

A G E N D A

for a Public Meeting
to discuss a Proposed Zoning By-law Amendment
(Re: D14-19-08 915 Ottawa Street)
Tuesday, August 6, 2019
12:00 p.m.

Introduction/Summation of Intent:

The purpose of public meetings is to present planning applications in a public forum as required by The Planning Act. Following presentations by the applicant and our City Planner, any Planning Advisory Committee members will be afforded an opportunity to speak and at that time, the meeting will then be opened to the public for comments and questions. The public is encouraged to read the City Planner's planning report in advance of the public meeting which may clarify questions in advance of the public meeting. Interested persons are requested to give their name and address for recording in the minutes. There is also a sign in sheet for interested members of the public at the back of the room.

Personal information collected as a result of this public hearing and on the forms provided at the meeting are collected under the authority of the Planning Act and will be used to assist in making a decision on this matter. All names, addresses, opinions and comments may be collected and may form part of the minutes which will be available to the public. Questions regarding this collection should be forwarded to the City Clerk.

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.

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 bylaw 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 to an applicable official plan.

No decisions are made at public meetings concerning applications, unless otherwise noted. The public meeting is held to gather public opinion. 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 wishes to receive the Notice of the Decision of Council, please leave your name and address with the City Planner.

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

Council Declaration of Pecuniary Interest & General Nature Thereof

- i) On Today's Agenda or from a previous Meeting
- ii) From a Meeting at which a Member was not in Attendance

1. Applicant Presentation

- The applicant (or representative) will present their planning application.

2. City Planner Report/Rationale

- City Planner, Devon McCloskey, to describe the details of the planning application.

3. Express Interest

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

- a) Is there any member of the public who wishes to speak in favour of the amendment?
- b) Is there any member of the public who wishes to speak in opposition of the amendment?

4. Discussion

- a) Members of Council – Discussion/Questions (no decision is made)

5. Questions

- Members of the Public – are there any questions of the application?

6. Close of Public Meeting

- No further questions/comments, meeting is declared closed.

July 31st, 2019

Staff Report

To: Mayor & Council

Fr: Devon McCloskey, City Planner

File No.: D14-19-08

Re: Application for Zoning By-law Amendment

Location: 915 Ottawa Street

Applicant: Vanessa Nowe

Owner: Kirby Campbell Holdings Inc.

1. Introduction

An application has been received for the subject property, to change the zoning from Institutional (I) to Residential Third Density (R3) with varied building access, reduced building setbacks, reduced visitor parking, and reduced parking stall length per Table 4 of Sections 3.23.1, 3.23.2, and 3.23.4 of the Zoning By-law No. 101-2015.



Figure 1 (above) - Aerial sketch displaying subject area of proposed rezone

2. Description of Proposal

To allow an existing building to apply for a change of use permit for an apartment dwelling containing six units, and having interior and exterior access; with legal non-complying building setbacks (4.3 m front yard, 0.6 m interior side yard, 8 m rear

yard), and a total of 8 10 parking spaces on site. 7 parking spaces will have reduced lengths of 5.36 m.

On July 7th, the applicant provided new information to remove the request for reduced parking. Since they would be able to remove the exterior staircase to the lower units, parking at the rate of 1.5 per unit could then be supplied as per the By-law for Apartment Dwellings and Visitor Parking.

3. Existing Conditions

The property is located at 915 Ottawa Street, PLAN 18 BLK 49 LOT 12; Townsite of Keewatin. The property is a corner lot with an exterior side yard on Eighth Street. It is located at the westside of business area in Downtown Keewatin. Property to the west is zone Residential Density 1 (R1), and developed with single-detached dwellings, and property to the north and east are zoned Institutional (I) and General Commercial (GC) and developed for building supply, retail, restaurant, and institutional uses.

The building is legally non-complying to the Institutional Zone since the front yard, interior side yard, and rear yard do not meet the current zoning provisions, as it was constructed in 1992. Most recently, the building was used as an Office and a Place of Worship. Currently parking is provided along the exterior side yard and the rear yard.

4. Site Visit

On June 17th and July 8th, 2019, I attended the subject location to view existing conditions. The photos herein are intended to provide a visual of the existing building, property, and surrounding development.

Photo 1 – View of the front of the building



Photo 2 – View of the westside of the building (looking east)



Photo 3 – View of the rear yard, deck and parking area for trucks and larger vehicles



5. Consistency with Legislated Policy and City Directives

a) Provincial Policy Statement (PPS) 2014

The proposed rezoning is consistent with those policies that support increasing the supply of housing that is located within a walkable and centralized area of the community.

In particular, the provision for a range and mix of housing types and densities (Policy 1.4.1), which will support economic development, and attraction of workers. The location of the proposed redevelopment is ideal, with its accessibility to public service facilities, and commercial areas, by means of active transportation (Policy 1.4.3 d).

b) City of Kenora Official Plan (2015)

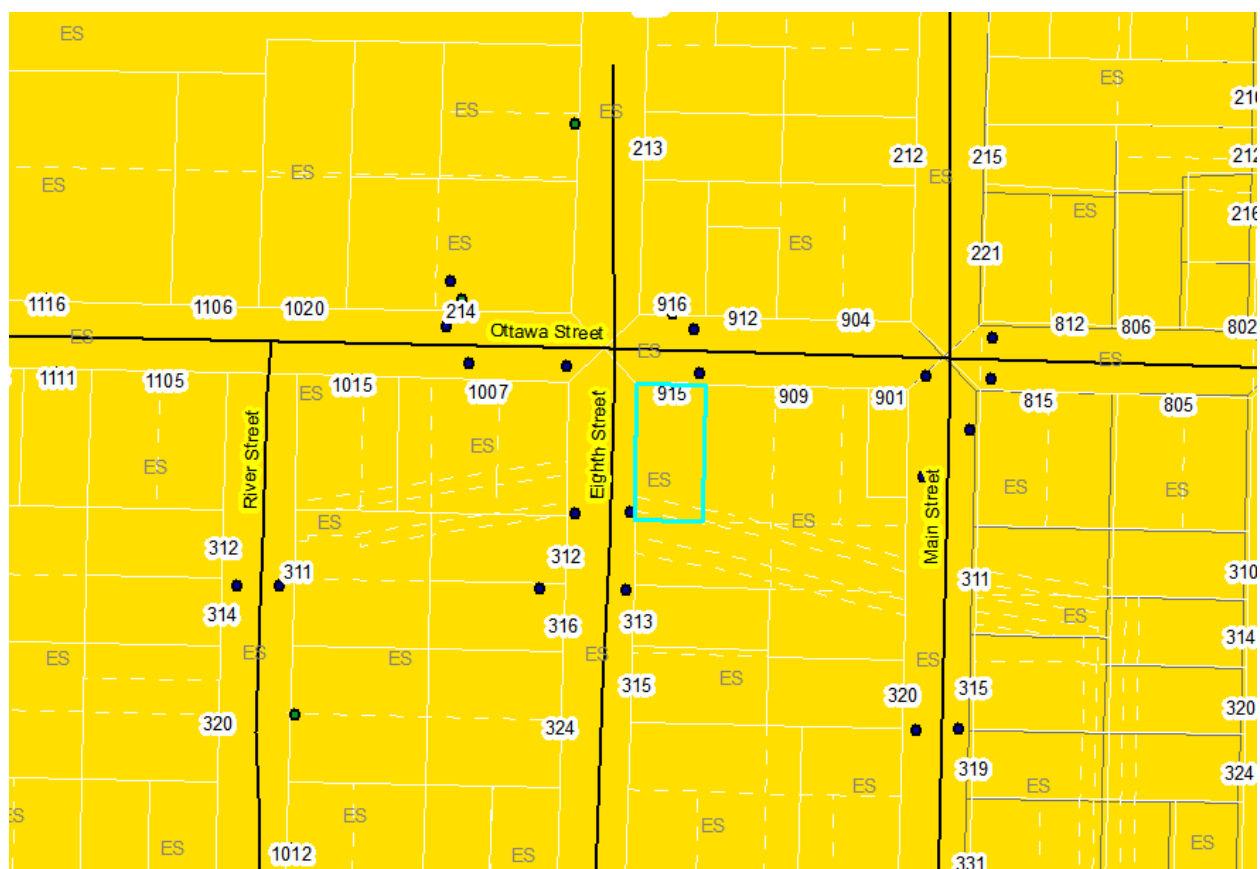


Figure 2 - OP Mapping

The Land Use Designation of the property is Established Area (ES). Policy 4.1 of the Plan describes that permitted uses shall include residential, commercial, industrial and institutional uses.

PL 4.1.2 c) of the plan explains that residential development shall be encouraged.

