Figure 3 – Reference Plan of Survey 23R-5025



2. Description of Proposal

To enable property specifically indicated on the sketch to be rezoned to allow for use of the property as a converted dwelling containing three units, and a property with frontage along the waterfront of Mink Bay. Whereas the list of permitted uses contained in the Rural Residential Zone ('RR') does not include converted dwelling, approval of a site specific provision would allow for an existing single-detached dwelling to apply for a change of use permit, in compliance with the provisions of the zoning by-law. In addition, approval would enable future consideration for an application for consent, lot addition to transfer 0.43 ha of land to the abutting parcel of property locally known as 1930-A Highway 17 W, Part 1, Plan 23R-7097, PIN-42154-0030.

Converted dwelling, which means a residential use building that has been altered, but not demolished and replaced, to increase the number of dwelling units to three or more.

3. Existing Conditions

The property is fronting on Mink Bay, a Provincially Significant Wetland as identified by The Ministry of Natural Resources and Forestry. The property has a rear lot line of 5.596 metres in width along Highway 17 West, providing access to the subject property.

The subject property is developed with a two storey converted dwelling having a gross floor area of 1500 m² in size. Consideration of the application for an amendment to the zoning by-law to will enable a change of use to enable the non-compliant converted dwelling to be recognized as such and to achieve compliance with the provisions of the RR zone.

The property is serviced with a private septic and summer water service provided by the City of Kenora, in addition to a holding tank. Northwestern Heath Unit has provided comment in support of the application for an amendment to the zoning by-law, stating that there is area on the retained property to address increases in the potential sewage flow if need be.

Adjacent properties are zoned RR-Rural Residential and HC-Highway Commercial, and have been improved with low density single-detached housing, and commercial development including dealerships, storage, sales, service and repair, and light industrial use.

4. Site Visit

On March 20th, I attended the subject location to view existing development and the property subject to lot addition.

Photo 1 – Perspective west, view of the existing dwelling



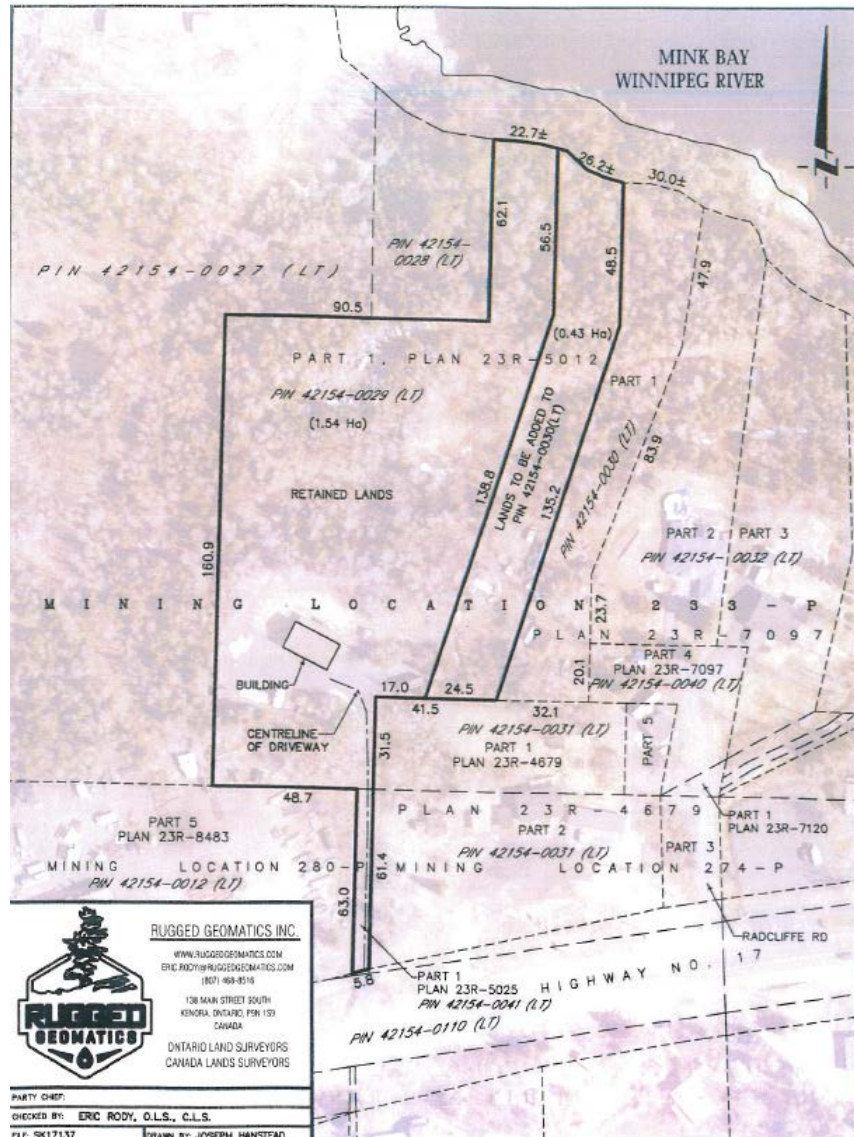
Photo 2 – Outdoor storage of vehicles and equipment



