



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

PRESENT: Mayor D. Canfield
Councillor M. Goss
Councillor R. McMillan
Councillor L. Roussin
Councillor S. Smith
Councillor C. Wasacase

Regrets: Councillor D. Reynard

Staff: Karen Brown, CAO
Heather Kasprick, City Clerk
Devon McCloskey, City Planner
Melissa Shaw, Planning Assistant
Kylie Hissa, Interim Planning Assistant

Mayor Canfield opened the meeting and stated that 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.

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.

Mr. Randy Seller is present and defers to the City Planner to speak to the application.

Devon McCloskey, City Planner presented the planning report.

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.

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.

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.

Site Visit

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

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.

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;

	<ul style="list-style-type: none"> - 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 Ontario Building Code for a Multiunit Residential Use (triplex). - The Building Department has no objections to the re-zoning 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

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.

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.

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.

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.

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

Mayor Canfield questioned if there was anyone who wished to speak in favour of the amendment?

There were none.

Mayor Canfield questioned if there was anyone who wished to speak in opposition of the amendment?

There were none.

Mayor Canfield asked if there were any questions?

Councillor Smith questioned if the entire shoreline is environmentally sensitive as this is a Provincially significant wetland. The intent is that these properties be put for sale and everything cleaned up.

As there are no further questions, Mayor Canfield declared this public meeting CLOSED at 12:43 p.m.