PL 4.1.2. e) states "Minor changes to land use that are compatible with existing land uses, do not result in significant increases to traffic, dust, odour or noise, are

similar in scale to the surrounding built form and that improve the quality of life for area residents may be permitted through an amendment to the Zoning By-law.”

c) Zoning By-law No. 101-2015

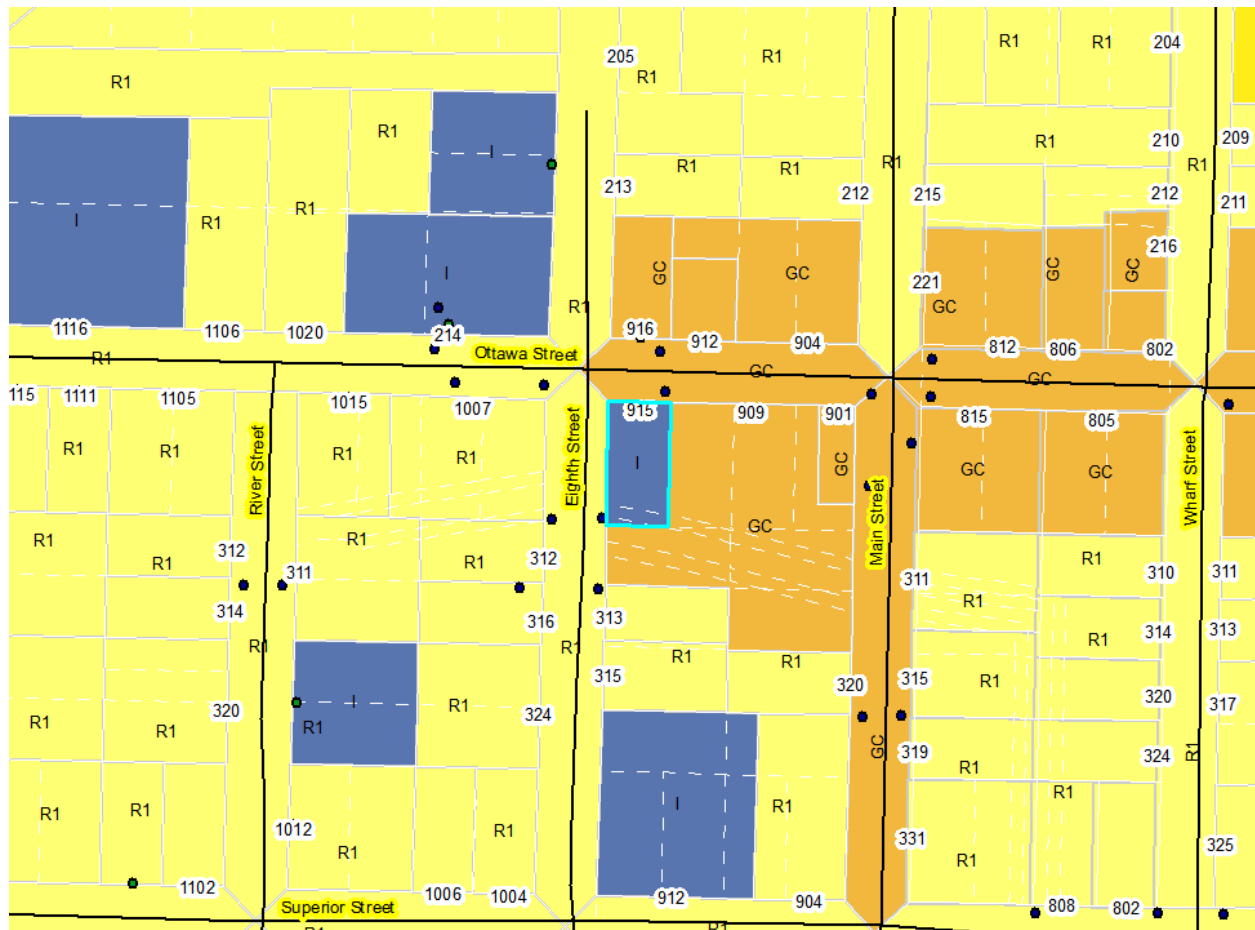



Figure 3 - Zoning By-law Mapping

Zoning of the property is currently Institutional (I), permitted uses include Place of Assembly, Place of Worship, Retirement Home, Group Home, Offices and Recreational Facilities.

A change in zoning to Residential Third Density (R3) would allow for permitted uses within the R3 zone including multiple apartment dwelling, converted dwelling, and multiple attached dwelling.

Zoning regulations including parking is required, and the application demonstrates that parking will be provided, however the stall length of the spaces provided along Eighth Street will be slightly less than regulated, and that these spaces would continue to be accessed directly to the roadway, despite section 3.23.4 of the By-law.

6. Results of Interdepartmental and Agency Circulation

Engineering	<p>There is a concern on the proposed parking stalls fronting/closest 8th St may encroach into the sidewalk causing issues for pedestrians all year round and for sidewalk snow plowing in the winter. There has to be assurance that this parking will not affect the sidewalk and this may mean the stalls being proposed may have to be diagonal as opposed to perpendicular to ensure the sidewalk is clear of parked cars. Also, there is a timber retaining wall that is about 0.5 m out from the west wall of the building that takes away potential parking stall depth as seen in the photos below, but it could be assumed that the front overhang of the car could encroach in the area between the building wall and the timber retaining wall?</p> 
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It would be beneficial for more area for parking if the stairwell heading into the lower level of the building was eliminated as per the photo below, but it is uncertain if this set of doors is required to remain to accommodate the proposed re-development?



- June 24, 2019

Response from Vanessa Nowe –

We truly feel that there will be no issue with the parking stalls fronting/closet to 8th Street encroaching on the sidewalk, as stated we plan to only park cars along that strip but we did take pictures of our real estate agents SUV (larger vehicle than we plan to allow) as per the attached to show you that even a larger vehicle does not encroach at all. You will note the retaining wall will not be an issue as the vehicles front overhang can go over and will actually act as a stop to ensure no one hits the building with their car as such we did include that area as parking area in our drawings as it truly is. The timber retaining wall is exactly 29" from the building which as you can see in the pictures provides a perfect distance for the front overhang. We plan to also install padding on the building to ensure vehicles can pull up as far as possible and the hand railing on the front of the parking will also be removed to allow vehicles to pull closer to the building. I also included pictures of my van which is very low (we always scape the sidewalk when parking) and even it doesn't touch the retaining wall at all. I completely agree that a truck would be an issue, which is why we will assign parking according to the tenant's vehicle that they drive. We would be happy to provide each tenant some parking rules when they sign their lease letting them know that they must pull up close to the building and ensure that their vehicle isn't encroaching on the sidewalk for the safety of pedestrians, we can even incorporate that into our lease agreement to ensure that we can issue warnings etc for those that violate. Diagonal parking is an option

	<p>but less spots would be able to fit so then our total parking spots would decrease plus it would be more difficult for tenants to parallel park then perpendicular park.</p> <p>As for snow removal, we have already contacted a company to provide us that service, all snow will be removed and taken away, no snow will be piled along the building at all or anywhere else for that matter. For smaller snows there is a space beside the side entry way that we purposely left to allow for a smaller pile of snow, this area is shown in the drawings and will not affect the parking, will not be piled along the building wall and will not be along the sidewalk. When the company comes to remove snow this pile would be removed at the same time. The same company will be providing snow removal for our 2nd street building.</p> <p>- June 26, 2019</p> <p>No outstanding concerns from Engineering</p> <p>- June 28, 2019</p>
Roads	<p>After discussions with Marco and reviewing the pictures that were taken by engineering staff and the assertion by the property owner that parking and snow clearing will be closely monitored and controlled I tend to agree with Marco's position.</p> <p>- July 2, 2019</p>
Water and Wastewater	<p>W/WW has no issues.</p> <p>- June 19, 2019</p>
Building	<p>The Building department has no concerns with this Application; Ontario Building Code concerns if any, will be addressed at the Site Plan Control Approval and Building Permit stages.</p> <p>- August 1, 2019</p>
Kenora Fire	<p>Re; barrier free parking - although not a requirement under the zoning by-law (less than 11 parking spaces) will barrier free parking space/s be provided? The site plan indicates a handicap ramp which suggests that some apartments may be of barrier free design.</p> <p>Is there a concurrent application for minor variance permission? Box 3 doesn't indicate this yet the application lists a number of variances.</p> <p>- August 1, 2019</p>
Synergy North	<p>No comments received as of July 31, 2019</p>

Environmental Services	No issues - June 20, 2019
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7. Public Comments

A public meeting is scheduled to be held by Council on August 6th, 2019. Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on July 4th, 2019 to property owners within 120 metres, published in the Municipal Memo of the Newspaper on July 4th, 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.

As of the date of this report (July 31st, 2019), two public comments have been received, refer to the attachments to review a redacted copy of each.

The first, provided by an existing business in Keewatin, offered support for the application to rezone. The second, explained that the property is part of the business district in Keewatin, that there has been a revitalization of buildings and new business; but expressed concern for setting precedence of changing commercial uses to residential that could lead to the loss of businesses established in Keewatin. Increases to on street parking was also noted to be a concern.

The notice that was circulated stated as part of the purpose and effect of the application, that 2 less parking stalls would be provided, however the applicant has since undertaken a further evaluation of the renovation of the building and determined that additional parking will be available with the removal of a staircase which currently accesses the basement.

8. Planning Advisory Committee Meeting

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 July 16th, 2019. Resolution and minutes of this meeting will be forwarded on to Council for their information.

On July 16th, the applicant presented the proposal to the Committee, describing the existing conditions of the property, and the proposal to renovate the building interior, improve the building exterior, and provide off street parking.

The PAC discussed the application, asked questions, and a copy of resolution to recommend approval of the application is included in this report. In addition, a full set of the PAC's draft meeting minutes is attached for reference, the minutes of subject application begin on page 9 of 12.