Photo 3 – Shoreline fronting the subject lots at Mink Bay



Figure 4 – Sketch of proposed future consent



5. Consistency with Legislated Policy and City Directives

a) Provincial Policy Statement (PPS) 2014

The application is consistent with several policies, and following are noteworthy:

Policy 1.1. Managing and directing land use to achieve efficient and resilient development and land use patterns;

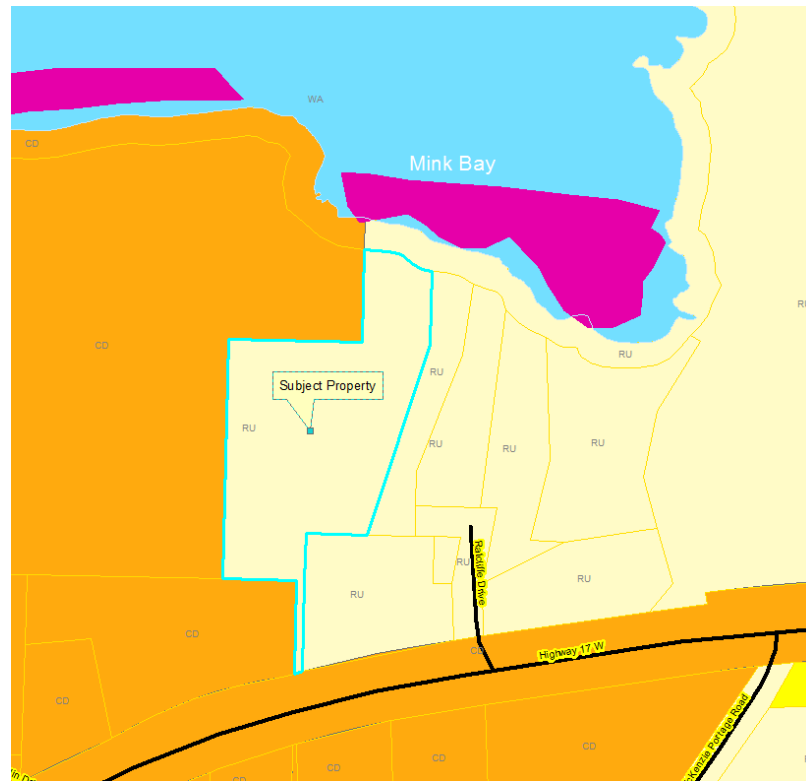
1.1.1. Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation,

Policy 1.1.4.1 Healthy, integrated and viable *rural areas* should be supported by:
c) Accommodating an appropriate range and mix of housing in *rural settlement areas*;

d) Encouraging the conservation and *redevelopment* of existing rural housing stock on *rural lands*;

c) City of Kenora Official Plan (2015)



The Land Use Designation of the property is RU – Rural Area. The following policies with particular relevance are extracted.

3.17 Residential Densities

Density is a relative term that is used to define the scale and grain of development. It is typically a measure of persons or dwelling units per unit of land area. Net residential density is usually expressed as the number of dwelling units per hectare and measures the area of land used exclusively for residential use, including private roads and parking areas but excluding public streets, rights-of-way, parks, environmental areas and non-residential uses.

The definition of low, medium and high density differs from place to place. For the purposes of the Official Plan, residential densities are defined as follows:

- Low: up to 16 units/net hectare
- Medium: 17 to 40 units/net hectare
- High: over 40 units/net hectare

The application to enable a converted dwelling with three units shall be considered low density as per the definitions within the Official Plan.