Figure 4 – PAC Resolution



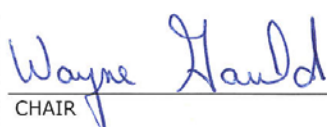
The Corporation of the City of Kenora

PLANNING ADVISORY COMMITTEE MEETING RESOLUTIONMOVED BY: Graham ChazeSECONDED BY: John McDougall

DATE: July 16, 2019

RESOLVED THAT the **PLANNING ADVISORY COMMITTEE** recommends that the Council of the Corporation of the City of Kenora approve application D14-19-08, subject property located at 915 Ottawa Street in Keewatin, ON, described as Plan 18, Block 49, Lot 12, to change the zoning from I-Institutional to site-specific R3-Residential Third Density to allow an existing building to apply for a change of use permit for an apartment dwelling containing six units, and having interior and exterior access; with legal non-complying building setbacks (4.3 m front yard, 0.6 m interior side yard; 8 m rear yard), a total of 10 parking spaces on side, and 7 parking spaces having reduced lengths of 5.36 m.

The Committee has made an evaluation of the application upon its merits against the Official Plan, Zoning By-law, and the Provincial Policy, and provides a recommendation to Council purely based on these matters; whereas the Committee may not have had the opportunity to hear public comments in full.

DIVISION OF RECORDED VOTE				CARRIED <input checked="" type="checkbox"/>	DEFEATED
Declaration of Interest (*)	NAME OF PLANNING MEMBER	YEAS	NAYS	 CHAIR	
	Chaze, Graham				
	Richards, Bev				
	Gauld, Wayne				
	Kitowski, Robert				
	Pearson, Ray				
	Barr, John				
	McDougall, John				
	Koch, Andrew				
	McIntosh, Tanis				

9. Evaluation

Most recently the property was used as an office and church. The building has been vacant and for sale, for years. The Official Plan, as well as the Community Improvement Plan, are supportive of increasing the housing supply, and for mixed neighbourhoods in Keewatin.

Use of the property for commercial opportunities is limited given proximity to established residential areas, housing is in high demand, and the prospective purchasers are proposing to renovate and bring this vacant property back to life.

If approved, the requested rezoning will add to the supply of housing, opening more opportunities for tenants who are looking to reside within a centralized

location of Keewatin. One of the units is planned to be barrier free, and a tenant has already been selected.

To date, parking has been provided upon the property in the same alignment as the application proposes. The applicant has described that the spaces along the exterior side yard, which do not currently conform to the by-law, given that drivers would access directly to a road, and that the stall length is 0.62 metres short of the regulated requirement, would still be viable.

The tenants will only be permitted to park small cars, and will be made aware via their rental agreements. Other examples of this can be seen in Kenora, such as at the Safeway parking lot, along the south side of the property at Laurenson's Creek.

Budget: 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 applications 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 Official Plan, and Zoning By-law Amendments

9. Recommendation

As the Planner for the City of Kenora, it is my professional planning opinion, that the Application for Zoning By-law Amendment, File No. D14-19-08, to change the zoning of the subject property to allow an existing building to apply for a change of use permit for an apartment dwelling containing six units, and having interior and exterior access; with legal non-complying building setbacks (4.3 m front yard, 0.6 m interior side yard, 8 m rear yard), a total of 10 parking spaces on site, and 7 parking spaces having reduced lengths of 5.36 m; should be approved for a site specific amendment, in lieu of public comments that may yet to be received.



Devon McCloskey, RPP, MCIP

City Planner

Attachments

- Complete Application for Zoning By-law Amendment, including Planning Rationale (Updated July 4, 2019), and sketch
- Notice of Application and Public Meeting
- Public Comments – July 11, 2019
- Draft PAC July 16th Meeting Minutes



The Corporation of the City Of Kenora
Notice of Complete Application and Public Meeting for a
Zoning By-law Amendment, File Number D14-19-08
Planning Act, R.S.O 1990, c.P13, s. 34

Take Notice that Council of the Corporation of the City of Kenora will hold a Statutory Public Meeting, under Section 34 of the *Planning Act*, to consider a Zoning By-law Amendment as it pertains to Zoning By-law No. 101-2015, at the following time and location:

**Statutory
Public Meeting**

When: Tuesday, August 6th, 2019 at 12:00 p.m.
Location: Council Chambers, City Hall, 1 Main Street South, Kenora, ON

The Council of the Corporation of the City of Kenora will then have the opportunity to consider a decision regarding the application during their regular meeting on Tuesday, August 13^h, 2019 at 12:00 p.m.

You are also invited to attend The Kenora Planning Advisory Committee (PAC) regular meeting, who hears applications and considers recommendations to Council, commencing at the following time and location:

PAC Meeting

When: Tuesday, July 16th, 2019 at 6:00 p.m.
Location: Training Room, Operations Centre
60 Fourteenth Street North, 2nd Floor, Kenora, ON



Location of Property: 915 Ottawa Street, Keewatin. Refer to the map above.

Purpose: to change the zoning from Institutional (I) to Residential Third Density (R3) with varied building access, reduced building setbacks, reduced required parking, reduced visitor parking, and reduced parking stall length per Table 4 of Sections 3.23.1, 3.23.2, and 3.23.4 of the Zoning By-law No. 101-2015.

Effect of Approval: to allow an existing building to apply for a change of use permit for an apartment dwelling containing six units, and having interior and exterior access; with legal non-complying building setbacks (4.3 m front yard, 0.6 m interior side yard, 8 m rear yard), and a total of 8 parking spaces on site. Five parking spaces will have reduced lengths of 5.36 m.

Public Meeting: Input on the proposed amendment is encouraged. You can provide input by speaking at the PAC or Statutory Public Meeting, and you are not required to register in advance to speak. You may also provide your comments in writing. If you are aware of any person interested in or affected by the application who has not received a copy of this notice you are requested to inform that person of this meeting.

If possible, written submissions are requested to be made before July 10th, 2019 and directed to:
Ms. Devon McCloskey, City Planner
60 Fourteenth Street North, 2nd Floor, Kenora, ON P9N 3X2
Email: dmccloskey@kenora.ca

Failure To Make Oral Or Written Submission: If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of The Corporation of the City of Kenora before the by-law is passed:

- a) the person or public body is not entitled to appeal the decision of the Council of The Corporation of the City of Kenora to the Local Planning Appeal Tribunal.
- b) the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Appeal of a decision of the Municipality in respect of this amendment to the Zoning By-Law may be made by any person or public body not later than 20 days after notice of the decision is given.

Notice of Decision: If you wish to be notified of the decision of the Council of The Corporation of the City of Kenora in respect of the application for Zoning By-Law Amendment, you must make a written request to Heather Pihulak, Clerk of The Corporation of the City of Kenora at 1 Main Street South, Kenora, ON P9N 3X2

Additional Information is available during regular office hours at the Operations Centre. Please contact Devon McCloskey, City Planner, if you require more information: Tel: 807-467-2059 or Email: dmccloskey@kenora.ca
Personal information that accompanies a submission will be collected under the authority of the Planning Act and may form part of the public record which may be released to the public.

Dated at the City of Kenora this 4th day of July, 2019



City of Kenora
Application for Amendment to Zoning By-law or
Temporary Use
Section 34 or 39 of the Planning Act & Ontario
Regulation 545/06 (as amended)

OFFICE USE ONLY

Date Stamp - Date Received:



File Number: D14-19-08

Roll Number: 0016 - 123 - 001 - 093 - 00

Application Fee Paid: \$ 1100

Application Deemed Complete (Date): _____

1.0 - Submission Requirements

Note: If the information below is not received the application cannot be deemed complete.

- ☒ Pre-consultation meeting
- ☒ 1 original copy of the completed application form
- ☒ The required application fee of \$1100.00 as per the schedule of fees By-law
- ☒ Planning Rationale
- ☒ Site Plan Sketch
- ☐ Copies of 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:

☒ Zoning By-law Amendment s.34

☐ Temporary Use By-law s.39

3.0 - Concurrent Applications Filed

- ☐ Official Plan Amendment
- ☐ Minor Variance/Permission
- ☐ Subdivision Application

- ☐ Site Plan Application
- ☐ Consent Application
- ☐ Other: _____

4.0 Applicant Information				
SUBJECT PROPERTY INFORMATION				
Civic Address	Street No.: 915	Street Name: Ottawa Street	Postal Code: P0X1C0	Unit Num.:
Registered Plan Number	M- -123-001-093-000			
Legal Description	LT 12 BLK 49 PI 18; S/T R17720 Kenora			
Reference Plan Number	23R- -123-001-093-000			
Lot No.(s)/Block No.(s)				
Concession Number(s)/Part Lot				
Part Numbers(s)				
Tax Roll Number	6016 -123-001-093-000			
Lot Frontage (Metres)	15.24			
Depth (Metres)	30.48			
Area (Ha.)				
PIN	42159-0073			
OWNER/APPLICANT INFORMATION				
Check Appropriate Box:	<input type="checkbox"/> Person(s)		<input checked="" type="checkbox"/> Company	
Registered Land Owner	Surname: Kirby Campbel Holdings Inc.		First Name:	
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
City			Province	
Contact Information	Phone:		2nd Phone or Fax:	
Email				
Acquisition Date of Subject Land	May 31, 2013			
PLANNING AGENT/SOLICITOR INFORMATION				
Company or Firm Name	Holmes Nowe			
Name	Surname: Nowe		First Name: Vanessa	
Mailing Address	Street No.: 804	Street Name: 9th Street North	Postal Code: P9N2T2	Unit Num.:
City	Kenora		Province: Ontario	
Contact Information	Phone: 807-407-7510		Fax: 807-468-6247	
Email	vannowe@gmail.com			
MORTGAGES, ENCUMBRANCES, HOLDERS OF CHARGES ETC. OF SUBJECT LAND				
Company	Cooperfin CU			
Contact Person	Surname:		First Name:	
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
Contact Information	Phone:		Fax:	
Email				

5.0 Please list the reports/studies that will accompany this application
Keewatin Community Improvement Plan which includes the Kenora Housing Report from 2014

6.0 – Current Zoning (Please see www.kenora.ca/planning for schedules/maps)

What is the current zoning of the subject land under Zoning By-law No. 101-2015 as amended?

I - Institutional

7.0 – Proposed Zoning

What proposed zone or zones are you seeking for the subject land?

R3 - Third Density Residential

8.0 – Nature of Proposal (Brief Description – use rationale to provide detail)

Please describe the reasons (purpose) and nature/extent of the proposed rezoning or temporary use request:

**Indicate if application is for the removal of a holding provision (H Symbol)*

Holmes Nowe has an offer to purchase pending a zoning amendment for the said property with the intention to renovate the existing building into a 6 unit affordable residential suites/apartments building. No changes will be made to the existing building dimensions and there are currently 8 off street parking spots available (9 would be available if the current deck was removed) As the building is currently vacant and has been for almost 2 years we feel that this conversion directly reflects the Keewatin Community Improvement Plan as we are taking an existing structure that is not being utilized and turning it into housing which was the largest priority identified in the plan.

9.0 – Reason for Zoning Amendment or Temporary Use By-law

Please describe why it is not possible to comply with the provision of Zoning By-law No. 101-2015 as amended:

Currently residential housing is not one of the allowable uses under Institutional zoning, we feel strongly that the building will not be utilized under the current zoning which has been proven by the families inability to rent or sell the property. We feel strongly that for this building to be utilized the City of Kenora is going to have to change the current zoning.

10.0 – Height and Density

Is the subject land located in an area of the City which has pre-determined minimum and maximum requirements for height and density?



Yes



No

If yes, please provide a statement of those requirements:

10 M height - the building meets this specification

40% coverage - current building is 36% coverage which will not be changed under the rezoning

11.0 – Area of Settlement

Does the rezoning alter the boundaries of an existing area of settlement or require a new area of settlement to be implemented?

☐ Yes

☒ No

If yes, please provide the current Official Plan policies, if any, dealing with the alteration or establishment of an area of settlement:

12.0 – Employment Lands

Will the application remove land from an area of employment?

☐ Yes

☒ No

If yes, please provide the current Official Plan policies, if any, dealing with the removal of land from an area of employment:

13.0 – Official Plan Context (Please see www.kenora.ca/planning_for_schedules/maps)

a) What is the Official Plan Land Use Designation of the Subject Land?

Established Area which include residential

b) How does the proposed zoning amendment or temporary use comply with the Official Plan?

The amendment does not go against the current Official Plan and complies with surrounding properties

+

c) Is the subject land within an area where zoning with conditions applies?

☒ Yes

☐ No



City of Kenora
Application for Amendment to Zoning By-law or
Temporary Use
Section 34 or 39 of the Planning Act & Ontario
Regulation 545/06 (as amended)

OFFICE USE ONLY

Date Stamp - Date Received:



File Number: D14-19-08

Roll Number: 6016-123-001-093-00

Application Fee Paid: \$ 1100

Application Deemed Complete (Date): _____

1.0 - Submission Requirements

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2.0 - City of Kenora Application for:

☒ Zoning By-law Amendment s.34

☐ Temporary Use By-law s.39

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SUBJECT PROPERTY INFORMATION				
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Legal Description	LT 12 BLK 49 PI 18; S/T R17720 Kenora			
Reference Plan Number	23R- -123-001-093-000			
Lot No.(s)/Block No.(s)				
Concession Number(s)/Part Lot				
Part Numbers(s)				
Tax Roll Number	6016 -123-001-093-000			
Lot Frontage (Metres)	15.24			
Depth (Metres)	30.48			
Area (Ha.)				
PIN	42159-0073			
OWNER/APPLICANT INFORMATION				
Check Appropriate Box:	<input type="checkbox"/> Person(s)		<input checked="" type="checkbox"/> Company	
Registered Land Owner	Surname: Kirby Campbel Holdings Inc.		First Name:	
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
City			Province	
Contact Information	Phone:		2nd Phone or Fax:	
Email				
Acquisition Date of Subject Land	May 31, 2013			
PLANNING AGENT/SOLICITOR INFORMATION				
Company or Firm Name	Holmes Nowe			
Name	Surname: Nowe		First Name: Vanessa	
Mailing Address	Street No.: 804	Street Name: 9th Street North	Postal Code: P9N2T2	Unit Num.:
City	Kenora		Province: Ontario	
Contact Information	Phone: 807-407-7510		Fax: 807-468-6247	
Email	vannowe@gmail.com			
MORTGAGES, ENCUMBRANCES, HOLDERS OF CHARGES ETC. OF SUBJECT LAND				
Company	Cooperfin CU			
Contact Person	Surname:		First Name:	
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
Contact Information	Phone:		Fax:	
Email				

5.0 Please list the reports/studies that will accompany this application
Keewatin Community Improvement Plan which includes the Kenora Housing Report from 2014

6.0 – Current Zoning (Please see www.kenora.ca/planning for schedules/maps)

What is the current zoning of the subject land under Zoning By-law No. 101-2015 as amended?

I - Institutional

7.0 – Proposed Zoning

What proposed zone or zones are you seeking for the subject land?

R3 - Third Density Residential

8.0 – Nature of Proposal (Brief Description – use rationale to provide detail)

Please describe the reasons (purpose) and nature/extent of the proposed rezoning or temporary use request:

**Indicate if application is for the removal of a holding provision (H Symbol)*

Holmes Nowe has an offer to purchase pending a zoning amendment for the said property with the intention to renovate the existing building into a 6 unit affordable residential suites/apartments building. No changes will be made to the existing building dimensions and there are currently 8 off street parking spots available (9 would be available if the current deck was removed) As the building is currently vacant and has been for almost 2 years we feel that this conversion directly reflects the Keewatin Community Improvement Plan as we are taking an existing structure that is not being utilized and turning it into housing which was the largest priority identified in the plan.

9.0 – Reason for Zoning Amendment or Temporary Use By-law

Please describe why it is not possible to comply with the provision of Zoning By-law No. 101-2015 as amended:

Currently residential housing is not one of the allowable uses under Institutional zoning, we feel strongly that the building will not be utilized under the current zoning which has been proven by the families inability to rent or sell the property. We feel strongly that for this building to be utilized the City of Kenora is going to have to change the current zoning.

10.0 – Height and Density

Is the subject land located in an area of the City which has pre-determined minimum and maximum requirements for height and density?

☒ Yes

☐ No

If yes, please provide a statement of those requirements:

10 M height - the building meets this specification

40% coverage - current building is 36% coverage which will not be changed under the rezoning

11.0 – Area of Settlement

Does the rezoning alter the boundaries of an existing area of settlement or require a new area of settlement to be implemented?

☐ Yes

☒ No

If yes, please provide the current Official Plan policies, if any, dealing with the alteration or establishment of an area of settlement:

12.0 – Employment Lands

Will the application remove land from an area of employment?

☐ Yes

☒ No

If yes, please provide the current Official Plan policies, if any, dealing with the removal of land from an area of employment:

13.0 – Official Plan Context (Please see www.kenora.ca/planning_for_schedules/maps)

a) What is the Official Plan Land Use Designation of the Subject Land?

Established Area which include residential

b) How does the proposed zoning amendment or temporary use comply with the Official Plan?

The amendment does not go against the current Official Plan and complies with surrounding properties

+

c) Is the subject land within an area where zoning with conditions applies?

☒ Yes

☐ No

If answer to question (c) is yes, please provide an explanation of how the proposed amendment or temporary use complies with the Official Plan Policies relating to zoning with conditions.

- Residential development should be encourage and will not result in an increase of traffic or noise.

Existing use of the subject land:

Current vacant but was last used as an office

Proposed use of the subject land:

Residential

Length of time existing uses have continued:

14.0 – Site Suitability

Are the subject lands a suitable site and location for the requested zone(s) and what are the physical characteristics of the subject land?

Please see attached list of rezoning variances and their mitigating factors. The current building was offices on the main floor and an open basement therefore it can be easily converted into residential units adding another 6 affordable housing units to our community.

15.0 – Surrounding Land Uses

Is the requested zone compatible with surrounding land uses? In what way?

The surrounding properties are a mix of general commercial and residential. Ottawa Street itself has R3 buildings already therefore we feel strongly that this rezoning will fit perfectly with the surrounding neighbourhood.

16.0 Access

Type of Access:



Municipal maintained road



Seasonally maintained municipal 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:

17.0 – Water Supply

Subject Property Water Supply:

- ☒ Municipal water
 ☐ Private well
 ☐ Communal well
☐ Lake
 ☐ Other: _____

18.0 – Sewage Disposal

Subject Property Sewage Disposal:

- ☒ Municipal sewer system/field
 ☐ Private septic system/field
 ☐ Communal septic system/field
☐ Privy
 ☐ Other: _____

If the application would permit development on privately owned and operated individual or communal septic systems, and more than 4500 litres of effluent produced per day as a result of the development being completed, you are required to provide:

- A servicing options report; and
- A hydrogeological report

19.0 – Other Applications Under the Planning Act

Is the subject land, or land within 120 metres of the subject lands, the focus of any other applications under the planning act or has the subject property been subject to an application in the past?