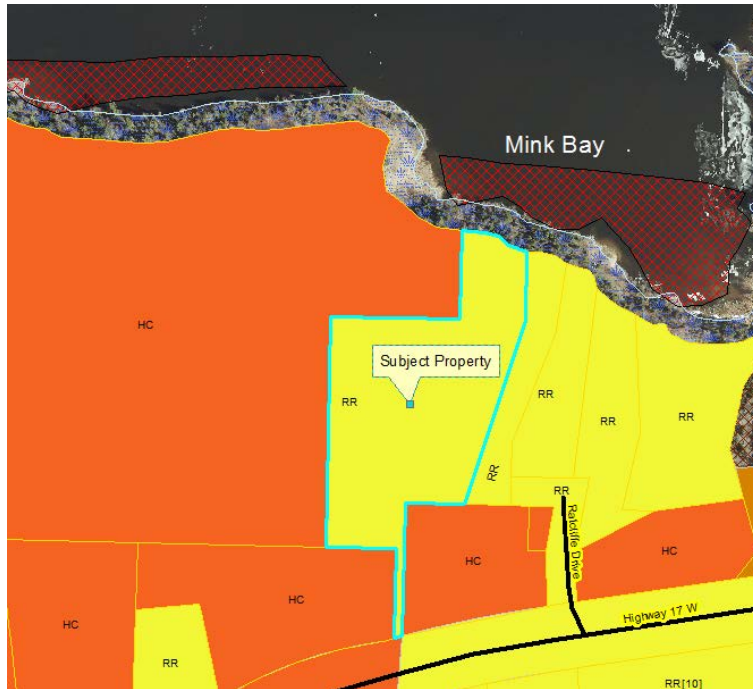
4.8 Rural Area

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.

4.8.3 Residential Development in the Rural Area

- a) Residential development shall be restricted to single-detached dwellings on relatively large lots serviced by private water and sewage;*
- b) Development proposals shall be limited in scale and shall not detract from the planned role and function of the settlement area; and*
- c) Development shall preserve rural character and the scenic quality of the rural landscape and shall avoid densities more appropriately found in the settlement area.*

d) Zoning By-law No. 101-2015



The subject property is currently zoned Rural residential 'RR', and subject to the regulations of Section 4.5. This zone allows for the development of low density single - detached, seasonal or permanent housing and compatible uses in a rural setting.

Whereas the list of permitted uses contained in the Rural Residential Zone ('RR') does not include converted dwelling, approval of a site specific provision would allow for an existing single-detached dwelling to apply for a change of use permit, in compliance with the provisions of the zoning by-law.


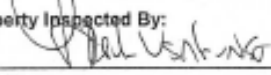
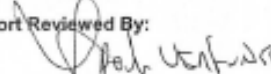
Section 4.5.3 (a) of the zoning by-law regulates lot frontage in the RR - zone to a minimum of 61 metres. The application is seeking to reduce their frontage to approximately 22.7 metres. If approved the property would be eligible for an application for severance. Future consideration of an application for consent under Section 53 of the Planning Act is anticipated, to enable a lot addition, by transferring 0.43 ha of land to the abutting parcel of property locally known as 1930-A Highway 17 W, Part 1, Plan 23R-7097, PIN-42154-0030.

All other regulations and requirements of the zoning by-law would be met for the lot dimensions and building locations.

6. Results of Interdepartmental and Agency Circulation

Departments and Agencies Circulated	Comments Received
Operations Department	No comments received
Building Department	<p><i>Comments received on February 28, 2018:</i></p> <ul style="list-style-type: none"> - The property file indicates that there is an illegal triplex on this property; - There is a Building Permit on file for a single family dwelling unit, issued April 24, 1990. The file has no information as to when the building was converted to a triplex; - It is recommended that the Applicant retain an Ontario Code Qualified Designer to confirm that the building was constructed to the appropriate code of the day for a multi-unit residential use; - At the minimum a Change of Use Permit will be required and if renovations are required as a result of the Designers review, a Building Permit will be required; - I am uncertain what the purpose of the Part 3 Code References in the back of Application are for; however, it should be noted that this is a Part 9 Building not a Part 3 Building. <p><i>Comments received March 15, 2018:</i></p> <p>The building department offers the following revised comments;</p> <ul style="list-style-type: none"> - I have been contacted by a local designer who has been retained and is currently working on a design to accompany an Application for a Permit to Construct (Building Permit) i.e. renovations to comply with the

	<p>Ontario Building Code for a Multiunit Residential Use (triplex).</p> <ul style="list-style-type: none"> - The Building Department has no objections to the rezoning of this property or the lot addition.
Roads Department	The property owner needs to obtain an entrance permit for lot1 for the access to Ratcliffe drive. Also it is the property owners responsibility to construct the road way in the unopened portion of the road allowance of Ratcliffe drive in accordance with the municipal standards – March 26, 2018
Water & Wastewater Department	Division has no issues on this application - February 5, 2018
Kenora Hydro	This is Hydro One service area, so Kenora hydro has no concerns - February 16, 2018
Kenora Fire & Emergency Services	Kenora Fire has no issues with this rezoning application - March 1, 2018
Hydro One	
Ministry of Natural Resources	We have not identified any concerns as a result of our review Jessica Malone-Daniher, District Planner - March 5, 2018
Northwestern Health Unit	Included within the Application a copy of the NWHU Report regarding the above mentioned property - January 31, 2018