- ☐ Yes
 ☒ No

If yes, please indicate which applications are being undertaken:

<input type="checkbox"/>	Draft Plan of Subdivision	File No.:	Status:
<input type="checkbox"/>	Condominium Description	File No.:	Status:
<input type="checkbox"/>	Official Plan Amendment	File No.:	Status:
<input type="checkbox"/>	Zoning By-law Amendment	File No.:	Status:
<input type="checkbox"/>	Minister's Zoning Amendment	File No.:	Status:
<input type="checkbox"/>	Site Plan Application	File No.:	Status:
<input type="checkbox"/>	Consent	File No.:	Status:
<input type="checkbox"/>	Minor Variance	File No.:	Status:
<input type="checkbox"/>	Part Lot Control	File No.:	Status:
<input type="checkbox"/>	Other (Please Specify)	File No.:	Status:

If you answered yes to any of the above, please describe the land the "other" application affects, the

purpose of that application, and the effect that application will have on the amendment requested through this application:

20.0 – Site Structures

Existing Structures:

	Principle	Accessory	Accessory	Parking
Ground Floor Area	1800 sq ft			
Total Gross Floor Area	3600 sq ft			
Number of Storeys	1			
Length	60'			
Width	30'			
Height				
Front Yard Setback	14.2			
Rear Yard Setback	26.4'			
Side Yard Setback	2.2'			
Side Yard Setback	17.6'			
Date Constructed	1992			
Lot Coverage (%)	36%			
Floor Area Ratio				

Proposed 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				

21.0 - Sketch

A sketch or site plan, preferably prepared to scale by a professional shall be submitted as part of each application. The sketch or site plan must clearly demonstrate:

- (a) the boundaries and dimensions of the subject land;
- (b) the location, size and type of all existing and proposed buildings and structures on the subject land, indicating their distance from the front lot line, rear lot line and side lot lines;
- (c) the approximate location of all natural and artificial features (*for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks*) that,
 - (i) are located on the subject land and on land that is adjacent to it, and
 - (ii) in the applicant's opinion, may affect the application;
- (d) the current uses of land that is adjacent to the subject land;
- (e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- (f) if access to the subject land will be by water only, the location of the parking and docking facilities to be used; and
- (g) the location and nature of any easement affecting the subject land.

All necessary information must be contained on one single sketch or site plan. Please see section 27.0 for a sample sketch.

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.

22.0 – Is the plan consistent with policy statements issued under Subsection 3(1) of the Planning Act?

Please state how this application is consistent with the 2014 Provincial Policy Statement (PPS).

Development is not being completed on hazardous lands or hazardous sites, floodplains and will not affect any climate change.

23.0 – Additional Information

Please provide any additional information that you feel would be beneficial to Staff, outside agencies or Council in evaluating the application:

With the City of Kenora main priority being creating new affordable housing units we feel that this is a great opportunity for the community of Keewatin to add more residential units

24.0 - Directions

Please provide directions to the subject property:

From highway 17 W turn onto May Ave, then turn left onto Ottawa Street

25.0 – Site History

What is the current use(s) of the subject land:

Vacant

Please state all previous known uses of the subject land:

It was used as an office and church previously

Has there been an industrial, commercial use or a gas station on the subject land or adjacent land, any grading change of the property by adding fill or other material, any petroleum or other fuel stored on the subject land or land adjacent to the subject land or is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent site?

☐ Yes

☒ No

If yes please be specific:

What information did you use to determine the answers to the above questions?

We pulled the Land Registry document from Service Ontario to determine the previous owners

*If yes to the above, a soils investigation study including previous use inventory is required, showing all former uses of the subject land, or if appropriate, the adjacent land. This study must be prepared by a qualified consultant.

Mineral Aggregate Operations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Will development hinder continuation of extraction? Noise and Dust Study completed?
Existing Pits and Quarries	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Will development hinder continued operation or expansion? Noise and Dust Study completed?
Mineral and Petroleum Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Will development hinder access to the resource or the establishment of new resource operations?
Significant Wetlands or potentially significant Wetlands	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.
Significant portions of habitat of Endangered or Threatened Species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.
Significant Fish Habitat, Wildlife Habitat and areas of Natural and Scientific Interest	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.
Sensitive Groundwater Recharge Areas, Headwaters and Aquifers	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Demonstrate that groundwater recharge areas, headwaters and aquifers will be protected.
Significant Build Heritage Resources and Cultural Heritage Landscapes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Development should conserve significant built heritage resources and cultural heritage landscapes.
Significant Archaeological Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Assess development proposed in areas of medium and high potential for significant archaeological resources. These sources are to be studied and preserved, or where appropriate, removed. Catalogued and analyzed prior to development.
Lake of the Woods: Within defined Portions of Dynamic Beach and 1:100 year flood level along connecting channels	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Development not permitted
Lands Subject to Flooding and/or Erosions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Development may be permitted. Must demonstrate that hazards can be addressed.
Erosion Hazards	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Determine feasibility within the 1:100 year erosion limits of ravines, river valleys and streams.
Floodplains	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Determine limit of Development or where a Special Policy Area (SPA) is in effect, development must meet the Official Plan policies.
Hazardous Sites ⁴	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Slope Study, Flood line Study. Demonstrate that hazards can be addressed.
Rehabilitated Mine Sites	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Application for approval from Ministry of Northern Development and Mines should be made concurrently.
Contaminated and/or Brownfield sites	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Assess and inventory of previous uses in areas of possible contamination.

¹Class 1 Industry - small scale, self-contained plant, no outside storage, low probability of fugitive emissions and daytime operations only.

²Class 2 Industry - medium scale processing and manufacturing with outdoor storage, periodic output of emissions, shift operations and daytime truck traffic.

³Class 3 Industry - indicate if within 1000 metres - processing and manufacturing with frequent and intense off-site impacts and a high probability of fugitive emissions.

⁴Hazardous sites - property or lands that could be unsafe for development or alteration due to naturally occurring hazards. These hazards may include unstable soils (sensitive marine clays, organic soils) or unstable bedrock (Karst topography)

29.0 – Authorization of Agent or 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 Darin Campbell, am/are the owner(s) of the land that is subject of this application for a zoning by-law amendment and I/We hereby authorize Vanessa Nave 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.

June 18/19
Date

Signature of owner(s)

Name and Signature of Witness

30.0 – Affidavit or Sworn Declaration

I, Vanessa Nave of the City of Kenora in the province of Ontario, make oath and say (or solemnly declare) that the information required under Ontario Regulation 545/06 (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 City of Kenora in the Province of Ontario this 19th day of June in the year 2019.

Commissioner of Oaths

Devon Jeanne McCloskey,
a Commissioner, etc., Province of Ontario,
for the Corporation of the City of Kenora.
Expires October 24, 2019

Applicant(s) Signature

31.0 – 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 and members of Council and/or the Planning Advisory Committee.

I/We, Darin Campbell 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.

June 18/19

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:

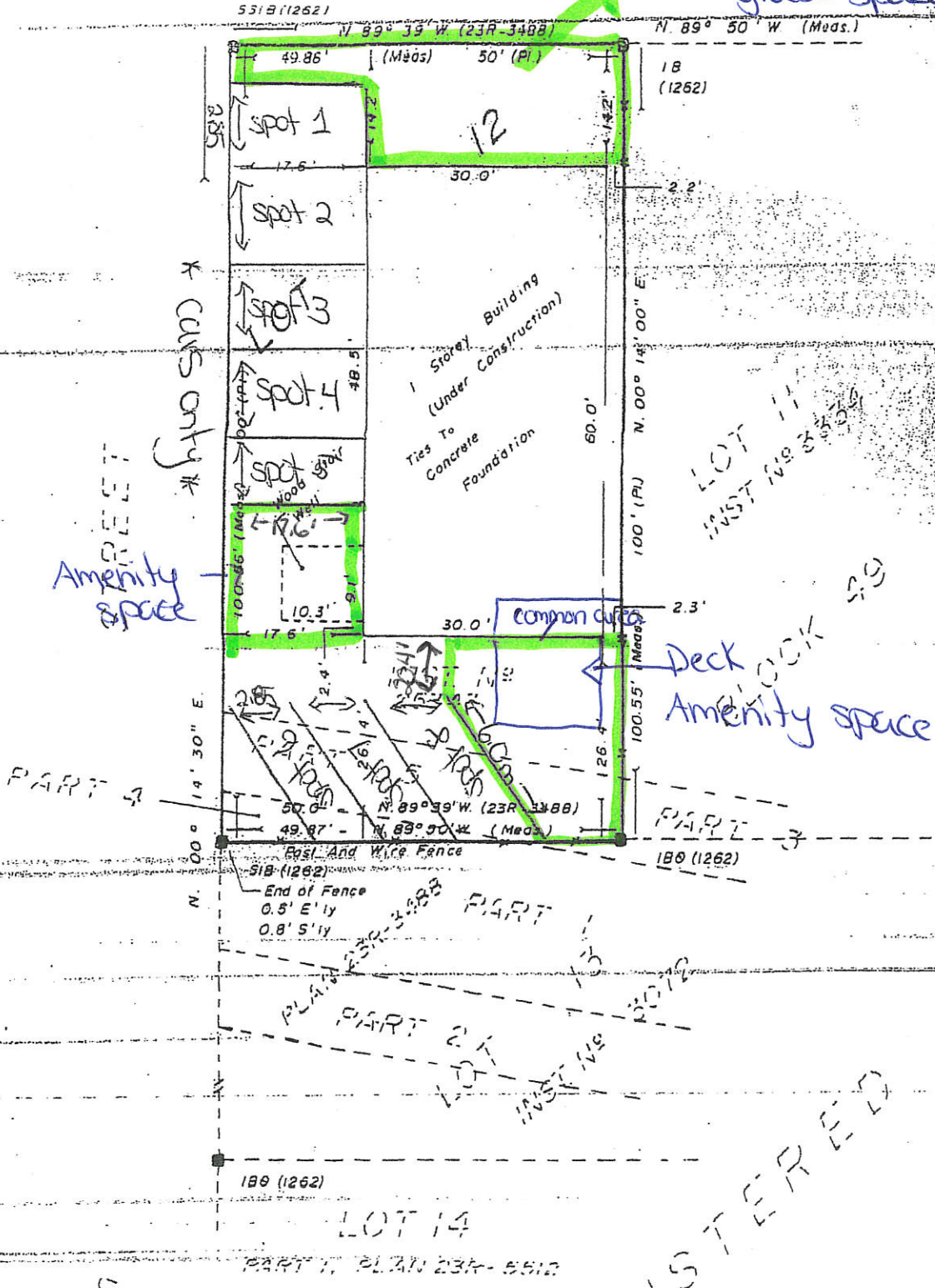
The Freedom of Information and Privacy Coordinator, City of Kenora,
1 Main Street South, Kenora, ON P9N 3X7, (807) 467-2295.

Kenora City Council
Planning and Development Committee
Meeting Minutes
June 18, 2019

OTTAWA

STREET

Amenity space → decking, hand-cap ramp
grass space



REGISTERED

915 Ottawa Street Rezoning variances:

Apartment Dwelling – definitions

Requirement - **Apartment dwelling**, which means a building containing four or more dwelling units, in which dwelling units have a common entrance from street level and are served by a common corridor.

Actual – The basement level will meet this definition but the main level will not, the front unit will be accessible via the front door and the back two units will be accessible via a common door off the back deck. The basement units will be accessible via a separate side entrance.

Variance – 3 separate entrance doors

Mitigating Factors

- We feel that this will provide a better experience for the tenants will separate entrances.
- Less busy
- More privacy
- Better access to the amenity areas
- Less common area to maintain
- Larger floor space per unit

Parking – section 3.23:

Requirement – 1.5 per dwelling unit or 9 in this case

Actual – 8

Variance - 1

Mitigating Factors

- Located where there are lots of ^{on street} street parking
- Each unit will have 1 spot only therefore extra spots aren't required
- 9 spots would fit if it is a necessity but that would mean that the deck would have to be removed and we feel that this is a fantastic amenity area for the tenants that will enhance their quality of life.

Visitor Parking section 3.23.2

Requirement – 0.2 per unit or 1.2 in total

Actual – 0

Variance – 1

Mitigating Factors:

- As each unit will be provided one spot there will actually be 3 spots that can be used as visitor parking
- There is ample street parking available

Driveway Provisions for Residential Zones section 3.23.3

Requirement - The maximum width of a driveway cannot exceed 40% of the lot frontage, or 10 m, whichever is less in the R3, RR, and RU zones.

Actual – as we have 5 spots along the building at 2.85m each our total driveway is 14.25m

Variance – 4.25%

Mitigating Factors

- It isn't a traditional driveway as the spots back up directly onto the street

Design of Parking Areas and Spaces section 3.23.4

Requirement - a) Except in the case of single-detached, semi-detached, duplex dwellings, multiple attached, stacked, no parking spaces may access directly onto a public road.

Actual – 5 out of the 8 spots back directly onto the road

Variance – 5 spots back directly onto the road

Mitigating Factors:

- No change in current parking configuration as all 5 spots currently back onto the road, no additional spots were added in this area
- The road that they back onto isn't considered a busy road therefore will not interfere with the flow of traffic

Design of parking area spaces section 3.23.4

Requirement – 2.85M X 6.0M

Actual – We have 3 spots that meet the requirement and 5 spots that are 2.85M X 5.364M

Variance – 5 spots are short by 0.636M

Mitigating Factors

- We will assign spots to the units based on the type of vehicle they drive therefore only cars will be parked in the 5 spots located along the building (shown as spots 1 – 5 in the drawings)
- As per the below pictures both cars and SUV's do not encroach on the sidewalk therefore assigning parking based on the size of the vehicle will guarantee that the sidewalk is free and clear.



Amenity Area – section 3.3 – identified as not a variance

Requirement is 6m² per unit and/or 10% of the gross floor area of each unit or 36 m² total

Actual 143 m² of total amenity area therefore although this was labelled a concern for the city the property provides the requirement amenity area

Zone Regulations – section 4.3.3

Requirement is 4m for interior side yard minimum

Actual is 2.3m – see drawings

Mitigating Factors

- Existing structure that was built in 1992
- Impossible to move the structure as there is a basement therefore changing this isn't a viable option



The maps provided are graphical representations intended for general informational purposes only, and may not reflect the most current information or conditions.

0 2 4 8 Meters





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

Meeting Minutes
City of Kenora Planning Advisory Committee
Regular Meeting held in the Operations Centre Building
60 Fourteenth St. N., 2nd Floor – Training Room
July 16, 2019
6:00pm

Present:

Wayne Gauld	Chair
Ray Pearson	Member
Bev Richards	Member
John Barr	Member
Graham Chaze	Member
Robert Kitowski	Member
Andrew Koch	Member
John McDougall	Member
Devon McCloskey	City Planner
Kylie Hissa	Secretary Treasurer

Regrets:

Tanis McIntosh	Member
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DELEGATION:

- (i)** Wayne Gauld, Chair, called the meeting to order at 6:00 pm and reviewed the meeting protocol for those in attendance.
- (ii)** Additions to agenda – there were none.
- (iii)** Declaration of interest by a member for this meeting or at a meeting at which a member was not present
 - Tanis McIntosh declared a direct conflict on application D13-19-12, as she is the Agent for the file. She also chose not to participate as a committee member for the remaining of the meeting.
 - John Barr declared an indirect conflict on application file D13-19-12, as he had personal interest in the development.
- (iv)** Adoption of minutes of previous meeting
The Chair asked the Committee if there were any questions or corrections to the minutes as circulated.

- Approved as circulated: June 18, 2019 minutes of the regular Kenora Planning Advisory Committee meeting.
 - Approved as amended: June 25, 2019 minutes of the special Kenora Planning Advisory Committee meeting.
- (v)** Correspondence relating to the application before the Committee.
- The Secretary Treasurer indicated that comments had been received by the Applicant of D10-19-08 and by the Building Department regarding concerns over drainage. It had been emailed out and uploaded to SharePoint and copies had been printed for members to review. It would be discussed once the application is considered.
- (vi)** Consideration of applications for permission/minor variance
- D13-19-10, Larson

Gina Larson, Applicant
613 Eighth Street South, Kenora ON

The Planner read the planning report for the file. She explained that the Engineering Department did advise that the Applicant should be aware of the sewer waterline location. The Applicant had responded, indicating that they are aware and would re-locate the service if it becomes an issue. There were no other concerns.

The Applicant had nothing to add further.

The Chair asked if there was anyone in the public whom wished to speak in favour of or against the application. There were none.

The Chair asked the Committee for questions.

The Chair asked the Planner to clarify that the Applicant would not be bound to construct just the partial addition and that theoretically, they could proceed with constructing an addition across the front of the dwelling so long as it meets the new setback. The Planner confirmed and that it had been discussed with the Applicant.

There were no other questions.

The Chair asked the Committee for discussion.

Robert Kitowski wished to note that the approval would be for a 3m addition and that he believed it would encompass any over-hang. The Planner clarified by saying that the Zoning By-law does permit an encroachment of 0.75m for cornices and eaves troughs; however, that the overhang shall not be closer than 0.6m to any lot line. The Planner indicated that the Applicant should reference Section 3.25 Permitted Yard Encroachments of the Zoning By-law and that they can work with their contractor.

There was no further discussion.

Moved by: John McDougall

Seconded by: Graham Chaze

That the Kenora Planning Advisory Committee approves application for permission, file no. D13-19-10 to allow a 3m by 3m front addition to be built on a dwelling with an existing front yard setback of 7.16m, resulting in a new front yard setback of 4.16m to the front lot line.

Carried.

- D13-19-11, White

Don White, Applicant
Joined by Bob Burley, Contractor
200 St. Clair Street, Keewatin ON

The Planner presented the planning report. She noted that the steepness of the shoreline and lack of space adjacent to the water presented some concerns as there is an area wide open to the water behind the existing boathouse. City Departments and the Ministry of Natural Resources and Forestry (MNR) did not have concerns. The MNR stated that the proposal posed low risk to fish and wildlife features. Public comments also were not received. During the site visit, the Planner explained that she had been confused as it appeared as some of the dock had already been put in place and it was confirmed upon reviewing the application again that the dock put in place would be included in the application as part of the area needing approval.