 Northwestern Health Unit <small>www.nwhu.on.ca</small>	<h2 style="margin: 0;">Application for Consent Report</h2>
<p>Regarding Property:</p> <p>legal description: <u>Pt Mining Loc 233P Plan 23R-5012</u></p> <p>location: <u>1930 Hwy 17 West</u></p> <p>Owner(s): <u>KC Refrigeration Ltd - Ken Campbell</u></p>	
NWHU File Number: LDK038-17	
<p>The Northwestern Health Unit inspects and/or reviews proposed consents to assess the retained and new proposed lot's ability to have future Ontario Building Code compliant septic systems and to assess the suitability of any existing sewage systems. Most illnesses that arise from contact with sewage are caused by pathogens which are biological agents that cause disease or illness in a host. Pathogens in sewage include bacteria, parasites and viruses. They can cause a wide variety of acute illnesses.</p> <p>The items below only address the sewage system capability of the proposed consent. Any deficiencies noted about existing sewage systems are dealt with directly with the property owner.</p> <p>Systems are subject to environmental factors such as soil conditions, prevalence of shallow or exposed bedrock, groundwater table and drainage. Correct or improper usage of a system will also affect its operable longevity.</p>	
<p>Retained Property</p> <p>Main Sewage</p> <p>There is a dwelling with an existing septic system. There is sufficient area to install a new system in the same general area when needed.</p> <p>The septic approval was issued when there were two units instead of three rentals in the apartment complex. The conversion of the plumbed shop to an apartment does increase the potential sewage flow. There is area on the remaining property to address this increase if need be.</p>	
<p>Severed Property</p> <p>Main Sewage</p> <p>The proposed lot is vacant and there are suitable areas to install a future septic system with imported sand fill.</p> <p>The severed portion is being added to a vacant lot. This addition will only increase the ability of the new lot to support a septic system.</p>	
<p>Final Comments:</p> <p>The Northwestern Health Unit has no objections to the proposed consent</p>	
Property Inspected By:  _____ Doug Vergunst, Chief Building Official	Date <u>Jan 31 2018</u>
Report Reviewed By:  _____ Doug Vergunst Chief Building Official	Date <u>Jan 31 2018</u>

7. Public Comments

A public meeting is scheduled to be held by Council on April 10th, 2018. Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on March 8, 2018 to property owners within 120 metres, published in the Municipal Memo of the Newspaper on March 15, 2018 and circulated to persons and public bodies as legislated. Together with staff, Council will have the opportunity to evaluate the proposal in lieu of public comments.

8. Planning Advisory Committee Recommendation

The notice also stated that the Planning Advisory Committee would have the opportunity to consider recommendation of the application to Council at their meeting on March 27, 2018. Resolution and minutes of this meeting will be forwarded on to Council for their information.

It was described that if new information or comments were provided at either the PAC or Council meetings, such information may affect the outcome my professional planning opinion and the recommendation as presented herein.

The Agent for the Application presented the purpose of the application and planning rationale and assured the committee that he was available to answer questions.

The minutes of the PAC meeting are available for review, this report has been adapted from the report provided to the PAC.

As of the date of this report (March 29th, 2018) public comments were received which expressed concern with outdoor storage and debris. A copy of the redacted comments have been attached to this report.

The Agent for the application assured the committee that the property would be cleaned up, as it will be advertised for sale.

9. Evaluation

If approved, the subject application would enable an existing vacant and non-complying lot to be enlarged, cleaned up and used for an approved use. The reduction in lot area to the retained portion would have no negative impact to the functionality of the property, or its servicing.

Concerns in regard to outdoor storage and waste debris can be assured as part of the conditions for consent approval.

Budget: No impact. Application fees paid in accordance with the Tariff of Fees By-law

Risk Analysis: Analysis of planning applications is accomplished in accordance with the legislation provided through the Planning Act. Applications are required to be consistent with the Provincial Policy Statement, and meet the criteria listed in the Official Plan.

Communication Plan/Notice By-law Requirements: Notice of the complete application and public meeting provided in accordance with the Planning Act. Notice of meetings held by the Planning Advisory Committee, Committee of a Whole, and Council provided as per the Notice By-law.

Strategic Plan or Other Guiding Document: The Official Plan provides criteria for the evaluation of Applications for Zoning By-law Amendments.

10. Recommendation

As Planner for the City of Kenora, it is my professional planning opinion that application D14-18-02, should be approved, in lieu of public comments that may yet to be received.

That Council accepts the recommendation of the Kenora Planning Advisory Committee, and further; that Council, in lieu of public comments, gives three readings to a by-law to authorize approval of the amendment to enable a change in zoning from RR to a site specific zone RR[38] to allow for a converted dwelling of three dwelling units.

As the Planner for the City of Kenora, it is my professional planning opinion, that the Application for Zoning By-law Amendment, File No. D14-18-02, be approved, in lieu of public comments that may yet to be received.

Attachments (4)

- Complete Application for Zoning By-law Amendment including Planning Rationale
- Notice of Application and Public Meeting
- PAC Resolution
- Draft PAC Meeting Minutes held March 27th, 2018