The Applicant explained that that the dock area the Planner was referencing is not permanent and that it was temporarily put in place for the workers. The Applicant's contractor, who was in attendance with him, confirmed that it was solely safety related.

The Planner further explained that increasing the dock area to the location proposed would not affect the massing of the structure as it is behind the existing building. Although the dock would be larger in area than what is permitted, it would provide a general area for staging or access and would not increase development across the shoreline.

The Chair asked if there was anyone in the public whom wished to speak in favour of or against the application. There were none.

The Chair asked the Committee for questions.

Ray Pearson referenced the submitted drawings in the application and noted that the structure noted as "boat port" exceeds 82 m². The contractor explained that the work has already been completed. The Secretary Treasurer also confirmed that all existing shoreline structures have received building permits and complied with the zoning provisions. It was also confirmed that the dock won't extend further west to the other existing dock; what was proposed would keep within existing dimensions and extend only backwards towards the shoreline.

Robert Kitowski referenced the comments made by the MNRF with regard to no construction in the water during April 15 to June. He asked how that would be managed. The Planner explained that it is managed through the building permit process. The contractor also explained that the work has already been completed for what needs to be done in the water.

The Chair asked the Committee for discussion. There was none.

Moved by: Bev Richards

Seconded by: Andrew Koch

That the Kenora Planning Advisory Committee approves application for minor variance file no. D13-19-11 to allow existing dock area to be expanded within the currently open area behind an existing boathouse, resulting in a total of 114 m² of dock area.

Carried.

John Barr left the room at 6:23 p.m.

- D13-19-12, Jarnel

Tanis McIntosh (Agent)
Joined by David Nelson, Nelson Architecture
3 Woods Drive, Kenora ON

The Planner presented the Planning Report and noted that it was a very thorough application. She explained that preliminary work had commenced on the site in 2017 for the development of a 24-unit building. Now, the development will be for a 30 unit building and would contribute to the range of housing needs in Kenora. As of the date of the meeting, one phone call had been received requesting general information on the application.

It was the Planner's professional opinion that the application should be approved.

The Agent further explained that the building footprint has been laid out and the pilings at some cost. The parking accommodated 24 units; however, given the property and dimensions of the footprint, there wasn't capacity to increase the parking with the increase of dwelling units.

David Nelson confirmed the Agent's statement. He explained that in general, for apartment buildings, the parking count drives certain characteristics of the building and similar to this project, required parking cannot be fit when there are three or more storeys. He noted that this was something to keep in mind and that the City may wish to reconsider with the next Zoning By-law update. He also explained that the demographic they are appealing to, are jettisoning their stuff - their garages, their multi-car ownership. They believed that the parking ratio proposed is fairly reasonable and that there are also costs to consider with increased parking requirements. They believed the market costs the tenant money per month to rent additional parking, which pushes the project in the right direction.

The Chair asked if there was anyone in the public whom wished to speak in favour of or against the application.

Len Rattai
15 South Park Drive, Kenora ON

Len Rattai wished to speak in favour of the application. He explained that he lives next door and has no opposition. He expressed that there is a need for residential development and wants to see the project go ahead.

Susan McIntosh
Muriel Lake, Unorganized

Susan McIntosh also wished to speak in favour of the application. She expressed her hope that the Committee would support the application.

No one in the public wished to speak against the application.

The Chair asked the Committee for questions. There were none.

The Chair asked the Committee for discussion.

Graham Chaze expressed that he was glad to see the project come back to life and thanked the Agents for sticking the project out.

Moved by: Ray Pearson

Seconded by: Graham Chaze

That the Kenora Planning Advisory Committee approves application for minor variance file no. D13-19-12 to allow reduced parking at a rate of 1.2 parking spaces per dwelling unit, for a total of 37 parking stalls on site for 30 dwelling units.

Carried.

John Barr returned to the meeting at 6:37 p.m.

- (vii) Consideration of applications for consent
 - D10-19-08, Habitat for Humanity (Re-consideration)

Jason Miller, Applicant
Joined by Sean Carlson
Habitat for Humanity

The Applicant stated to the Committee that they are re-applying for provisional approval. It was explained that the application that had been granted provisional approval last year fell through the cracks and that there had been some changes within their organization.

The Planner presented the planning report for the file, indicating that the minor variance approval from last year remains in effect. She noted that the proposal is an excellent example of infill development and construction for the first dwelling had

commenced in 2018. Eventually, what has been built would become an interior lot if the application is approved again.

The Planner discussed the comments received by departments, including Synergy North's request for a registered easement that the Applicant has agreed to provide. The Building Department also provided additional comments as of the afternoon. They had completed a site visit and noted that a building permit was required for the retaining wall. The Planner expressed that concerns regarding drainage can be alleviated during the building permit process and ensuring that the retaining wall designs have been reviewed by a qualified Ontario Engineer.

The Planner read the most recent written comments from the Chief Building Official (CBO).

The Planner also indicated that one written letter had been received from the public, and the Planner read out what had been submitted.

The Secretary Treasurer also read a recent email that had been received by the concerned citizen. She had informed that a representative from Habitat for Humanity had come to the subject property to look at the retaining wall and indicated that they would reimburse the cost to repair the driveway, which was related to water runoff. She had requested that the Planning Department provide contact information to get ahold of them. The Applicant agreed that that would be fine.

It was the Planner's professional opinion that the application be approved, subject to conditions. She explained that a survey had already been registered; however, that if there are changes from the meeting, the survey would need to be looked at again. She also explained that the Canadian Pacific Railway (CPR) was circulated and in 2018 they did request a warning clause to be included in the conditions. The request is not new and it is specific to CPR. She also noted that prior to any grading or construction, the Applicant will need to reference the drainage plan submitted in 2018. These conditions must be fulfilled before the new lot can be created.

The Applicant stated that their organization believes in providing their homeowners with an affordable house and that they do not intend to leave the retaining wall situation as is. They will reimburse damages resulting from poor drainage and that after inspecting the retaining wall earlier that day, it will be dug out and rebuilt with an engineer's stamp. The Applicant explained that the landscaping work had not been done, as it was scheduled to be completed next month. Given that they will be getting the retaining wall first, the landscaping work and swales will have to wait until that is finished. He ended by saying that they intend to make the situation right for their homeowners and the area around. They apologized that it had gone this way.

The Chair asked if there was anyone in the public whom wished to speak in favour of or against the application. There was none.

The Chair wished to address whether the Applicant had seen both sides of the retaining wall, specifically the one bowed out on the other side and not by the

backyard neighbour. The Applicant explained that they have viewed both and that the retaining walls will be ripped out. Building permits will be applied for with the engineer's stamp. He also explained that drainage will be a swale exactly how the plan showed, with one on each side and down back towards Seventh Avenue. He stated that those would be tackled by the end of this summer.

It was also explained by the Applicant how the drainage concerns were dealt with failed, and that they will be making sure it is done properly.

The Committee discussed the registered survey of this year and the requirement for an easement to be surveyed in favour of Synergy North. Bev Richards presented a copy of the survey and indicated that it looks like the easement would be over Part 2 and Part 4. The Applicant confirmed that an application for easement has been completed and was currently being processed.

It was also confirmed that the first house has not yet been transferred to the homeowners. The Applicant explained that Habitat for Humanity is letting them live there but it is still under the organization on title. The Planner confirmed that if the consent did not go through, nothing would happen unless the retaining wall is fixed.

John McDougall asked the Applicant if they would consider concrete instead of timber for the retaining wall, since wood does not have long life spans. The Applicant explained that concrete is more expensive; however, if the Engineer says timber won't work, they would explore that option.

Ray Pearson also asked if they are considering other options since they don't last the lifetime of a mortgage, and also hoped that they would consider concrete. He noted that the Applicant reference the drainage plan and that there will be a swale on the east and west sides but the plan showed it going down the center of the property. He asked if there would be a fence dividing the properties and if that would affect the swale.

The Applicant explained that the fence would be chain link and that it should be okay.

Bev Richards asked if the homeowners can contact the organization in 10 years if there were ever issues. The Applicant explained that they do stand behind them and that if there are issues (i.e. roof issues), that they would be in contact with them. It was also confirmed that there is a one-year warranty for any issues, including retaining walls. The Applicant explained that although there is nothing to make the organization extend the warranty past the 1 year, the organization does not let their partner families fail.

John Barr referenced condition #9 in the planning report, where it stated that the Canadian Pacific Railway (CPR) is not responsible for complaints or claims arising from their use of facilities etc. He did not believe that the condition was necessary and felt that they are responsible and how it affects the neighbourhood. He noted that there is plenty of case law to support this. He wanted to see the wording of the condition change to reflect suggested wording in the NPC-300, which is the Ministry

of Environment and Climate Change's Environmental Noise Guidelines. John read example wording to the Committee and explained that warnings cannot be registered on Title with consents in any case, so only the first owner would see the clause.

The Committee discussed the matter, and how similar conditions had been placed on other *Planning Act* application approvals (i.e. Kings Landing). The Planner indicated that she can follow up with a contact at CPR and that his suggested wording can be reviewed if submitted in writing.

The Committee discussed enforceability of the condition. The Planner explained that the condition was at the request of CPR and that she believed it did have some validity. In the Official Plan (under "Railyard"), it does state that noise and vibration studies are required and that this was an alternative option since those studies were not requested.

Robert Kitowski asked if they had been emailed for comment, as he did not see in the report that they provided comments. The Secretary Treasurer confirmed that CPR had been circulated, per the requirements under the *Planning Act* and that the clause had been taken from last year's approval.

Graham Chaze noted that the request seems to be an attempt for a liability waiver and that he could understand John Barr's point.

Based on the wording in the Official Plan, it was also agreed that the Committee is bound to consult CPR.

The Planner further explained that the condition was included because they have pressed the Department for similar conditions in other applications. She believed that it would be beneficial for the homeowners to know that there is load noise and that it would be something to sort out between CPR and the homeowner.

The Committee agreed to leave the condition as written in the planning report.

John Barr requested that it be noted in the minutes that he believed CPR's wording that they are not responsible was wrong and that the NPC-300 guideline's suggested wording should be used.

John Barr also asked the Planner if she will talk with the CPR and the City's solicitor. The Planner explained that speaking with a lawyer would mean that the application is deferred. She noted that she will speak with CPR and see how far she can get with correspondence. If it is felt that the City should speak with a lawyer, it would be considered as well.

The Chair wished to note the level of tolerance the neighbours have had with regard to the drainage situation. The Applicant stated that they have re-assured them that they will be taken care of.

Moved by: Graham Chaze

Seconded by: Bev Richards

That the Kenora Planning Advisory Committee approves application D10-19-08, for lot creation of one R2-Residential Second Density zoned lot (approx. 340.47 m²) with one retained, at property located at 505 Fourth Street North, being Block 4 of Plan 3, Part Lots 91-92, PIN 42170-0205; subject to the conditions as outlined in the planning report.

Carried.

(viii) New Business

- Recommendation(s), Application for an Amendment to the Zoning By-law:
 - i. D14-19-08, Nowe

Vanessa Nowe, Agent
804 Ninth Street North, Kenora ON

The Agent passed out an updated planning rationale to Committee members. She introduced the application by sharing that she is part of an investor's group, whose goal is to purchase currently vacant properties and convert them into housing in the community. She explained that they are currently working on one property downtown and that this would be the second building once the first is completed. She deferred to the Planner to present the planning report for the application.

The Planner explained to the Committee that the application had been revised since the notice had been circulated. As such, some areas of the planning report were crossed out to show what had been consistent with the notice. The revisions made the application more consistent with the Zoning By-law in that minimum parking requirements could be met with the removal of the side entrance.

The Planner presented the planning report for the file, and explained some of the comments made by the Engineering Department. Initially, there had been concerns with possible vehicle encroachments on the sidewalk; however, the Agent demonstrated that an SUV could be fit in the parking stalls without hitting the sidewalks and that tenants will be made aware that no trucks would be allowed on the shortened parking spaces.

The Agent wished to further elaborate on the existing retaining wall. She noted that the stall length would be 5.26m to the building and that they will encourage tenants to park as closely to the building as possible. They will be installing padding so that vehicles won't get scratched by pulling up so close. The Agent explained that the Designer was brought on site to review the building and it was determined that the side entrance was not needed. Drawing plans were produced and the removal of the entrance increased the number of parking spaces. She stated that the steel doors will also be removed and some façade work will be completed to make the building more residential in character.

The Chair asked if there was anyone in the public whom wished to speak in favour of or against the application.

Cynthia Delaney
916 Ottawa Street, Keewatin ON

Cynthia Delaney expressed to the Committee that she loved the idea of more residential units being provided. She noted that she believed the person that wrote the letter suggesting commercial use on the main floor assumed that additional storeys were being added.

The Agent clarified that there is the main floor and a basement and that the existing building will remain with renovations to the interior. No additional storeys would be added and there would be no structural changes. The Designer would also make the building more residential and frame the building to make it more square; the actual building itself would not change.

Ms. Delaney asked how many square feet the units are. The Agent stated that the small units are 600 ft² and that on the main floor, there would be two 2-bedroom units and one 1-bedroom unit, which would be smaller and is being designed with a tenant in mind for accessibility. On the "basement" level, there would be two 1-bedroom units and one 2-bedroom unit.

Jamie Delaney
916 Ottawa Street, Keewatin ON

Jamie Delaney, who was in attendance with Cynthia Delaney, noted that basement apartments are a tough sale and that he has experience in property management. The Agent explained that the price of each unit would be reflective of that aspect.

The Chair asked the Committee for questions.

Bev Richards asked about tenants and how they will get out of the building. The Agent explained that there are two entrances and according to the Architect, two exits are needed. Each unit would have the main entrance to access; however, that windows also count. She further explained by saying that part of the building permit process is that the Architect has to stamp the designs. She noted that the one unit that is barrier-free is where two accessible exits are required. The other units only need a door and windows.

Ray Pearson asked how garbage and recycling would be handled. The Applicant stated that in their other building, they supply a garbage bin and they organize that. In this case, either they would include the bin or everyone would be in charge of getting bag tags. This factor comes with pricing of the units if the service is provided. Ray Pearson noted that based on the sketch, the parking and amenity space does not leave a lot of room for a garbage bin. The Agent explained that they also explored having the bin located at the front of the building. She stated that it could be placed there, but that they would have to figure out the details.

The Chair indicated that they believed they do have to supply garbage facilities as an apartment use. The Planner explained that these are questions that would be vetted through site plan approval. Once the Agent becomes a co-owner, they will be in a better position to submit a site plan and departments would provide comment. By that point, they will have a better understanding of the little details. It was also stated by the Agent that they did not go through the process of getting professional drawings for the application since approval is not guaranteed. However, that they would be getting professional drawings for the next steps (i.e. site plan approval and building permits).

Ray Pearson asked if the utility room shown in the submitted drawings was for electrical. The Agent stated that a large commercial furnace is located there and would be incorporated in the pricing for the units. Each unit will have a damper and all tenants will be able to control temperature. Ray noted that he has also been in the property management business and that the damper system may be an issue.

The Agent clarified that each unit will be open concept with kitchens and will be able to connect with plumbing.

Graham Chaze asked if the foundation had ever been a concern, noting that he happened to know about the building, but the question may not relate to the application. The Agent explained that the pony walls had been the issue and that the stone foundation is fine. They will have to re-pin the walls and that the side entrance was actually causing the issue. She explained that now that they are removing the side entrance and extending the retaining wall, it will help. The retaining wall was pinned directly to the pony wall so once the entrance is gone, the issue will be solved forever.

The Chair asked the Committee for discussion. There was none.

Moved by: Graham Chaze

Seconded by: John McDougall

Resolved that the Planning Advisory Committee recommends that the Council of the Corporation of the City of Kenora approve applications D14-19-08, subject property located at 915 Ottawa Street in Keewatin, ON; described as Plan 18, Block 49, Lot 12, to change the zoning from I-Institutional to site-specific R3-Residential Third Density to allow an existing building to apply for a change of use permit for an apartment dwelling containing six units, and having interior and exterior access; with legal non-complying building setbacks (4.3m front yard, 0.6m interior side yard; 8m rear yard), a total of 10 parking spaces on site, and 7 parking spaces having reduced lengths of 5.36m.

That the Committee has made an evaluation of the applications upon their merits against the Official Plan, Zoning By-law and the Provincial Policy, and provides a recommendation to Council purely passed on these matters; whereas the Committee may not have had the opportunity to hear public comments in full.

Carried.

The Secretary-Treasurer informed the Agent of the Keewatin Community Improvement Program and potential grants that the project could be eligible for.

(ix) Old Business – there were none.

(x) Adjourn

Moved by: John Barr

That the July 16th, 2019 Planning Advisory Committee meeting be adjourned at 7:51 p.m.

Minutes of the Kenora Planning Advisory Committee meeting, Tuesday July 16th, 2019, are approved this 20th day of August, 2019.

Wayne Gauld, Chair

Kylie Hissa, Secretary-Treasurer

Devon McCloskey

From: [REDACTED]
Sent: Tuesday, July 9, 2019 6:40 AM
To: Devon McCloskey
Subject: 915 ottawa st

Hi Devon,

I just wanted to write and say that it is good thing to change the Zoning for this building.

[REDACTED]

Personal information including mailing addresses and phone numbers have been concealed by the City of Kenora in accordance with the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56

Devon McCloskey

From: [REDACTED]
Sent: Wednesday, July 10, 2019 4:53 PM
To: Devon McCloskey
Subject: File number D14-19-08

To whom it may concern...

In reading the information regarding 915 Ottawa Street we would like to express our thoughts.

Ottawa Street is the main business district area in Keewatin. It has been exciting to see the new businesses coming to the area and improving upon their buildings.

To change this last corner that is suitable for business expansion to six residential units does not seem fitting to the overall development of our business district.

Once a commercial site is changed to residential, it will most likely never go back.

This may set a precedent for more designated commercial properties to follow and soon the amenities that Keewatin now provides may slowly be moved to Kenora.

It would perhaps be more suitable to still keep a main floor space as commercial with a living quarter (or two, for an added renter income) above.

It is great to see the pride of ownership in businesses that are currently using this model such as 901, Pristine Floors and Renovations the old post office building as well as the current post office.

Creating any building greater than two levels would not be fitting to the overall look and occupancy of what currently exists in this part of Keewatin.

The excess potential for parking demands may also interfere with street parking that presently is used for the doctors office, the pharmacy, Northwest Independent Living Services and 901 restaurant.

During day time hours, parking demands for street spots in that section are extremely busy.

Thank you for taking the time to ask for and reviewing our input regarding this matter.

Sincerely....
[REDACTED]

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